

PLANNING COMMITTEE Regulatory Committee Agenda

- Date Wednesday 12 October 2022
- Time 6.00 pm
- Venue Council Chamber, 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, 7 October 2022.
 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.

Please also note the Public attendance Protocol on the Council’s Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:

Councillors Al-Hamdani, Cosgrove, Dean (Chair), H. Gloster, Hobin, A Hussain, F Hussain, S Hussain, Islam, Lancaster, Nasheen, C. Phythian, Surjan 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 21 September 2022 are attached for Members' approval.
- 6 FUL/348898/22 - Land at Snipe Clough, Oldham (Pages 5 - 38)
Hybrid planning application seeking full/part outline consent comprising:, (a) Full application for the erection of a visitor centre, events building with meeting pods, learning centre, forestry depot, ground mounted solar PV array and associated works, relocation of football pitch provision, necessary infrastructure, hard and soft landscaping, site wide vehicular, cycle parking and pedestrian improvements, including car park on Nether Hey Street., (b) Outline application (all matters reserved except for access) for a community growing allotment and swimming pond.
- 7 OUT/349440/22 - Land at Broadway Green Business Park, Foxdenton Lane, Chadderton (Pages 39 - 70)
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).

8 Appeals Update (Pages 71 - 74)

This page is intentionally left blank



PLANNING COMMITTEE
21/09/2022 at 6.00 pm

Present: Councillor Surjan (Vice-Chair, in the Chair)
Councillors Al-Hamdani, Hobin, F Hussain, Cosgrove, Islam,
Marland (Substitute), Nasheen and C. Phythian

Also in Attendance:

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

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dean, H. Gloster, S. Hussain, Lancaster and Woodvine.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

Councillor Nasheen declared an other registerable interest at Item 8.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 24th August 2022 be approved as a correct record.

6 **FUL/348818/22 - LAND SOUTH OF GREENSIDE WAY /
WEST OF GREENGATE, GREENGATE INDUSTRIAL
ESTATE, OLDHAM**

APPLICATION NUMBER: FUL/348818/22

APPLICANT: Gemshaw Ltd

PROPOSAL: Erection of two buildings with combined floorspace of 7,540m² GEA / 7,308m² GIA to be used in any combination of Use Class E(g)(i)(ii)(iii) (offices, research and development, light industrial), Use Class B2 (general industrial) and / or Use Class B8 (storage / distribution), with associated parking and refuse storage, to be accessed via a new access onto Greenside Way with associated hard and soft landscaping.

LOCATION: Land South of Greenside Way / West of Greengate, Greengate Industrial Estate, Oldham



Oldham
Council

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

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report, the receipt of a section 106 unilateral undertaking for a contribution of £45,000 for offsite biodiversity net gain and the additional condition in regard to a travel plan. The Head of Planning be authorised to agree the wording of the additional condition in consultation with the Chair of Planning.

NOTES:

1. That the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 10.
3. Cllr Al-Hamdani did not participate or vote on this item as he was not present throughout the whole consideration of the item.

7 **HOU/349347/22 - 49 HERON STREET, OLDHAM, OL8 4LP**
APPLICATION NUMBER: HOU/349347/22

APPLICANT: Cllr Zahid Chauhan OBE

PROPOSAL: Part-retrospective application for alterations to the existing roof, insertion of rooflights and render.

LOCATION: 49 Heron Street, Oldham, OL8 4LP

It was MOVED by Councillor Surjan and SECONDED by Councillor Islam that the application be APPROVED.

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL.

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

8 **HOU/349546/22 - 227 WINDSOR ROAD, OLDHAM, OL8 1AE**

Councillor Nasheen declared an other registerable interest and took no part in the discussion.

APPLICATION NUMBER: HOU/349546/22

APPLICANT: Mr Mohammed Sageer

PROPOSAL: First floor rear extension

LOCATION: 227 Windsor Road, Oldham, OL8 1AE

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

On being put to the vote, it was **UNANIMOUSLY** cast **IN FAVOUR OF APPROVAL**.

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

9

APPEALS UPDATE

RESOLVED that the Appeals Update be noted.

10

LATE LIST

RESOLVED that the information as contained in the Late List be noted.

The meeting started at 18.00pm and ended at 18.24pm

This page is intentionally left blank

APPLICATION REPORT – FUL/348898/22 Planning Committee 12th October 2022

Registration Date: 13th April 2022
Ward: Alexandra

Application Reference: FUL/348898/22
Type of Application: Full Application

Proposal: Hybrid planning application seeking full/part outline consent comprising: (a) Full application for the erection of a visitor centre, events building with meeting pods, learning centre, forestry depot, ground mounted solar PV array and associated works, relocation of football pitch provision, necessary infrastructure, hard and soft landscaping, site wide vehicular, cycle parking and pedestrian improvements, including car park on Nether Hey Street., (b) Outline application (all matters reserved except for access) for a community growing allotment and swimming pond.

Location: Land at Snipe Clough, Oldham

Case Officer: Graham Dickman
Applicant: Northern Roots (Oldham) Ltd
Agent: Mr Ian Ford

INTRODUCTION

This application is presented to Committee as a major Council scheme which involves a departure from policies of the development plan.

Under the provisions of the Town and Country Planning (Consultation) (England) Direction 2021, before issuing planning permission, the Local Planning Authority is required to consult the Secretary of State where the Local Planning Authority is minded to grant planning permission for development which involves:

- green belt development which includes 'inappropriate development' and comprises (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt
- development which involves a loss of a playing field and where an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost, and Sport England has made representations objecting to the whole or part of the development

No planning permission shall be issued until the expiry of a period of 21 days from the date the Secretary of State acknowledges receipt of the referral, or the Secretary of State has notified the authority that he/she does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990. Thereafter, the authority may proceed to determine the application.

RECOMMENDATION

It is recommended that Planning Committee resolves that it is minded to grant permission subject to:

- the conditions set out in this report,
- referral of the application to the Secretary of State, and,
- that the Head of Planning shall be authorised to issue the decision following the confirmation that the Secretary of State does not wish to call in the application for her/his determination.

THE SITE

The Northern Roots site stretches south-east from Alexandra Park and encompasses a mix of flat grassland, heath, boggy wetlands, and dense wooded slopes.

The majority of the site is surrounded by residential areas and the adjacent Glodwick Cricket Club and Grade II listed Alexandra Park. To the south, further woodland exists and is within the ownership of the applicant. It is likely that this land will be considered in the future under a separate planning application for the next phase of Northern Roots.

The site is currently used by people for informal recreation, including walking dogs, horse riding via the existing bridleways, cycling, and nature watching. There is however evidence of inadequate sign posting, with paths and trails becoming overgrown and not fit-for-purpose. This has resulted in the site mostly being used by those who know it well, but potentially feeling unwelcoming and unsafe to those who do not.

Furthermore, the site is currently subject to fly tipping, illegal off-road motorbiking and anti-social behaviour, which further discourages residents and visitors from using it. Oldham Council's Environmental Services team spends around £26,000 per annum on its upkeep.

The site also has four playing pitches, with only two of these currently being used on the weekend.

The nearest designated sites of international importance are both located 8km away. The nearest designated site of national importance is 350m north. This is separated from the site by existing residential areas. The site does not fall within any Site of Special Scientific Interest (SSSI) impact risk zones for which the proposal type is a risk category. The nearest statutory locally designated site is Glodwick Lows Local Nature Reserve (LNR) located 170m north.

THE PROPOSAL

The application has been submitted in a Hybrid form, encompassing some fully detailed proposals and other elements for which an approval to the principle of the development is sought, along with necessary improvement works to access infrastructure and landscaping.

The FULL elements include:

- the erection of a visitor centre,
- an event's building with meeting pods,
- learning centre,
- forestry depot,
- ground mounted solar PV array,

- relocation of football pitch provision
- car parking areas and access improvements.

The OUTLINE application (all matters reserved except for access) include:

- a community growing allotment,
- outdoor swimming pond.

Visitor Centre

The Visitor Centre will be located to the north-east of the site on the edge of the woodland. It is part single storey with an element of two storey and a gross internal floor area of 720m². The building will house a reception, a shop, a café, a multi-use and interpretation space, multi-faith prayer and meditation space, toilets and staff facilities.

Produce from the proposed market garden will be sold in the shop and used within the café in the Visitor Centre.

The overall building form has been driven by sustainable principles and design inspirations from natural forms. Uses have been positioned to maximise solar gains and create solar shading in certain areas. All of the spaces are linked by a glazed cloister which acts as a draught lobby. This is encircled by a rammed earth wall which moderates the temperature soaking up heat during the day and releasing it at night.

A natural amphitheatre where school and community groups can hold events is located close to the Visitor Centre and consists of a performance space with stepped seating around it. This follows the natural topography of the landscape and uses timber decking for the seating and self-binding gravel for the ground surface. The amphitheatre will have a natural appearance and will be sympathetic to the surrounding landscape.

The car park will have with 3 accessible spaces, 10 staff car parking spaces, 1 delivery bay and 17 cycle spaces.

Events Building

The Events Building and three meeting room pods will be located close to the Visitor Centre in clearings or areas of poor tree quality within the woodland. The Events Building will be a single storey oval structure with a gross internal floor area of 97.1m². The meeting room pods will be simple oval spaces which open out onto the woodland garden. They will have a gross internal floor area of 12.7m² each, therefore totalling 38.1m².

The Events Building and meeting room pods could be used as conference type facilities. The Events Buildings will be clad in timber shingles to give a rustic feel. The design of the buildings will enable them to blend with their natural environment.

Forestry Depot

The Forestry Depot will be located to the north-east of the site in an existing woodland clearing. The depot consists of a simple rectilinear yard containing two buildings - the forestry base and the workshop. Both buildings are single storey with a combined gross internal floor area of 293 m². The Forestry Depot is to be used by the Estate Management team for the long-term maintenance and management of the wider Northern Roots site. The yard associated with the depot includes staff parking and storage space for materials.

The buildings house an office, staff area and shower/ toilet plus workshop, meeting room, secure tool store and vehicle storage bays.

The Forestry Depot is screened by new planting and will be a natural coloured Forticrete block and standing seam roof allowing it to blend with the natural environment.

Learning Centre

The Learning Centre will be situated to the southern part of the site and act as a good focal point between the Visitor Centre and Bike Hub (application FUL/348472/22).

It consists of five single storey buildings grouped closely together surrounding a communal outdoor teaching space. The buildings have a gross internal floor area of 813m².

The Learning Centre will house a reception, teaching kitchen and breakout space, staff facilities, multi-faith prayer and meditation space, classrooms, toilets, and bunkhouse. There will also be communal outdoor space for outdoor learning. All buildings are fully accessible.

The site of the Learning Centre was deliberately chosen as the woodland in this location has been affected by ash dieback, meaning that trees in this area will need to be removed regardless of any building proposal. The existing woodland will also enable the buildings to be well screened and nestled within the surrounding landscape.

The associated landscape proposals build upon a woodland aesthetic working with the existing topography to retain as many trees as possible. A stepped route comprised of timber steps with self-binding gravel infill winds up the existing wooded slope to the Reception Building, linking the buildings to the car park and wider routes.

There will be 30 car parking spaces located to the north of the buildings, including 4 additional accessible spaces, 3 minibus spaces, 5 staff and 1 coach space. There is a delivery bay and 10 cycle spaces.

Ground Mounted Solar PV Array

A solar array will be located south of the Visitor Centre and market garden. Electricity will be generated and fed to a substation in the Alexandra Park Depot with the potential to provide electricity for the buildings within Northern Roots.

The layout of the scheme has been designed to best harness the power of the sun's irradiation alongside accommodating adequate separation distances between the arrays and trees that would otherwise shade the panels and reduce their availability to generate power.

The solar array will consist of 10 rows of solar modules (approximately 880 panels) with a containerised electrical switchroom.

Each row will be elevated above ground on the mounting frame, with the bottom (southern) edge at a height of up to 1.0m above ground level and the top (northern) edge at a maximum height of 3.1m. The module units are orientated southwards and will have an angle varying between 20 and 30 degrees.

The overall land area will be approximately 0.9ha. The physical footprint of the solar park component (e.g., arrays, inverters and cabling etc) would be approximately one third of the red line boundary area, therefore comprising a land take of approximately 0.3ha.

The installed capacity of the entire proposal is circa 440kW. The predicted annual power generation approximates up to 342 Megawatt Hours (MWh). The electricity output would result in annual offsetting of carbon dioxide emissions associated with fossil fuels equating to approximately 79,733 kilogrammes annually.

A security fence and CCTV cameras will be located around the outside of the solar array. This will consist of a 3m high, black paladin fence. Rows of native hedgerow species will be planted each side of the majority of the fence line which will enable the appearance of this boundary to soften in time. The space in between each row of solar panels will be planted with grassland and wildflowers to enhance the biodiversity of the area.

Existing mature woodland on three sides of the solar array area will provide effective natural screening which restricts visibility of the area from a wider perspective.

The current landscape elements that contribute to landscape character such as hedgerows or trees within the area will be retained. The Solar Array Design and Access Statement provides details of the site assessment undertaken to decide on the best location of the Array within the site. Out of three identified areas, the proposed location was the preferred option due to the higher elevation and that the fact it was surrounded by mature trees to reduce visual impact. The ground is also level and ground conditions considered very good and free from buried utilities apart from one drain which skirts the western edge of the site.

A Glint and Glare note supports the planning application which concludes that the presence of mature woodlands will provide substantial visual screening of the site from any potential receptors, such as residential properties. Therefore, the solar array will not have an impact on public safety and amenity.

Community growing allotment

A market garden and community growing areas will be located on the site of two existing football pitches in the north-east of the site.

Community growing proposed south of the Visitor Centre will include a number of polytunnels. Produce from the gardens will be sold in the shop and used within the café of the Visitor Centre.

Northern Roots allows for its own community to be created with a shared interest and sense of purpose focused on community growing, enabling people to create new social networks, reducing social isolation and encouraging greater social cohesion.

The fresh produce of Northern Roots improves sustainability through the reduced environmental impact of food transport miles reducing the carbon footprint; and the sustainability of the food sector in Oldham is enhanced through its urban farm and growing element.

Relocation of football pitch provision and new car park

Two football pitches will be retained in their current location, to the north-west of the site, whilst two are being re-provided to the north-east adjacent to Glodwick Cricket Club.

The site will benefit from replacement of four poor quality playing pitches, where one pitch hasn't been used for over 5 years and the other 10 years, to four improved playing pitches. This will encourage more people and teams to use these spaces who have been put off by the poor-quality amenities in the past, which have often led to games having to be cancelled in poor weather.

The location of the re-provided pitches is easily accessible from existing parking, but additional parking will also be provided off Nether Hey Street which will be closer to this area. 22 spaces will be provided in addition to a minibus space and 3 accessible bays enhancing access.

The car park will occupy approximately 50% of the present maintained grassed area. It will be gated. Additional tree planting will be provided and the existing footpath route through the site will be unaffected.

Outdoor swimming pond

The proposed swimming pond is part of the Outline application. It will be situated north of the Learning Centre. This existing area has a natural collecting of surface water. The proposal seeks to deepen this, to create an area for wild swimming. Further technical details will be provided during the Reserved Matters process to consider layout and design and to explore technical matters including drainage and ensuring the water quality can be maintained for swimming.

COMMUNITY ENGAGEMENT

Due to Covid-19 restrictions, the majority of consultation has been hosted virtually on the PlaceChangers website, an online, digital engagement platform which specialises in digital outreach to engage with a wider audience of participants in an easy to use, interactive format.

The more detailed stages of public consultation were managed in two phases, with the first stage running between 19th July and 20th September 2021 and the second stage between 24th November and 12th December 2021.

As part of the wider Northern Roots project, public engagement will continue even into operation to ensure the community is getting the best out of the project.

ENVIRONMENTAL IMPACT ASSESSMENT

A 'screening' request has been submitted as to whether the development would require the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs).

The development does not fall within any of the categories of development set out in Schedule 1 of the EIA Regs.

However, the overall area of the Proposed Development amounts to approximately 35 hectares, which greatly exceeds the Schedule 2, Column 2 threshold of 5 hectares. It is therefore necessary for the development to be screened.

The Council's assessment is set out in detail in a Screening Opinion dated 10th November 2021 which concludes that the development does not appear to involve development which would result in significant environmental impacts, either within individual themes or cumulatively.

Various specialist reports and assessments would nevertheless be required and these have been submitted.

There are considered to be no significant, potential environmental effects of the development when assessed against the criteria within Schedule 3 of the EIA Regs, including the extent of the impact, any transfrontier nature of the impact, the magnitude and complexity of the impact, (iv) the probability of the impact, or the duration, frequency and reversibility of the impact.

On the basis of the above, it is considered that the proposals would not have significant, or wider than local environmental effects, and therefore does not constitute development for which an Environmental Statement is required.

RELEVANT PLANNING HISTORY

FUL/348472/22 - Full planning application for the construction of a Bike Recreation Hub (Use Class F2(c)) consisting of 2 bike track areas and ancillary service area, hard and soft landscaping, new car park on Cherry Avenue and footpath diversions and improvements and vehicular access improvements. Approved 6 July 2022

PA/345179/20 - New community Growing Hub (Use class D1) Erection of single storey structures, polytunnel, sustainable drainage, hard and soft landscaping works and amended parking and servicing layout. Approved 22 December 2020

PA/344412/20 - Demolition of existing ancillary buildings and glasshouses at Alexandra Park Depot with phased replacement of new facilities including erection of 2 storey office building (Use Class B1), new glasshouse structure (horticultural use), remodelling and extension of existing portal frame storage unit, hard and soft landscaping works and amended parking and servicing layout. Approved 22 May 2020

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 proposed development site is predominantly located within the Green Belt, identified as open space, and adjoining Green Corridors and Links, a Registered Park and Garden and Alexandra conservation area.

As such, 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 6 – Green Infrastructure;
Policy 9 - Local Environment;
Policy 17 – Gateways & Corridors;
Policy 18 – Energy;
Policy 19 – Water & Flooding;
Policy 20 – Design;
Policy 21 – Protecting Natural Environmental Assets
Policy 22 - Protecting Open Land;
Policy 23 – Open Spaces and Sports.

Saved Oldham UDP Policy D1.5 – Protection of Trees on Development Sites

CONSULTATIONS

Highways Engineer:	No objection subject to conditions in respect of measures to secure safe access to and within the site, which will be subject to planning conditions.
Environmental Health:	Conditions in respect of landfill gas and contaminated land are requested, along with the need for a Construction Management Plan.
Trees Officer	No objections subject to tree protection measures and implementation of replacement tree planting.
G M Archaeological Unit:	No objection as the development should have no impact on below ground archaeological remains.
G M Police	No objections subject to the security measures within the Crime Impact Statement.
Sport England	Objects to the application as it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.
Ramblers	No objections to the overall proposals. Welcome the improvements to the PROW network in the area and would wish to ensure safe use where paths also accommodate vehicles, and to prevent unauthorised use by motorised bikes.
Tameside Council	No comments received
National Air Traffic Services	No objections as the proposal does not conflict with safeguarding criteria.
Environment Agency	No specific comments, but draw attention to the Agency's guidance on water risk management and flood risk standing advice
GM Ecology Unit	Recommend that the Biodiversity Net Gain Matrix is completed, and conditions are imposed requiring updated ecological assessment for specific areas prior to development.
United Utilities	No objections in principle subject to conditions requiring submission of a sustainable drainage system and measures to protect existing drainage infrastructure before work commences in each development phase.

REPRESENTATIONS

7 objections from local councillors

The application has been publicised by means of neighbour notification letters, site notice and press notice.

In response, seven objections have been received, all relating to the provision of a new car park on Nether Hey Street.

- It would take away a well-used open space,
- result in more traffic problems in a congested area with on-street parking issues,
- cause increased noise, anti-social behaviour, pollution, and litter,
- adverse impact on wildlife
- the site is remote from main development.

The objections are supported by Councillors Mushtaq, Chauhan, and Harrison.

Concerns have also been expressed from an adjacent landowner in relation to the creation of the new swimming pond and the impact on existing/adjacent waterbodies.

3 letters of support have been received drawing attention to the benefits to physical and mental health, improved recreational facilities, educational opportunities to address local skills shortages, and the proposal's green credentials.

PLANNING CONSIDERATIONS

Principle of the development

The proposed development comprises a variety of development projects which form part of a wider vision to create an eco-park and urban farm in one of the country's most dense urban environments, which suffers from high levels of deprivation. It is intended to deliver much needed, maintained greenspace for residents to access leisure, learning and recreation facilities.

With minor exception the site is located within an area allocated as Green Belt. Consequently, it is necessary to assess the degree to which the development conforms with the aim and purposes of the Green Belt and the definitions of 'appropriate development' as set out in NPPF. Where there is deviation from this aim and purposes, development would be required to demonstrate that very special circumstances outweigh any identified harm.

Subject to specific locational factors, the various elements of the development would be appropriate within an urban context. However, location within allocated Green Belt requires further assessment.

The proposal requires an extensive area of greenspace to enable the vision of an urban farm and eco-park to be achieved. In order to satisfy the objective of demonstrating its eco-credentials and becoming sustainable, it is not possible to locate the forestry depot, visitor centre, learning centre, solar array, events building and meeting pods, and amphitheatre elsewhere outside the Green Belt, nor separate out certain elements of the project as this will not achieve the same agglomeration benefits and will prevent the site achieving its full sustainability credentials.

Green Belt Assessment

NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, noting that the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

NPPF Paragraph 149 states that a local planning authority should regard the construction of new buildings or other development as inappropriate in the Green Belt. Exceptions include:

- buildings for agriculture and forestry;
- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- engineering operations or material changes in the use of land (such as changes of use for outdoor sport or recreation) which preserve its openness and do not conflict with the purposes of including land within it.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Whilst the impact of each can be assessed on its own merits and having regard to the degree of conflict with Green Belt aims and purposes, it is also necessary to consider each element of the proposals as forming part of a unified whole.

In order to assess the impact on the Green Belt a 'Green Belt Assessment' and 'Green Belt Very Special Circumstances Case Report' have been submitted with the application. These documents consider the individual aspects of the scheme of the overall development objectives and benefits.

The Northern Roots site occupies a wedge of land slightly less than 0.5km in width located between established urban areas to the south-west and north-east. As such the site serves important Green Belt purposes "to check the unrestricted sprawl of large built-up areas" and "to assist in safeguarding the countryside from encroachment" (NPPF paragraph 138).

Within the descriptions of "appropriate development" (NPPF paragraphs 149 and 150) the various developments can be considered as follows:

The proposed visitor centre and learning centre can be regarded, at least in part, as promoting and supporting the provision of appropriate facilities in connection with the existing use of land or a change of use for outdoor sport or outdoor recreation.

The parcels of land on which these facilities are proposed are presently devoid of built development. Consequently, these proposals would not preserve the openness of the Green Belt and result in conflict with the Green Belt purposes.

The impacts of the individual proposals are set out below.

Visitor centre, events space, and associated facilities

Although the Visitor Centre will be more visually prominent than the other buildings, it has been sensitively designed to blend with the surrounding natural environment and would be nestled into the woodland edge, with the woodland forming a backdrop. To the west of the Visitor Centre is an existing strip of woodland between this area and the football pitches. The buildings would therefore be well screened when viewed on entry to Northern Roots from the west.

The building roofs will be sedum on the single storey element to increase biodiversity, with a standing seam twisted roof over the café and butterfly roof canopy with elements of colourful dichroic glass which responds to changes in light.

The overall building form has also been driven by sustainable principles with uses positioned to maximise solar gains and create solar shading in certain areas and this is encircled by a rammed earth wall which moderates the temperature soaking up heat during the day and releasing it at night.

The events building and meeting room pods will be located close to the Visitor Centre in clearings or areas of poor tree quality within the woodland. The design of the buildings will enable them to blend with their natural environment being rustically clad in timber shingles.

Learning centre

The Learning Centre is located to the south of the site and consists of five single storey buildings grouped closely together surrounding a communal outdoor teaching space.

The buildings are all single storey raised slightly on stilts to minimise the impact on the ground and tree roots and to sit sensitively within the woodland setting being designed to be reminiscent of treehouse structures. They will be clad in timber shingles and shakes to give an organic feel and the majority of the buildings will have flat sedum roofs to minimise the scale and increase biodiversity.

The buildings comprising the Learning Centre have similarly been designed to maximise sustainability with the orientation and openings to maximise on solar gains and views out to the woodland, while the sculptural oversailing classroom roof provides solar shading. This will create a non-typical education space that feels organic and connects with the natural world surrounding it.

The existing woodland in this location enables the buildings to be well screened and nestled within the landscape. However, since in part the overall scale and elevation of the buildings relate closely to adjacent footpaths and public views, this will have a notable impact on Green Belt openness. The development has nevertheless been designed to be readily accommodated into its woodland backdrop and incorporate natural themes. It would consequently be suited to its setting.

In this regard, permission should only be granted where 'very special circumstances' can be demonstrated.

Forestry Depot

This facility is screened by new planting and will be a natural coloured Forticrete block and standing seam roof and designed to allow it to blend with the natural environment.

Whilst the forestry depot facilities assist in securing the creation and maintenance of a landscape integral to the objectives of Northern Roots, it could not be regarded as constituting appropriate facilities within the Green Belt in this context. Furthermore, there are inevitable impacts on openness and Green Belt purposes.

In this regard, permission should also only be granted where 'very special circumstances' can be demonstrated.

Solar array

The solar array is an integral part of the overall scheme and will directly power the Northern Roots project with any excess sold off and used to fund the running of the project. Consequently, it will ensure a local benefit.

As a result of the existing mature woodland on three sides of the solar array area, effective screening is naturally provided which restricts visibility of the area from a wider perspective. Views would be visibly restricted and contained within the much wider expanse of natural habitat and would not alter the distinctiveness or essential character of the area. The current landscape elements that contribute to landscape character such as hedgerows or trees within the area will be retained.

The modules will be low lying. Each row will be elevated above the ground rising at the top edge to a maximum height of 3.1m with an inclination/angle between 20 and 30 degrees.

Solar arrays are not included in the examples of appropriate development set out in the NPPF. It would inevitably result in some loss of openness to the Green Belt. It would therefore conflict with the Green Belt aim of keeping land permanently open and the purposes of checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment.

NPPF Paragraph 151 does, however, qualify this by stating that very special circumstances may include "the wider environmental benefits associated with increased production of energy from renewable sources".

The proposal would make a valuable contribution to cutting greenhouse gas emissions, which along with the functional integration to the wider development are positive benefits. Nevertheless, such benefits must be weighed alongside the identified impacts on the Green Belt.

Community growing hub, relocation of football pitch provision and outdoor swimming pond.

As uses of land, the growing hub, football pitches and outdoor swimming pond would comprise appropriate uses of land in the Green Belt.

However, it is necessary to demonstrate that they preserve the Green Belt's openness and do not conflict with the purposes of including land within it. In particular, this will apply to any ancillary buildings or structures necessary to facilitate the uses for which separate planning permissions would be required.

Associated engineering operations

These works include the provision of new car parks, the enhancement of existing vehicular and footpath/cycle infrastructure within the site, including necessary drainage infrastructure.

It is considered that the nature of these works would not harm the Green Belt's openness or conflict with the purposes of including land within it.

Assessment of impacts on openness

As noted above, elements of the proposed built development could be deemed to provide appropriate facilities which would contribute towards the provision of outdoor sport and recreation, albeit in the context of the need to preserve the openness and not conflict with the purposes of the Green Belt. Similarly, the 'appropriateness' of material changes of use of land and engineering operations is subject to the same proviso (NPPF paragraphs 149-150).

The Supreme Court case of R (on the application of Samuel Smith Old Brewery) v North Yorkshire County Council [2020] confirmed that the assessment of openness is not limited to spatial considerations and that it was open to the planning judgement of the decision taker to determine whether the visual aspect of openness is relevant in any given case.

In this instance, having regard to the existing character of the site and the potential impact of the various elements of the proposed development, it is considered that visual impact would be a relevant consideration.

This has been assessed in the applicant's supporting submissions.

The site is visually well contained due to a combination of tree cover, surrounding development and landform. Substantial tree belts along the site's eastern and western boundaries provide significant screening to adjacent housing areas. This visual screening function remains present even in winter, when trees are not in leaf, due to the density of the tree cover and associated understorey.

There are more open views into the site from the north across the upper football fields. The distinctive rolling hills/landscape are visible to the south, although this will become more screened as trees come into leaf. New planting is proposed to help embed the proposals into the landscape.

Much of the internal areas of the site are visible from the extensive/well used footpaths and tracks that cross the green spaces. These are often enclosed in nature due to the containment from the woodland with only occasional longer views across the open field areas.

As a result, views into the site from most directions will remain relatively unchanged as a result of the proposal and existing longline views into the surrounding open countryside will be retained. The greatest visual change will be from the public right of way known as the Tip Road, which runs to the west of the site.

It is recognised that the existing site has a strong sense of openness and there are presently no existing buildings or structures. The proposal will include four groups of buildings and two structures with a combined footprint of 12,373m² set within a site area consisting of 270,000m², representing 4.5% of the overall site area.

The layout of the site respects the existing rural landscape and topography enabling open views across the site which reflect the current sight lines. The areas surrounding the proposed buildings and structures will remain largely undeveloped, naturally maintaining the character of the open countryside.

The buildings have been designed to blend with the natural environment and use a palette of environmentally friendly materials driven by sustainable and environmental principles.

The site layout has therefore been designed to take advantage of the existing woodland around the site enabling the proposed buildings and structures to be located in areas which are naturally enclosed and screened by existing woodland.

Having regard to the chosen location, the visitor centre, events space, learning centre and associated facilities serve a purpose integral to the objectives of Northern Roots in assisting with the promotion of outdoor sport and recreation. However, the range of facilities provided would not in totality be regarded as constituting appropriate facilities within the Green Belt in this context. Furthermore, there are inevitable impacts on openness and Green Belt purposes.

In this regard, permission should only be granted where 'very special circumstances' can be demonstrated.

Very Special Circumstances

Locational Requirements

The proposal requires an extensive area of greenspace to enable the vision of an urban farm and eco-park to be achieved. All of the elements within Northern Roots have been carefully considered and are inextricably linked.

As a result, it is not possible to locate the forestry depot, visitor centre, learning centre, solar array, events building and meeting pods, and amphitheatre elsewhere or separate out certain elements of the project as this will not achieve the same agglomeration benefits and will prevent the site achieving its full sustainability credentials.

The solar array will be seeking to directly power the buildings on site with any excess sold off and used to fund the running of the project.

Northern Roots will occupy a significantly underutilised asset located adjacent to the inner-urban area which contains a concentrated area of acute and sustained inner-urban multiple deprivation. The legacy of Oldham's industrial past has left little room for green space for leisure and recreational uses. This will enable the project to benefit those in greatest need.

The inner-urban location also means the site is a highly accessible and sustainable location with good existing public transport links. In addition, the site links in with the existing 'Fruit Route' created by the Council which builds on the objectives of encouraging healthy eating and engagement with nature.

The integration of the project with the nearby Alexandra Park is a key objective of Northern Roots. The eco-depot which is currently under construction in Alexandra Park will become a new Environmental Centre of Excellence and will act as an anchor development for the project (Ref: PA/344412/20). In addition, planning permission for a Growing Hub was granted in December 2020 (Ref: PA/345179/20) and this forms a key part of the Northern Roots vision in helping the local community to learn to grow and improve their mental and physical health.

Due to these locational requirements, there are no alternative non-Green Belt sites which could accommodate the proposal as this specific location is vital to deliver the Northern Roots vision and strategic objectives.

The benefits of the Northern Roots project are extensive, with the vision to be the UK's largest urban farm and eco-park delivering much-needed greenspace for residents and visitors to access leisure, learning and recreational facilities as well as representing a visitor attraction with regional and national significance.

Social Benefits

NPPF Paragraph 92 directs planning policies and decisions towards achieving healthy, inclusive and safe places, promoting social interaction, safe and accessible environments, and enabling and supporting healthy lifestyles.

The proposed seek to improve access to the countryside

The site, stretching from Alexandra Park, along the River Medlock and down to Daisy Nook Country Park, is used by people dog walking, horse riding, biking and nature watching, but underinvestment in the site over many years means it is not sign-posted and paths and trails are often overgrown and not fit for purpose.

As such, the site is used by those who know it well but can be unwelcoming and feel unsafe to those who do not. Furthermore, the site is currently subject to fly tipping, illegal off-road motorbiking and antisocial behaviour, discouraging residents and visitors from using it.

Northern Roots will utilise this underused and underperforming asset and turn it into a welcoming and attractive place for local residents and visitors. The existing footpath network will be enhanced and improved encouraging people to access and explore the countryside. In addition, the various uses within the site have been located across the site to encourage nodes of activity throughout the site.

In terms of social benefits, the proposal aims to improve both physical and mental health and wellbeing, reduce social isolation, and improve community cohesion by bringing people together and providing improved opportunities for walking and cycling, and sports and recreational activities.

The positive impacts of childhood team sport activities are highest in urban areas where opportunities are typically limited. The proposals include improved facilities for team sports which allow participants to not only stay active but can help develop key cognitive skills in childhood, providing opportunities which are typically limited. On a larger scale through the improved sporting and leisure infrastructure available; improved football facilities, a swimming pond and the associated Bike Hub, routes for walking, running and cycling can all provide opportunities to meet new people, improving overall community cohesion for young people.

The market garden and community growing area provides a space for people to learn and develop horticultural skills which will deliver a wide range of health benefits. Not everyone has access to an allotment or a garden, or the knowledge to grow and care for plants. Northern Roots will provide a safe space for people to learn and develop through hands on teaching and demonstrations, providing both physical and mental health and wellbeing benefits, allowing for its own community to be created with a shared interest and sense of purpose focused on community growing, enabling people to create new social networks, reducing social isolation and encouraging greater social cohesion.

Nationally, poor diet is one of the main factors driving poor health, such as cancer, heart disease and diabetes. The importance of allotments as a source of healthy local food is recognised. There will be an opportunity to increase the quantity of fresh produce available to the local community through community growing sites, beehives and orchards, and more residents can receive the health benefits of fresh produce.

The fresh produce from the market garden area will be directly sold in the Visitor Centre shop and used in the café enabling the proposal to contribute towards improved nutrition and diet outcomes building on the benefits of local fresh produce through the community growing project at the Alexandra Park Depot.

Northern Roots includes significant levels of cycling and walking infrastructure, including pathways throughout the site to encourage activity and a bike hub with a pump track. The improved facilities for cycling and walking are central to the vision for Northern Roots. The number of people who will participate in additional walking and cycling is anticipated to be approximately 100,000 per year by year five.

The proposals will result in educational benefits directly with a Learning Centre, courses, schools' programme, forest school and workspaces creating a dedicated space that is accessible for all young people to meet and discover more about the environment. There are also opportunities to become involved in growing and learning about food from the community garden on site.

Northern Roots will work with local health and care providers to connect people in these communities, working with Oldham's social prescribing network to support access to increased physical activity, healthy food and activities. In addition, it will work with schools, colleges and universities to deliver courses, qualifications apprenticeships and jobs, providing economic opportunities in communities where this is much needed.

Overall, the proposals therefore accord with national and local policy which seeks to address the needs of the local community, enhance health and wellbeing, and promote social cohesion.

Economic Benefits

In terms of economic benefits, the project will create, and showcase, a wide range of green skills, jobs and technologies in an area of acute and sustained economic deprivation, in a sector which will rise in prominence over the coming years.

The site is anticipated to support 80 jobs in the various businesses and operational roles across to the site.

It is anticipated that there will be 150 volunteering placements per year in a range of activities, and approximately 28 traineeships and apprenticeships per annum once the site is fully operational in sectors ranging from horticulture and arboriculture to construction, green technologies, visitor services and marketing.

Furthermore, the wider regeneration benefits of the project include improving the external perception of Oldham as a place to live, work and visit which will attract further investment and kickstart development in the town centre.

Overall, the proposals therefore accord with national and local policy which seeks to achieve sustainable development by supporting skills development, education and innovation and improved productivity.

Environmental Benefits

The proposed landscaping, habitat creation and improvement, and woodland planting and management will encourage new flora, fauna and biodiversity. Approximately 268 new trees and 1.1 hectares of woodland cover will be planted which will enhance nature and contribute towards carbon reduction. Proposals for sustainable drainage solutions will improve poor drainage, reduce surface flooding and improve water quality across the site, whilst enhancing biodiversity. Growing fresh produce in the market garden which will be used in the Visitor Centre will reduce the environmental impact of food transport miles.

The proposed solar array will directly power the Northern Roots project with any excess sold off and used to fund the running of the project. The proposed solar array has an installed capacity of circa 440kW. The predicted annual power generation approximates up to 342 Megawatt Hours (MWh). The electricity output would result in annual offsetting of carbon dioxide emissions associated with fossil fuels equating to approximately 79,733 kilogrammes annually.

The use of sustainable drainage systems to reduce the impact of development on the natural water environment has become increasingly common over the past decade, in response to government guidance. The Northern Roots site has low water quality in certain areas, with pollution in the water and limited water storage capability. These issues will be addressed through various water management strategies, many of which use natural elements including ponds and wetlands, shallow swales, rain gardens, filter drains and bio-retention systems. The whole system can be used as an educational tool telling the “story of water” through educational programmes and direct observation of water’s value for farming, irrigation of sports areas, biodiversity and other uses.

Overall, the proposals therefore accord with national and local policy which seeks to conserve and enhance the natural environment and meet the challenges of climate change.

Conclusion

The proposals must be assessed in their totality given the evident benefits which would accrue from the achievement of the Northern Roots’ objectives. In that context, various elements of the scheme would result in development which would be ‘inappropriate development’ as defined in NPPF and therefore require demonstration of ‘very special circumstances’ to overcome the resultant harm to Green Belt policy.

As set out above, there are identified benefits in the direct and observable sport and recreational facilities which would be created. In addition, in the longer term the Northern Roots proposals have the potential to generate momentum for the revitalisation of the town and to secure engagement and resultant positive outcomes for the local communities which are presenting unable to engage in and benefit from the natural environment in the area.

Collectively, these numerous and significant benefits represent the ‘very special circumstances’ and are shown to outweigh the identified harm to the Green Belt.

Impact on existing playing pitches

The proposals will result in the creation of 4 improved playing pitches, albeit with the loss of areas which have been previously used for such purposes.

It is proposed that two pitches will be retained as existing, whilst two new pitches would be provided to the northeast, adjacent to Glodwick Cricket Club.

Within the Council’s Playing Pitch Strategy (2015), the land named “Hope Playing Fields” is listed as lapsed, noting that it was overgrown and had not been used for recreation since approximately 2010.

The applicant considers that the site will benefit from replacing poor quality playing pitches (two are considered lapsed) with four improved playing pitches. Within the public engagement process, local teams and general public indicated a desire to use the pitches more but due to the quality of the current provision, the pitches were unattractive in their current state. Teams

have been put off by the poor-quality amenities in the past, which have often led to games having to be cancelled in poor weather.

This location of the replacement pitches will also benefit from additional parking to be provided off Nether Hey Street which will be closer to this area.

The site of the re-located pitches was originally an all-weather pitch created for St Albans school which was demolished in the late 1980s and the site has not been used for sport since. The current condition is very poor and in need of considerable repair. There is currently no recreational or sport value and therefore the proposal will be an improvement to the space.

The relocation of existing pitches will allow the market garden, commercial growing and allotments to be developed in a location which has been chosen due to the suitable ground conditions for growing food and the proximity to Oldham Town Centre. Allotments are considered as a recreational use with an abundance of benefits to mental and physical health.

When considered collectively, the two relocated pitches in addition to the market garden, commercial growing and allotments are considered to be at least equivalent to terms of usefulness, attractiveness, quality and accessibility.

When the proposals are considered as a whole, the improvements will bring about a wide range of social, economic and environmental benefits that would outweigh any harm from the loss of the presently unused pitch spaces.

In this context, the applicant considers that the proposed scheme is in accordance with Local Plan Policy 23 and NPPF Paragraph 99, and the re-provision of playing fields and the development of the wider proposals, specifically the market garden, commercial growing and allotments should be considered acceptable in this location.

Sport England comments

Sport England considers that the trigger for consultation in a statutory rather than in an advisory capacity is where the whole of a development (within the red line boundary of a planning application) includes a playing field that falls within the definition in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).

Sport England notes that its statutory remit is not merely to protect pitches that are currently or historically marked out, but the whole of a playing field including any areas that have never been marked out but have the potential to do so.

This is because playing field land is becoming an increasingly scarce resource that is needed to respond to changes in demand for different pitch types and sizes over time. Any unmarked areas can be used to accommodate more pitches.

Sport England considers that Snipe Clough Playing Fields falls within the statutory definition of a playing field as it is currently in use which triggers the requirement to consult. Any unused pitches or playing fields that lie within the red line boundary are not treated separately as Sport England's comments relate to everything that falls within the red line boundary.

It considers that the lawful use of a playing field, even if unused, is still that of a playing field until such time as its use is changed or it is developed. Neither the DMPO, NPPF or Sport England Policy make any distinction between used or unused playing field nor is there a positive obligation (under planning law) for any playing field to be actively used as such. It should be noted that a playing field does not have to be available for, or in community use to fall within the definition of playing field.

In this context, Sport England objects to the proposal as it considers the mitigation for the loss of approximately 4.3ha of playing field falls short of what is required to meet Sport England's Playing Fields Policy and paragraph 99 of the NPPF.

In submitting an objection, Sport England states that it does not object to the principle of the development as a whole only those elements that affect the playing fields. It acknowledges that the proposal as a whole satisfies many of the 'Big Issues' set out in Sport England's 'Uniting the Movement' Strategy. However, Sport England's statutory remit to protect playing fields falls within that same Strategy and it considers that the wider health and physical activity benefits of the proposal need to be considered alongside Sport England's statutory remit, the one cannot off-set the other.

The proposal is required to meet either Sport England Playing Fields Policy Exception E1 (surplus to requirement) or E4 (replacement).

With respect to E1 (paragraph 99(a) of the NPPF), the Council's Playing Pitch Strategy (2015) sets out whether there is an excess or deficiencies of pitch provision in the analysis area. The Strategy is considered out of date (no updates to the baseline data have been undertaken for three years or more).and no longer robust as there have been changes in demand and supply since 2015.

As there is no evidence submitted of an excess of provision within the sports catchment area then no part of any of the playing fields affected can be deemed surplus to requirement, and Exception E4 (paragraph 99(b) of the NPPF) must be applied. Sport England notes that surplus to requirement in this policy context does not refer to surplus to the current owner/users requirement but to meet a local community sport need across a wide range of pitch sport types now and in the future.

With respect to Exception E4, each of the sites affected are either in use as playing field now or are disused playing fields. To meet the Exception, an equivalent or greater quantity (playing field area) and equivalent or better quality (pitches and ancillary facilities) need to be provided. Simply marking out a pitch, even if improved, on an existing or disused site constitutes qualitative improvements only and does not meet the policy requirements because it does not result in the genuine creation of replacement playing field land.

The existing playing field area of Snipe Clough playing field is approximately 3.42ha, with two pitches currently marked out although historically it has had up to four pitches marked out. The proposal would see the southern part of the playing field lost to the market garden representing a loss of playing field land equating to approximately 1.8ha. The mitigation proposes to create two pitches on the former St Albans School playing field. The relocation site was the playing field of the former school and contained a redgra pitch, MUGA and area of natural turf playing field

During pre-application discussions, Sport England advised that if a Feasibility Study is undertaken on the relocation site that shows significant works are required to bring the land back into use e.g. cut and fill, levelling etc then there may be a case to be made that this constitutes a genuine creation of new playing field. No such Feasibility Study has been submitted.

The creation of pitches without support from ancillary facilities is often unsustainable so it is likely changing rooms/toilets will be required in addition to the proposed car parking. Consultation with the Football Foundation and Manchester FA is required to understand what pitch type and size, and if any ancillary provision, is needed. Even if the Feasibility Report

demonstrates this area creates new playing field that would only partially mitigate the total loss of playing field across the whole proposal.

The Lees Recreation Ground (also known as Hope Playing Fields) is a currently unused playing field of approximately 2.5ha that historically accommodated up to three pitches and would be lost in its entirety to the market garden and solar array.

As stated previously, Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Such land can retain the potential to provide playing pitches to meet current or future needs.

No evidence has been submitted that the playing field is surplus to requirements to meet local community sport needs, and therefore the playing field is required to be replaced in accordance with Sport England Playing Fields Policy E4.

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

Sport England advises that the applicant has needs to satisfy one or more of four options in order to resolve the objection:

1. Relocate the proposed new sports facilities (Bike Hub, Swimming Pond) to the playing field to be lost. Subject to consultation with British Cycling and Swim England, this might provide sufficient benefits to sport to outweigh the loss of playing field to meet Exception E5;
2. Provide the outstanding loss of 4.3ha of playing field off-site in consultation with the Council and National Governing Bodies of Sport;
3. Submit a Feasibility Study for the relocation site at St Albans School playing field that demonstrates a genuine creation of new playing field which would mean mitigation for the loss of a smaller amount of 2.8ha will be required; or
4. Wait for a revised Playing Pitch Strategy to be developed to help inform whether the unused playing field is surplus to meet a local community sport need.

Finally, it is noted that should the Planning Committee be minded to grant planning permission for the proposal contrary to Sport England's objection, then in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.

Assessment of impact on sports provision

It is acknowledged that the requirements of Sport England cannot be fully satisfied on the basis of the present proposals, and that the overall loss of area with potential for active playing pitches will be reduced. The proposals envisage an improvement in the quality of the 4 pitches which will be provided, alongside other sports and recreation facilities as part of the overall Northern Roots package. Sport England suggest that those concerns could be lessened if the alternative sports provision was on the former playing pitch sites, thereby retaining their active sporting use.

The swimming pond location is site specific, based on topography and an existing waterbody and would be impractical to move to the former pitches.

Moving the bike hub (as approved under application FUL/348472/22) would not result in any additional gain as its provision is anticipated to be achieved nearby.

Sport England considers that the loss of the unused playing pitches is a significant negative consideration, whilst the applicant suggests that the use of the pitches has lapsed. In either scenario, the primary objective must be to achieve overall sport and recreational benefit from the proposals.

In this context, ensuring the new provision is available before the former playing pitches are redeveloped would achieve that objective, whilst also ensuring the proposed recreational and health benefits of the growing hub can come to fruition in a location which has been identified as highly suitable for such a use.

Therefore, it is recommended that a condition is imposed that the areas of former playing pitches are not developed until the replacement pitches are provided and brought into use.

NPPF Paragraph 99 states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

Whilst it is acknowledged that the Playing Pitch Strategy dates from 2015, it is considered that the proposal would be in accordance with the requirements of sub-paragraphs b) and c).

It also achieves the aim in paragraph 98 that *“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change”*.

Local Plan Policy 23 requires that sites currently or most recently used as open space or for sport or recreation should not be lost unless it can be demonstrated that the development brings substantial benefits to the community that would outweigh the harm resulting from the loss of open space. This can include:

g. a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where appropriate quantity, to existing and future users is provided by the developer on another site prior to the development commencing; or

h. if replacement on another site is neither practicable nor desirable, an agreed contribution is made by the developer to the council for new provision or the improvement of existing open space or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site, or within the site.

In either instance, where this involves the loss of playing fields, the development should be approved by Sport England.

The proposals will result in a reduction in the playing pitch area available for sports. However, this must be weighed in the balance of the wide-ranging public benefits which would accrue from the Northern Roots development. As with the NPPF, the exceptions do not specifically distinguish between sports use and recreational use. In that context, neither suggests that benefits in one sport recreational sphere cannot be weighed against the loss in another.

Following publication of the previous Committee agenda, the applicant submitted a further representation raising concerns at the implications for the project of the proposed wording of Condition 13, in particular the requirement for replacement playing fields to come forward in advance of any development on the existing playing fields.

Whilst the applicant has no objections to the condition in relation to the Snipe Clough pitches, it is considered that the condition as previously worded would prevent early delivery of the development on Phases A and B from coming forward. This includes the 'upper' market garden (Phase A) which can commence almost immediately after consent and is something that will bring a key benefit to the local community, and the solar array (Phase B) for which initial funding has been raised and there is a route in place to gather further capital for the project.

Consequently, the applicant suggests the condition as previously worded would undermine the ability to bring forward the project, the public benefits of which are accepted as outweighing any conflict with planning policy.

The overall benefits of the development are recognised, and in view of the potential adverse impact of the condition on the potential deliverability of the scheme, it is recommended that the conditions are amended as set out at the end of this report (Conditions 13 and 14).

Consequently, it is recognised that this would not overcome Sport England's objection, nor remove the need to refer the application to the Secretary of State. However, it is not considered that, in light of the viability considerations and resultant gain in sport and recreational facilities overall, Sport England's position would justify rejection of the application.

Loss of Open Space (car park proposals)

Although not defined as a playing field, the proposed new car park at Nether Hey Street will also lead to the partial loss of an area of public open space. However, the considerations above would similarly apply.

Therefore, the loss of part of this space must be weighed against the substantial benefits from the creation of replacement playing fields in the vicinity. Furthermore, a significant area of the existing open space will be retained, along with the footpath route which passes through it.

In addition, mitigation has been put in place for any loss of trees or open space to allow the proposal to be built which includes additional tree and shrub planting to enhance the biodiversity of the area and improved playing fields nearby.

Highways Impacts

The Highway Engineer has assessed the suitability of the existing highway layout and has some concerns with conflict arising between different sets of drivers, pedestrians and cyclists.

A Transport Assessment has been submitted which looks at existing highway conditions and the likely effect that the proposed development will have on the local highway network.

The Transport Assessment as submitted shows that the site can be accessed by sustainable modes of transport with good links to public transport. The nearest bus stops to the site are located on Honeywell Lane / Keswick Avenue, Abbey Hills Road and Furness Avenue. An additional regular service is available at stops on Ashton Road at a slightly greater distance. The site is located 1.5 km from Oldham Town Centre. It is well served by public transport. Oldham King Street tram station is 1.5 km away from the site, which connects the site to the wider area of Greater Manchester.

The site currently accommodates people arriving by car at an existing car park at the northern end of the site.

There are also opportunities for walking and cycling in the immediate area with links to local pedestrian and cycle infrastructure. Both will be enhanced as part of the development.

There are a number of definitive public rights of way that pass through the site. Some of these will be enhanced as part of the development, which will improve pedestrian routes through the site.

The proposed development will be located with links to existing or proposed cycle infrastructure in the area. A link to the existing cycle network on Kings Road should be incorporated into the highway improvement at Kings Road/ Honeywell Lane.

Individual Travel Plans will be required (by condition) as each element of the development is brought into use so that more sustainable modes of travel to those parts of the development are promoted and encouraged for all future users.

The Transport Assessment looked at the impact of the development on the local highway network of people choosing to drive to the site.

Additional vehicular movements at each of the nearby major junctions – Kings Road/Park Road/Woodstock Street, King Street Roundabout/A62 Oldham Way and Honeywell Lane/A627 Ashton Road/Hollins Road were looked at. At all but one of those junctions, the additional movements during the morning, inter and evening peak periods were shown to be less than 30 vehicles per hour.

The total impact at the Kings Road/ Park Road Woodstock Street junction was shown to exceed 30 vehicle movements per hour during the evening peak on a weekend day when traffic flows are usually lower.

The Transport Assessment has demonstrated that there will not be a severe impact on the local highway network in terms of traffic generation.

Primary access to the proposed development will be taken from Kings Road near to Honeywell Lane. The existing access will require amendment so that it is suitable for use by the volume and type of traffic that will be attracted to the site. This will include a narrowing of the very wide carriageway and provision of pedestrian and cycle facilities.

The Highway Engineer has serious concerns about the use of the short length of highway outside the nearby residential properties on Honeywell Lane. If there is an increase in the use of this it will result in additional manoeuvres to and from it at its junction with Kings Road, conflict between two-way traffic along it due to its narrowness, and conflict between users at its junction with the access to the proposed development.

There are a number of options available which would successfully resolve the issue; however, they are all subject to further consultation with others, including the local residents. Mitigation measures will be carried out by way of condition.

A car park will be provided for the relocated sports pitches off Nether Hey Street. This will provide a convenient place close to the facility for players and spectators and will reduce the requirement for any additional on street parking demand on the local highway network close to the pitches.

Ecology and Trees

The application accompanied by an Ecological Assessment

GM Ecology Unit is satisfied that any ecological impact can be alleviated successfully. In addition, a net gain in biodiversity can be achieved as the site offers clear potential for biodiversity net gain in excess of 10% as will be required under the Environment Act.

An assessment of the potential gains using the DEFRA Biodiversity Metric will be required to be completed as a condition of any approval.

Given the potential timescales for implementation of the various developments proposed, it is recommended that updated ecological assessments are undertaken in relation to species including bats, badgers, amphibians, and hedgehog, and for the treatment of invasive plants.

The Council's Trees Officer has assessed the submitted details and has no objection in principle to this proposal.

It is noted that approximately 6 individual trees and 1.1 hectares of tree group or woodland cover are proposed to be removed' in order to implement this proposal as submitted. However, it has been shown that this level of proposed tree loss has/can be kept to a minimum by the considered design and positioning of the buildings, facilities, activities, and infrastructure throughout the site.

This proposed tree loss can be mitigated throughout the site and the wider Northern roots site as there is sufficient available and suitable space, by undertaking compensatory tree planting at the minimum required ratio of three new trees for every one semi or semi mature tree that is agreed can be removed.

Approximately 268 new trees and 0.8 hectares of new woodland planting is detailed or indicated on the Masterplan and Planting Plans. Further new planting commitments would be made to ensure adverse effects on tree cover are mitigated in accordance with Local Policy within the wider Northern Roots land ownership boundary'.

The 3:1 minimum requirements of the replanting policy can and will be exceeded. Further information is required in this area as many of the proposed new trees are only indicated at this time.

It is recommended that an Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree and Hedgerow Planting Scheme are secured by condition

Residential Amenity

Due to the wide range of proposals within the proposed scheme, there is likely to be varying operating hours, specific to each development. Furthermore, much of the area is and will continue to be open 24/7 due to the nature of the site.

G M Police supports the proposals subject to measures set out in the submitted Crime Impact Statement, including detailed design and siting to limit opportunities for break-in, changing facilities for the sports pitches and swimming pool to be secure, car parking to contain perimeter fencing and lighting, CCTV, sign posting and clear pathways.

In general, there are no residential properties in the immediate vicinity of the various proposals within the overall site.

The exception relates to the proposed introduction of the new car parking area at Nether Hey Street. This will occupy part of an existing area of open space, and concerns have been expressed by local residents and elected members that this could increase anti-social behaviour and crime, along with increasing parking and access problems in the area.

To help reduce the potential of anti-social behaviour, security lighting will be proposed, and a security gate will be put in place at the entrance of the car park. This form of traffic control prevents cars from leaving the site after a certain time and will be locked by the site management team. Signs will clearly show that this form of traffic control will be implemented past a certain time, preventing cars from leaving and therefore discouraging cars from entering the space after a certain time, helping prevent anti-social behaviour.

In respect of the loss of open space, this is considered earlier in this report.

Drainage

The DEFRA Flood Risk Maps identify the site as falling within Flood Zone 1, at the lowest risk of flooding. Smaller areas within Flood Zone 2 lie within the overall development site; however, none of these areas are specifically subject to proposed development.

Flood Risk Assessments and Drainage Strategy documents have been submitted in respect of the built development proposals.

United Utilities has raised no objections in principle; but given the scale and range of the proposed developments, detailed assessments of impact on existing infrastructure and proposed drainage are required. Phased conditions are therefore recommended.

The swimming pond forms part of the 'outline' element of the application and therefore full details are not available at this stage. Recommended Condition 8 requires submission of those details prior to work commencing on that aspect of the development.

Energy

In accordance with Local Plan Policy 18 'Energy', each individual development over 1,000 square metres will be required to reduce energy emissions by +15% increase on Part L for domestic and non-domestic buildings.

An energy statement has been provided which demonstrates that the targets can be achieved through energy efficiency and incorporated design measures. In addition, the benefits from the provision of an on-site energy source via the solar array will ensure the required targets can be met.

This matter will be controlled by planning condition.

Ground conditions

The application is accompanied by Phase 1 Geo-environmental Reports.

The Environmental Health team has considered these documents and does not foresee any impediments to the proposed development. Nevertheless, conditions are recommended in relation to the need for subsequent full site investigation and assessment, and for implementation of any identified remedial measures.

CONCLUSION

The proposals represent a significant scheme which is envisaged can act as a large-scale demonstrator of how the natural environment can be harnessed and enhanced to be productive and help in improving local economic and social outcomes. The project aims to contribute towards making Oldham a more attractive and desirable place to live, encouraging people and businesses to visit and potentially locate in the borough.

The benefits are identified as improving a significant but severely under utilised and neglected site on the edge of the urban area that is close to some of the more deprived areas in the borough and will provide opportunity to encourage increased use for recreational and sporting purposes improving health outcomes, including encouraging regular exercise, and alleviating identified poor health indicators amongst the local population.

Conflicts with Green Belt policy have been assessed, and it is acknowledged that Visitor Centre, events building/ meeting pods, Learning Centre, forestry depot, and ground mounted solar PV would all constitute 'inappropriate development' in the Green Belt.

Very Special Circumstances are required to be demonstrated to outweigh the resultant harm as required in paragraphs 147 and 148 of the NPPF and Local Plan Policy 22.

In this context, the overall social, economic, and environmental benefits which would accrue from the scheme in its totality are deemed sufficient justification to outweigh any identified harm. The benefits relate directly to the productive enhancement of an undervalued space in the urban area with proximity to areas of deprivation.

RECOMMENDED CONDITIONS

1. Development comprising any part of the FULL application 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. For the approved developments comprising the OUTLINE application, submission for approval of the reserved matters of 1) Appearance, 2) Landscaping 3) Layout and 4) Scale shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Development comprising any part of the OUTLINE application, shall be begun either before the expiration of three years from the date of this permission or two years from the date of approval of the last of the reserved matters.

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

3. The development hereby approved shall be fully implemented in accordance with the Approved 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.

4. No development comprising the erection of the external walls or roof of any individual building hereby approved shall take place until samples of the materials to be used in the construction of the external surfaces of that building 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 associated with any Phase as indicated on plan ref : 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall be brought into operation until the car parking spaces and associated vehicular and footpath access as indicated on the approved plan has been provided in accordance 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 accesses and parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

REASON - To ensure adequate off-street parking 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

6. No development associated with any Phase as indicated on plan ref : 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall be commenced until a scheme in the form of a Construction Environmental Management Plan (CEMP), including details of construction vehicle access routes, has been 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.

7. No development associated with any Phase as indicated on plan ref : 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall be commenced until details of facilities for the storage and removal of refuse and waste materials have been provided in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter.

REASON - To protect the amenity of the area having regard to Policy 9 of the Oldham Local Plan.

8. No development associated with any Phase as indicated on plan ref : 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority.

Details of a sustainable surface water drainage scheme and a foul water drainage scheme. The drainage scheme shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporation of mitigation measures to manage the risk of sewer surcharge where applicable; and,
- (v) Foul and surface water drained on separate systems.

Prior to the commencement of the use of the proposed development within that Phase, the drainage scheme shall be completed in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 19 of the Oldham Local Plan.

9. No development associated with any Phase as indicated on plan ref : 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

Details of the means of ensuring the water mains and public sewers that are laid within the site boundary are protected from damage as a result of the development. The details shall include a survey that identifies the exact location of the water mains and public sewers, the potential impacts on the water mains and public sewers from construction activities (including the construction compound), the impacts post completion of the development on the sewer infrastructure that crosses the site and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the sewers both during construction and post completion of the development. The details shall include a pre and post construction condition survey of water mains and public sewers within the red line boundary.

Any mitigation measures shall be implemented in full in accordance with the approved details and timetable for implementation and shall be retained thereafter for the lifetime of the development.

REASON - To protect drainage infrastructure, to secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 19 of the Oldham Local Plan.

10. No development associated with any Phase as indicated on plan ref : 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall be brought into use until a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority.

The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and,
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved scheme.

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 19 of the Oldham Local Plan.

11. 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.

12. Prior to the commencement of the construction of any building within each Phase, as indicated on plan ref: 2642-PLA-XX-XX-DR-L-0016 Rev P01, details for demonstrating that each building will achieve a 15% reduction in carbon emissions against Part L of the Building Regulations 2013 shall first be submitted to and approved in writing by the Local Planning Authority. No individual building shall be first occupied until the approved measures have been fully implemented for that building.

REASON - In order to secure a sustainable form of development having regard to Policies 1 and 18 of the Oldham Local Plan.

13. No development comprising the alternative re-use of the Snipe Clough playing fields (Phase E as indicated on plan ref: 2642-PLA-XXXX-DR-L-0016 Rev P01) shall commence until the improved and replacement playing pitches hereby proposed have been constructed and are brought into use.

REASON - To ensure that the development leads to the enhancement of sport and recreation facilities having regard to Policy 23 of the Oldham Local Plan and paragraphs 98-99 of the NPPF.

14. No development comprising the alternative re-use of the Lees Recreation Ground/Hope Playing Fields (Phases A and B as indicated on plan ref: 2642-PLA-XX-XX-DR-L-0016 Rev P01) shall commence until a detailed specification for, and proposal for delivery of, the improved and replacement playing pitches hereby proposed has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved specification and timeframe.

REASON – To ensure that the development leads to the enhancement of sport and recreation facilities having regard to Policy 23 of the Oldham Local Plan and paragraphs 98-99 of the NPPF.

15. No development associated with any Phase as indicated on plan ref: 2642-PLA-XX-XX-DR-L-0016 Rev P01, shall be commenced, other than site clearance, until a site investigation and assessment into landfill gas risk and ground contamination, including any historic gas mining legacy features, has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. In order to fully discharge the condition, the written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and to confirm that the site has been made safe and stable for the development.

REASON - In order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

16. No development associated with any Phase as indicated on plan ref: 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall be commenced, until a scheme and timetable showing how that Phase helps contribute towards the achievement of Biodiversity Net Gain, has been submitted to and approved in writing by the Local Planning Authority. The development shall be fully implemented in accordance with the approved details and timescale.

REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and paragraph 174 of the NPPF.

17. No development associated any Phase as indicated on plan ref: 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall take place until full details of both hard and soft landscape works, with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

REASON - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and 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.

18. No development, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, associated with any Phase as indicated on plan ref: 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall commence until all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, have been physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas.

REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.

19. No development, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, associated any Phase as indicated on plan ref: 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall commence until a detailed method statement for removing or for setting out the long-term management / control of Japanese knotweed, Himalayan balsam and Rhododendron identified on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of the invasive species during any operations and shall also contain measures to ensure that any soils brought into the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

REASON - To prevent the spread of invasive plant species having regard to Policy 9 of the Oldham Local Plan.

20. No development, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, associated any Phase as indicated on plan ref: 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall commence until updated surveys and reasonable avoidance method statements in relation to bats, badger, hedgehog, and amphibians (learning centre and swimming pond only) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with any identified mitigation measures.

REASON - To ensure the protection of protected species having regard to Policy 21 of the Oldham Local Plan.

21. No external lighting associated with any Phase as indicated on plan ref : 2642-PLA-XX-XX-DR-L-0016 Rev P01 shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter.

REASON - To protect the amenity of the area and minimise any impact on the natural environment regard to Policies 9 and 21 of the Oldham Local Plan.

22. Subject to the submission and approval in writing of the Local Planning Authority of evidence to demonstrate impracticality of any measure, the proposed developments shall be implemented in accordance with the security measures as set out in paragraph 3.3 and Section 4 of the submitted Crime Impact Statement Version B: 27.01.22 (2021/0526/CIS/01).

REASON – In order to ensure the development is implemented in a manner which reduces the risk of crime having regard to Policy 9 of the Oldham Local Plan.

23. The use of the Visitor Centre or Learning Centre hereby approved shall not commence until a highway improvement scheme, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority, has been carried out at the junction of the access road to the development and its junction with Kings Road and Honeywell Lane. The improvement will include narrowing the carriageway, providing pedestrian and cycle infrastructure on Kings Road and the access road, and improving access at Kings Road/ Honeywell Lane including the highway leading to and in front of 256-272 Honeywell Lane. All works that form part of the approved scheme to be retained thereafter.

REASON – In the interest of the safety of all users of the site having regard to Policies 5 and 9 of the Oldham Local Plan.

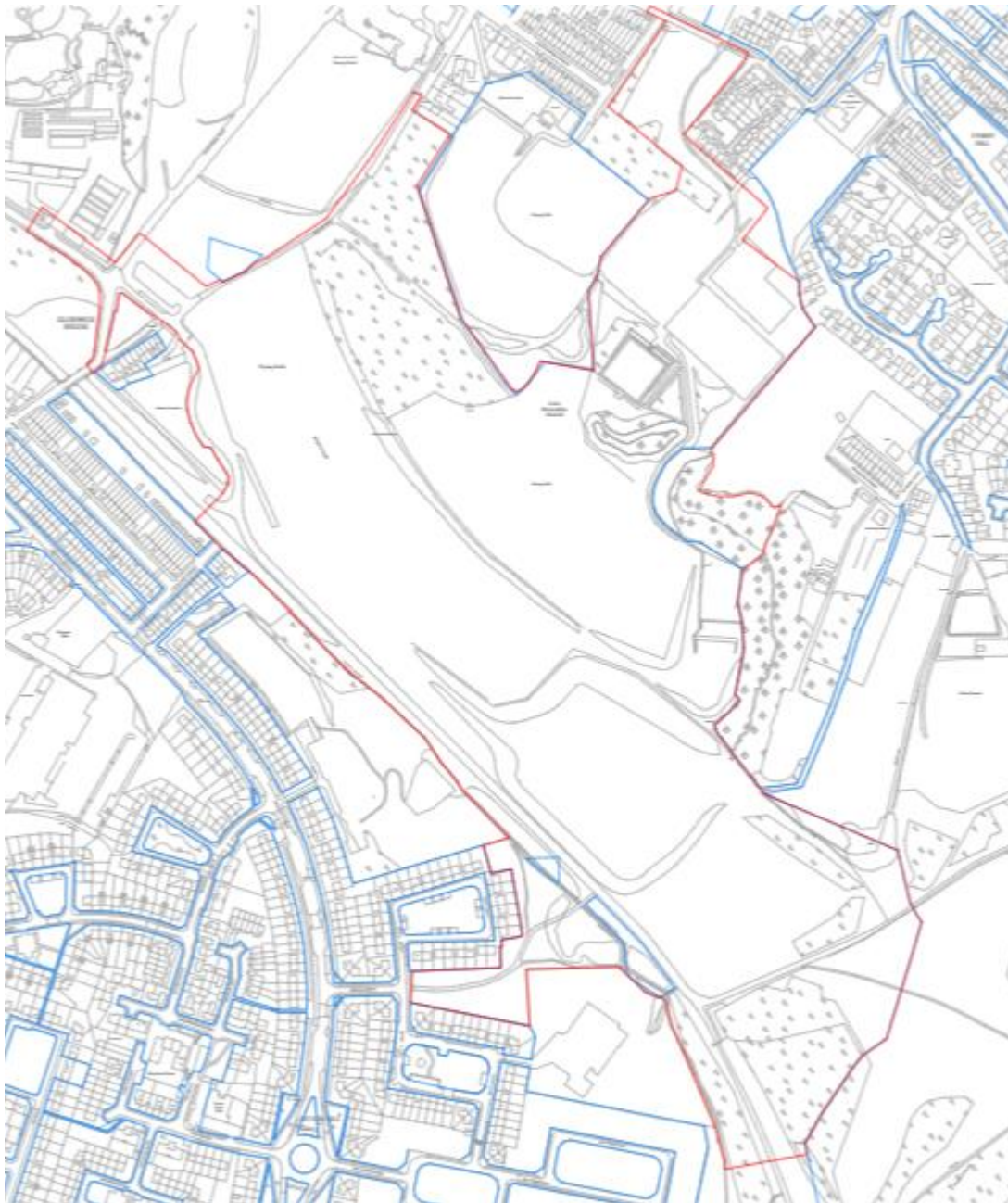
24. The use of the Visitor Centre or Learning Centre hereby approved shall not commence until a scheme of measures to provide safe access to the facilities for pedestrians and cyclists along routes shared with vehicular traffic from the junction with Kings Road/Honeywell Lane has been submitted to and approved in writing by the Local Planning Authority, and the approved measures have been fully implemented.

REASON – In the interest of the safety of all users of the site and occupiers of adjacent residential properties having regard to Policies 5 and 9 of the Oldham Local Plan.

25. Within three months of the first occupation of any Phase as indicated on plan ref : 2642-PLA-XX-XX-DR-L-0016 Rev P01, a travel plan for that part shall be submitted for the written approval of the local planning authority. The approved travel plans for each part shall be implemented within a further three months of the written approval of the Local Planning Authority.

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

SITE LOCATION PLAN (NOT TO SCALE):



This page is intentionally left blank

APPLICATION REPORT – OUT/349440/22 Planning Committee 12th October 2022

Registration Date: 15.07.2022
Ward: Chadderton Central

Application Reference: OUT/349440/22
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 is in excess 1000sqm in floor space created.

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 land partially developed for commercial / industrial use, 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 is a resubmission of previous application OUT/346784/21 and 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 (124 spaces, including 8 disabled bays, 11 parent and child spaces, 4 EV spaces and 6 motorcycle spaces);

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.

- DPD Policy 1 - Climate Change and Sustainable Development
- DPD Policy 2 – Communities
- DPD Policy 4 - Promoting Sustainable Regeneration and Prosperity
- DPD Policy 5 - Promoting Accessibility and Sustainable Transport
- DPD Policy 9 - Local Environment
- DPD Policy 13 – Employment Areas
- DPD Policy 14 - Supporting Oldham's Economy
- DPD Policy 15 – Centres
- DPD Policy 16 – Local Services and Facilities
- DPD Policy 18 - Energy
- DPD Policy 19 - Water and Flooding
- DPD Policy 20 - Design
- DPD Policy 21 - Protecting Natural Environmental Assets
- DPD 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, 1 no. letters in support and 9no. letters objecting to the proposal have been received.

Objections have also been received from the Councillors representing the Chadderton Central Ward.

The representations received raised the following (summarised) comments:

Support

- The application will bring much needed employment to the area.
- There is a need for this type of development in the area. The development will not serve hot food

Concerns

- The application has not changed from the previous scheme and should be refused.
- The amended scheme does not go far enough in addressing resident concerns.
- The operating times need to be reduced considerably.
- The noise survey submitted with the application is inadequate.
- The application breaches Development Plan Policy 14, the resubmission is no different.
- A proposal for a fast-food shop would not be supported and would result in adverse smells and no pest control.
- Traffic noise and running vehicles from having a drive thru facility would cause adverse amenity implications.
- Proposed lighting will impact the amenity of residents close to the scheme.
- The development would compromise any ability to implement the original outline planning permission.
- The proposed supermarket is incompatible with the original outline planning permission, and this is a procedural matter that needs to be addressed.
- The development results in the loss of employment land.
- The benefits of the development do not outweigh the harm of the loss of employment land.
- If Class E development is granted at the site, the developer would have the flexibility to use the buildings for any use within that class.
- It appears that it is possible for the applicant to explore other formats for the food store so that it can be situated within a town centre location. This has not been explored enough, and therefore the development fails the sequential test.
- Only sites within a 5-minute drive time have been assessed, and this is considered to be limited, and a more rigorous assessment is required before it can be concluded that the Sequential Test has been passed.
- The retail impacts are not clear from the information submitted.

- The application to extend the retail floorspace at the Lidl on Jardine Way has not been fully considered as part of the retail impacts.
- The pedestrian routes into the site are secluded routes and could give rise to potential dangers in public safety.

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 Policies 13 and 14)

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 Local Plan Policies 13 and 14 are relevant. Local Plan Policy 13 states that Foxdenton will become a new employment area, and at paragraph 6.40 of the supporting text for the Policy, it identifies the site as being key to meeting the employment land requirements of the borough. Local Plan Policy 14 states that acceptable uses in the Foxdenton Business Employment Area ('BEA') are B1, B2 & B8 uses, with up to 25% residential. Given that both parts of the application appear to depart from Local Plan Policy 14, this needs to be considered carefully.

In relation to Employment Land Supply, Local Plan Policy 4 states that the Council will allocate approximately 82 hectares of employment land in the Site Allocations DPD, for the period 2008 to 2026. Approximately half of this land will be provided at Foxdenton. Referring to the Committee Report undertaken as part of the original hybrid planning permission PA/344355/13, it states that the Foxdenton site is approximately 47 hectares in size, with an additional 2 hectares that sits outside the Business Employment Area, which was proposed for housing, giving a total of 49 hectares. Local Plan Policy 14 recognises that residential development was an essential component to delivering employment uses at Foxdenton and therefore up to 25% of the site was considered acceptable for residential. 10.88 hectares of land was approved for residential development, which equated to 23% of the 47-hectare Business Employment Area. As stated, earlier Condition 5 of the outline planning permission also gave permission for 66,460 sq.m of employment floor space at the site. The remainder of the site has been or is to be used for site infrastructure such as the link road and Linear Park.

This hybrid planning application appears to be a departure from Local Plan Policy 14, as the uses proposed (Class E(a) and (b)) do not comply with employment uses designated for the Foxdenton Strategic Site as described above. However, Local Plan Policy 14 does list some exceptions, in which development may be acceptable that does not comply with the Policy, providing that it can be demonstrated that uses in Local Plan Policy 14 are not possible to deliver. This can be demonstrated as follows: (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 asserts that they have provided justification that meets all of the exceptions set out in Local Plan Policy 14, and this will be explored in this section.

Local Plan Policy 14 Exception (a)

In relation to Local Plan Policy 14 exception (a) (marketing), the applicant has submitted an Employment Land Market Report (“ELMR”) to support their case, which has been undertaken by Aherne Property Consultants.

The ELMR states that the development market for industrial type buildings is geared towards standard units preferably over 100,000 sq ft built to specification, and there is a strong market for these types of units if they are situated in highly accessible motorway locations, and these account for 80% of the market. In relation to the site subject of this application, whilst planning permission has been granted for industrial and office type uses, the ELMR concludes that the application site cannot satisfy the requirements set out above in terms of size and location.

The characteristics of the site are such that commercial employment development is unlikely to be achieved as set out in the ELMR. The net developable area is 0.8 ha (2 acres) which can only accommodate about 35,000 square feet of development and the current market requires a minimum of 100,000 square feet to be viable. Smaller schemes have been developed in recent years in the area but only where there have been subsidies or public sector intervention, according to the ELMR.

The configuration of the site is such that it is compromised by a roundabout, which makes the site triangular in nature, and the ELMR concludes that it would require a proposal of two separate buildings to maximise development density which would increase costs. In addition, the close proximity of the residential development of Phase R2 also puts off potential B2 and B8 occupiers due to concerns over the limits on noise and hours of operation that this proximity to residential would require.

The ELMR provides evidence that the site has been marketed since late 2013 for the uses it has planning permission for (B1a office and B2 & B8 general industrial). Since then, only one serious interested party was identified, but this party ultimately chose not to pursue the site due to its configuration and proximity to the housing at Phase R2. No other serious interest has been received for site since then. The ELMR concludes that the site has no real prospects of coming forward for the uses it has planning permission for in the foreseeable future. For the avoidance of doubt, the ELMR provides evidence that the site has been marketed using the following methods:

1. Dedicated website – the scheme has a website (www.broadwaygreen.co.uk) where both the latest scheme brochure and plans can be downloaded.

2. Marketing Brochure – this is available on the scheme’s dedicated website and the websites of the scheme’s retained marketing agents JLL and Avison Young. This detail is contained at Appendix 9 of the Employment Land Market Report

3. Site Marketing Boards – Since work commenced on the site, large marketing boards have been displayed in prominent locations advertising the design and build opportunities available. These can be seen on-site.

The ELMR report concludes that an extensive marketing exercise has been undertaken for the site. In the view of Aherne Property Consultants Ltd, if there was genuine commercial interest in the site, then this would have been identified during the marketing exercise. Officers have reviewed the information submitted and are satisfied with the level of detail contained in the marketing exercise, and therefore the proposed development meets the criteria in Local Plan Policy 14 under part (a) of the exceptions.

Local Plan Policy 14 Exception (b)

To address exception (b), the applicant submitted a viability appraisal for an office development on the site. An office development was chosen for the viability appraisal, due to the configuration of the site and proximity to residential properties which makes the site unattractive to B2 and B8 uses, as discussed above. The viability appraisal for the site concluded (in summary) that the output of the appraisal results in a negative profit of almost £1.6 million for an office development at the site, meaning the site is not viable for this type of employment development.

Whilst an independent appraisal of the viability report has not been carried out, one was not considered necessary on the strength of the information submitted to demonstrate compliance with exception policy (a).

Local Plan Policy 14 Exception (c)

The applicant also asserts that the development meets exception (c) of policy 14, on the basis (in summary) that Foxdenton BEA can be regarded as an area ‘in need of investment’ given that the policy states a ‘masterplan’ will be prepared and the fact that it is evidently a major local regeneration project of borough wide significance. In the applicant’s view, the introduction of the proposed commercial hub to the Foxdenton BEA would meet exception (c), in that it would result in significant benefits for both the local community and the future employees of a substantial new business Park (Broadway Green) once this is fully constructed.

However, in assessing whether a development meets exception (c), the explanatory text for Local Plan Policy 14 at paragraph 6.64 states the following:

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 Local Plan Policy 14 exception (c), it is not considered that the application meets the criteria. The explanatory text in Local Plan 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, it cannot be concluded the development meets exception (c) of Local Plan Policy 14.

Overall, therefore, it is considered that the application has met the criteria in exception (a) of Local Plan Policy 14.

In addition to this, there are also tangible benefits to the scheme, which should be given due weight, and include the following:

1. The Aldi foodstore will create 40-50 full and part-time jobs and the commercial unit will also create further jobs (numbers still to be confirmed). Without prejudice to the outcome of the application, Aldi are working closely with the Council to look to provide jobs for local people.
2. The extant outline planning permission is for a development for B1(a), B1(c), B2 & B8 uses (with a building of up to 16m in height) and, whilst the applicant does not consider these uses viable, they do present a fallback position for what development has been permitted and is therefore a material planning consideration. The B2 & B8 uses that could be provided could include heavy industrial 24-hour operations. In contrast, this current hybrid application proposes a single storey building restricted by condition limiting hours of operation and servicing, and a similar commercial type building subject to the same restrictions. Furthermore, the proposed foodstore building would be half the height of the already approved commercial building. It is therefore considered that the new proposal would likely have a lesser impact on nearby residents when compared with a B2 and/or B8 industrial type use.
3. The introduction of an Aldi foodstore and commercial unit in either use classes E(a) or E(b) will play a role in enhancing consumer choices in Chadderton, specifically on the Foxdenton site. The wider site has planning permission for 500 dwellings and a substantial amount of employment floor space, and the nearest foodstores are Lidl on Jardine Way and Asda in Chadderton, both approximately 1 mile away. The proposed foodstore will not only provide for weekly food shops but also convenience shopping throughout the week. The commercial unit could also provide for convenience food and drink uses for both residents and employees in the immediate area.

4. 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 of this site.

One of the main objectives of protecting employment land is to ensure that land is available to create employment opportunities in certain business sectors for people. However, as set out above, the site has been extensively marketed for those uses and no serious interest has come about for the uses the site has planning permission for. Given that the marketing evidence has been accepted, there is now a justification to consider alternative uses for the site, and the first type of alternative uses that should be considered are those still generate employment, albeit in different business sectors to those originally planned.

Given the marketing evidence submitted with the application, and when this is considered alongside the benefits of the scheme, it is considered that this together weighs significantly in favour of supporting the principal of development.

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 parts of the application 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 that 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 of the Joint DPD 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 approaches 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 mile 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 store 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 agrees in their response that the sequential assessment should focus on whether there are 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 a similar catchment area.

Nexus concurs with the applicant 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.

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

Site 1: Units 10 and 25 Chadderton Mall

These units have been identified as being vacant at the time of Nexus's latest visit (September 2022). As such, it is considered that both are currently available. However, the applicant's Planning and Retail Statement identifies that the ground floor of each unit respectively extends to 72 sq.m and 91 sq.m. As such, it is evident that both available units at Chadderton Mall 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 as considered with the previous application.

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, as concluded with the previous application.

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 as of September 2022, 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.

Site 6: Former Jubilee Works, Cobden Street

The former Jubilee Works sites identified on Cobden Street accommodates an office and factory operation, and surface car parking. The site extends to 0.31 hectares in total, although it is understood that the car park (which extends to around 0.15 hectares of the total area) is associated with the residential development to the north of the site fronting onto Middleton Road. Nexus is unaware of any part of the Jubilee Works site being marketed for redevelopment.

In any event, Nexus conclude that the site is too small to offer realistic potential to accommodate the broad type of foodstore development proposed by the applicant. In addition, the attractiveness of the site for grocery retail is further diminished as it does not benefit from a main road frontage and is only partially visible from Middleton Road. Therefore, the site can be discounted from the sequential assessment on the ground of suitability.

Site 7: Land to the rear of Chadderton Reform Club

This site was not included in the sequential assessment as part of the previous application; however, the applicant has elected to include it as part of this submission. The site is a roughly rectangular surface level car park, which extends to 0.26 hectares. Nexus conclude that the site does not benefit from a main road frontage being only partially visible from Middleton Road. Given the limited scale of the site and its location, Nexus do not believe that it represents a suitable sequential alternative.

As part of the representations received for the previous application and the current application, it has been suggested that the proposed foodstore could be configured in a 'metropolitan'

format. The metropolitan format is used by Lidl and is a compact format that means the store can be accommodated for example within an existing building in areas where land availability in city centres is scarce.

Nexus acknowledge that operators are able to support different formats of store dependent on the local circumstances. However, it is in Nexus's view that that the metropolitan format is typically supported in larger centres (in particular, within London) that benefit from densely populated areas and high local footfall. This is confirmed by Lidl themselves on the website, in which it states (on the metropolitan format):

'The metropolitan store is perfect for city centres. Thanks to the smaller space requirements and the adaptability of the façade design, a metropolitan store can be ideally integrated into densely populated city centre areas. Together, we can find the right solution for your location.'

Nexus also states that in their own experience discount foodstores will only tend to occupy sites smaller than 0.5 hectares. Representations on the previous application also referred to the scale of Aldi foodstore development in Sale and Stretford, and the planned occupation of the Altair development in Altrincham by Lidl. However, in this regard, it is important to recognise that these are not comparable to the situation in Chadderton because:

- Sale town centre is a higher order centre than Chadderton district centre, and the Aldi development incorporates residential development above (something that would not be appropriate in the context of the Foxdenton site);
- Altrincham town centre is also a higher order centre than Chadderton district centre, and the proposed Lidl store would be part of major regeneration scheme in the heart of Altrincham Town Centre that will include a mixture of residential, retail, leisure and public realm improvements, which is an entirely different type of development than the Foxdenton scheme; and,
- The Aldi store at Stretford benefits from a substantial existing surface car park area to the south, which directly serves the store (this area is not included within HV's consideration of the site occupied by the foodstore use, yet this provision was crucial to allowing a non-typical Aldi food store to be deliverable in that situation, and so this example is not comparable to the Foxdenton context).

Nexus do not consider that operators would likely be interested in pursuing a metropolitan model in Chadderton due to the size of the centre and its limited role. The housing market in Chadderton is also markedly different to that which is apparent in Altrincham and Sale, and the scope for a mixed-use development is diminished. Chadderton does not fit the profile of a 'densely populated city centre area' which is the stated target location for a metropolitan store model.

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. In Nexus's view a coffee shop, bakery or sandwich shop in the location of the proposed development would generally meet local needs associated with adjacent employment uses; nearby residential dwellings; those that are passing through the area; and visitors to the foodstore (once it comes forward).

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 of the distance between the site and Chadderton District Centre, and in addition the food and drink operators in the district centre largely serve a different market than the above. In addition, no sites within or well connected to The Downs and Grimshaw Lane local centres in Middleton that are open or available that could serve the same day to day sustenance needs as described above. Therefore, Nexus conclude that the smaller commercial unit meets the requirements of the sequential test and there is no reasonable basis to disagree with the applicant's 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 of the Joint DPD 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 is satisfied that the development of a foodstore and additional commercial unit would have no material impact on the operation of that venue.

The planned regeneration of Spindles Town Square Shopping Centre is also due to commence, and this is evident following the grant of planning permission under reference FUL/348415/22. However, Nexus is 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 Application Proposal and Commitments

In relation to potential trade diversion, Nexus confirms in their assessment, that the principal impacts of both proposals would likely centre on the Lidl at Jardine Way, the Morrisons at Tweedale Street, which are both out of centre stores and the Asda at Milne Street (Chadderton District Centre).

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 (less than 3%) as identified at Table 4.1 of Nexus response). 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 the Asda, which according to table 4.1 of Nexus’s response equates to a solus impact of 6% and a cumulative impact of 6.7% of its turnover.

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 considers that potential impacts as a result of both the full and outline applications are below the 'significant adverse' level, and the retail impacts on the Asda store are not considered to form the reasonable basis for a planning refusal.

To consider the potential day to day impacts, Nexus carried out a site visit at Chadderton on the 5th September 2022 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 three units were observed as being vacant, which represents a decrease from the 11% vacancy rate recorded in August 2021. Vacant retail units are particularly concentrated around the Chadderton Mall shopping

Whilst some food shopping trips would be diverted from Asda and other retailers at Chadderton District Centre, Nexus conclude that 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 concludes 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.

In relation to Middleton, Nexus concludes that, it is clear that the proposed development would not impact upon Middleton's general role and function. Nexus have reached this view with reference to the evidence submitted by the applicant and with good knowledge of Middleton's current role and function. As such, Nexus do not believe there to be any requirement to undertake a health check assessment of Middleton town centre given the nature, scale and acceptability of the impact that would arise in this location.

As part of the previous proposal (reference OUT/346784/21) which is the same as the current proposal in terms of the retail floor space being created, Nexus concluded that the proposed development would attract a limited proportion of the turnover of the Tesco and Aldi stores in Middleton. Nexus also stated that the proposed foodstore would support a modest amount of comparison goods floorspace and does not replicate the wider role and function of Middleton town centre (or any other centre).

In terms of the potential need for a foodstore, whilst the Oldham Retail and Leisure Study (September 2020) carried out by Stantec does not recognise an undersupply of foodstores in the Borough, it does not take into account future population increases and additional catchment expenditure, which may result in additional need. In the area subject of the application alone, there is an additional 500 dwellings and over 64,000 sqm of commercial floorspace approved (minus the potential foodstore & commercial unit). Furthermore, the very strong performance of the Asda superstore in Chadderton, and the fact the store is overtrading 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. No objections have been received from the Asda at Chadderton as part of this application, which further supports the

theory that the Chadderton area has the capacity for an additional foodstore, and the site subject of the application is clearly the best location for this provision, as demonstrated through the sequential assessment.

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 are 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

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 the development meets the exception (a) of Local Plan Policy 14, and the marketing evidence submitted alongside the ELMR clearly demonstrates the site, does not have any real prospect of coming forward for the uses it has planning permission for.
- Significant weight is given to the type of alternative uses proposed for the site, in that they will still create employment opportunities and commercial investment in the area, and this, along with the benefits of both the full and outline applications as set out above in this report, have been given due weight; and
- Moderate 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.

On balance it is considered for the reasons set out it is considered that the principle of development is considered acceptable.

Design & Layout

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.

A simple palette of materials is proposed to give the building a contemporary appearance, which include a combination of anthracite and silver cladding panels throughout, with fascia signage, which will need to be considered as part of separate Advertisement Consent application. The use of 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, since the previous application OUT/346784/21, the store has been reorientated to take account of residents' concerns who live to the south of the site. The new orientation ensures that deliveries take place further away from the residential properties. The building is still situated on the eastern side of the site and will be accessed via pedestrian linkages from both the east and north. The siting also 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 both the northern part of the site and a small portion to the west. Provision is made for 124 car parking spaces in total, including 8 disabled bays, 11 parent and child spaces, 4 EV spaces and 6 motorcycle spaces. The disabled bays and parent and child spaces are sited directly to the front and side 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 north towards Lydia Becker Way. The servicing area is positioned on the eastern boundary of the site and Environmental Health have no objection to this subject to conditions.

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. 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 layout indicates that the development will incorporate a drive thru facility;
- 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 would be closest to the properties on Cavalier Square that back on to the development site.

One of the main concerns raised in the representations received as part of the previous application was the orientation of the store and the potential impacts servicing and deliveries could have on the residents of the properties to the south on phase R2. As part of the current application, the application has reorientated the store so that deliveries and servicing of the store would now take place on the eastern boundary, further away from the residents backing on to the site. The front of the store will now face out towards Lydia Becker Way, and as with the previous application, most of the northern part of the site will be left for parking. By the very fact that servicing and deliveries would take place further away from the residential properties, this is an improvement on the previous scheme.

An updated Noise Impact Assessment (“NIA”) has been submitted with the application, which considers the revised layout. The NIA concludes that deliveries are proposed between 06.30 and 23.00 Monday to Saturday and between 08.00 and 17.00 on Sunday. The NIA asserts that deliveries within these periods would have at worst a low noise impact, though for the majority of the time they will have a negligible impact. In addition, impacts as a result of external plant equipment have also been assessed and the NIA concludes that this will have a ‘low impact’ on the immediate surroundings in the worst-case scenario.

The applicant is opting to install some mitigation measures, and these include a 3m high acoustic fence on the southern boundary, which will provide screening between the development, and residential properties to the south. 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 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 same as the previous application. The FFL's of the properties to the south range from 108 to 106, with levels dropping from east to west. 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 and orientation. The Aldi building itself has an overall height of 8m and whilst the level change is noticeable, this needs to be balanced with a number of factors. 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.

To further ensure that residential amenity is considered during the construction phase of the development, a Construction Environment Management Plan (CEMP) will be required, and this would 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

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. There is no reasonable basis to refuse the application on residential amenity grounds.

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). However, the submitted layout indicates that the facility could have a drive thru facility.

The NIA also considers the potential amenity impacts of a commercial unit and uses a drive thru coffee shop 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.

In addition to the noise assessment, Environmental Health have requested that the acoustic barrier requested as part of the full application, also be included as part of the outline planning permission to help protect the existing residential properties. Finally, Environmental Health have also requested that an Air Quality Assessment (“AQA”) is submitted, and this will be conditioned so that this information will be required as part of a reserved matters application. The AQA will need to consider any potential air quality impacts of delivering a drive thru type facility at the site. Any mitigation measures that are recommended as part of the AQA will need to be implemented. Overall, subject to planning conditions, the outline element will comply with NPPF section 15 and Local Plan Policy 9.

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 have commented both on the previous and current proposals. In the most up to date response, they requested more details on trip generation and junction modelling to establish whether a contribution would be needed for highway improvement work. As part of the previous application, TfGM requested a contribution of £12,800, if the applicant was unable to submit the further information requested, which the applicant accepted. Given that the development is of the same scale and size, the applicant has opted to accept the request for £12,800 again, and this will be used to implement a SCOOT at the traffic signals from Lydia Becker Way to Foxdenton Way to help mitigate the impact of the foodstore on the highway network. TfGM have accepted this contribution in lieu of the request to provide further information.

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. This would need further assessment and would be considered as part of reserved matters application, specifically as part of the matter of ‘layout’.

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 21 new trees will be provided across the site, along with native hedge mix planting, ornamental shrub planting, wildflower and other grassland

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, and the requirement for an updated invasive species survey, which can be secured by way of condition. In addition, GMEU also recommend a condition that ensures that development does commence between 1st March and 31st August, unless a detailed bird nest survey is undertaken, which will be applied as a 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.

Local Plan 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

To consider ground conditions, 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 Geoenvironmental Site Assessment and Gas Addendum Report and has advised that there are no objections to the proposal in principle, more information and investigation is required on the site, and as a result pre commencement conditions relating to contamination and landfill will be required. On that basis, no objections are raised to the scheme on the basis of ground conditions.

Planning balance

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

Firstly, as set out in this report, the applicant has submitted ELMR report, which clearly provides evidence of an extensive marketing exercise that has been undertaken for the site. It also provides an overview of why the site has no real prospect of coming forward for the uses it has planning permission for, based on their knowledge of the market. Aherne Property Consultants Ltd, have robustly concluded that if there was genuine commercial interest in the site, then this would have been identified during the marketing exercise. Therefore, it has been concluded that the development meets exception (a) of Local Plan Policy 14. This weighs in favour of the development.

In addition, there are some clear benefits to the scheme, which has been set out in this report, which include the following:

1. The Aldi foodstore will create 40-50 full and part-time jobs and the commercial unit will also create further jobs (numbers still to be confirmed). Without prejudice to the outcome of the application, Aldi are working closely with the Council to look to provide jobs for local people.
2. The extant outline planning permission for a development for B1(a), B1(c), B2 & B8 uses (with a building of up to 16m in height) presents a fallback position and is therefore a material planning consideration. The B2 & B8 uses that could be provided could include heavy industrial 24-hour operations. In contrast, this current hybrid application proposes a single storey building restricted by condition limiting hours of operation and servicing, and a similar commercial type building subject to the same restrictions. Furthermore, the proposed foodstore building would be half the height of the already approved commercial building. It is therefore considered that the new proposal would likely have a lesser impact on nearby residents when compared with a B2 and/or B8 industrial type use.
3. The introduction of an Aldi foodstore and commercial unit in either use classes E(a) or E(b) will play a role in enhancing consumer choices in Chadderton, specifically on the Foxdenton site. The wider site has planning permission for 500 dwellings and a substantial amount of employment floor space, and the nearest foodstores are Lidl on Jardine Way and Asda in Chadderton, both approximately 1 mile away. The proposed foodstore will not only provide for weekly food shops but also convenience shopping throughout the week. The commercial unit could also provide for convenience food and drink uses for both residents and employees in the immediate area.
4. 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 of this site.

Based on the evidence submitted, the development appears to have no realistic prospect of coming forward for the uses it has planning permission for, and this in conjunction with the benefits should be given significant weight in favour of the proposed development.

The previous application demonstrated adverse impacts by virtue of the fact that it did not comply with Local Plan Policy 14 and resulted in the loss of 1.3% of employment land, however, this matter has been overcome through the evidence submitted as part of this application.

Overall, significant weight must be given to both the evidence submitted as part of this application, which demonstrates through marketing that the site meets the Exception (a) of Local Plan Policy 14, and the benefits set out above. It has been proven through the evidence submitted that the adverse impacts of losing a small amount of employment land at Foxdenton

does not significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF when taken as a whole, and therefore, 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. 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.
13. 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.
14. 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.
15. 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
16. The use of the building hereby approved shall not commence until a scheme for the provision of pedestrian routes to and through the site has been implemented in accordance with details which shall have previously been submitted to and approved

in writing by the local planning authority. All works that form part of the approved scheme shall be retained at all times thereafter. Reason – In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan

17. 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.
18. All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref:2969-VL L01 Rev E) 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.
19. 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.
20. 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.
21. 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 premises shall be used for a café, sandwich shop or bakers and 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 commercial unit is acceptable having regard to Policies 15 and 16 of the Oldham Local Plan.
4. The flexible use commercial unit hereby permitted shall have a maximum Gross Net Sales Area of 240sq.m. The sales area shall be used primarily for the sale of convenience 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
5. 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.
6. 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.
7. 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

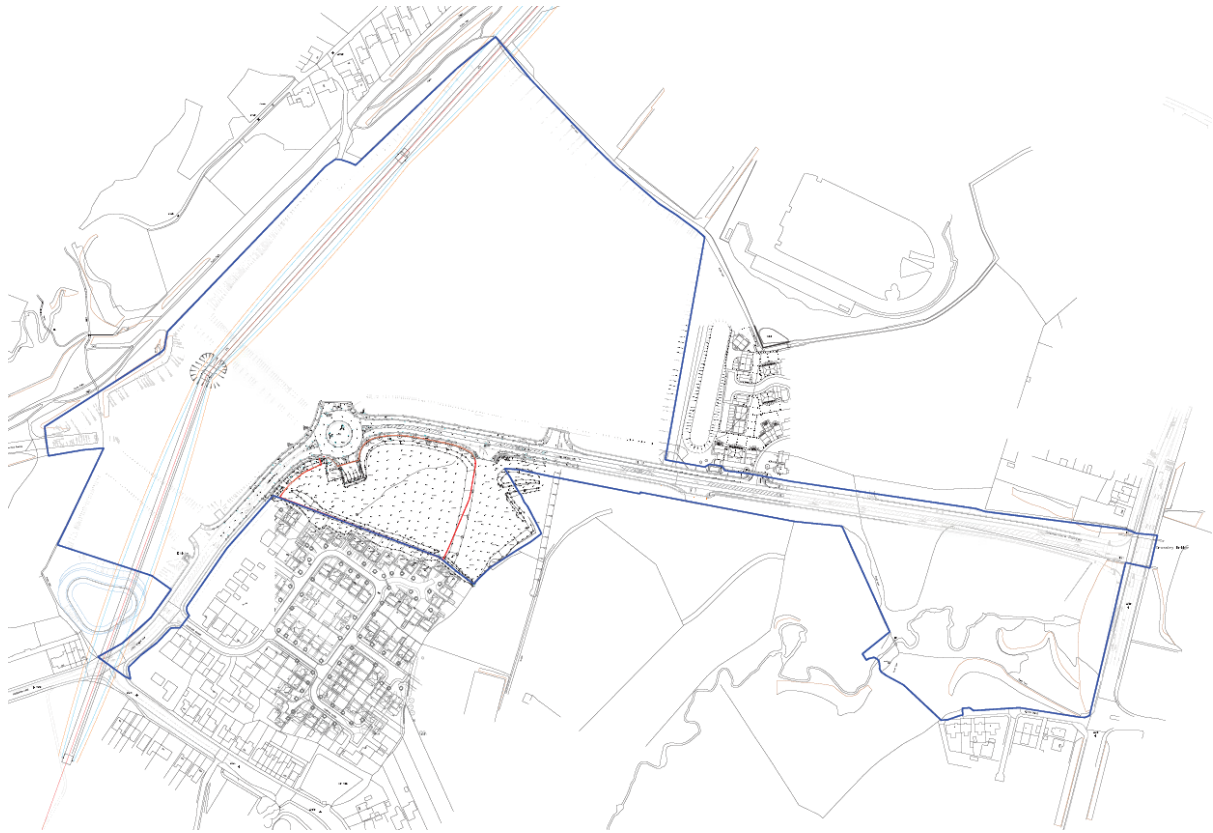
8. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation 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. 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.
10. As part of any reserved matters application details as to the exact location and design/appearance of an 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.
11. As part of any reserved matters application, an assessment of air quality 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 surrounding land uses. The approved mitigation measures shall be implemented in full before first occupation and shall be retained at all times thereafter. Reason - To ensure acceptable levels of amenity for surrounding residents in accordance with Policy 9
12. 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
13. 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.

14. 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.
15. 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.
16. 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.

LOCATION PLAN (NOT TO SCALE):



This page is intentionally left blank

Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

12 October 2022

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 14 September 2022. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals since 7 September 2022 (until 30 September 2022) which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
PA/343735/19	Land On Delph New Road Oldham OL3 5BY	Dismissed, 22/09/2022	10/05/2022	Erection of three new dwellings.
FUL/345402/20	Land Adj To Woods House Sugar Lane Dobcross	Dismissed, 13/09/2022	25/05/2022	Erection of three dwellings.
FUL/346143/21	5/7 Scholes Street And 19 Rhodes Street Scholes Street Oldham	Allowed, 27/09/2022	10/05/2022	Proposed change of use of 5-7 Scholes Street from office to a transitional Care Home (Class C2) and change of use of 19 Rhodes Street from meeting hall to a soup kitchen and dormitory with two storey extension above the existing buildings.
FUL/347636/21	33 Leaside Avenue Chadderton Oldham	Ongoing	05/05/2022	Change of use of property from residential use (C3) to Class E (day care centre).

HOU/347739/21	161 Oldham Road Springhead	Ongoing	07/04/2022	Erection of a fire escape and railings leading to access door on the first floor at the rear.
FUL/347898/21	Royal Oak Inn Broad Lane Delph	Ongoing	28/04/2022	Conversion and change of use of public house with associated living accommodation to single dwellinghouse with garden.
CEA/348450/22	Land At Station Road/ Harrop Green Lane Diggle Oldham	Ongoing	27/04/2022	Certificate of lawfulness for Erection of 1 no. dwelling.
FUL/347429/21	232 Medlock Road, Failsworth	Ongoing	12/07/2022	Construction of a stable block
LBC/347521/21	1A Lower Tunstead, Tunstead Lane, Greenfield	Ongoing	12/08/2022	Single and two storey rear extensions
ADV/348747/22	373 Oldham Road Failsworth	Dismissed, 23/09/2022	04/07/2022	Installation of LED screen advertisement hoarding
HOU/348992/22	1 The Grove Shaw	Allowed, 26/07/2022	26/07/2022	First floor side extension
OUT/347311/21	Land to the West of Healds Green, Chadderton	Ongoing	17/08/2022	Outline planning permission for up to 16no. dwellings, new access roads from Healds Green and Heights Lane, provision of community car parking (20 spaces), and double garage for no.33 Healds Green with extended curtilage. Access, Layout and Scale to be considered all

				other matters reserved.
LBC/347521/21	1A Lower Tunstead, Greenfield	Ongoing	12/08/2022	Single and two storey rear extensions
VAR/348675/22	10 Sycamore Cottages, Treetop Close, Dobcross	Ongoing	15/08/2022	Removal of Condition 2 - relating to planning permission PA/337483/15 which restricts occupation of the log cabin for purposes ancillary to the residential use of 10 Sycamore Cottages
HOU/348815/22	27 Chadderton Fold, Chadderton	Ongoing	23/08/2022	Demolition of existing porch and replacement with single storey extension to the front elevation
FUL/347290/21	Primrose Hill Land To The North Eastern Side Of Roebuck Lane Strinesdale	NEW	08/09/2022	Erection of earth sheltered dwelling
HOU/347622/21	Dolefield Barn Fur Lane Greenfield	NEW	12/09/2022	New single storey extension to southwest corner of house
FUL/347882/21	56 Greenbridge Lane Greenfield	NEW	28/09/2022	Demolition of existing retail unit to provide residential development of 4 flats.
HOU/348462/22	Leonardin House Narrowgate Brow Shaw	NEW	13/09/2022	Erection of garden home office on a prepared concrete base

PIP/348651/22	Land Off Stockport Road Lydgate	NEW	21/09/2022	Proposed development for 3No. dwellings and associated works.
HOU/348877/22	22 Skipton Avenue Chadderton	NEW	15/09/2022	Single storey side/rear extension.
HOU/349064/22	1 Hill Close Oldham	NEW	16/09/2022	Two storey side extension and rear ground floor extension

RECOMMENDATION - That the report be noted.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

If any person has any questions regarding these appeals and decisions, they can request further information from the Planning Service by contacting Martyn Leigh (Development Management Team Leader) via planning@oldham.gov.uk