



PLANNING COMMITTEE

Agenda

Date Wednesday 13 October 2021

Time 6.00 pm

Venue Queen Elizabeth Hall, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email constitutional.services@oldham.gov.uk

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 8 October 2021.

4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

Any member of the public who attends a meeting and objects to being filmed for the Council's broadcast should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Members of the public and the press may also record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair), Dean (Chair), H. Gloster, Hobin, F Hussain, Ibrahim, Iqbal, Lancaster, K Phythian, Surjan, Toor and Woodvine

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)
The Minutes of the meeting of the Planning Committee held on 15th September 2021 are attached for Members' approval.
- 6 FUL.347100.21 - 298 Moston Lane East, Manchester, M40 3HZ (Pages 5 - 18)
Change of use of residential dwelling (Class C3) to residential institution (Class C2), single storey and first floor rear extensions.
- 7 FUL.347329.21 - Firbank Primary School, Grasmere Road, Royton, Oldham, OL2 6SJ (Pages 19 - 26)
Erection of new single storey nursery classroom and ancillary spaces following demolition of attached outbuilding.
- 8 OUT/346784/21- Land At Broadway Green Business Park, Foxdenton Lane, Chadderton (Pages 27 - 52)
Hybrid planning application for mixed-use development comprising: (1) Detailed planning permission sought for the erection of a Use Class E foodstore with internal vehicular access road, car parking, servicing area, and hard and soft landscaping; and, (2) Outline planning permission (with all matters reserved) sought for a flexible-use commercial unit capable of operating within Use Classes E(a) and / or E(b).



PLANNING COMMITTEE
15/09/2021 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair),
H. Gloster, Hobin, F Hussain, Ibrahim, Lancaster, K Phythian,
Surjan, Toor and Woodvine

Also in Attendance:

Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Kaidy McCann	Constitutional Services
Martyn Leigh	Interim Development Management Team Leader
Peter Richards	Head of Planning

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

Councillor Davis declared a personal interest in item 7.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 2nd
September 2021 be approved as a correct record.

6 **HOU/347304/21 - 6 POOL FOLD, FAILSWORTH, OLDHAM,
M35 9GT**

APPLICATION NUMBER: HOU/347304/21

APPLICANT: Mr. Ellis Garry

PROPOSAL: Removal of existing conservatory and
construction of single storey extension to the rear, and new bay
window construction to the front elevation

LOCATION: 6 Pool Fold, Failsworth, Oldham, M35 9GT

It was **MOVED** by Councillor Dean and **SECONDED** by
Councillor Brownridge that the application be **APPROVED**.

On being put to the vote, the Committee was unanimously IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report.

7 **FUL34710021 - 298 MOSTON LANE EAST, MANCHESTER, M40 3HZ**

Councillor Davis declared a personal interest and took no part in the discussion or vote thereon.

APPLICATION NUMBER: FUL/347100/21

APPLICANT: Mr Naheem

PROPOSAL: Change of use of residential dwelling (Class C3) to residential institution (Class C2), single storey and first floor rear extensions.

LOCATION: 298 Moston Lane East, Manchester, M40 3HZ

It was MOVED by Councillor Brownridge and SECONDED by Councillor Surjan that the application be DEFERRED.

On being put to the vote 10 VOTES were cast IN FAVOUR OF DEFERRAL and 2 VOTES were cast AGAINST with 0 ABSTENTIONS.

DECISION: That the application be DEFERRED for further information to be provided in relation to the management plan, including access for visitors and storage of waste and the planning status of the existing extension.

NOTES:

That an Objector and Ward Councillor attended the meeting and addressed the Committee on this application.

8 **RES34669821 - LAND AT HAVEN LANE, MOORSIDE, OLDHAM, OL4 2QH**

Councillor Woodvine left the meeting for part of the discussion and therefore took no part in the discussion or vote thereon.

APPLICATION NUMBER: RES/346698/21

APPLICANT: Mr Simon Broster

PROPOSAL: Reserved matters application for appearance, landscaping, layout and scale pursuant to PA/338917/16 for 23 dwellings

LOCATION: Land off Haven Lane, Moorside, Oldham OL4 2QH

It was MOVED by Councillor Dean and SECONDED by Councillor F Hussain that the application be APPROVED.



Oldham
Council

On being put to the vote 11 VOTES were cast IN FAVOUR OF APPROVAL and 0 VOTES were cast AGAINST with 1 ABSTENTIONS.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report.

NOTES:

That an Objector, the Agent and a Ward Councillor attended the meeting and addressed the Committee on this application.

The meeting started at 6.00 pm and ended at 7.53 pm

This page is intentionally left blank

APPLICATION REPORT - FUL/347100/21
Planning Committee: 13th October 2021

Registration Date: 18th June 2021
Ward: Chadderton South

Application Reference: FUL/347100/21
Type of Application: Full application

Proposal: Change of use of residential dwelling (Class C3) to residential institution (Class C2), single storey and first floor rear extensions.
Location: 298 Moston Lane East, Manchester, M40 3HZ
Case Officer: Osian Perks
Applicant: Mr Naheem
Agent: Mr Nick Howard

UPDATE REPORT FOLLOWING DEFERRAL OF THE APPLICATION BY THE PLANNING COMMITTEE ON 15 SEPTEMBER 2021

This planning application was previously considered by the Planning Committee on 15 September 2021 and the original report is attached below at Appendix 1. At the meeting, and following debate, Members resolved to defer the application with a request that officers obtain additional information from the applicant (who was not in attendance at the meeting). This related to the following matters which are addressed in turn:

1. Details of how the proposed use would be managed / operated including the provisions made for waste storage, food deliveries, and laundry.

The applicant has stated that all organisations providing health and social care services must be registered with and are regulated by the Care Quality Commission (CQC).

The applicant has stated that the proposal is not for a secure institution (which would fall into a different use class outside C2) and that the occupants of the property would pose no risk to neighbouring residents and would be supervised at all times.

The applicant has stated that the future residents do not have criminal convictions or a history of anti-social behaviour. Residents would be people with learning difficulties, mental health needs, autism, respite needs etc, who will be sent / referred by official bodies such as the NHS. In addition to this, residents would be supervised by night staff, and there will be a CCTV camera system in operation.

The applicant has explained that waste generated from the proposed use would be stored in a standard commercial bin which located adjacent to the office/control room shown on the proposed floor plans and would not be easily visible from the public highway. The applicant has also advised that laundry would be washed on the premises within the laundry room shown on the proposed ground floor plan adjacent to the store/utilities room. Food deliveries would be made by staff arriving for their shifts and would be prepared in the large kitchen also shown on the ground floor plan.

2. Clarification whether the proposed accommodation provided for residents adequately meets their needs

The applicant has advised officers that the Care Quality Commission requires such facilities to conform to strict criteria in providing care for residents. Officers have also been advised by the applicant that Government guidelines requires such facilities to be located in residential areas to help facilitate resident's integration into society.

3. Information regarding the status of existing and partially completed extensions to the rear of the property

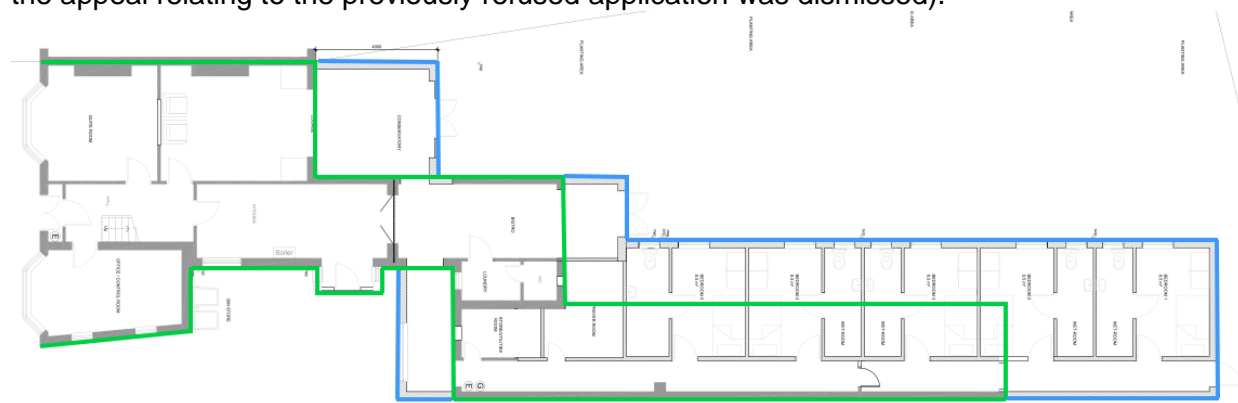
Prior to the previous planning application for the conversion of the dwelling to a class C2 institution in 2020 (HOU/345998/20), the only previous application on the site was for the erection of conservatory, which was approved on 3 September 1986 (PA/020038/86).

The applicant has indicated that a large rear outrigger adjacent to the boundary with no.296 Moston Lane East to the south was present when the site was purchased in 2001. It is apparent from historic Google Earth satellite imagery (dated December 2000 and attached below) that this outrigger was in-situ at that time. It is not clear whether this outrigger was originally a detached building and subsequently connected to the main dwelling prior to this time. Nevertheless, notwithstanding the partially constructed recent additions which remain unauthorised, this outrigger is a well-established existing arrangement associated with the current use of the property as a dwellinghouse.



To help illustrate the status of extensions to the building, and the subject matters of this planning application, the plan below shows in green the original dwelling and the rear extensions that have been in-situ since at least December 2000. The areas of the building shown in blue are those

where unauthorised works have commenced and are the subject matters of this application. However, it should be noted that the size of the extension adjacent to the boundary with 300 Moston Lane East is now shown as being 4m (a reduction from 6m and was the sole reason why the appeal relating to the previously refused application was dismissed).



4. Clarification concerning the continued objection to the application by Environmental Health

Officers have re-consulted with colleagues in Environmental Health who maintain their objection to the current proposals on the basis of noise disruption.

This, however, follows the Planning Inspectors' conclusions (in their decision on the appeal associated with the previous application) that the proposals are acceptable in a residential area given the site is on a busy through road with a variety of commercial uses in the vicinity. They had regard to the fact that during the day noise and disturbance from traffic is significant and, therefore, noise arising from the proposed use would not adversely affect the living conditions of nearby residents.

It must be recognised that the existing property could be used as a large family home with no restriction on the number of occupiers. Alternatively, it could be used as a House in Multiple Occupation for up to six residents which would not require planning permission, and such a use would likely result in an increase in noise and disturbance. The Environmental Health Officer has clarified that it is their experience that HMO's, where there is a transitory nature to occupation, is more likely to give rise to complaint.

Whilst Environmental Health officers remain concerned about noise from the proposed use, particularly during the night, the appeal decision on the previous application provides a different view and this holds significant weight as a material planning consideration in support of the application. Furthermore, the original recommendation included a condition which would have the effect of preventing staff shifts starting or ending between 10pm and 8am which would help limit disturbance that would otherwise be caused by comings and goings to the property during evening/night hours.

RECOMMENDATION: The recommendation remains as originally set out in the report attached at Appendix 1.

APPENDIX 1

ORIGINAL REPORT CONSIDERED BY THE PLANNING COMMITTEE AT THEIR MEETING ON 15th SEPTEMBER 2021.

APPLICATION REPORT - FUL/347100/21 Planning Committee: 15th September 2021

Registration Date: 18th June 2021
Ward: Chadderton South

Application Reference: FUL/347100/21
Type of Application: Full application

Proposal: Change of use of residential dwelling (Class C3) to residential institution (Class C2), single storey and first floor rear extensions.
Location: 298 Moston Lane East, Manchester, M40 3HZ
Case Officer: Osian Perks
Applicant: Mr Naheem
Agent : Mr Nick Howard

RECOMMENDATION

It is recommended that the Committee resolves to grant planning permission, subject to the conditions set out in this report.

INTRODUCTION

This planning application is referred to Planning Committee at the request of Councillor Shuttleworth who has raised concerns that the development constitutes overdevelopment, will result in traffic, and cause noise and disturbance to nearby residents.

THE SITE

This application relates to a semi-detached residential property in a predominately residential area in Chadderton. The property is one of a group of similarly designed detached and semi-detached residential properties in Moston Lane East. It has previously been significantly extended with a large single storey rear extension parallel to the boundary with No.296 Moston Lane East. It is understood the property is currently vacant.

THE PROPOSAL

The application is a resubmission of a previously refused proposal (PA/344668/20) which was subsequently dismissed at appeal. Essentially, the revised application still seeks the change of

use of the property to a residential institution (Use Class C2), alongside an extension to the existing single storey rear extension parallel to no.296 Moston Lane East. A first floor rear extension, single storey side extension, and a single storey rear extension (adjacent to no.300 Moston Lane East) are also proposed.

A notable amendment to the previously refused application is the reduction in the projection of the single storey rear extension alongside the boundary with no.300 Moston Lane East from 6m to 4m.

The Design & Access Statement submitted with the application states:

'The proposal seeks to offer 24-hour support to people within a home environment within their own personal spaces. During the night, this support can consist of waking support workers to supervise and provide support, depending on the needs of the clients. The services provided will be for people with complex challenges who have a diagnosis of mental health and/ learning disability aged 18 years and over, who require additional support to re-integrate them into society and to live Independently'

and,

'The residents will have their own 'Support / Care Package', which is tailored to meet their individual needs. Great emphasis is placed on social inclusion and the development of living skills, whilst at the same time promoting independence and self-confidence whilst they are resident.'

Eight full time residents would occupy the property. The development would create 6 to 8 full time staff with two staff at the property at all times and no shift changes at night.

RELEVANT PLANNING HISTORY:

PA/344668/20 - 1) Change of use from dwelling (use class C3) to institution (use class C2). 2) erection of single storey side and rear extensions. 3) Erection of a first-floor rear extension. Refused for the following reasons:

1. It is proposed that there will be up to 9 residents on site and 6 members of staff at the property at any one time. In addition to this, it is likely visitors would be attending the site. The concentration of people on site and the coming and going of visitors to and from the site are likely to cause significant increased levels of activity and unacceptable noise disturbance to the occupiers of neighbouring properties, contrary to Policy 9 of the Oldham Local Plan.
2. The proposed single storey extension adjacent to the boundary with the adjoining No. 300 Moston Lane East would in combination with the existing single storey outrigger at No.300 create a significant 'tunnelling effect' when viewed from the rear facing patio doors of the adjoining property which will have an oppressive impact and result in a significant loss of light. As such the proposal would fail to accord with Policy 9 of the Oldham Local Plan.

HOU/345998/20 - Erection of single storey side and rear extensions and erection of a first-floor rear extension. Refused for the following reason:

1. The proposed single storey extension adjacent to the boundary with the adjoining No. 300 Moston Lane East would in combination with the existing single storey outrigger at No.300 create a significant 'tunnelling effect' when viewed from the rear facing patio doors of the adjoining property which will have an oppressive impact and result in a significant loss of light. As such the proposal would fail to accord with Policy 9 of the Oldham Local Plan.

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham.

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

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; and,
Policy 20 – Design.

CONSULTATIONS

Lead Local Flood Authority – No objections received.

Highways Officer – No objection subject to conditions.

Environmental Health – Raise objections to the application on the grounds that the proposed use has the potential to cause noise disturbance from those using the property and the comings and goings to it by staff and visitors. They consider that the property is not a suitable location for a C2 use and recommend that the application be refused due to the potential impact on residential amenity.

Manchester City Council – No comments received.

REPRESENTATIONS

Neighbour notification letters were sent to the occupiers of the neighbouring properties and a site notice was erected in order to publicise the application. In response, 24no. representations have been received raising the following (summarised) concerns:

- Outbuildings and extensions have been built at the property without planning permission;
- The design of the development and use proposed is out of character in this location;
- A similar institution nearby has issues with increased burglaries and shouting and screaming in the evening;
- Due to the number of people within the proposed development, the nature of the use and the comings and goings of people to and from the site, the development will lead to increased noise disturbance experienced by local residents;

- There is insufficient parking on-site and it is currently difficult for local residents to park along the highway. The parking issues experienced by neighbours will be exacerbated by vehicles associated with this development parking along the highway;
- The development will lead to increased levels of traffic in the location, to the detriment of highway safety;
- Vehicles leaving the site in a reverse gear and delivering to the site pose a risk to pedestrians and highway traffic and will cause congestion;
- Neighbouring occupiers will have to walk further to and from their cars if on-street parking spaces are occupied by vehicles associated by this development. This will put these residents at greater risk of crime;
- Adults and school children near the development could be put at risk by occupiers of the development;
- It is queried as to whether the staffing levels proposed are accurate;
- The development doesn't accord with Oldham's Suicide Prevention Strategy & Action Plan and the National Government's 'Preventing suicide in England' document due to its close proximity to motorway bridges, canals and tram/train stations.
- Concern has been raised that the institution will be managed poorly;
- Industrial bins on site will be difficult to store and move through the site and will smell which will impact the amenities enjoyed by neighbours;
- Anti-social behaviour has been associated with the application site and the development would increase resident's fear of crime;
- Notification from the Council hasn't been received by some residents;
- Additional time for neighbours to lodge objections is required;
- A public meeting is necessary for the application to be discussed;
- There will be an increase in pollution resulting from the development;
- Nearby properties will be overlooked by the property and will experience an undue loss of light;
- The application property could be rented out as a family home. The loss of its use as a family home would not accord with policy 11 of the Oldham Local Plan;
- The site has previously been used for nothing other than a private dwelling, not as indicated within the planning statement submitted;
- Increased water usage is likely to result in localised flooding; and,
- The development doesn't accord with the Winterbourne View Concordat regarding care homes.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. Whether the principal of the development is acceptable.
2. The impact on residential amenity;
3. The design and appearance of the proposed extensions;
4. Highway safety;
5. Waste storage; and,
6. Other issues.

Principle of Development

Policy 2 of the Oldham Local Plan states that the Council will support appropriate development that contributes towards creating sustainable communities and promotes community cohesion across the borough, supports the transformation of education and skills, and contributes to improved health and well-being of people in Oldham.

Paragraph 5.32 accompanying the policy indicates that supported accommodation, such as that proposed, constitutes a community facility. The policy states it will support proposals for new and improved community facilities that meet an identified need. The Council's Local Housing Need Assessment (2019) indicates that between 2019 and 2030 there will be an increase in the number of adults with disabilities in the borough and more specifically an increase in the number of both older people and other adults with learning disabilities. There will also be an increased need for residential (C2) care for older people within the borough. As such, it is considered that there is an identified need, which this development would contribute towards thus complying with the requirements of Policy 2.

Policy 5 states as a minimum, new minor development should achieve 'low accessibility'. This is defined as being within approximately 400 metres of a bus route with a service, or combination of services. The proposed development would be a short walk from multiple bus stops and as such is considered to be a sustainable location and in considered to meet the requirements of this policy.

Policy 11 stipulates that all residential developments must deliver a mix of appropriate housing types, sizes and tenures that meet the needs and demands of the borough's urban and rural communities. Whilst the policy does indicate the need to build dwellings which are three bedrooms and there is an identified housing need in the borough, the policy does not restrict the change of use of existing residential properties to other uses.

Given the nature of the development, and its sustainable location, it is considered that the principle of the proposed development is acceptable.

Residential Amenity

Policy 9 seeks to protect the amenities of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy.

In this case it is extremely important to give significant weight to a recent appeal decision which is relevant as a *material planning consideration*. The previous planning application on this site (reference PA/344668/20) similarly proposed a change of use to a residential institution (Use Class C2) with extensions to the property to accommodate it. That application was refused on 25 November 2020 on the basis that the use would be associated with activities resulting in noise disturbance for local residents and that the scale of the proposed single storey extension would cause an oppressive impact and cause loss of light to the occupiers of no.300 Moston Lane East.

The decision on this previous application was subsequently the subject of an appeal to the Planning Inspectorate (APP/W4223/W/20/3264993). Although the appeal was dismissed the Inspector made the following comments in her report:

“Given the appeal property is located on a relatively busy through road, and there are a variety of commercial uses that attract customers in the vicinity, during the day at least noise and disturbance from traffic is significant. As a result, whilst the proposal may create more noise and

disturbance than if the property were used as a dwelling, I am not persuaded that this would adversely affect the living conditions of nearby residents.”

and,

“I consider that the proposed development would not have a detrimental impact on the living conditions of nearby residents with regard to noise and disturbance.”

In coming to their judgement, the Planning Inspector, within their report, indicated that movements to and from the development are likely to be largely within daytime hours and stated that the development ‘*would be an appropriate use within a residential area*’.

and,

“although there would be up to 8 residents in the property, I am satisfied that the use of the garden would not create significantly more noise than if the property were to be occupied as a family home.”

Having regard to the Inspector’s assessment, it is considered that the proposed development would not have such a detrimental impact upon the living conditions of nearby residents in regard to noise and disturbance as to justify refusal of the application. However, there remains concerns that vehicles arriving and leaving the site during the night may disturb neighbouring residents. To prevent this a condition is attached to the recommendation restricting staff shift changeovers so that they do not occur between the hours of 2200 and 0800. Subject to the imposition of this condition it is considered that the development would accord with the residential amenity aims of Policy 9.

As such, having regard to the appeal decision, and given that the policy considerations and site circumstances remain materially unchanged, it is considered that the application can no longer reasonably be refused on the grounds of noise or disturbance to nearby residents despite the continued objection from Environmental Health providing the conditions referred to above are included on any approval.

The previous application included a single storey extension adjacent to the shared boundary with no.300 Moston Lane East which projected 6 metres. The Inspector commented on this in her report as follows:

“Given the depth and the solid nature of the extension it would have an overbearing impact and would dominate the outlook from the patio doors on the adjacent property.”

and,

“In combination with the existing outrigger on No 300, the proposed extension would create a tunnelling effect and would make this rear room very dark.”

As such, it was primarily for this reason that the Inspector dismissed the appeal.

No. 300 Moston Lane East has patio doors that are close to the common boundary. These serve a habitable room and are the only windows serving the room. To the other side of these is a single storey outrigger. At present a high fence is located along the common boundary between the No 300 and No 298.

The single storey extension proposed adjacent to the boundary with no.300 would project approximately 4m from the rear elevation of the house, over 2m less than that of the extension previously proposed. Whilst this would cause some loss of light during the very earliest part of the day it is considered it would not cause an unacceptable loss of light, cause an overbearing impact, nor dominate the outlook from the patio doors on the adjoining property. It is therefore considered that the amendments to the proposal have adequately addressed the Inspectors' concerns in this regard.

The proposed single storey element located close to the boundary with 296 Moston Lane East would have a size similar to that of the existing extension. By virtue of its height and the distance of separation between the two properties it remains to be considered that this element of the development would not have an overbearing impact upon or result in a significant loss of light to the occupiers of the neighbouring property.

By virtue of its design, and the distance of separation between it and neighbouring dwellings, it is considered that the first floor extension proposed would not cause an unacceptable loss of light or privacy to nearby dwellings.

External lighting can be important within the grounds of a residential institution to ensure safe use of the site by residents. In a residential area of this density, poorly designed external lighting has the potential to disturb residents, illuminating bedrooms in the evening. Whilst details of external lighting have not been submitted a condition is attached to the recommendation requiring details of lighting to be submitted to and agreed by the local planning authority prior to their installation.

Design & Appearance

DPD Policy 9 'Local Environment' states that it is necessary to consider how a proposed development impacts on the visual appearance of the existing building. 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.

Whilst the proposed extensions would be of a substantial size they would be situated towards the rear of the application property and would not feature prominently in the street scene. The single storey elements would be built with a flat roof which would not be in keeping with the application property. However, they would not appear as prominent additions by virtue of their height and siting. The first floor extension would be constructed with a hipped roof mirroring that of the application property.

A substantial area of amenity space would remain for the recreational use of occupants.

In summary, it is considered that the proposed development would appear of appropriate scale and design that would accord with the visual amenity aims of DPD policies 9 and 20.

Highways

DPD Policy 9 indicates that development should protect and improve local environmental quality and amenity by ensuring that development will minimise traffic levels and do not harm the safety of road users. Paragraph 111 of the National Planning Policy Framework states:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Given the nature of the development it is not expected that the car ownership of the residents will be high. The agent has confirmed that is likely to be a maximum of eight full time members of staff employed, working shifts which will include overnight. The current parking arrangements will not change with three spaces provided. The development is located in a highly sustainable location being approximately 360m from Moston Train Station and a short walk from bus stops on four separate bus routes. It is considered that given the nature and scale of the development and the high sustainability of the location the on-site parking provision proposed is adequate.

Whilst some vehicles associated with the development may be parked on the highway, given the scale of the development, it is considered that the level of on-street parking would be similar to that of a domestic property and the development would not have a significant impact upon the on-street parking available to nearby residents.

Given that parking arrangements would not change as a result of the development, it is not expected that vehicles manoeuvring to leave and enter the development would pose any greater risk to the safety of pedestrians and highway traffic.

No objections have been received by the Highways Officer and given the scale of development it is not considered that the development would have an unacceptable impact upon highway safety nor would the impacts upon the highway network be severe. As such, in accordance with paragraph 111 of the National Planning Policy Framework, it is considered that the application could not reasonably be refused on highways grounds.

Waste Storage

Poorly designed waste storage facilities can produce unpleasant smells, attract vermin and have an adverse visual impact upon the character of an area, failing to accord with policies 9 and 20 of the Oldham Local Plan.

The plans submitted indicate that there would be ample room for the storage of waste bins, stored outside public view not immediately abutting windows of adjacent properties. As such, it is considered that the waste storage area on site would be sufficient and would not result in neighbouring properties being adversely impacted upon by waste odours. As such the development would accord with the aims of policy 9 and 20 of the Oldham Local Plan.

Other issues

Objections have been received indicating that the users of the development could pose a threat to local residents and could cause anti-social behaviour. The proposal is for an assisted living facility supporting those with mental health concerns and learning disabilities. It is not considered that there is reasonable evidence to suggest that the proposed use would adversely impact upon local residents in the way suggested.

Objections have been received which cite Oldham’s Suicide Prevention Strategy and Action Plan and the Governments’ Preventing Suicide in England document and indicate that the development would fail to comply with these due their proximity to railway stations/metrolink stops and the M60 motorway. These documents do not limit the proximity of residential institutions such

as the one proposed to railway stations/metrolink stops and such distances are not stipulated in any adopted planning policies which is what must be considered when considering and determining a planning application.

An objection has been received which relates to the Department of Health's Winterbourne View Review Concordat: Programme of Action. This document relates to the need improve the care of children, young people and adults. Whilst this may be relevant to care providers it does not constitute planning policy that would hold significant weight in the decision making process.

A resident objecting to the development has highlighted previous drainage issues close to the site and has raised concerns about the intensification of the use of the site. No details have been provided in regard to drainage by the applicant. Given the scale of the development, and its location in an area considered to have a low susceptibility to surface water flooding, it is considered unreasonable to require further details from the applicant although drainage details are required to ensure a development accords with building regulations.

CONCLUSION

It is considered that this revised planning application fully addresses the concerns raised by the Planning Inspector who independently appraised the refusal of the previous planning application. This must be regarded as a material planning consideration in the assessment of the current application and be afforded significant weight alongside the planning policies in the Local Plan and the guidance in the National Planning Policy Framework.

Altogether, it is considered that the benefits of the development outweigh any harm caused and the development accords with the Oldham Local Plan and the National Planning Policy Framework. As such, it is recommended that the application is approved subject to the imposition of the conditions referenced below.

RECOMMENDED CONDITIONS

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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be consistent in terms of colour, size and texture with those used in the existing building.

REASON - To ensure that the appearance of the existing building is acceptable having regard to Policy 20 of the Oldham Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, prior to the installation of any external lighting, a detailed scheme showing all external lighting proposed shall be submitted to and approved in writing by the Local Planning Authority. No additional lighting shall be erected without the prior approval of the Local Planning Authority.

REASON - To protect neighbouring residential properties from unacceptable levels of light pollution which may have an adverse effect upon their amenity.

5. No more than eight residents shall live at the application property at any one time.

REASON: To ensure the intensity of the use of the site does not result in any unacceptable disturbance of nearby residents.

6. No staff shifts shall start or end between the hours of 2200 and 0800 on any day.

REASON - To ensure neighbouring residents are not unacceptably disturbed during night-time hours by the development in accord and with policy 9 of the Oldham Local Plan.

7. The use of the building hereby approved 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 facility shall remain available for users of the development thereafter.

REASON - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

Site Location Plan



APPLICATION REPORT - FUL/347329/21 Planning Committee 13th October 2021

Registration Date: 29 April 2021
Ward: Royton North

Application Reference: FUL/347329/21
Type of Application: Full Application

Proposal: Erection of new single storey nursery classroom and ancillary spaces following demolition of attached outbuilding.

Location: Firbank Primary School, Grasmere Road, Royton, Oldham, OL2 6SJ

Case Officer: Abiola Labisi

Applicant: Mr Andrew Hall

Agent: Mrs Lizzie McHugh

INTRODUCTION

The application is referred to Planning Committee because the Council is both the Applicant and the landowner and third party objections have been received to the proposals.

RECOMMENDATION

It is recommended that the Committee resolves to grant planning permission, subject to the following conditions set out in this report.

THE SITE

The site forms part of the existing Firbank Primary School complex located on the north western side of Grasmere Road, Royton. The site is within a predominantly residential area characterised by single and two storey semi-detached properties of varying designs.

The topography of the area is undulating and whilst the site is within a residential area there is open land to the rear of the school premises.

THE PROPOSAL

The proposal relates to the demolition of an attached building and the erection of a replacement building to be used as a day nursery. The proposed nursery building would cover an area of approximately 17m x 8m and would have an external play area directly adjacent the western elevation.

The external play area would cover an area of approximately 10m x 8m. The building's overall height would be approximately 4.4m and would be constructed using brick (matching those of the existing school building) for the walls, roof membrane for the roof and aluminium frames for the windows and doors.

It is stated that a playgroup existed within the school premises until recently and the school is now considering reinstating this service in a more conducive building/environment.

RELEVANT PLANNING HISTORY:

PA/051473/06 - Erection of 2.4m high paladin fencing and gates – Approved, with conditions, 26 July 2006.

PA/052240/06 - (1) Single storey extension to classroom (2) Provision of covered play area – Approved, with conditions, 14 December 2006.

PA/057973/10 – Single storey side extension – Approved, with conditions, 30 June 2010.

PA/059188/11 - 1) Car park extension and Erection of approximate 2.4m high paladin security fence. – Approved, with conditions, 30 March 2011.

PA/333937/13 - Single storey side/front extension – Approved, with conditions, 16 July 2013.

RELEVANT PLANNING POLICIES:

Policy 1 - Climate Change and Sustainable Development

Policy 2 - Communities

Policy 9 - Local Environment

Policy 20 - Design

CONSULTATIONS

United Utilities	No objection subject to conditions
Education	
Environmental Health	No objection, subject to conditions
Highway Engineer	No objection
LLFA	No objection

REPRESENTATIONS:

The application was publicised by neighbour notification letters. In response, two letters of objection were received during the period of public consultation and the issues raised therein include concerns relating to noise, privacy and drainage.

PLANNING CONSIDERATIONS

The main material considerations are:

1. Principle of the development;
2. Impact on the character of the area;
3. Impact on amenity of the occupiers of neighbouring properties;
4. Highway Issues; and,
5. Drainage.

Principle of the development

The importance of local and educational facilities to the sustainability of communities cannot be overemphasised. Paragraph 93 of the National Planning Policy Framework requires local planning authorities to plan positively for the provision of community facilities and, in relation to schools, paragraph 95 states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.

Specifically, local planning authorities are required to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

In the same vein, Policy 2 of the Oldham Local Plan provides that the council will support proposals for new and improved community facilities, as well as proposals that bring improvements to the education and skills of the borough's population by working with a range of education partners, including the University Campus Oldham, the Oldham College and the Oldham Sixth Form College, and through the use of developer contributions, to facilitate the development of new and improved education facilities.

The proposal would contribute positively towards enhancing the range of available community facilities in the area. In addition, this early education facility would contribute towards meeting the educational needs of the community. The proposal would enhance the aims and objectives associated with community cohesion and is considered to comply with the relevant local and national policies referred to above and is therefore considered to be acceptable in principle.

Impact on the character of the area

Paragraph 130 of the National Planning Policy Framework, and Policies 9 and 20 in the Oldham Local Plan, requires that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

The proposal would replace an existing building and would not lead to a significant increase in footprint. The design would be in keeping with the character of the existing school building and, with its location away from public view, the proposal would not lead to a significant adverse impact on the area's visual amenity.

In terms of the proposed use, it is considered that this is compatible and of the same nature as the existing use on site. Importantly, it is stated that a playschool existed on site thus establishing that the proposed use is acceptable in the area without causing any adverse impact to the character of the area.

Impact on the amenity of occupiers of neighbouring properties

National Planning Policy Framework paragraph 130 requires that new development should ensure a high standard of amenity for existing and future users, whilst Oldham Local Plan Policy 9 provides that development should 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, security, noise, visual appearance of an area and access to daylight amongst others.

Having regard to its scale, design and separation from neighbouring properties, it is considered that there would be no significant overbearing, overshadowing or overlooking effect as a result of the development.

In relation to potential noise disturbance from the external play area, which is adjacent some domestic gardens, a noise assessment has been submitted with the application. The Council's Environmental Health Officer (EHO) has been specifically requested to review the document and advise on whether the scheme would lead to any significant noise disturbance. The EHO has advised that the noise assessment/report has been carried out in accordance with BS4142 and that there is no reason to dispute the assessment and its recommendations.

The proposed external play area would be located adjacent the very bottom of the neighbouring domestic gardens and would thus be well separated from the main dwellinghouses. Having regard to the scale of the development, the opening hours and separation distance from neighbouring dwellinghouses, it is considered that whilst there could be some noise impact, but not to such an extent that would reasonably justify refusing the application. Furthermore, there is no restriction on the use of this area by the existing school and, as such, the school could convert the area to an ancillary use that could generate a comparable level of noise disturbance. The EHO raises no objection to the application on noise grounds subject to the imposition of a Construction and Environment Management Plan (CEMP) prior to commencement of development. It is envisaged that the CEMP would provide details relating to issues such as construction noise, dust and traffic would be managed in order to ensure that the proposal does not lead to an unacceptable adverse impact on amenity of neighbours.

Ground Conditions

Notwithstanding the submitted Phase 1 investigation report the Council's Environmental Health Officer has recommended a condition requiring the submission of a site investigation report relating to land contamination. In accordance with the recommendation, a condition requiring a site investigation for land contamination, and submission of a report of the findings of the investigation is recommended.

Highway Issues

The proposal would benefit from an existing access and parking facilities which have been confirmed to be adequate by the Highway Engineer. As such, it is considered that the proposal would not lead to a significant increase in potential for on-street parking as to jeopardise the safety of users of the highway. The scale of the development is also not considered to be such that would lead to any severe impact on highway capacity.

Drainage

A Drainage Statement has been submitted with the application. The statement provides that surface water would discharge into a surface water public sewer close to the site, subject to agreement with United Utilities.

The drainage strategy has been reviewed by United Utilities who has advised it does not contain robust evidence to demonstrate that all other more sustainable surface water drainage options have been considered. However, they raise no objection to the proposed development on the basis of the imposition of a condition requiring the submission of a surface water drainage scheme based on the hierarchy of options set out in the National Planning Policy Framework.

Response to issues raised in letters of objection

The issues raised in the objections include noise disturbance, impact on privacy and drainage.

As discussed in the assessment above, the potential noise disturbance is not considered to be likely to be such that would warrant a refusal. In relation to impact on privacy, it is considered that whilst there would be an increase in movements close to the neighbouring gardens, this itself does not automatically mean that neighbours' privacy would be compromised. Existing boundary treatment would help minimise any potential impact on privacy.

The proposed building would replace an existing building. As such, it is considered that the amount of run off that would be generated by the building would not be significantly greater than the existing situation. Moreso, a surface water drainage proposal shall be requested by way of condition, and it is envisaged that such details would include measures to minimise risks of flooding of the site and neighbouring properties.

CONCLUSION

Having regard to its location, scale and design, it is considered that the proposal would not lead to any significant adverse impact on the character of the area, nor would it detract from the amenity of the occupiers of the neighbouring property to any significant degree. The proposal would boost the number of community/educational facilities available locally and would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 1, 2, 9 and 20 as well as relevant provisions of Sections 8 and 12 of the National Planning Policy Framework.

RECOMMENDED CONDITIONS

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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.

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

3. The Development shall be carried out in accordance with the external finish materials detailed in the planning application form. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.

4. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

5. The nursery hereby approved shall only be open to members of the public between the hours of 0800 and 1600 Monday to Friday.

REASON - To safeguard the amenity of the adjoining premises and the area generally having regard to Policy 9 of the Oldham Local Plan.

6. Prior to the commencement of any development, 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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. 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.

This page is intentionally left blank

APPLICATION REPORT – OUT/346784/21 Planning Committee 13th October 2021

Registration Date: 29.04.2021
Ward: Chadderton

Application Reference: OUT/346784/21
Type of Application: Hybrid Application

Proposal: Hybrid planning application for mixed-use development comprising:
(1) Detailed planning permission sought for the erection of a Use Class E foodstore with internal vehicular access road, car parking, servicing area, and hard and soft landscaping; and, (2) Outline planning permission (with all matters reserved) sought for a flexible-use commercial unit capable of operating within Use Classes E(a) and / or E(b).

Location: Land At Broadway Green Business Park, Foxdenton Lane, Chadderton

Case Officer: Stephen Gill
Applicant: Aldi Stores Ltd
Agent: Mr Dan Brown

INTRODUCTION

The application is being referred to Planning Committee as a Major application which would involve a departure from the provisions of the Development Plan.

RECOMMENDATION

It is recommended that the application should be approved subject to:

1. The conditions as set out in this report; and,
2. The completion of a Section 106 agreement in respect of a contribution of £12,800 towards off site highway works.

The Head of Planning shall be authorised to issue the decision upon satisfactory completion of the legal agreement.

THE SITE

The application site is broadly triangular in shape and extends to approximately 1.1ha in size. Vehicular access / egress will be taken from the newly constructed roundabout junction at the north-west corner. This roundabout junction forms part of Broadway Green Business Park's vehicular access road. The site is flat and level after being cleared as part of the initial works to prepare the site for redevelopment.

In terms of surroundings, the immediate north, east and west of the site is characterised by undeveloped land that has been levelled in preparation for redevelopment, as part of the

approved Foxdenton strategic site proposals. To the immediate south is a residential development, currently under construction by Redrow Homes, which was approved in outline under PA/334355/13 and again under a s73 application PA/337091/15. The associated reserved matters were approved under PA/336917/15. The site is characterised by a mixture of semi-detached and detached properties and in terms of levels, sits lower than the application site.

THE PROPOSAL

This hybrid planning application seeks:

1. Full planning permission for the erection of a single storey Use Class E foodstore of 1,804m² GIA and 1,315m² net, with internal vehicular access road, car parking (120 spaces, 4 with electric vehicle charging points), 5 motorcycle parking spaces, a servicing area, and hard and soft landscaping;

And,

2. Outline planning permission (with all matters reserved) for a flexible-use commercial unit capable of operating within Use Class E(a), which covers the retail sale of goods and/or Use Class E(b), and the sale of food and drink for consumption (mostly) on the premises. The building would have a maximum height of 6m AOD and would occupy no more than 1,245m², with a maximum gross area of no more than 300m².

RELEVANT PLANNING HISTORY:

PA/334355/13 A hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park – **Granted 23 October 2014**

PA/337091/15 Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and

dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold') - **Granted 28 September 2021.**

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is designated in the Local Plan as being in a Business Employment Area.

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

Policy 1 - Climate Change and Sustainable Development
Policy 2 - Communities
Policy 5 - Promoting Accessibility and Sustainable Transport
Policy 9 - Local Environment
Policy 14 - Supporting Oldham's Economy
Policy 15 – Centres
Policy 16 – Local Services and Facilities
Policy 18 - Energy
Policy 19 - Water and Flooding
Policy 20 - Design
Policy 21 - Protecting Natural Environmental Assets
Policy 25 - Developer Contributions

CONSULTATIONS

Highways Engineer	No objection subject to condition
The Coal Authority	No objection to the application.
TfGM	TfGM have requested a contribution of £12,800 to implement SCOOT at traffic signals from Lydia Becket Way to help mitigate the impact of the development on the highway network.
Environmental Health	No objection subject to conditions
United Utilities	No objection subject to conditions.
LLFA	No comments received.
G. M. Ecology Unit	No objection subject to conditions.
Trees Officer	No objections
Highways England	No objection to the application

REPRESENTATIONS

The application was publicised by neighbour notification, site notices and press notice. In response, 57no. letters in support and 55no. letters objecting to the proposal have been received raising the following (summarised) comments:

Support

- The proposal is useful proposition for the land.
- The supermarket will create jobs.

- Local residents will not need to travel as far to shop.
- A supermarket is far more neighbourly than a large warehouse proposal.
- The proposal provides an opportunity for local people to shop at discount stores who do not own a car.
- A new Aldi store in Chadderton, will be much more accessible to the elderly and residents in the surrounding area.
- The new Aldi store will allow people on a budget, access to high quality and low-priced groceries.
- It will bring a much-needed addition to the new properties in the area.
- it would reduce the carbon footprint by reducing the miles we travel to shop
- Given the amount of development being approved across Oldham, it is clear that the community also need shopping facilities, schools and GP services.
- There are no convenience stores within a reasonable walking distance of South Chadderton other than Lidl, so an Aldi would be a welcome addition.
- There is a Lidl, Morrisons and an Asda in the area, so an Aldi would be very welcome. Good food excellent prices.

Concerns

- The development is too close to properties in the neighbouring phase of development.
- The development will result in a loss of privacy to residents, given the difference in levels between the site subject of the application and the adjacent land containing residential properties.
- A proposal for a fast-food shop would not be supported and would result in adverse smells and litter.
- Noise from deliveries and traffic will cause unacceptable noise implications.
- The development will cause anti-social behaviour.
- The development is not needed, as other supermarkets are in close proximity to the site.
- Proposed lighting will impact the amenity of residents close to the scheme.
- The car park provision needs to be reduced and the building reconfigured.
- The security and wellbeing of residents on the adjacent will be greatly reduced.
- An increase in air pollution.
- The surrounding site already suffers from drainage issues and the development is likely to increase the problem.
- No discussion has been undertaken with residents on the adjacent site regarding the proposal.
- An improved landscaping scheme should be proposed.
- Concern is raised in respect of who would manage the landscaping post development
- The proposal will devalue properties in close proximity.
- Potential infestation of rodents as a result of the proposal.
- Erosion of ecology in and around the site as a result of the development.
- The proposal is not in keeping with the immediate area. .
- Lydia Becket Way, Broadgate, Foxdenton Lane and Grimshaw Lane will be unable to cope with the additional traffic demand.
- No hours of operation have been stipulated on the application.
- Concerns that the development is too high.
- A proposed supermarket is out of character with the area.
- Concerns raised, given that retail is proposed for the site as oppose to commercial as originally intended

PLANNING CONSIDERATIONS

Principle of development

In assessing the principle of both planning applications, it is necessary to consider the relevant aspects of each application and weight is attached to each aspect using the following indicators: substantial, significant, moderate and low.

Loss of employment land (Local Plan Policy 14)

Full Application & Outline Application

In relation to the principle of development, both the full application for an Aldi foodstore and the outline application for a commercial unit will be considered together in this section of the report.

The site forms part of a Business Employment Area (BEA) and Policy 14 is relevant, which states that acceptable uses in the Foxdenton Business Employment Area ('BEA') are B1, B2 & B8 uses, with up to 25% residential. It does not specify any exceptions for other uses as is the case for other BEA's. Given that both applications are a departure from Policy 14 and the acceptable uses, this needs to be considered carefully.

Firstly, in terms of employment land supply the most recent Annual Monitoring Report 19 / 20 (AMR) summarises the current status in respect of employment land and states that the total amount of employment land available for industrial and commercial use (Use Classes Order B1, B2 and B8) as at 31 March 2020 was 60.43ha. The total consists of 38.5 ha of saved UDP allocations Business and Industry and Mixed Use and 21.93 ha of sites that are not allocations but have planning permission for employment uses and are either unimplemented or under construction. The AMR does not recognise either over supply or under supply of employment land at this time. The site in question is 1.1ha of land and this represents a 1.8% take of the overall employment land supply in the borough (based on the most recent AMR).

Policy 14 does list some exceptions, in which proposals may depart from the policy, including: (a.) through a marketing exercise which proves that there is no demand, (b.) through submission of a viability appraisal to show that the acceptable uses listed in the policy are unviable, or (c.) by demonstrating that an alternative use would benefit the regeneration areas in need of investment, as identified by the Council and the community.

The applicant has considered the requirements of Policy 14 and asserts in the Retail and Planning Statement that both applications meet exception c of policy 14, on the basis (in summary) that the Foxdenton BEA could be regarded as an area in need of investment and should be considered as a major local regeneration project of borough wide significance.

The explanatory text for policy 14 at paragraph 6.64 states that applicants may wish to demonstrate 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. In order to do this, it will need to be agreed by the council in advance that the site is within an area in need of investment and that the proposal will benefit the community. Regeneration and community schemes and benefits will include, among others, Oldham Rochdale Housing Market Renewal, Private Finance Initiative, local masterplans and action plans.

It is not disputed that Foxdenton is a key strategic site and has a crucial role in delivering both commercial and residential development in Oldham. However, for the purposes of meeting policy 14 exception 'c' and the case for proposing alternative uses, other than those accepted in principle in the policy, it is not considered that either application meets the criteria for exception c in Policy 14.

The explanatory text in policy 14 is clear that to meet exception 'c' it would need to be agreed with the Council in advance that the site is within an area in need of investment and that the proposal will benefit the community. The applicant has not agreed one or either of these points in advance with the Council. Therefore, in the context of meeting the exceptions set out in Policy 14, it is considered that the development does not comply with the policy and in fact both applications represent departures from Policy 14 and significant weight must be given to this.

Nevertheless, whilst it is considered that both applications represent a departure from Policy 14, which is an important material consideration in the determination of both applications, it is also necessary to assess the principle of both applications holistically and take into consideration any potential benefits of both schemes.

These factors include:

1. The Aldi foodstore will create 40-50 full and part-time jobs and the commercial unit will also create jobs (how many will depend on end use).
2. Construction jobs will be created to help build both the foodstore and the commercial unit, which is a benefit.
3. The introduction of an Aldi foodstore will play a role in enhancing consumer choice in Chadderton. The Retail Impact Assessment submitted with the application demonstrates that the Aldi foodstore will 'clawback' some £3.45m of convenience expenditure to the area from other Aldi's in Oldham, situated outside the Primary Catchment Area.
4. Both the foodstore and commercial unit will deliver economic development into Chadderton. The proposed foodstore specifically will signal strong investment potential in the area and could help boost the local economy.
5. Both schemes together will provide a focal point, which will generate activity and footfall in the area.

One of the main objectives of protecting employment land is to ensure that land is available to create employment opportunities for people. As stated above, the application represents a

loss of 1.8% of the borough's employment land, which does not favour the application in principle. However, on balance, the foodstore alone will create between 40 -50 part and full-time jobs which is a significant positive.

It is considered that a departure from policy in the right circumstances for the right use does not always result in adverse impacts to an area providing the merits of the departure have been considered on balance and the benefits of any departure are considered to outweigh the harm. Whilst I note the loss of a small amount of employment land, I also consider that both applications will have many benefits as discussed and will not only generate jobs in the area, but will also deliver economic development and substantial weight is attached to this.

Retail

In the case of both applications, retail matters are also crucial to assessing whether the principle of development is acceptable in this case. The applicant has voluntarily submitted both a retail sequential and impact assessment and this has been considered by Nexus Planning ('Nexus') on behalf of Oldham Council. Both applications are discussed separately and together where appropriate.

Sequential Test

NPPF Paragraph 87 is clear that Local planning authorities should apply a sequential test to planning applications for Main Town Centre Uses which are neither in an existing centre nor in accordance with an up-to-date plan. NPPF paragraph 88 states that such uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Policy 15 relates to retail and other main town centre uses and is broadly consistent with the requirements of the NPPF. The policy sets out a hierarchy for retail development (with Oldham town centre at the top, followed by the centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill).

In relation to the Sequential Test, the submitted Planning and Retail Statement indicates that this should be approached on the basis that any alternative site should be able to accommodate both the full and outline elements of the proposed development together and that there is no requirement to consider disaggregation, of the proposal in this instance, as there is no requirement to do so in the NPPF.

For the reasons set out in the response from Nexus, they do not believe that the applicant has demonstrated that the two separate parts of the proposal need to be (and would be) delivered in conjunction with one another, and therefore disaggregation of the proposal is justified in this instance. With that considered, Nexus approach the assessment of the sequential test on the basis that consideration should be given as to whether the sites are available to separately accommodate the foodstore and smaller commercial unit.

Full Application

The proposed foodstore is situated approximately 1.7 kilometres from Chadderton District Centre (which lies to the north-east). As such, the foodstore is clearly 'out of centre' for the application of retail and main town centre planning policy. The applicant suggests in the Retail and Planning Statement that this will primarily serve residents living within a five-minute drivetime of the application site and provides an area of search at Appendix II of the document, and this represents Aldi's Primary Catchment Area.

Nexus accept the above and concur that the foodstore would principally serve needs that arise within a relatively localised catchment. Any sites located beyond the five-minute drivetime would not serve the same residents' grocery needs in practice. Therefore, Chadderton town centre should be the focal point of the sequential exercise in relation to the foodstore and this is agreed by all parties.

With the above agreed, the sequential assessment focused on whether there were any available and suitable alternative sites for the foodstore (within the agreed catchment), which met the following characteristics:

- is at least 0.5 hectares in size, such that it offers potential to accommodate the foodstore element of the proposal; and,
- is within or well connected to Chadderton district centre in order to have access to have access to a similar catchment area.

The applicant put forward five alternative sites within the agreed catchment for review and these are as follows:

Site 1: Units 14 and 16, Chadderton Mall

Units 14 and 16 are now being occupied by Secret Burger and Card Factory respectively. As such, it is not considered that either unit is currently available and, in any case, both units are far too small to accommodate a foodstore use, even allowing for flexibility.

Site 2: Former Chadderton Sports Centre, Middleton Road

The site extends to approximately 0.3 hectares and is therefore too small. In addition, the 'Palm Suite' facility opened in July 2021 on the site following a change of use from the sports hall and swimming pool. Therefore, the site can be discounted as a potential alternative.

Site 3: 1-5 Victoria Street

1-5 Victoria Street is a Grade II Listed Building located immediately to the west of the former Chadderton Sports Centre. The building and site itself are of a limited scale and is considered too small to accommodate the application proposal. In addition, given the buildings' Listed status, it is considered likely to present a challenge to its redevelopment for the proposed use. Therefore, it is not considered that the proposals could be accommodated at the site.

Site 4: 513-515 Middleton Road

The above site is a terraced retail unit that was identified in the Planning and Retail Statement as being available, but not suitable due to its limited floorspace. The site is now occupied by Bon Fleur florist, and, therefore, the premises are no longer available. In any case, the site is far too small to accommodate the proposed foodstore use.

Site 5: Peel Street Public Car Park, Peel Street

The above site is a rectangular area of land extending to approximately 0.1 hectares. The site is not being actively marketed and has not been made available for redevelopment. In addition, due to the site's limited size, it is not considered that it represents a suitable alternative to accommodate a foodstore.

Additional Sites

Nexus also highlighted two further vacant sites (as of August 2021), which included Unit 7-9 and Unit 10 in Chadderton Shopping Precinct. Unit 7-9 represents the largest of the units with a floorspace of 305m² and this is considerably smaller than what is required and therefore does not represent a viable alternative.

Outline Application

Considering the smaller commercial unit, this is presented in the Planning and Retail Planning Statement on the basis that it would meet day to day sustenance needs. Nexus agree that a sandwich shop, coffee shop or restaurant type facility in this locality would generally meet the local needs of adjacent employment uses, residential properties and those passing through the area.

Nexus do not believe that those same needs could be met in the same way in Chadderton District Centre (or at any site well connected to it) and this is because food and drink operators in the district centre largely serve a different market. In addition, no sites within or well connected to The Downs and Grimshaw Lane local centres are open or available that could serve the same day to day sustenance needs. Therefore, Nexus conclude that the smaller commercial unit meets the requirements of the sequential test and there is no reasonable basis to disagree with their findings.

On the basis of the above, it is considered that the requirements of the sequential test have been met for both the foodstore and commercial unit, as set out by paragraphs 87 and 88 of the NPPF and there is no reasonable basis to disagree with the assessment or the findings.

Impact Test

In terms of the impact test, both the applicant and Nexus have assessed retail impact on a cumulative basis, i.e. they assess the impact of delivering both the full and outline application together on the basis that they both propose a retail use. They combine the gross floorspace of both the retail foodstore (1,804m²) and commercial unit (300m²) to assess the potential impact of creating 2,104m² of retail floor space in an out of centre location. For that reason, the impacts of both the full and outline applications will be assessed together in this section.

Policy 15 states that the council will be guided by the thresholds in national guidance in assessing the impact of a retail proposal. Proposals of 2,500m² gross floorspace or above must be accompanied by an impact assessment to determine its likely effects on the borough's centres. Retail proposals of between 500m² and 2,499m² in gross floorspace may have to be accompanied by an impact assessment. The council will determine and agree the extent of this assessment on a case-by-case basis with the developer having regard to the nature, scale and location of the proposal. In this case, the applicant has submitted an Impact assessment to enable retail matters to be robustly assessed.

NPPF Paragraph 90 sets out the following criteria for what should be considered in a retail impact assessment as follows:

- the impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme)

Each of the criteria above will be considered in turn as follows:

- The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal

The response from Nexus states that the most significant recent investment at Chadderton relates to the redevelopment of the former Chadderton Sports Centre as the Palm Suite events venue and there is broad agreement on this point. Nexus are satisfied that the development of a foodstore and additional commercial unit would have no material impact on the operation of that venue.

Other potential investment proposals include the planned regeneration of Spindles Town Square Shopping Centre; however, Nexus are satisfied that this would serve a substantially different market and will not be impacted by a development.

Therefore, both the full and outline applications meet the first part of the impact test.

The second part of the impact test is as follows:

- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme)

Considering the second part of the test, Avison Young (“AY”) sets out the approach to trade diversion impact in the Retail and Planning Statement (Section 7 & Appendix IV). Nexus have appraised the inputs and assumptions relied upon by AY in assessing the impact.

Nexus Planning conclude that they are satisfied with the following inputs and assumptions made by AY in their retail assessment, including the following:

- The Assessment Period;
The Baseline Position; and
- The Turnover of Proposed Development

In relation to potential trade diversion, Nexus confirm in their assessment, that the principal impacts of both proposals would likely centre on the Lidl at Jardine Way, the Morrisons at Tweeddale Street, and Asda at Milne Street. Only Asda is in the defined centre, with the other two stores not benefitting from 'policy protection' due to their siting.

Nexus also confirm that some expenditure will be diverted from smaller retailers within Chadderton District Centre, but not at a level, which gives cause for concern (impact of 3% identified at Table 4.1 of Nexus response) and Nexus do not believe that the identified impacts for smaller stores would likely undermine their future viability. Therefore, the principal consideration is the potential level of trade diversion from Asda, which according to table 4.1 of Nexus's response equates to circa 7.6% of its turnover.

To consider the potential day to day impacts, Nexus carried out a site visit and observed that Chadderton District Centre supports a good number of service uses and also accommodates a relatively strong comparison goods offer. A total of four units were observed as being vacant, which were mostly concentrated around the retail precinct in the centre; however, the vacancy rate remains below the national average level. Nexus conclude that the centre is vital and viable and performs an important local function.

Nexus have considered how the Asda will trade when the Aldi foodstore is fully operational and it is apparent that the Asda store will continue to 'overtrade' very substantially, even when the Aldi foodstore and commercial unit are trading in full. Therefore, Nexus consider that potential impacts as a result of both the full and outline applications are below the 'significant adverse' level.

Whilst some food shopping trips would be diverted from Asda and other retailers at Chadderton District Centre, both proposals will have a relatively narrow offer and residents would still have need to visit the centre to access other goods and services. There will still be a need for residents to make trips to retailers and service providers within Chadderton at other times.

Based on the above, Nexus conclude that the in-centre impacts arising from the foodstore and commercial unit would be below the 'significant adverse' level and would not justify refusal of the planning application on these grounds. The very strong performance of the Asda superstore is suggestive of the capacity to support an additional foodstore in the Chadderton area, which will also secure some benefit in providing more customer choice.

Therefore, in conclusion, the full and outline applications are considered to meet the second part of the impact test set out in NPPF paragraph 90. The potential trade diversion impacts to the defined centres is considered acceptable and no centre will be subject to significant adverse impacts and on that basis, the proposal complies with Policy 15 and the NPPF.

Overall, the development meets the requirements of the sequential and impact tests and significant weight is therefore given in favour of the proposal.

Conclusion

In conclusion, justified weight has been given to the relevant material considerations for assessing the principle of development for both the full & outline planning proposals as follows:

- Significant weight is given to the fact that neither the full or outline applications comply with policy 14 and both applications together will take approximately 1.8% of employment land and this is not in favour of the proposal;
- Substantial weight is given to the key benefits of both the full and outline applications as set out above in this report and this is in favour of the proposal; and,
- Significant weight is given to the fact that both the full and outline planning proposals have passed both the retail sequential and impact test, which is in favour of the proposal.

As set out above, the key benefits of delivering both the foodstore and commercial units are considered substantial and cannot be overlooked. Significant weight has been given to Policy 14, however, the benefits of the scheme is considered to outweigh the loss of a relatively small amount of employment land in this case and weight has also been given to the fact that both uses will still generate employment as intended for the site.

On balance it is considered for the reasons set out in this report that a departure from Policy 14 is justified and on that basis, the principle of development is considered acceptable.

Design

Given that the application is submitted in hybrid form, the design elements of the foodstore and proposed commercial building are considered separately as follows:

Full Application

The design and appearance of the Aldi foodstore is of a standard design for the Aldi brand. The building is of a modest scale, compared to some other supermarket chains owing to the type of business model Aldi operate. The height of the overall building is 8m and this is comparable to most two storey properties. The building will have a contemporary appearance, with extensive glazing to the north and west elevations, which breaks up the massing and adds interest to the most visible elevations from Lydia Becker Way. The building also incorporates a pressed metal canopy over the entrance and trolley bay in anthracite grey, which adds further interest to a fairly standard rectangular building.

A simple palette of materials is proposed to give the building a contemporary appearance, which include a combination of black brickwork, anthracite and silver cladding panels

throughout, with fascia signage (signage subject to separate application ADV/346767/21). The use of black brickwork, anthracite and silver cladding panels compliments the recently approved reserved matters applications on Phase C1, for large industrial units under applications RES/346195/21 & RES/346295/21. These buildings have a modern industrial appearance and incorporate anthracite cladding panels throughout both proposals and it is a strong positive to have some continuity in the appearance of what is delivered at Foxdenton.

In terms of layout, the building is situated on the eastern side, this allows for good pedestrian linkages from the north, servicing to the south east and maintains a no build strip to the south, for enhanced landscaping and a valuable gap to the residential properties to the rear of the site.

Internal customer car parking occupies the central area and includes provision for 120 car parking spaces in total, including 8 disabled bays, 8 parent and child spaces and 4 EV spaces and 5 motorcycle spaces. The disabled bays and parent and child spaces are sited at the front of the store and provide easy access to the entrance. A new vehicular access and egress junction to Lydia Becker Way is located on the north-western boundary of the application site (north-western corner) and this will provide access for servicing vehicles, customers and staff. The entrance to the foodstore will face west towards the new roundabout and this will tie in directly with a pedestrian link situated north of the site from Lydia Becker Way. The servicing area is positioned on the south east boundary of the site and Environmental Health have no objection to this.

The design and appearance of the Aldi foodstore will function well in an area previously designated for an employment use and will not have an adverse impact on the attractiveness of the area. A considerate approach has been taken in terms of appearance and this is demonstrated in the material palette selected. The scheme also proposes a generous landscaping scheme, which achieves biodiversity net gain. Therefore, on the basis of the above, the development accords with NPPF Section 12 and Policy 20.

Outline Application

The design, layout and appearance elements of the commercial unit are reserved for future consideration and no specific details have been submitted at this stage.

However, the Retail and Planning Statement does set out some fundamentals for the building, which include:

- The building will be situated in the south west corner of the site;
- The building will extend to a maximum height of 6m AOD, equivalent of 1 storey; and
- The maximum area of land for use of the commercial unit will extend no more than 1,245m² and the commercial unit itself will be no more than 300m²

The remaining elements of the proposal will be assessed as part of any future reserved matters application for the site.

Residential Amenity

In this section, I will assess the potential impacts on residential amenity of both the proposed food store and commercial unit, these will be considered separately.

NPPF Paragraph 185(a) seeks to mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. Local Plan Policy 9 seeks to ensure that development does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution.

Full Application

The nearest sensitive receptor to the foodstore is a residential development to the south of site. This has been constructed by Redrow Homes and was originally designated as Phase R2 under previous planning approvals. The proposed foodstore is closest to the properties that back on to the development site on Cavalier Square, and these are located over 20m from the delivery bay on the south elevation and 25m from the plant area.

A noise impact assessment has been submitted with the application. The assessment concludes that servicing procedures undertaken in the daytime on weekdays, would have a negligible impact, deliveries between 06.30 & 7am would have a 'low impact' and deliveries in the Sunday hours would also have a low impact and this is without proposing any mitigation. Potential impacts as a result of plant equipment have also been assessed and the noise impact assessment concludes that this will have a 'low impact' on the immediate surroundings. Environmental Health has reviewed the noise assessment and do not object to the findings.

Many representations have been received requesting that the proposed foodstore be reconfigured to limit potential amenity implications to the residential properties to the south of the site. However, given that Environmental Health do not object to the siting of the foodstore on amenity grounds, the applicant has instead considered further mitigation. This includes the installation of a 3m high acoustic fence on the southern boundary, which will provide screening and details of this will need to be submitted and approved by the Council prior to installation, to ensure residential amenity is maintained and the developer has voluntarily accepted this condition. The developer has also volunteered and accepted a condition in relation to a lighting scheme, to help minimise impacts to residential amenity. In addition, an enhanced landscaping scheme is also proposed on the southern boundary, which includes an additional 13 trees in the buffer area, ranging in height from 3m to 4.5m in combination. This will provide further screening between the development and the properties south, which is supported.

In terms of levels, the foodstore would sit higher than the properties directly to the south. The finished floor level (FFL) for the foodstore is proposed at +110.1. The FFL's of the properties to the south range from 108 to 106, with levels dropping as the housing development heads west of the proposed foodstore. It is clear from visiting Cavalier Square that there is an existing level change as the properties rise up to face the site and the proposal would sit between 2 – 4m higher than the properties to the south, depending on the position. The Aldi building itself has an overall height of 8m and whilst the level change is noticeable the overall balance in this case needs to be considered. As part of the hybrid planning permission granted previously, the approved Parameters Plan 05060_MP_02_002 Rev E specified that in principle a commercial building would be acceptable up to 16m in height, in the same locality as the foodstore, which is significantly higher. Whilst the level differences are noted in this

application, the proposal is significantly lower in height than what was originally approved as part of the hybrid planning permission, and given the strong fallback position, this would not form the basis of a reasonable planning refusal in this instance.

Given the proximity of the proposed development to residential properties, a Construction Environment Management Plan (CEMP) will need to be submitted and agreed in writing prior to the commencement of development. This document will need to consider the following:

- Hours of operation
- The use of quiet working methods
- The use of most suitable plant
- Controlling noise and vibration at source

This will assist to help ensure that the amenity of residents close by is not adversely affected during the construction period.

Overall, based on the above and subject to conditions the development is acceptable and complies with the NPPF Section 15 and Local Plan Policy 9.

Outline Application

Given that the commercial unit is submitted in outline (all matters reserved), there are no specific details on what the end use will be, except that it would be a use in either Class E(a) or E(b).

In terms of amenity, for the purposes of the noise assessment, a coffee drive-thru facility has been used as an example to gauge potential amenity implications. The noise assessment concludes that potential noise from any plant equipment would be controlled to meet Oldham Council requirements and noise from customer vehicles using such a facility is expected to have a no worse than 'low impact', when assessed using the method described in BS 4142:2014. It is noted that the outcomes are speculative, and this is reasonable, given this element of the application has been submitted in outline. However, notwithstanding these conclusions, given that the end use has not been established, it is reasonable to attach a suitably worded planning condition for a noise assessment to be submitted, which considers the specific use when this is established.

Highways

Outline and Full application

In terms of highways, the submitted Transport Assessment (TA) assesses both the full and outline applications and therefore, they will be assessed together in this section. The TA assumes that the flexible use commercial unit will operate as a drive-thru coffee shop for the purposes of assessing the potential transport impacts.

TfGM observed that the traffic counts used in the TA are from 2013 and were considered too old for the purpose of the current assessment, and therefore concerns were raised about the

data used to assess the impacts to surrounding junctions, as a result of the development: including.

TfGM concluded that a contribution of £12,800 should be made by the applicant to implement a SCOOT at traffic signals from Lydia Becker Way to Foxdenton Way to help mitigate the impact of the foodstore on the highway network.

The Transport Consultant for the applicant noted the age of the data, however, also stated that they would not be able to do the traffic counts in the school holidays and even if the additional counts were undertaken, the financial contribution set out above may still be required. Therefore, the applicant has accepted the request for a contribution of £12,800 in relation to the foodstore, in lieu of the requirement to undertake further traffic counts and TfGM and the Highways Engineer have accepted this proposal.

Whilst the TA does consider traffic generation as a result of both proposals, it does not consider the layout and how traffic would be managed within the site, if a drive-thru facility was to be built at the site. The Highways Engineer has raised some concerns at the prospect of a drive-thru facility at the site, and the conflict this may cause in the car park. However, the application is for a flexible commercial use and there is no guarantee that a drive-thru coffee shop would be built at the site and this can only be considered at reserved matters stage.

Overall, subject to conditions and a contribution of £12,800, the full application is considered acceptable and the outline application, specifically the principle of a flexible use commercial unit in Use Class E(a) and (b) meets the criteria of Policy 5 and section 9 of the NPPF.

Ecology and Landscaping

Full Application and Outline Application

A Preliminary Ecological Report has been submitted with the application, which assesses the whole site (covering both the full and outline applications). The site for both schemes has now been cleared in preparation and the habitats currently on the whole site are considered to be young.

The Ecological Report confirms that there are no implications for roosting bats or breeding birds as a result of either scheme. However, the report also concludes that there are habitats on site suitable for invertebrates, and that suitable habitats should be retained where possible. The report also recommends that the planting of a variety of additional habitats should be implemented into the design of both schemes to ensure that there is no net loss of biodiversity.

As part of mitigating any potential loss of biodiversity as a result of the development, a Landscaping Plan has been submitted with the application, which shows that 29 new trees will be provide across the site, along with native hedge mix planting, ornamental shrub planting, wildflower and other grassland, which is clearly a biodiversity net gain.

GMEU have reviewed the details submitted including the Ecological Report and have not raised any objections to the findings. GMEU have recommended conditions in relation to the provision for bird boxes across for the full application, which can be secured by way of

condition.

In relation to the proposed commercial unit, it is noted that landscaping is a reserved matter and further details will need to be submitted for that section of the site when an end user is found. However, the landscaping proposed across the site, as part of the full application will help contribute strongly addressing this matter.

Therefore, the development complies with policy 21 and section 15 of the NPPF.

Flood Risk & Drainage

Full Application and Outline Application

A Flood Risk Assessment has been submitted with the application, which considers the site as a whole covering both the full and outline applications and therefore, both applications will be considered together.

Policy 19 states that the council will ensure development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding, and protecting and improving existing flood defences, water resources and quality, and that development proposals must carry out and pass the Sequential Test and, where necessary, the Exception Test, and be accompanied by a site-specific flood risk assessment.

According to the Environment Agency Flood Maps, the whole site is located in Flood Zone 1 and is at the lowest risk of flooding. Both the foodstore proposal and commercial unit would be considered in the 'less vulnerable' use within flood risk vulnerability classification. In respect of surface water drainage, the Flood Risk Assessment submitted with the application states that all post-development hard surfaced / drained areas will discharge to the diverted, culverted 'ordinary' watercourse located adjacent to the western / northern plot boundaries via the 225mm diameter stub pipe provided at the western side of the plot at a rate of 1.5m per second.

United Utilities (UU) have reviewed the submitted Flood Risk Assessment and have confirmed that the drainage proposals are acceptable in principle. However, UU do not have sufficient information on the detail of the drainage design. There is a wider drainage strategy that has been implemented as part of the overall Foxdenton Strategic Site, and UU would like to understand further how this phase of development will link into the wider drainage network.

Therefore, a suitably worded planning condition will need to be applied to the full and outline applications, relating to surface water and subject to conditions, both applications comply with NPPF Section 14 and Policy 19.

Ground Conditions

Full Application & Outline Application

As with flood risk, the applicant has submitted a Geotechnical and Geoenvironmental Desk Study, that covers the whole site and, on that basis, both the full and outline application will be considered together in relation to ground conditions.

National guidance within paragraphs 178 and 179 of the NPPF and Local Plan Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team has reviewed the submitted Geotechnical & Geo-environmental Desk Study and has advised that there are no objections to the proposal subject to conditions requiring a site investigation and landfill gas investigation and these will be applied to both applications.

The site overall is identified as being in a 'low risk' coal area and an informative will be attached to any decision notice providing advice to the developers on coal risk matters. With that considered, no objections are raised in relation to ground conditions from Environmental Health.

Planning balance

There are a significant number of material planning considerations which must be weighed up in assessment of both the full and outline applications, both positives and adverse:

The major positives include:

1. The Aldi foodstore will create 40-50 full and part-time jobs and the commercial unit will also create jobs (how many will depend on end use).
2. Construction jobs will be created to help build both the foodstore and the commercial unit, which is a benefit.
3. The introduction of an Aldi foodstore will play a role in enhancing consumer choice in Chadderton. The Retail Impact Assessment submitted with the application demonstrates that the Aldi foodstore will 'clawback' some £3.45m of convenience expenditure to the area from other Aldi's in Oldham, situated outside the Primary Catchment Area.
4. Both the foodstore and commercial unit will deliver economic development into Chadderton. The Aldi foodstore, specifically will signal strong investment potential in the area and could help boost the local economy.
5. Both schemes together will provide a focal point, which will generate activity and footfall in the area

The adverse impacts include:

1. The development fails to comply with policy 14, which results in the loss of 1.1 ha of employment land.

Significant weight is given to the fact that both the full and outline applications do not comply with policy 14. However, for the reasons set out in this report substantial weight has been given to the collective benefits of both applications since these are considered to outweigh the adverse impacts. The retail assessment undertaken as part of the application indicates that both the foodstore and commercial unit will not have an adverse impact on Chadderton District Centre, and significant weight has been given to this.

On the basis of applicable national and local planning policy, and the various considerations set out above, on balance, it is recommended that both the full application and outline application should be approved subject to a legal agreement, which will secure £12,800 towards off site highway improvement works relating to the Aldi scheme (full application).

RECOMMENDED CONDITIONS

Grant planning permission subject to the following conditions:

Part A – Full Application

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 Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The Class E foodstore hereby permitted shall have a maximum Gross Internal Area of 1,804 sq.m and a maximum net sales area of 1,315 sq.m. The sales area shall be used primarily for the sale of convenience goods, with a maximum of 300 sq.m used for the sale of comparison goods. REASON: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to policy 16 of the Local Plan
4. No development comprising the erection of any external walls shall take place until specification of the materials to be used in the construction of the external surfaces of the development, including the roof, 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 details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
5. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works

and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

6. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan
7. Prior to the commencement of any phase of development hereby approved, a scheme in the form of a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts, along with adequate wheel wash facilities. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the demolition or construction works are commenced, which shall be maintained for the duration of the demolition or construction works. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.
8. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter. Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.
9. No development comprising the construction of a building shall take place until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local plan Policy 18 and shall detail how:
 - a target area has been determined; and,
 - how the development will meet this target.

The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

REASON – To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

10. Prior to the commencement of development above ground/slab level full details of mitigation for loss of nesting bird habitat will be submitted to and agreed in writing by the Local Planning Authority. Proposals shall include:

- a) A monitoring programme.
- b) Details of location of nesting opportunities

The works shall be carried out strictly in accordance with the approved details.

REASON - In order to mitigate the impact on nesting bird habitat having regard to Policy 21.

11. No development above ground/slab level shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the charging points have been installed and made operational in accordance with the approved details. Thereafter the charging points shall be retained and kept available for the use of electric vehicles. REASON: In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
12. Prior to the first occupation of any part of the development hereby permitted full details of all soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the development (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved. REASON: To ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
13. Notwithstanding the submitted plans, prior to its erection, details as to the exact location and design/ appearance of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected prior to the store first being occupied and shall be retained as such thereafter. REASON: To ensure acceptable levels of amenity for surrounding residents in accordance with Policy 9.
14. No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, height, type and direction of any light sources and the intensity and timing of their illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details. REASON: To ensure acceptable levels of amenity for surrounding residents in accordance with Policy 9.
15. The development hereby approved shall not be brought into use until the access to the site, car parking spaces and servicing areas have been provided in accordance with the approved plan Ref:2969 BOL-102 Rev B and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for

any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking and servicing facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

16. The foodstore shall not be first occupied until a Travel Plan for staff/employees at the premises has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the date that the development is first brought into use in accordance with timescales set out in the plan and any subsequent revisions REASON: To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.
17. The development hereby approved shall not be brought into use until details of the boundary and surface treatment between the two parts of the site (Class E Foodstore and Class E (a) or (b) flexible use commercial unit) have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained until the development pertaining to the outline planning permission has been constructed. Reason – To ensure the safe and efficient operation of the car park and servicing areas of the Class E Foodstore
18. Before the foodstore opens a scheme for the provision of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and shall remain available for users of the development thereafter. REASON - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
19. All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref:2969-VL L01 Rev C) prior to the occupation of any part of the development or in accordance with the programme approved in writing by the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
20. No works to trees or shrubs shall take place 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 bird habitats, which are protected species under the Wildlife and Countryside Act 1981, having regard to Policy 21 of the Oldham Local Plan.
21. The foodstore here by permitted shall not be open to the public outside the hours of 08:00 – 22:00 Monday to Saturdays and 09:00 – 18:00 Sundays. REASON: To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.

22. No deliveries shall take place to the site outside of the hours of 06:30 – 23:00 Mondays to Saturdays and 08:00 to 17:00 Sundays. REASON: To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.

Part B - Outline Planning Permission

1. Application for approval of the reserved matters of 1) Access 2) Appearance 3) Landscape 4) Layout and 5) Scale shall be made to the Local Planning Authority before the expiration of six years from the date of this permission. The development hereby permitted shall be begun either before the expiration of six years from the date of this permission or two years from the date of approval of the last of the reserved matters whichever is the later. REASON - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The flexible-use commercial unit as identified on approved Site Layout Plan Ref: 2969BOL-102 shall be permitted to operate within Use Classes E(a) or E(b) (or in a combination of these uses should it be subdivided) upon its first occupation. The unit shall be used for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. REASON: To ensure that the use of the retail units is acceptable having regard to Policy 15 of the Oldham Local Plan.
4. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, 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 details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
5. 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
6. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan

7. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter. Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.
8. Prior to the commencement of development an assessment of the nature and extent of noise affecting the neighbouring residential properties shall be submitted to and approved in writing by the local planning authority. The assessment shall be carried out in accordance with a methodology which has been previously approved in writing by the local planning authority and shall identify mitigation measures required to protect the development. The approved mitigation measures shall be implemented in full before first occupation of the dwellings and shall be retained thereafter. Reason - To provide an acceptable level of noise both within the proposed dwellings and the residential area generally.
9. No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, height, type and direction of any light sources and the intensity and timing of their illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details. REASON: To ensure acceptable levels of amenity for surrounding residents in accordance with Policy 9
10. The submission of an application for an approval of reserved matters for the development shall show details of:
 1. the means of vehicular and pedestrian access to the site
 2. the means of servicing the buildings
 3. the provision made for car parking and maneuvering within the site
 4. secure cycle storage facilities

REASON - To ensure adequate off-street parking and servicing facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

11. The proposed end use shall not be open to the public outside the hours of 08:00 – 22:00 Monday to Saturdays and 09:00 – 18:00 Sundays. REASON: To safeguard the amenity of the adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.
12. No deliveries shall take place to the site outside of the hours of 06:30 – 23:00 Mondays to Saturdays and 08:00 to 17:00 Sundays. REASON: To safeguard the amenity of the

adjoining premises and the area generally. having regard to Policy 9 of the Oldham Local Plan.

13. No works to trees or shrubs shall take place 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 bird habitats, which are protected species under the Wildlife and Countryside Act 1981, having regard to Policy 21 of the Oldham Local Plan.

This page is intentionally left blank