

PLANNING COMMITTEE Regulatory Committee Agenda

- Date Wednesday 16 October 2024
- Time 6.00 pm
- Venue Lees Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL
- Notes 1. DECLARATIONS OF INTEREST- If a Member requires 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 Alex Bougatef or Constitutional Services at least 24 hours in advance of the meeting.
2. CONTACT OFFICER for this agenda is Constitutional Services 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, 11 October 2024.
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

Councillors Akhtar, Z Ali, Charters, Cosgrove, Davis (Vice-Chair), Harkness, Hince (Chair), Hobin, Hurley, A Hussain, J. Hussain, Iqbal, Lancaster, Nasheen, Williamson 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 3 - 6)
The Minutes of the meeting of the Planning Committee held on 18 September 2024 are attached for Members' approval.
- 6 VAR/353273/24 - Land Off Haven Lane, Moorside, Oldham (Pages 7 - 16)
Application for removal of condition no. 17 (requirement for traffic calming measures prior to occupation of the approved dwellings) relating to app no. PA/338917/16
- 7 VAR/353326/24 - Land Off Haven Lane, Moorside, Oldham (Pages 17 - 28)
Application for variation of condition no. 17 (requirement for traffic calming measures prior to occupation of the approved dwellings) relating to app no. PA/338917/16 to require a scheme for traffic calming measures on Haven Lane to be approved and implemented in full within 12 months of final occupation of the approved dwellings.
- 8 FUL/353379/24 - Oldham 369, Lydia Becker Way, Oldham (Pages 29 - 38)
Proposed use of the building for flexible employment uses within use classes E(g), B2 and B8



Oldham
Council

- 9 FUL/353109/24 - Land At Albert Street, Hollinwood (Pages 39 - 50)
Erection of a new foodstore (Use Class E) with associated car parking and landscaping
- 10 Appeals Update (Pages 51 - 54)

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PLANNING COMMITTEE Regulatory Committee
18/09/2024 at 6.00 pm

Present: Councillors Akhtar, Z Ali, Charters, Cosgrove, Davis (Vice-Chair), Harkness, Hince (Chair), Hobin, Hurley, A Hussain, J. Hussain, Iqbal, Lancaster, Nasheen, Williamson and Woodvine

Also Present: Martyn Leigh - Interim Development Management Team Leader

Peter Richards - Head of Planning

In Attendance: Rhys Attwell - Constitutional Services

Alan Evans - Group Solicitor

Wendy Moorhouse - Highway Officer

Graham Dickamn - Planning Officer

Note:

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no Public Questions received.

5 **FUL/349416/22 - IVY MILL, CROWN STREET, FAILSWORTH**

Application Number: FUL/349416/22

Applicant: Navid Dean

The Proposal: Permission is sought for the conversion of part of existing mill and addition of four additional floors to create 102no. apartments, creation of additional level of parking over existing car park and associated works.

Location: Ivy Mill, Crown Street, Failsworth, Oldham, M35 9BG

A discussion took place over the need for a Construction Management Plan to be part of the recommendation, with Members of the Committee being assured that this would be the

case. A formal vote took place with 9 votes in favour and five against.

Decision: That the application be granted as long as a construction management plan is utilised.

Note: One objector and the applicant's agent attend the meeting and addressed the Committee.

6 **FUL/352932/24 - BEDFORD MILL , HOLT STREET, OLDHAM**

Application Number: FUL/352932/24

Applicant: MCI Developments

The Proposal: Erection of 53no. dwellings, including 24no. apartments and 29no. houses with associated parking and landscaping.

Location: Bedford Mill, Holt Street, Oldham OL4 2DQ

Additional information in Late List relating to biodiversity gain, stating that all eligible developments should provide a net gain of 10%, with Officers Satisfied that they could meet this statutory requirement if the conditions were met in the report.

Formal vote took place with a unanimous approval of the development.

Decision: That the application be granted subject to the conditions as outlined in the report and the Late List.

Note: An applicant's agent attended the meeting and addressed the Committee.

7 **FUL/353082/24 - FORMER LEISURE CENTRE, ROCK STREET, OLDHAM**

Application Number: FUL/353083/24

Applicant: Oldham Council

The Proposal: The proposal involves remediation works to create a site suitable for future residential re-development as part of the Council's Creating a Better Place plan to transform Oldham town centre. The southern section of the site will comprise part of the wider linear park which also forms part of the transformation vision.

Location: Former Leisure Centre, Rock Street, Oldham

Members of the Committee were informed that Councils policy addressing Biodiversity net gain, would be accomplished on site with a 10% gain.

Members of the Committee were informed that there was an construction management plan requirement as part of the application.

Formal Vote took place with a unanimous approval of the developments.

Decision: That the application be granted subject to the requirements of the application.

8

VAR/353105/24 - GREENE'S BISTRO, KING GEORGE V PLAYING FIELDS, WADE ROW, UPPERMILL

Application Number: VAR/353105/24

Applicant: Mr R Scholes

The Proposal: Permission is sought to vary condition number 4 (opening times) and 9 (Toilet) relating to application number VAR/351244/23. The current opening hours for the bistro and public toilet are as follows: • 09:00 – 19:00 Monday to Sunday including Bank Holidays The proposed opening hours for the bistro and public toilet are as follows: • 09:00 - 19:00 Monday to Wednesday including Bank Holidays • 09:00 - 21:30 Thursday to Sunday.

Location: Greenes Bistro, King George V Playing Fields, Uppermill

The application has been referred to Planning Committee as site is council-owned land and there have been objections to the proposed development.

The application site is located within King George V Playing Fields, also known as Uppermill Park. The development itself relates to a formerly vacant public toilet located close to the northernmost boundary of the park where it adjoins Wade Row. The building was closed to the public in 2018 but has since been brought into active use pursuant to the planning permission granted in August 2022 to incorporate the building into a new café and ancillary takeaway which has involved contemporary extensions and alterations (reference number FUL/348807/22). The River Tame is located on the edge of the park to the west.

A formal vote took place with unanimous approval over the developments.

Decision: That the application be granted in accordance with the conditions set out in the report.

9

APPEALS UPDATE REPORT

RESOLVED That the appeals update be noted.

10

LATE LIST

RESOLVED that the Late list be noted.

The meeting started at 18:00pm and ended at 19:45pm.

APPLICATION REPORT – VAR/353273/24 Planning Committee 16th October 2024

Registration Date: 9th August 2024
Ward: Saint James

Application Reference: VAR/353273/24
Type of Application: Variation of Condition

Proposal: Application for removal of condition no. 17 (requirement for traffic calming measures prior to occupation of the approved dwellings) relating to app no. PA/338917/16

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

Case Officer: Graham Dickman
Applicant: Andy Roberts
Agent: Ailsa Goudie

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination as members have recently considered a different Variation of Condition application on this site.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reason set out below.

3. SITE DESCRIPTION

3.1 The application relates to a L-shaped parcel of former grassland to the east side of Haven Lane on which the construction of a development of 23 dwellings has commenced.

3.2 To the north are the rear of properties on Haugh Hill Road. To the south-west the site extends around the north side and rear of Havenside Close, with a day nursery adjoining the southern boundary. To the east land levels rise across open fields.

4. THE PROPOSAL

4.1 The applicant is seeking to remove Condition 17 of the original outline planning permission for residential development (PA/338917/16) which required the implementation of a specific traffic calming scheme.

4.2 At present the condition reads:

“Prior to the first occupation of any dwelling, the access and traffic calming arrangements shown on drawing 2044-001 C shall be implemented in full.”

Environmental Impact Assessment

- 4.3 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.4 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, it would not exceed the applicable threshold of 5 hectares or 150 dwellings, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.5 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

- VAR/352405/24 - Variation of Condition 17 of PA/338917/16 to revise the approved traffic calming scheme and for the timing of implementation to permit the occupation of no more than 15 dwellings prior to completion of the traffic calming scheme. Refused 10 June 2024. Appeal pending determination.
- CND/352346/24 - Discharge of Condition 4 (access and parking details) relating to application VAR/349187/22. Pending determination.
- CND/352214/24 - Discharge of condition 7 (retaining wall details) relating to application PA/342449/18. Pending determination.
- CND/351418/23 - Discharge of condition no. 7 (levels) and 9 (drainage) relating to app no. PA/338917/16. Part discharged 11 August 2023.
- CND/351176/23 - Discharge of condition no.16 (Construction Method Statement) relating to app no. PA/338917/16. Pending determination.
- CND/351121/23 - Discharge of condition 2 (materials) relating to application RES/346698/21. Part discharged 25 July 2023.
- NMA/351120/23 – Non-material Amendment relating to app no. VAR/349187/22. Approved 25 July 2023.
- FUL/349189/22 - Pumping station associated with residential development of 23 dwellings. Approved 29 September 2022.
- VAR/349187/22 - Variation of Conditions No 1 (approved details schedule), 3 (hard and soft landscaping) and 4 (parking, details of construction, levels and drainage) relating to approved application RES/346698/21. Approved 29 September 2022.
- RES/346698/21 - Reserved matters application for appearance, landscaping, layout and scale pursuant to PA/338917/16 for 23 dwellings.
- PA/342449/18 - Reserved matters application (for appearance, landscaping, layout, and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings. Approved 6 June 2019.
- PA/338917/16 - Outline application for residential development of up to 23 dwellings (Use Class C3) with all matters reserved except access. The scheme

was granted outline planning permission on appeal in November 2017 with costs awarded against the council for unreasonable behaviour in refusing this application.

- PA/336723/15 – Outline application for 29 no. dwellings. Access to be considered. All other matters reserved (Re-submission of PA/336309/14). Refused 13th July 2015.
- PA/336309/14 – Outline application for the erection of 30 dwellings with access and layout to be considered. Appearance, landscaping, and scale to be reserved – Refused 12th February 2015.

6. RELEVANT PLANNING POLICIES

6.1 The Places for Everyone (PfE) Joint Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.

6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham’s Joint Core Strategy and Development Management Development Plan Document (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).

6.3 As such, the following Places for Everyone policy is considered relevant to the determination of this application:

Policy JP- C8 – Transport Requirements for New Developments

6.4 On the Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan), the site is unallocated on the Proposals Map associated with the Local Plan.

6.5 The following Local Plan policy is considered relevant to the determination of this application:

Policy 5 - Promoting Accessibility and Sustainable Transport

7. CONSULTATIONS

Highways Officer	Recommends refusal on the grounds that the removal of the condition for the implementation of a traffic calming scheme will lead to the manoeuvring of vehicles within the adjacent highways to the detriment of safety of other highway users.
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8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

- 8.2 In response, 6 objections have been received raising the following (summarised) issues:
- In carrying out the development, problems have been experienced with contractor parking, no designated loading/unloading areas, lack of communication with residents;
 - Removal of the need for traffic calming measures will put residents at risk; and,
 - There has been a lack of consultation on the future plans for traffic calming measures
- 8.3 In respect of the first point above, whilst the issues around the construction process have been noted, the proposal to remove the traffic calming condition must be assessed on its own planning merits only.
- 8.4 In that regard, the Highways Officer agrees that the removal of the condition would be unacceptable in terms of highway safety for the reasons set out below.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The principle of the residential development on this site was established under outline approval PA/338917/16, a decision allowed by the Planning Inspector on appeal. The access to the site formed part of that approval.
- 9.2 In granting permission, the Planning Inspector nevertheless determined, through the imposition of Planning Condition 17, that a scheme of traffic calming measures should be implemented. A scheme had been presented before the appeal hearing.
- 9.3 Consideration of the present application is therefore limited to the impact of removing the need to undertake a traffic calming scheme in advance of the occupation of the development.
- 9.4 The condition imposed by the Inspector required the implementation of a specific traffic calming scheme (plan ref:2044-001 C). This scheme included the construction of a raised table which would have encompassed both the new site access and the access to Longden Avenue opposite. Speed cushions would have also been inserted between the site access and Ripponden Road.
- 9.5 In accepting that scheme, the Inspector concluded that, although it hadn't been subject to separate public consultation under the Traffic Regulation Order process at that stage, the scheme details had been available for public scrutiny as they had formed part of the information available for assessing the application.
- 9.6 The Inspector also considered residents' concerns in relation to noise and pollution from the specific siting of the speed humps, concluding that there was no specific evidence of a link between the proposed traffic calming, and noise and pollution issues. Nor did the Inspector consider that any displacement of parked vehicles could not be readily accommodated elsewhere.
- 9.7 However, upon reviewing the detailed scheme which had previously been presented by the developer, the Council's Highways Officer considered that the scheme could not be delivered due to existing specific or physical site constraints.

- 9.8 Noting the need nevertheless for a traffic calming scheme to be implemented, the Highways Officer prepared a detailed design for an alternative scheme which removes the physical limitations of the previous scheme, whilst ensuring that the programme of traffic calming measures elsewhere along Haven Lane can be completed.
- 9.9 That scheme was considered by Planning Committee at its meeting on 5th June 2024 and it was determined to refuse the application on the grounds of an adverse impact on on-street parking for existing residents.
- 9.10 The appeal against that refusal has been submitted to the Planning Inspectorate and the outcome is awaited.

10. HIGHWAY ISSUES FOR THE PRESENT APPLICATION

- 10.1 In assessing the original application for development of the site, it was noted that the proposed access is in close proximity to three existing priority-controlled junctions - Havenside Close, Rushton Grove and Longden Avenue.
- 10.2 The Highways Officer commented that the introduction of the additional access in this location would increase the risk of accident without the introduction of appropriate mitigation measures.
- 10.3 The view that a safe access cannot be achieved without the provision of traffic calming measures has not changed. In fact, the provision of traffic calming measures is now more critical.
- 10.4 Since the original planning permission was granted, the remainder of Haven Lane and Counthill Road have been traffic calmed. If the final length of Haven Lane is left uncalmed, drivers will speed up. This will lead to an increase in the risk of accident to the detriment of highway safety.
- 10.5 Therefore, it is not considered that access to the site will operate safely without the provision of a traffic calming scheme along Haven Lane in the vicinity of this development to the detriment of highway safety.

11. CONCLUSION

- 11.1 At present the planning condition imposed by the Planning Inspector requires the provision of a traffic calming scheme which the Local Highway Authority considers to be incapable of practical implementation.
- 11.2 However, the Highways Officer considers that a satisfactory alternative scheme is capable of being introduced to ensure highway safety in the area is not compromised.
- 11.3 Therefore, it is recommended that this application is refused for highway safety reasons.

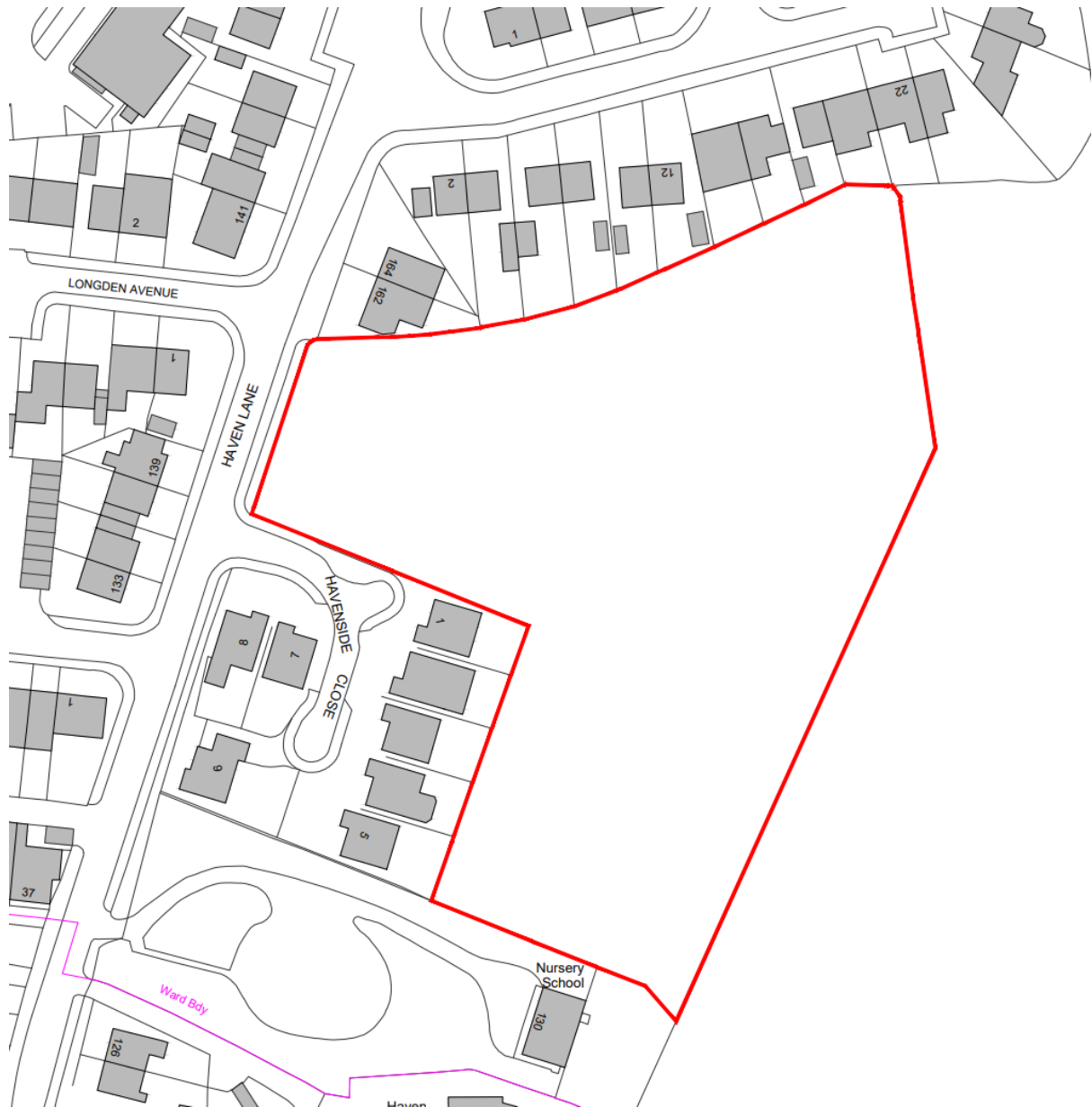
12. CONDITIONS OF THE EARLIER APPROVAL

- 12.1 Should however planning permission be granted for the removal of Condition 17, all other conditions imposed on the earlier permission will continue to apply. However, as some of the conditions will subsequently have been discharged, the wording of the conditions has been updated accordingly.

13. RECOMMENDED REASON FOR REFUSAL

1. The removal of the condition for the implementation of a traffic calming scheme would result in vehicular access to the development being adversely affected by virtue of the nearby road junctions and the speed of traffic on a highway with speeds in excess of 20 mph. The absence of traffic calming measures will lead to the manoeuvring of vehicles generated by the development within the adjacent highways to the detriment of safety of other highway users. The proposed development is thereby contrary to Policy JP-C8 of the Places for Everyone Joint Development Plan and Policy 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):



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PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

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 defined by that Act.

THE BACKGROUND PAPERS

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy))
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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APPLICATION REPORT – VAR/353326/24 Planning Committee 16th October 2024

Registration Date: 22nd August 2024
Ward: Saint James

Application Reference: VAR/353326/24
Type of Application: Variation of Condition

Proposal: Application for variation of condition no. 17 (requirement for traffic calming measures prior to occupation of the approved dwellings) relating to app no. PA/338917/16 to require a scheme for traffic calming measures on Haven Lane to be approved and implemented in full within 12 months of final occupation of the approved dwellings.

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

Case Officer: Graham Dickman
Applicant: Andy Roberts
Agent: Ailsa Goudie

1. INTRODUCTION

- 1.1 This application has been referred to Planning Committee for determination as members have recently considered different Variation of Condition application on this site.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions as set out below.

3. SITE DESCRIPTION

- 3.1 The application relates to a L-shaped parcel of former grassland to the east side of Haven Lane on which the construction of a development of 23 dwellings has commenced.
- 3.2 To the north are the rear of properties on Haugh Hill Road. To the south-west the site extends around the north side and rear of Havenside Close, with a day nursery adjoining the southern boundary. To the east land levels rise across open fields.

4. THE PROPOSAL

- 4.1 The applicant is seeking to vary Condition 17 of the original outline planning permission for residential development (PA/338917/16) which required the implementation of a specific traffic calming scheme.

4.2 That development is at an advanced stage of construction with a small number of properties ready for sale shortly, and the external fabric of all other properties now largely complete.

4.3 At present the condition reads:

“Prior to the first occupation of any dwelling, the access and traffic calming arrangements shown on drawing 2044-001 C shall be implemented in full.”

4.4 The proposed variation would amend the condition to require the implementation of a traffic calming scheme; the details of which will be subject to further consultation through the Traffic Regulation Order process, and for that scheme to be implemented within 12 months of the final occupation of the development.

Environmental Impact Assessment

4.5 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

4.6 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, it would not exceed the applicable threshold of 5 hectares or 150 dwellings, nor is the site located within any impact distance of a ‘sensitive area’ as defined in the Regulations.

4.7 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

- VAR/352405/24 - Variation of Condition 17 of PA/338917/16 to revise the approved traffic calming scheme and for the timing of implementation to permit the occupation of no more than 15 dwellings prior to completion of the traffic calming scheme. Refused 10 June 2024. Appeal pending determination.
- CND/352346/24 - Discharge of Condition 4 (access and parking details) relating to application VAR/349187/22. Pending determination.
- CND/352214/24 - Discharge of condition 7 (retaining wall details) relating to application PA/342449/18. Pending determination.
- CND/351418/23 - Discharge of condition no. 7 (levels) and 9 (drainage) relating to app no. PA/338917/16. Part discharged 11 August 2023.
- the - Discharge of condition no.16 (Construction Method Statement) relating to app no. PA/338917/16. Part discharged 19 September 2024.
- CND/351121/23 - Discharge of condition 2 (materials) relating to application RES/346698/21. Part discharged 25 July 2023.
- NMA/351120/23 – Non-material Amendment relating to app no. VAR/349187/22. Approved 25 July 2023.
- FUL/349189/22 - Pumping station associated with residential development of 23 dwellings. Approved 29 September 2022.

- VAR/349187/22 - Variation of Conditions No 1 (approved details schedule), 3 (hard and soft landscaping) and 4 (parking, details of construction, levels and drainage) relating to approved application RES/346698/21. Approved 29 September 2022.
- RES/346698/21 - Reserved matters application for appearance, landscaping, layout and scale pursuant to PA/338917/16 for 23 dwellings.
- PA/342449/18 - Reserved matters application (for appearance, landscaping, layout, and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings. Approved 6 June 2019.
- PA/338917/16 - Outline application for residential development of up to 23 dwellings (Use Class C3) with all matters reserved except access. The scheme was granted outline planning permission on appeal in November 2017 with costs awarded against the council for unreasonable behaviour in refusing this application.
- PA/336723/15 – Outline application for 29 no. dwellings. Access to be considered. All other matters reserved (Re-submission of PA/336309/14). Refused 13th July 2015.
- PA/336309/14 – Outline application for the erection of 30 dwellings with access and layout to be considered. Appearance, landscaping, and scale to be reserved – Refused 12th February 2015.

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Joint Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham’s Joint Core Strategy and Development Management Development Plan Document (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 As such, the following Places for Everyone policy is considered relevant to the determination of this application:

Policy JP- C8 – Transport Requirements for New Developments

- 6.4 On the Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan), the site is unallocated on the Proposals Map associated with the Local Plan.
- 6.5 The following Local Plan policy is considered relevant to the determination of this application:

Policy 5 - Promoting Accessibility and Sustainable Transport

7. CONSULTATIONS

Highways Officer	Recommend approval
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8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, 13 objections have been received raising the following (summarised) issues:

- In carrying out the development, problems have been experienced with contractor parking, no designated loading/unloading areas, lack of communication with residents;
- Refuse on highway safety grounds, but need measures such as 20mph signs and road markings;
- Houses should not be occupied without traffic calming in place as required by the Inspector and the Highways Officer;
- The proposed timetable for implementing measures is too long at 12 months after final occupation;
- Existing traffic calming doesn't work in slowing down traffic;
- Lack of consultation on the traffic calming measures;
- The developer has sought to avoid seeking a Traffic Regulation Order for the measures;
- Traffic calming measures outside homes would cause noise each time a car passes over them; and,
- The road humps and tables will make it harder for disabled people to cross the road.

8.3 In respect of the first point above, whilst the issues around the construction process have been noted, the proposal to vary the traffic calming condition must be assessed on its own planning merits only.

8.4 It should also be noted that the required financial contribution towards a traffic calming scheme has already been received from the developer. However, it is necessary for the Council to agree those details and obtain the necessary Traffic Regulation Order as such works on the highway are beyond the applicant's direct control.

8.5 Other comments in respect of the resultant form the traffic calming measures will take

are addressed in Sections 10 and 12 below.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The principle of the residential development on this site was established under outline approval PA/338917/16, a decision allowed by the Planning Inspector on appeal. The access to the site formed part of that approval.
- 9.2 In granting permission, the Planning Inspector nevertheless determined, through the imposition of Planning Condition 17, that a scheme of traffic calming measures should be implemented. A scheme had been presented before the appeal hearing.
- 9.3 Consideration of the present application is therefore limited to the impact of removing the need to undertake a traffic calming scheme in advance of the occupation of the development.
- 9.4 The condition imposed by the Inspector required the implementation of a specific traffic calming scheme (plan ref:2044-001 C). This scheme included the construction of a raised table which would have encompassed both the new site access and the access to Longden Avenue opposite. Speed cushions would have also been inserted between the site access and Ripponden Road.
- 9.5 In accepting that scheme, the Inspector concluded that, although it hadn't been subject to separate public consultation under the Traffic Regulation Order process at that stage, the scheme details had been available for public scrutiny as they had formed part of the information available for assessing the application.
- 9.6 The Inspector also considered residents' concerns in relation to noise and pollution from the specific siting of the speed humps, concluding that there was no specific evidence of a link between the proposed traffic calming, and noise and pollution issues. Nor did the Inspector consider that any displacement of parked vehicles could not be readily accommodated elsewhere.
- 9.7 However, upon reviewing the detailed scheme which had previously been presented by the developer, the Council's Highways Officer considered that the scheme could not be delivered due to existing specific or physical site constraints.
- 9.8 Noting the need nevertheless for a traffic calming scheme to be implemented, the Highways Officer prepared a detailed design for an alternative scheme which removes the physical limitations of the previous scheme, whilst ensuring that the programme of traffic calming measures elsewhere along Haven Lane can be completed.
- 9.9 That scheme was considered by Planning Committee at its meeting on 5th June 2024 and it was determined to refuse the application on the grounds of an adverse impact on on-street parking for existing residents.
- 9.10 The appeal against that refusal has been submitted to the Planning Inspectorate and the outcome is awaited.

10. HIGHWAY ISSUES FOR THE PRESENT APPLICATION

- 10.1 An assessment was made of the suitability of the location of the proposed access when

the original planning application (PA/338917/16) was determined.

- 10.2 It was noted that the proposed access is in close proximity to three existing priority-controlled junctions - Havenside Close, Rushton Grove and Longden Avenue.
- 10.3 The Highways Officer commented that the introduction of the additional access in this location would increase the risk of accident without the introduction of appropriate mitigation measures.
- 10.4 When the application was taken to appeal, the Planning Inspector agreed with this principle. However, a condition was attached which referred to a specific scheme, despite requests to refer to a scheme with details to be submitted and approved. It was later identified that, due to physical site constraints, the detailed scheme that was agreed by the Inspector and referred to in the condition could not be implemented.
- 10.5 However, the view that a safe access cannot be achieved without the provision of traffic calming measures has not changed, in fact, the provision of traffic calming measures is now more critical.
- 10.6 Since the original planning permission was granted, the remainder of Haven Lane and Counthill Road have been traffic calmed. If the final length of Haven Lane is left uncalmed, drivers will speed up. This will lead to an increase in the risk of accident to the detriment of highway safety.
- 10.7 The Local Highway Authority is satisfied that a scheme can be designed and implemented within twelve months of the granting of this permission which will reduce speeds and allow the access to be used safely and without detriment to any user of the highway.
- 10.8 The scheme will be the subject of further consultation with local residents and other Stakeholders (outside of the planning process). This process will allow the various views on the precise configuration of the measures to be employed to be fully considered.

11. CONDITIONS OF THE EARLIER APPROVAL

- 11.1 Should planning permission be granted for the removal of Condition 17, all other conditions imposed on the earlier permission will continue to apply. However, as some of the conditions will subsequently have been discharged or superseded, the wording of the conditions has been updated or the condition deleted accordingly.

12. CONCLUSION

- 12.1 The principle of the residential development of the site has been established by the approval on appeal of the original outline planning application.
- 12.2 From the determination of that appeal, it has been deemed necessary by both the Planning Inspector and the Highways Officer for a scheme of traffic calming measures to be implemented in order to secure a safe access to the site.
- 12.3 At the Planning Committee meeting on 6th June 2024, a previous application to introduce an alternative traffic calming scheme was refused by Committee, and a decision on that appeal is presently awaited. Concerns had been expressed that the details of the

scheme as presented had not been subject to adequate consultation.

- 12.4 This process will be undertaken as part of the process for a Traffic Regulation Order. The present application recognises the continuing need for a traffic calming scheme to be introduced; but will allow for the further consultation process to be undertaken before the details are finalised.
- 12.5 This is considered to be a satisfactory approach. However, the proposed timeframe would involve an unnecessary delay. The Local Highway Authority has indicated that a 12 month period, from approval by Planning Committee of the variation, would allow sufficient time for the required processes and implementation to be carried out.
- 12.6 It is therefore recommended that the timeframe should be revised accordingly.
- 12.7 It should be noted that the development on site is at an advanced stage. Should such approval not be forthcoming, a scenario will result whereby a number of residential properties would be required to remain vacant for an unknown period of time. This would have the potential of attracting crime and anti-social behaviour. It would also fail to assist in bringing forward much needed housing in the borough.

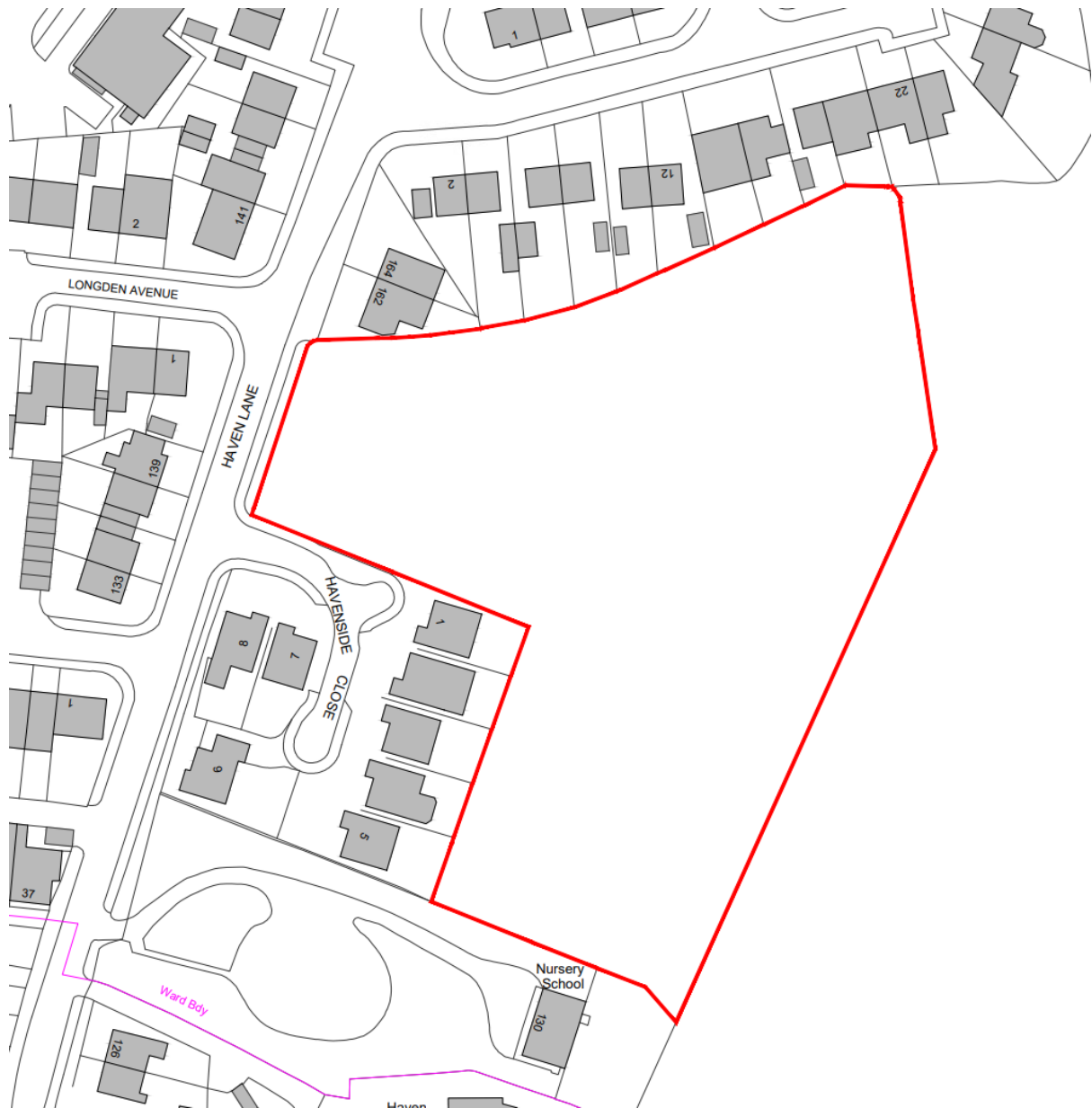
13. RECOMMENDED CONDITIONS

1. This permission shall be implemented in accordance with plan reference PL-01 Rev A dated 17.06.16. REASON – To ensure the satisfactory implementation of the development having regard to Policy 9 of the Oldham Local Plan.
2. The development shall be implemented in accordance with the measures approved for dealing with land contamination and landfill gas under application CD/343161/19. A verification report shall be submitted to and approved in writing by the Local Planning Authority before any dwelling hereby approved is first occupied. REASON - To ensure the safe development of the site having regard to Policy 9 of the Oldham Local Plan.
3. The development shall be implemented in accordance with the drainage scheme shown on drawing 2893/0100 Rev P05 as approved under application CND/351418/23. REASON - To ensure that the development is not at risk of flooding and does not flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan Document.
4. The development shall be implemented in accordance with the highway specification details submitted under application CND/352346/24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay at the junction with Haven Lane shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over one metre in height. REASON - To ensure a suitable and safe means of access to the site for vehicular traffic having regard to Policies JP-S4 and JP-C8 of the Places for Everyone Joint Development Plan.
5. The development shall be implemented in accordance with the Construction Method and Construction Phase Plan approved under application CND/351176/23. REASON - In the interests of the amenity of the area having regard to Policy 9 of the

Oldham Local Plan.

6. Notwithstanding the application description, within 12 months of the grant of this permission, a scheme for traffic calming measures on Haven Lane, to a specification that has previously been approved in writing by the Local Planning Authority, shall be implemented in full. REASON - To ensure highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.

SITE LOCATION PLAN (NOT TO SCALE)



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PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

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 defined by that Act.

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- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy))
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
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APPLICATION REPORT – FUL/353379/24 Planning Committee 16th October 2024

Registration Date: 3rd September 2024
Ward: Chadderton South

Application Reference: FUL/353379/24
Type of Application: Full Application

Proposal: Proposed use of the building for flexible employment uses within use classes E(g), B2 and B8

Location: Oldham 369, Lydia Becker Way, Chadderton, Oldham, OL9 9JE

Case Officer: Graham Dickman
Applicant: Inspired Global Cuisine & Ergo
Agent: Chris Betteridge

1. INTRODUCTION

1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major development.

2. SITE DESCRIPTION

2.1 This application relates to a large, presently vacant warehousing and distribution unit with an attached office building located on the north side of Lydia Becker Way approximately 600m west of its junction with Broadway.

2.2 The site incorporates associated car parking for 324 vehicles and 16 motorcycles, servicing, and landscaping areas. The primary access is from a roundabout which also serves a retail store and drive-through located to the south of the site.

2.3 To the south-west, the site is adjacent to a development of commercial units, from which it is separated by a public footpath which continues along the western side of the site. To the south-east, a previously vacant site is allocated for future commercial development.

2.4 In contrast to the east, the site adjoins a modern residential development, with the Radclyffe School to the rear.

3. THE PROPOSAL

3.1 The proposal seeks to extend the range of uses of the building from Use Class B8 (warehousing and distribution), on which basis the Reserved Matters application for the building was granted.

3.2 The proposed uses would also encompass Class B2 (general industrial use) and Class

E(g). This latter Class includes an office to carry out any operational or administrative functions, research and development of products or processes, or any industrial process which can be carried out in any residential area without detriment to amenity.

- 3.3 The change will specifically permit occupation by a food manufacturing business, whilst allowing future flexibility of employment uses.
- 3.4 The presently intended occupier is a company primarily involved in the production of frozen ready meals, soups and sauces producing a range of products which are sold by a number of operators including Iceland Foods Ltd.
- 3.5 The business will operate on a 24 hour day basis.
- 3.6 The proposal will facilitate in the region of 550 jobs, almost all of which will be full time. It is anticipated approximately 300 of these will be staff moving from their existing premises, but with approximately 200 new roles created initially which will be primarily filled by local residents.
- 3.7 Ultimately it is anticipated that the proposed operation will provide 760 FTE jobs on the site when in full operation.
- 3.8 It is anticipated that the use would operate on a 24 hour, 3 shift pattern (06.00 – 14.00, 14.00 – 22.00 and 22.00 – 06.00), with projected staff at 180 (rising to 225) during each of the daytime shifts, and 80 (rising to 100) for the nighttime shift.

Environmental Impact Assessment

- 3.9 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.10 The proposal would represent an Industrial Estate Development Project within paragraph 10(a) of Schedule 2 of the Regulations. However, it would not exceed the applicable threshold of 5 hectares, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 3.11 Consequently, an Environmental Statement is not required.

4. PLANNING HISTORY

- RES/346292/21 - Details relating to appearance, landscaping, layout and scale for a proposed Class B8 warehouse in connection with outline approval PA/337091/15. Approved 11 May 2021.
- 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'). Approved 28 September 2015.

- 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. Approved 23 October 2014.

5. RELEVANT PLANNING POLICIES

- 5.1 The Places for Everyone (PfE) Joint Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 5.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document adopted in November 2011 (referred to as the Local Plan in this report), in accordance with the National Planning Policy Framework (NPPF).
- 5.3 The following PfE policies are considered relevant to the determination of this application:

Places for Everyone

Policy JP-S1 – Sustainable Development
Policy JP-J1: Supporting Long-Term Economic Growth
Policy JP-J2: Employment Sites and Premises
Policy JP-J3: Office Development
Policy JP-J4: Industry and Warehousing Development
Policy JP-C8: Transport Requirements of New Development

The site is located within a Business Employment Site on the Proposals Map associated with this document.

As such, the following policies are considered relevant to the determination of this application:

Policy 9 – Local Environment
Policy 13 – Employment Areas
Policy 14 – Supporting Oldham's Economy

6. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objection subject to the submission of Green Travel Plan.
National Highways	No objection
Active Travel England	Direct the Council to ATE's Standing Advice in assessing the application.
Environmental Health	No objection subject to conditions for details of extraction equipment and maximum noise level.

7. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

7.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by press and site notice and letter to adjoining properties. No decision on the application will be taken until the statutory notification period has expired.

7.2 One representation has been received raising the following (summarised) issues:

- The proposed use differs from that on which were previously informed and other promised park and play area have not been delivered (clarified in paragraphs 8.1-8.5 below).
- Not all residents on the estate have been notified and the letter and letters were not received until 5 day after the posting date (clarified in paragraph 7.1 above).
- The Noise Impact Assessment pre-dates the introduction of Aldi opposite in assessing the noise impact (addressed in paragraph 10.6 below).
- Potential odours from pre-frozen meat waste stored on site (addressed by Section 8 below and by condition).
- Are traffic calming measures proposed on Lydia Becker Way (addressed in paragraph 9.6 below).
- What are the hours for vehicle movements and how will the staff be split on shifts? (clarified in paragraphs 3.5-3.8 below).

ASSESSMENT OF THE PROPOSAL

8. PRINCIPLE OF DEVELOPMENT

8.1 The application site comprises a large commercial unit constructed as part of the Foxdenton Strategic Site which includes sites allocated for both residential and employment purposes.

8.2 The development of the site has been brought forward in accordance with the hybrid planning permission granted in 2015 (PA/337091/15). That permission was granted subject to a Parameters Plan which site out the various allocate uses across the wider

site, including where employment and residential uses would be located adjacent to one another.

- 8.3 The original approval for this site envisaged a development which could include uses within Classes B1(a) and B1(c) (now Class E(g)), B2 and B8.
- 8.4 Although the subsequent Reserved Matters approval for the present building sought use within Class B8 only, the present proposal will in effect extend the permitted uses to reflect the range of uses (including general industrial uses) which were originally envisaged on the application site.
- 8.5 A landscaped, mounded area of open space separates the site from the adjacent residential development in accordance with the original approved layout for that site. Within the wider development area, informal recreation facilities are proposed focussed on the linear park and these works are presently on-going to the south of Lydia Becker Way.

9. HIGHWAYS MATTERS

- 9.1 NPPF paragraph 115 states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 9.2 The original strategic development of the Foxdenton site included the provision of new highways infrastructure, including the construction of Lydia Becker Way which serves the application site. The Transport Assessment which accompanied that application encompassed uses within classes B1, B2 (now E(g)) and B8. The approval included contributions to off-site highway works which have subsequently been implemented.
- 9.3 Consequently, the local highway network has been designed to accommodate the levels and type of traffic which would be associated with the use of the building for the various uses for which approval is now sought.
- 9.4 Similarly, satisfactory car parking and commercial vehicle parking and servicing has been incorporated into the site.
- 9.5 The application is supported by a Transport Note which assesses the proposal on the basis of a B2 (general industrial) use of the building. It identifies that there would be an increase of around 26 additional two-way movements in the morning peak hour and 13 additional two-way peak movements in the evening peak. These additional movements do not represent a material increase over the approved scenario.
- 9.6 In this context no objections have been raised by the Highways Officer or by National Highways, which is responsible for the maintenance of Broadway in this location, nor is it determined that further measures would be required to be introduced to ensure the safe and efficient operation of the highways in the vicinity of the site.

10. AMENITY IMPACTS

- 10.1 A Noise Impact Assessment has been submitted with the application.
- 10.2 In common with the commercial units which have been constructed on the adjacent sites, no restrictions on operating hours have previously been imposed in the application that granted permission for this building. This application purely seeks permission for the proposed use of the building.
- 10.3 Given the building's previously authorised use and hours of operation, no significant additional noise impact associated with vehicle movements would result.
- 10.4 The applicant has indicated that, at this stage, details of plant and extraction equipment have not been determined. Proposals for these would follow in subsequent applications. This would include specifications for the equipment in order to ensure that adequate noise mitigation measures and controls over odours can be put in place.
- 10.5 In addition, arrangements for any on-site storage of food waste will be controlled by means of planning condition.
- 10.6 It has been noted that the submitted noise impact assessment pre-dates the construction of the Aldi store opposite. However, the authorised operation of the building for commercial purposes and the relationship with nearby residential properties has been previously assessed, which would include the potential for 24-hour vehicular movements from a warehousing operation.
- 10.7 Potential additional sources of noise from extraction or similar equipment will need to be assessed in detail once these are known.
- 10.8 The Environmental Health Officer has assessed the submitted details and has recommended conditions to ensure that details of any new extraction or ventilation equipment are submitted for approval and that any resulting noise levels do not exceed the existing noise climate.

11. OTHER CONSIDERATIONS

- 11.1 As the site is now fully developed, issues associated with the suitability of the building in terms of ground conditions, drainage, and ecological factors have previously been fully addressed.
- 11.2 In respect of the statutory Biodiversity Net Gain requirement, the proposals relate to the change of use of the building only and consequently will not result in any habitat loss.

12. CONCLUSION

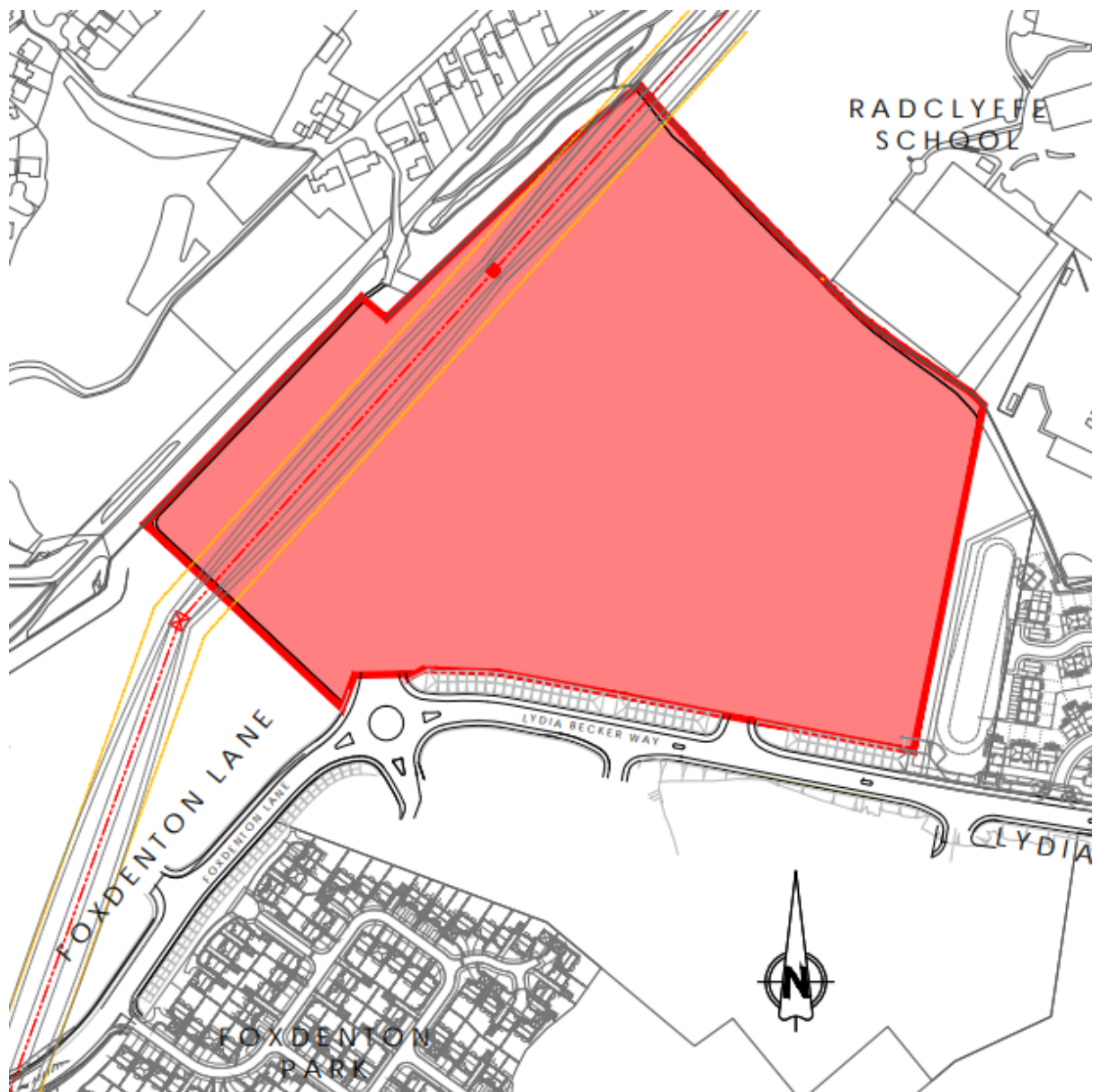
- 12.1 The proposed use will facilitate the productive use of a large, presently vacant, building on an identified strategic employment site. In addition, it would create significant employment opportunities for local people.
- 12.2 In this context, the proposal would accord with the provisions of the local plan.

13. RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification), no changes from Class E(g) to other Classes within Class E of the Order shall be undertaken. REASON - To safeguard the effective employment function of the site having regard to Policy JP-J2 of the Places for Everyone Joint Development Plan and Policy 13 of the Oldham Local Plan.
4. No external extraction or ventilation equipment shall be installed, nor shall food waste be stored outside the building, unless a full specification has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details. REASON - In order to protect the amenity of neighbouring dwellings in respect of noise and odours having regard to Policy 9 of the Oldham Local Plan.
5. The noise rating level from the premises (not including vehicle movements) as defined by BS 4142:2014+A1:2019 shall not exceed 39 between the hours of 0700 and 23:00 and 35 between the hours of 23:00 and 07:00 at residential properties in the area at the following locations or at a suitably equivalent location: Gradient Close, Mill Fold Gardens, Ferney Field Road, Rupert Court, Henrietta Court, Pinewood, Ashwood, Tulip Close. REASON - In order to protect the amenity of neighbouring dwellings having regard to Policy 9 of the Oldham Local Plan.
6. Within six months of the first occupation of the development hereby approved, a green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. All measures contained within the plan to be implemented and updated thereafter. The green travel plan shall, as a minimum, deal with the following key issues:
 - appointment of a Travel Plan Co-ordinator and notification in writing to the Local Planning Authority of the name of the holder of that post;
 - measures to promote and facilitate public transport use; timetables and fare information to be updated regularly;
 - measures to promote and facilitate walking and cycling;
 - promotion of car sharing and practices and on-site facilities that reduce the need for travel;
 - monitoring and review mechanisms.

REASON - To ensure the development accords with sustainable transport policies having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.

SITE LOCATION PLAN (NOT TO SCALE):



PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

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APPLICATION REPORT – FUL/353109/24 Planning Committee 16th October 2024

Registration Date: 3rd July 2024
Ward: Failsworth East

Application Reference: FUL/353109/24
Type of Application: Full Application

Proposal: Erection of a new foodstore (Use Class E) with associated car parking and landscaping

Location: Land at Albert Street, Hollinwood

Case Officer: Graham Dickman
Applicant: Lidl Great Britain Limited
Agent: Rapleys

1. INTRODUCTION

1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major development which involves a departure from the development plan.

2. SITE DESCRIPTION

2.1 This application relates to the north-east corner of a much larger formerly developed site. The application site covers approximately 0.7 hectares. It is largely characterised by un-maintained grassland with tree cover alongside the motorway boundary.

2.2 A former gasometer is located beyond the site boundary to the south-east.

2.3 Part of the wider original development site immediately to the west has been re-developed with a coffee shop and drive-through. Both it and the application site are served via a new roundabout junction and access link (Olive Claydon Way) from Albert Street. This is also intended to service the site to the south on which planning permission has been granted for a development of commercial units.

2.4 The site is adjoined by the M60 motorway to the east, with employment uses along Albert Street to the west.

3. THE PROPOSAL

3.1 This is a full planning application for the erection of a new Lidl foodstore comprising 1,983m² gross internal area with a net sales area of 1,325m². The building will be single storey, of a corporate design, and be located to the south end of the site.

3.2 111 car parking spaces, including 6 disabled spaces and 10 Parent & Child spaces, will be provided along with periphery landscaping.

Environmental Impact Assessment

- 3.3 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.4 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, it would not exceed the applicable threshold of 5 hectares, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 3.5 Consequently, an Environmental Statement is not required.

4. PLANNING HISTORY

- FUL/351218/23 - Full planning application for the demolition of the gas holder, erection of employment development comprising five units (Use Class E(g) (ii) (iii) / B2 / B8 Uses) with ancillary E (g) (i) office space, car parking and vehicular, pedestrian circulation with access onto Olive Claydon Way. Approved 16 November 2023.
- RES/345747/20 - Approval of reserved matters for coffee shop with drive thru facility, external seating and associated car parking and service areas, pursuant to the outline planning permission PA/333717/13. Approved 3 February 2021.
- NMA/345548/20 - Non-material amendments to the highway layout approved with the reserved matters application PA/342681/18. Approved 12 November 2020.
- PA/342681/18 - Approval of reserved matters in respect of access for phase 1 highway and infrastructure works comprising details of the vehicular access from Albert Street including the two armed roundabout (roundabout No. 2) and estate road with junctions into plots B, C, D, E and F and underground attenuation tank to facilitate future phases of mixed use development pursuant to the outline planning permission PA/333717/13. Approved 11 April 2019.
- DM/341089/17 – Prior approval for demolition of redundant gasholder and associated buildings. Required and granted 1 February 2018.
- DM/339854/17 – Prior approval for demolition of redundant gasholder and associated buildings. Required and granted 30 March 2017.
- PA/333717/13 - Demolition of a gasholder and outline planning application for employment-led mixed use scheme to include: erection of buildings to provide B1/B2/B8 uses, supported by ancillary uses including A1, A3, A4, A5, C1 and D1, and associated engineering works, landscaping, car parking, open space and access from Albert Street. Access to be considered all other matters reserved. Approved 7 June 2013.

5. RELEVANT PLANNING POLICIES

- 5.1 The Places for Everyone (PfE) Joint Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.

- 5.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document adopted in November 2011 (referred to as the Local Plan in this report), in accordance with the National Planning Policy Framework (NPPF).
- 5.3 The following PfE policies are considered relevant to the determination of this application:

Places for Everyone

- Policy JP-S1 – Sustainable Development
- Policy JP-S2 – Carbon and Energy
- Policy JP-S4 – Flood Risk and the Water Environment
- Policy JP-S5 – Clean Air
- Policy JP-J1 – Supporting Long-Term Economic Growth
- Policy JP-G7 - Trees and Woodlands
- Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity

Policy JP-P1 - Sustainable Places

The site is located within a Business Employment Site on the Proposals Map associated with this document.

As such, the following policies are considered relevant to the determination of this application:

- Policy 9 – Local Environment
- Policy 13 – Employment Areas
- Policy 14 – Supporting Oldham's Economy

6. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objection subject to the provision of secure cycle storage.
National Highways	No objection
Environmental Health	Recommend that a contamination land and landfill gas condition is included on any approval.
G M Ecology Unit	No objection subject to the requirement for statutory 10% gain in BNG and measures to protect bats and other species which may use the site.
Trees Officer	Requests further information regarding the impact on off-site trees.
United Utilities	Unless a detailed drainage scheme is submitted in advance of the grant of permission, a suitable condition should be imposed.
Manchester City Council	No comments received

7. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 7.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by press and site notice and letter to the neighbouring business.
- 7.2 No representations have been received.

ASSESSMENT OF THE PROPOSAL

8. PRINCIPLE OF DEVELOPMENT

- 8.1 The application site comprises previously developed land forming part of a wider Business and Employment redevelopment for which an outline permission remains extant.
- 8.2 The outline approval included a Parameters Plan which indicated that the northern portion of the site could be developed for a variety of uses. One of those uses was the former Class A1 (retail). The retail use was subject to a maximum of 5,000m² of floorspace to align with the limitation allowed under Local Plan Policy 14.
- 8.3 The present scheme includes a gross internal area of 1,983m², with a net sales area of 1,325m². It would therefore significantly exceed the policy threshold. 80% of the floorspace would be for convenience goods.
- 8.4 A robust Planning & Retail Statement has been submitted which has regard to the Oldham Retail & Leisure Study.
- 8.5 Therefore, it is considered that, having regard to the retail centres assessed, the development will not have any significant adverse impacts to their vitality and viability. As a result, the development would comply with Local Plan Policy 15 and NPPF paragraph 94.

9. DESIGN AND APPEARANCE

- 9.1 The proposed new store is a single-storey building, of contemporary design, and features a single height glazed curtain walling in grey and insulated metal cladding panels in white.
- 9.2 The local area has a wider mix of commercial building styles. In this context, the layout and materials used are considered to be in keeping with the surroundings.

10. IMPACT ON TREES AND BIODIVERSITY

- 10.1 In accordance with the requirements of the Environment Act 2021, the development will be required to secure a biodiversity net gain of at least 10%.
- 10.2 An Ecological Impact Assessment has been submitted along with a Biodiversity Net Gain Metric, Design Stage Report, and BNG Strategy Note.

- 10.3 The Metric shows a loss of 67% and on-site alternatives cannot be provided.
- 10.4 The details of the applicant's proposals to meet the target off-site have been assessed by GM Ecology Unit (GMEU) which confirms that the applicant's ecologist has followed the mitigation hierarchy and has shown an intent to source offset units within the same local planning authority or national character area as the habitat loss. In the present context, GMEU is satisfied for the application to proceed to determination, subject to conditions in relation to nesting birds and reasonable avoidance measures to protect species using the site.
- 10.5 Nevertheless, the statutory Biodiversity Gain Condition will continue to apply to any permission to require the submission of a comprehensive Biodiversity Gain Plan before the development commences.
- 10.6 In respect of the impact on trees, the Council's Trees Officer has requested further information in respect of the protection of trees adjoining the site. Consequently, a condition is recommended requiring such details prior to the commencement of development.
- 10.7 In addition, a Landscaping Scheme has been submitted and this will be required to be implemented in order to soften the appearance of the site.

11. HIGHWAYS MATTERS

- 11.1 NPPF paragraph 115 states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".
- 11.2 The application is accompanied by a Transport Assessment which concludes that the proposed development will not result in any impact with regard to the safety or capacity of the local highway network.
- 11.3 Improvements to pedestrian routes between the site and the nearby Hollinwood tram stop have previously been implemented, whilst further improvements along Albert Street will be implemented as part of the adjacent approved development on the site to the south.
- 11.4 This has been assessed by the Council's Highways Officer who concurs with the findings.

12. AMENITY IMPACTS

- 12.1 Noise and Air Quality Assessments have been submitted with the application.
- 12.2 The closest residential properties are located approximately 110 metres to the east across the M60 motorway. In this context, there are no anticipated adverse impacts which are likely from the development and subsequent use of the site.

13. GROUND CONDITIONS AND DRAINAGE

- 13.1 A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application.
- 13.2 This report demonstrates that the proposed development is not at significant flood risk, and mitigation measures have been recommended to address any residual risks that may remain. It is therefore considered that the proposal complies with Policy 19 of the Development Plan.
- 13.3 Phase 1 and Phase 2 Ground Investigation Reports have been submitted. The Environmental Health Officer has considered the reports. The Preliminary Risk Assessment and Site Investigation is acceptable. It is recommended that the contaminated land condition is added to any approval to include the need for additional information and for the site works and for a Validation report on completion.

14. CONCLUSION

- 14.1 The proposed use would accord within the previously established principles for redevelopment of the site. The increased size of the store in relation to the previously set out policy and planning permission has been assessed in regard to its impact on the wider retail function of the area and this impact is deemed to not be significant.
- 14.2 Furthermore, the redevelopment of this previously developed site in a highly sustainable location will assist in the regeneration of the wider site bringing additional employment and services to the local area.
- 14.3 There will be no adverse impacts in relation to traffic generation, amenity, ground conditions, drainage, or ecology which cannot be adequately addressed with by mean of planning conditions. In this context the development will be satisfactory.

15. RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - v. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and 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 JP-S4 of the Places for Everyone Joint Development Plan.

4. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - i. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - ii. 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 plan.

REASON - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.

5. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination 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. 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.
6. 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.

7. No external lighting shall be installed unless the prior written approval of the Local Planning Authority has been obtained. REASON - In order to prevent undue disturbance to bats and other fauna which may forage and commute through the site having regard to Policy JP-G8 of the Places for Everyone Joint Development Plan.
8. Prior to any earthworks, vegetation clearance or demolition a reasonable avoidance measures method statement for amphibians, reptiles and mammal shall be supplied to and agreed in writing by the Local Planning Authority. REASON - In order to prevent undue disturbance to bats and other fauna which may forage and commute through the site having regard to Policy JP-G8 of the Places for Everyone Joint Development Plan.
9. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: R-2733-1 prior to the occupation of any part of the development or in accordance with the programme agreed with 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 and 21 of the Oldham Local Plan.
10. No development, including site clearance, shall be commenced until an Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted to and approved in writing by the Local planning Authority. The development shall be implemented in full accordance with the approved measures. REASON - In order to secure the protection of existing trees on or adjoining the site having regard to Policy JP-G7 of the Places for Everyone Joint Development Plan.
11. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facility shall remain available for users of the development thereafter. REASON - In order to promote sustainable means of travel having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.

SITE LOCATION PLAN (NOT TO SCALE)



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PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

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 defined by that Act.

THE BACKGROUND PAPERS

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy)
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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Planning Appeals Update

Planning Committee

Report of Assistant Director Planning, Transportation & Housing Delivery

DATE OF COMMITTEE

16 October 2024

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 18 September 2024. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals between Monday 26 August 2024 and Friday 27 September 2024 which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
MMA/350017/22	149A Manchester Road Greenfield OL3 7HJ	Ongoing	08/08/2023	Variation of Condition 2 (approved plans) and 11 (obscured glazing) relating to approved application MMA/345170/20
HOU/348050/21	42 Wakefield Drive, Chadderton	Dismissed, 19/04/2024	26/09/2023	Single storey rear extension with roof terrace
TEL/351889/23	Rhodes Bank Land To The South Of Roscoe Street Car Park Oldham	Allowed, 30/08/2024	30/04/2024	Proposed NTQ telecommunications installation. Proposed 20m High Valmont climbable monopole on 5.2 x 5.2 x 1.4m deep concrete base with config 2 circular headframe for 6No. Antennas Apertures at 30 degrees/170 degrees /280 degrees & 4No. 600 degrees dishes. BOB's, MHA's and active routers to be fixed to headframe behind Antennas and associated ancillary works.
FUL/347828/21	Hawthorn Cottage, Diglea,	Ongoing	19/06/2024	Single storey extension to south

	Diggle			east elevation, alterations and retrospective change of use of land.
FUL/351291/23	Land At Dark Lane Delph	Dismissed, 27/09/2024	11/06/2024	Erection of a stable block.
FUL/351685/23	47 Ferney Field Road Chadderton	Ongoing	17/07/2024	Change of use from garage into holiday let accommodation
HOU/351856/23	47 Ferney Field Road Chadderton	Ongoing	29/07/2024	1). Single storey rear extension 2). First and second floor front, rear and side extension. 3). New driveway to front
HOU/352156/23	137 Denbydale Way Royton	Allowed, 13/09/2024	02/08/2024	Replacement of existing porch with the erection of new front extension, with accommodation within the roofspace, erection of a part single part two storey rear extension, erection of a single storey outbuilding, masonry garden wall and raised planter.
HOU/352179/24	92 Parkway Chadderton	Ongoing	06/08/2024	Retrospective application. 1) Increase in width of two storey side extension 2) Infill extension to rear first floor adjacent boundary with 90 Parkway 3) Amendment to side and rear elevation windows 4) Enlargement of rear dormer 5) Changes to front elevation to remove bay window
HOU/352570/24	150 Chadderton Way Oldham	Ongoing	01/08/2024	Erection of a part single part two storey rear extension, and

				rear dormer.
HOU/352652/24	15 Underwood Way Shaw	Ongoing	02/08/2024	1. Raising of the roof of the property to accommodate a rear dormer. 2. Two storey rear extension.
HOU/352737/24	1 Woodend Street, Oldham	Ongoing	21/08/2024	1. Rear Dormer 2. Erection of a front porch 3. Installation of new window to front elevation.
ADV/351200/23	Land West Of Ashton Road, Hathershaw, Oldham, OL8 3HF	NEW	17/09/2024	Installation and display of a digital billboard.
OUT/351895/23	Land To The Rear Of 871 Middleton Road Chadderton	NEW	18/09/2024	Outline planning application for 1 no. detached house with access and layout to be considered.
HOU/352241/24	107 Green Lane Oldham	NEW	04/09/2024	Retrospective application for a two storey side/rear extension and erection of a shed to side elevation.
VAR/352405/24	Land Off Haven Lane Moorside	NEW	11/09/2024	Variation of Condition 17 of PA/338917/16 to revise the approved traffic calming scheme and for the timing of implementation to permit the occupation of no more than 15 dwellings prior to completion of the traffic calming scheme
HOU/352605/24	Holly Ville Lodge Holmfirth Road, Greenfield	NEW	19/09/2024	Partial redevelopment of existing derelict house.
FUL/352701/24	Pavement Outside 1 Town	NEW	17/09/2024	Installation of a modern, multifunction

	Square Shopping Centre George Street Oldham			hub unit featuring an integral advertisement display and defibrillator
FUL/352703/24	The Pavement Outside 6 High Street Oldham	NEW	17/09/2024	Installation of a multifunction hub unit featuring an integral advertisement display and defibrillator
ADV/352754/24	489 Manchester Road Oldham	NEW	17/09/2024	Replacement of existing 48 sheet advert on gable end with a digital advert screen.

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