

**APPLICATION REPORT – FUL/348415/22
Planning Committee 8th June 2022**

Registration Date: 10th March 2022
Ward: Coldhurst

Application Reference: FUL/348415/22
Type of Application: Full Application

Proposal: Comprehensive redevelopment of the Spindles Town Square Shopping Centre comprising the rationalisation of the existing Upper Mall floorspace to create new flexible high quality office use including co-working space (Use Class E), Change of use of part of the existing Upper Mall and car park to create a new archive space (Sui generis) and construction of a new market hall (Use Class E) and event space (Sui generis) including rooftop terrace, together with external alterations, cycle storage and changing facilities, roof mounted solar photovoltaic panels, public realm improvements, and other associated works

Location: Spindles Town Square Shopping Centre, High Street, Oldham, OL1 1JD,

Case Officer: Graham Dickman
Applicant: Oldham Council
Agent: Mr Chris Sinton

INTRODUCTION

This application is presented to Committee as a Major application involving the Council as applicant and landowner.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

THE SITE

The application site extends to circa 2.63 hectares and comprises two adjoining shopping centres within Oldham town centre - the Spindles and Town Square. The centres were constructed in two separate phases between 1981 and 1991 covering circa. 450,000 sq. ft of retail space, together with car parking and back of house functions including service yard.

Town Square is the older of the shopping centres, being constructed in 1981 with 5 (smaller) storeys, with the Spindles built out in 1991 with 4 floors (larger floor-to-ceiling heights). The centres were knocked through with escalators inserted to connect the principal retail floor levels.

The existing retail element is currently located at Spindles mall level and upper mall levels, and Town Square Mall Level. A large circulation space currently allows movement between

the two centres at mall level and upper mall level. At gallery level is a storage space for the retail units. The existing car parking at the site provides circa. 1,355 car parking spaces and a large service area is present on the ground floor.

The site is bounded to the north by Market Place, to the west by George Street and George Square which comprises public open space, to the south by Silver Street and Ascroft Street and to the east by Parliament Square which is an area of public realm which has recently undergone a series of improvements.

Vehicular access, including to car parking, is achieved via Ascroft Street and Silver Street with the Spindles service area accessed from Barn Street.

The site is situated in a location highly accessible on public transport, within Oldham town centre in close proximity to a number of services, amenities and public transport modes.

THE PROPOSAL

This application seeks planning permission for a comprehensive redevelopment, including changes of use internally and replacement floorspace.

This includes the rationalisation of the existing Upper Mall floorspace to create the following:

1. A new flexible high quality office use including co-working space over 7039 sqm GIA (Use Class E). This will include the relocation of Council offices from the Civic Centre, and a new independently operated co-working space for entrepreneurs and local businesses seeking flexible, contemporary workspaces with modern facilities. 24 hours flexible access will be available for occupiers of the offices
2. Change of use of part of the existing Mall and car park to create a new archive space (1160 sqm GIA (sui generis)).

This facility will store museum, archive and library collections accessible to the public. The repository and back of house areas of the new archive will be located on the lowest two existing car park levels (A and B). The public search room and reading room will be located on the Town Square mall and mezzanine level within a former retail unit, adjacent to the proposed new market space.

In order to facilitate the creation of the archive space, a 67 no. existing car parking spaces will be lost.

3. The construction of a new market hall over 4649 sqm GIA to be created adjacent to the Spindles Town Square Shopping Centre, replacing the existing TJ Hughes unit which is to be demolished. This will include the relocation of the existing Tommyfield Market units.

The produce market will maintain the current retail operating hours of 9am to 5.30pm Monday to Saturday and 10.30am to 4.30pm on Sundays and Bank Holidays.

It is envisaged that the Food & Beverage market hall will operate between 11am and 11pm daily. A night-time security line will be established at around 6pm which will enable the market fronting on to Parliament Square to continue operating into the evening.

4. Finally, an event space over 3108 sqm GIA (sui generis), including rooftop terrace.

The opening hours for the Event Space will be closely aligned with the F&B Market and proposed to extend from 9am until midnight. A night-time security line will also be established for the event space to allow the space to be used independently of the main shopping centre outside of hours.

Additional elements include external alterations, cycle storage and changing facilities, roof mounted solar photovoltaic panels, public realm improvements, and other associated works

Environmental Impact Assessment

The proposal has been subject to a Screening Request and Opinion in respect of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), as to whether an Environmental Statement is required.

The development is of a type listed within the descriptions of development contained within Schedule 2 of the Regulations, falling under category 10(b) urban development projects (including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas).

The site is not within a 'Sensitive Area' as defined in the Regulations. However, the overall site area exceeds the threshold for assessment.

Following careful assessment; it has been determined that the impacts of the development would not be significant in terms of environmental impacts and an Environmental Statement is not required.

RELEVANT PLANNING HISTORY

Planning permissions for the present shopping centres were granted in the 1970s and 1980s. There have subsequently been a number of applications relating to the site, but which are not relevant to the present application.

DEM/348220/21 – Prior approval for the demolition of the existing TJ Hughes unit. Granted 11 January 2022.

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 allocated in the Proposals Map associated with this document as Central Shopping Core and Primary Shopping Frontage (part)

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 9 - Local Environment;
Policy 14 - Supporting Oldham's Economy;
Policy 15 – Centres;
Policy 18 – Energy;
Policy 20 – Design;

CONSULTATIONS

Highways Engineer:	No objection subject to submission of a Green Travel Plan.
Environmental Health:	No objection in principle subject to further investigation into landfill gas and land contamination, to include soil sampling and gas monitoring.
Drainage	The proposed drainage strategy and discharge rates are acceptable in principle. No objections subject to a condition requiring submission of a detailed drainage scheme.
G M Ecology Unit	No objection as no ecological impacts have been identified.
GM Police	No objection subject to the crime prevention measures set out in the Crime Impact Statement.
United Utilities	Request detailed drainage plans prior to determination, failing which a condition requiring details of a sustainable drainage scheme before the development commences is recommended.
Coal Authority	No objections subject to a scheme of intrusive investigations and subsequent confirmation that any necessary remediation measures have been implemented.
GM Archaeological Unit	Request the implementation of a scheme of investigative archaeological works.

REPRESENTATIONS

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

In response, no representations have been received.

PLANNING CONSIDERATIONS

Principle of development

Due to the recent shift in retail trends towards a greater online presence, the high street is seeing a steady decline in footfall and at present it is considered that the vacancy rate and quality/variety of existing tenants within both shopping centres is not conducive to the long-term health of the shopping centre or to the town centre as a whole.

Due to recent challenging retail conditions the Spindles Town Square Shopping Centre has a vacancy rate of circa. 30% with a number of vacant retail units present. As part of wider regeneration ambitions, the Council acquired the site in October 2020 with a view to re-positioning the shopping centre, introducing alternative uses and catalysing transformational change in the town centre.

The Tommyfield Market is both historically and culturally significant and is one of the largest indoor markets in the North West, with over 115 stalls. In recent decades however, it too has suffered from a decline in footfall and reputation, with only half of those visiting the Spindles also visiting Tommyfield Market.

Oldham town centre is forecast to see significantly below average percentage growth in the available pool of retail spending over the forecast period, end 2020-2025, suggesting existing vacancies are unlikely to be replaced with retail uses.

The existing evidence and current trends suggest there is an imminent requirement to consolidate the retail offering in Oldham and diversify the town centre to include a stronger leisure offer.

The redevelopment is central to the Council's Creating a Better Place regeneration strategy that will increase footfall in the town centre, unlock valuable brownfield sites for new homes and public open space and generate significant public benefits.

Policy context

Local Plan Policy 15 identifies Oldham town centre as a focal point for commercial, shopping, social, civic, community and cultural activities, and that it should be the main location for major retail and leisure development, with the focus being on the `Central Shopping Core`. The policy states that Oldham town centre should "at least maintain, and if possible, enhance its existing role by improving the quality as well as the quantity of its retail offer".

It acknowledges that there is a need to "improve the commercial leisure offer of the town centre with appropriate uses that will create a pleasant and attractive environment". A key aim of the plan is to promote and enhance the vitality and viability of Oldham town centre, protecting and maintaining their function.

In terms of uses, Policy 15 advises that "*proposals for uses in `centres`, including retail, leisure and offices, wherever located, will be determined in accordance with national policies*". With regard to Primary Shopping Frontages the policy states that the Council will "*permit developments or changes of use within the primary shopping frontages only where 70% of the ground floor frontage subsequently remains in A1, A2 or A3 use*".

In respect of food, drink and night-time economy related uses, the policy requires that proposals for such uses address specific criteria.

In September 2020 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, significantly reforming existing planning use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

As a result of these reforms, Use Class E 'Commercial, Business and Services' was created to enhance flexibility, particularly in town centres. Class E including retail, for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, offices, indoor sport, health or medical services, and for a crèche, day nursery or day centre.

The Council is currently in the process of preparing a Local Plan Review which will guide development in the Borough up to 2037. Upon adoption it will replace the current Core Strategy (2011) and any 'saved' planning policies from the UDP (2006).

Paragraph 16.5 of the Issues and Options Consultation provides an overview of the vision for the Town Centre and states:

“The Local Plan will reflect the Oldham Town Centre Vision that has been refreshed to include plans for around 2,500 modern homes, 1,000 new jobs and a linear urban park, in support of delivering Creating a Better Place. The proposals go beyond numbers to recognise that quality housing must be complemented by access to local services, public transport, shops and open space to improve quality of life and make Oldham an even better place in which to live, work, visit and do business”.

The refresh of the Vision coincides with the Council’s purchase of Spindles Town Square Shopping Centre in October 2020 to act as a catalyst for economic regeneration.

Part of the shopping centre will be transformed into a modern home for Tommyfield Market traders, releasing the site of the current market hall for a brand-new linear park surrounded by new homes. The purchase of the shopping centre will also unlock other brownfield development sites in the town centre, allowing Oldham Council to put these forward for future housing and employment development.

Paragraph 16.8 notes that Oldham Town Centre has been subject to a health check assessment which concludes that:

“the town centre is well represented in the convenience and comparison goods sectors, the food and drink sector, and the professional services sector. However, there is a large proportion of vacant units. The town centre economy could be improved by reducing the number of retail units and repurposing them for other uses including office and residential”.

The submission of the Local Plan Review to the Secretary of State is currently earmarked for September 2023 with adoption anticipated in Summer 2024.

Paragraph 86 of the NPPF notes that planning policies and decisions must support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation.

An ‘Oldham Green New Deal Strategy’ (to replace the Climate Change Strategy 2013- 2020) includes a new carbon neutrality target declared for the Council as an organisation by 2025. These commitments are in the wider context of the GM Combined Authority target for carbon neutrality for the city region by 2038, with a programme of delivery set out in the GM five-year Environment Plan.

The Oldham Town Centre Vision (2019) renews a commitment to ensure that the town centre provides a safe living, working, visiting environment and atmosphere which supports the local economy and supports opportunities for people. The vision aims to attract, retain and grow businesses, and one mechanism outlined is by increasing the office and service sector space.

In Creating a Better Place (August 2020) the Council introduced Creating a Better Place- a strategic framework for the Borough that will unlock an investment value of £285m and create more than 2,000 new homes in Oldham town centre, 1,000 new jobs and 100 apprenticeship opportunities.

The plan includes the Housing Strategy and the use of Oldham Council’s corporate estate (land and property) to support development and open space requirements across the borough.

The framework builds on the Oldham Town Centre Vision (2019), Creating a Better Place seeks to increase town centre footfall, residential options, and access to work experiences and jobs, while championing local culture and heritage and ensuring the centre is easily

navigable. It comprises several projects with external funding support from the future high streets fund and the towns fund.

Oldham was one of the towns selected to receive up to £25m for transformative capital projects via the Government's Towns Fund. The fund is designed to drive economic growth with a focus on regeneration, skills and culture, improved transport and better broadband connectivity.

Although the proposed redevelopment will involve minor deviation from the policies of the Local Plan in respect of Primary Shopping Frontages, it nevertheless recognises the changes in retail demand with the associated experienced and projected impact on footfall, and the benefits accruing highlighted above in terms of the town centre's regeneration and future prosperity. The retail market has significantly changed since the Local Plan was adopted, and therefore it is necessary to consider diversification of the Shopping Centre to ensure we maintain a healthy and vibrant town centre that attracts visitors and to reduce the existing level of vacancies.

Highways

A Transport Statement has been submitted in support of the application.

The existing car parking at the site provides circa. 1,355 car parking spaces. The car parks operate on a pay-and-display management regime.

An occupancy survey in August 2021 indicates a maximum occupancy of 528 spaces across the car parks. Therefore, based upon the total of 1,355 car parking spaces available, this confirms that even at peak times there were 827 unoccupied spaces, with the car parks operating at a maximum of 39% capacity during these times.

Information provided by the operator indicates that car parking revenue performance for this period was 25% lower than pre-pandemic. If the occupancy figures were adjusted accordingly this would suggest a maximum parking demand of 660 spaces, equating to a maximum parking occupancy level of 49%.

The town centre location of the site means that it is ideally located to encourage journeys to be undertaken on foot, benefiting from convenient access to surrounding residential areas, a multitude of conveniently located day-to-day amenities, and a range of public transport opportunities.

An 800 metre catchment encompasses the entirety of the town centre, Oldham bus station and the two Metrolink Stations of Oldham Central and Oldham King Street. Also included within this catchment is the wide range of amenities on offer within the town centre, including leisure and retail opportunities.

Due to the location of the site within Oldham town centre, an extensive pedestrian network is available. There are footways and street lighting provided along all roads within the town centre which provide connections between the Centre and the surrounding areas.

It is considered that that the pedestrian infrastructure surrounding the proposed site is of appropriate quality and coverage to safely serve trips on foot across the town centre, while the range of public transport services conveniently located means that walking can also be promoted as part of a multi-modal journey, thereby also encouraging a movement away from single occupancy vehicle trips.

The IHT and Department for Transport (DFT) document 'Cycle Friendly Infrastructure: Guidelines for Planning and Design' (1996) provides a guide on suggested cycle speeds associated with cyclists of varying confidence and ability. With reference to this guidance, a catchment of 5km would be available within approximately 20 minutes cycle time, using a speed of 10 mph (16 kph).

A 5km cycling catchment includes Oldham town centre, and the surrounding residential areas of Chadderton, Lee, Royton and parts of Shaw. Cycle infrastructure provided within the 5km catchment indicates that there are a number of quiet routes provided within the town centre which would provide connections to site. A traffic free route is provided from King Street to Ashton Road providing connections over Oldham Way.

There is currently no secure cycle parking on site.

The Transport Statement has demonstrated that the proposed development would have no material impact on the operation of local highway network or detrimental impact upon highway safety. As such the impact of the development would be acceptable and accords with relevant guidance and there are no reasons why the planning application should be refused on highway or transportation grounds.

Design, appearance, and heritage

There are no statutory or non-statutory heritage assets within the site boundary. However, situated directly to the east is the Oldham Town Centre Conservation Area, together with a number of listed buildings in the vicinity of site. These include St. Mary and St. Peter Church (Grade II*), the 'Oldham War Memorial, including memorial wall, piers, gates and steps to St. Mary's churchyard' (Grade II*), the former Oldham Town Hall (Grade II), 'Barclays Bank' (Grade II), the 'Independent Methodist Chapel' (Grade II*), no. 8 Church Lane (Grade II), nos. 10-14 Church Lane (Grade II) and the 'Lyceum and Art School' (Grade II).

The height, scale and massing of the new market and events building has been designed to fit within the existing context of the Spindles Town Square Shopping Centre, Parliament Square and Yorkshire Street, and the adjacent Conservation Area and listed buildings.

The proposed development places emphasis on verticality with projecting columns and large vertical spans of glazing. New feature 'sawtooth' windows at Upper levels and glazed entrance will face on to Ascroft Street. On Parliament Square dark grey brick creates a plinth at lower levels with a high level of glazing provided at ground floor to promote activity and permeability. Pressed metal column cladding and rainscreen cladding is proposed with colours intended to reflect the local palette.

Insofar as the implications for the character and setting of the Conservation Area and listed buildings is concerned, consideration is given to the Planning (Listed Building and Conservation Areas) Act 1990, Chapter 16 of the NPPF and Local Plan Policy 24 (Historic Environment).

Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Further, NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, great weight should be given to the asset's conservation and the more important the asset, the greater that weight should be.

It is concluded that the proposal would lead to "less than substantial harm" to the significance of the heritage assets, which must be "weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"

In summary, the proposals will generally cause no harm to surrounding heritage assets. Any identified harm would be less than substantial harm and would be outweighed by the significant public benefits associated with the proposal.

Overall, therefore, the proposed development is compliant with the relevant heritage paragraphs contained in Section 16 of the NPPF and Oldham Core Strategy policy 24 'Historic Environment'.

An Archaeological Desk-Based Assessment accompanies the application which draws together the available archaeological, historic, topographical and land-use information in order to understand the heritage significance and archaeological potential of the study site. The Assessment confirms that none of the known below-ground archaeological remains identified within the site are considered to be of national importance that would require preservation in-situ.

The Assessment concludes that the only remains which may be lost would be the possible remains of early-late 19th century residential and commercial structures. These assets are of local significance their potential loss could be mitigated by a programme of archaeological investigation secured via a suitably worded planning condition.

In light of the above, the proposed development accords with Local Plan Policy 24 'Historic Environment' and Paragraph 194 of the NPPF and is considered to be acceptable in archaeological terms.

Ecology

The site is not situated within or adjacent to a statutory or non-statutory nature conservation designation. A Preliminary Ecological Appraisal (PEA) has been prepared in support of the application and sets out the findings of an 'Extended Phase 1' habitat survey and preliminary roost assessment.

Following the survey, the Appraisal concludes that there were no impacts expected to statutory or non-statutory sites and no effects expected on any protected or priority species as a result of the development.

The proposed green roof was anticipated to deliver bio-diversity net gains on site, an improvement on the current position.

A Biodiversity Net Gain Technical Note, which assessed the proposed development and provided a calculation in accordance with the Defra Metric 3.0, has been prepared. Based on the landscape proposals, including green roof, the note concludes that the proposals would secure a net gain of 0.12 biodiversity units which equates to a percentage increase of 1515.75%.

This is a significant benefit of the scheme and ensure that the proposals accord with paragraph 174 of the NPPF and Draft Places for Everyone policy JP-G 9 'A Net Enhancement of Biodiversity and Geodiversity'.

Overall, the proposals full accord with Local Plan Policy 21 and Chapter 15 'Conserving and Enhancing the Natural Environment' of the NPPF.

Residential Amenity

An acoustic assessment has been utilised to inform the scheme proposals from a noise perspective, particularly in respect of the proposed event space, and to engage with the Council's Environmental Health Officer. A Noise Impact Assessment accompanies the application which details the findings of noise surveys undertaken at the site.

Surveys were undertaken to establish the existing ambient and background noise climates to nearest noise sensitive receivers (NSRs). Potential noise egress from the development was modelled to the nearest NSRs and compared against the existing ambient and background noise climate to ascertain to overall noise impact of the development.

Overall, the assessment concludes that noise egress from the various noise sources associated with the proposed development are considered 'low' and predominantly below the existing ambient and background noise climates at the nearest NSRs. Overall a 'low' impact as a result of noise egress from the development was therefore predicted.

As such, the proposed development is considered to be acceptable from a noise perspective and is fully compliant with Local Plan Policy 9 'Local Environment' and paragraph 185 of the NPPF.

Accessibility

The proposed workspace, market, and event space have been designed to be fully accessible to all, in accordance with the space, layout and provision guidance within Approved Document M of the Building Regulations and BS 8300.

The constraints of working with an existing building have presented some challenges. However, features have been incorporated into the development to make it accessible to all.

Energy

Local Plan Policy 18 'Energy' states that all developments over 1,000 square metres are required to achieve reductions of 15% above Part L of Building Regulations 2010 or 2013.

An Energy Statement accompanies the application.

The proposed development incorporates an area of solar photovoltaic panels on the roof which, together with fabric first measures, will achieve reductions in carbon emissions against Part L Building Regulation requirements (2013). Additionally, there is potential scope through later phases of development to further utilise renewable energy technologies and measures such as electric vehicle charging points within the car park to improve performance against Part L requirements.

Furthermore, the proposed development will redevelop an underutilised and brownfield site facilitating the wider regeneration of Oldham town centre; encourage the use of a highly sustainable and accessible site in the centre within close proximity to public transport provisions; and promote sustainable construction measures

The proposed development therefore accords with Local Plan Policies 1 'Climate Change and Sustainable Development' and 18 'Energy'.

Air Quality Management Area

The site is not situated within, but is in the vicinity of, the Greater Manchester Air Quality Management Area (AQMA). Roads in the immediate vicinity fall within the AQMA declared for the potential exceedances in annual mean NO₂ objective.

A qualitative construction phase assessment has been undertaken and measures were recommended for inclusion in a Demolition Management Plan to minimise emissions during construction activities. With the implementation of these mitigation measures the impact of construction phase dust emissions is considered to be 'not significant' in accordance with IAQM guidance.

An operational phase road traffic emissions screening assessment was undertaken in accordance with Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) guidance to consider the impact of the development on local air quality.

The proposed development was identified to lead to a reduction in road traffic compared to the existing traffic generation associated with the site. The Stage 2 criteria set out in IAQM and EPUK guidance was therefore not exceeded and the impact of the development on local air quality was considered to be 'not significant'. No further assessment of operational phase road traffic movements was therefore undertaken.

In summary, the proposals are considered to be acceptable in air quality terms and fully accord with Local Plan Policy 9 'Local Environment' and paragraph 186 of the NPPF.

Drainage

A Flood Risk Assessment and Drainage Strategy has been prepared in support of the application. The site is located within Flood Zone 1 (low probability) and the Assessment has determined that the proposed development is at low risk of flooding from all sources.

The proposed surface water drainage strategy for the new development limits the surface water runoff from the reconstructed areas to the existing 1-year event, less 50% in line with UU and LLFA Policy. Due to this reduction, attenuation measures will be incorporated within the scheme. The new surface water networks will be designed in line with current British Standard guidance up to the 100-year storm return period including an allowance for climate change.

The use of SuDS in the form of site control measures will help to minimise the flood risk impact to the surrounding networks. This will include a required maintenance regime for the on-site drains and drainage facilities such as the channels, gullies, pipes, manholes and all SuDS facilities. This will be maintained by facilities management at the site to ensure that the surface water drainage system always operate at its maximum efficiency.

The Assessment notes that the proposals do not impair the hydraulic continuity of any watercourses or the current "local hydraulics" of distributing watercourses / outfalls. Surface water runoff will reduce for the higher order event from the pre-development regime and utilises SuDS solutions to satisfy the site constraints. This will reduce surface water flooding impact onto the downstream catchment.

As there is no flood displacement or increased rate of runoff as part of this proposal into the adjacent watercourse, the proposed development will therefore not increase flood risk onto its locality.

The Council's Drainage team and United Utilities has reviewed the submission and require that detailed drainage plans are submitted and approved before development can commence.

It should be noted that some elements of the overall development scheme, such as the conversion to offices within the retained shopping centre building, does not require planning permission of itself, therefore a condition is recommended to ensure no new build development can be undertaken before the required scheme is approved.

As such, the proposed development fully accords with Local Plan Policy 19 'Water and Flooding' and Chapter 14 of the NPPF.

Ground conditions

A Combined Phase 1 Geo-Environmental Investigation and Coal Mining Risk Assessment has been submitted.

The report concludes that there is a low risk to human health with no significant contaminative linkages identified. The risk to controlled waters is deemed very low to low given the lack of identified contaminative linkages.

However, it advises that a Phase 2 intrusive environmental ground investigation be undertaken with chemical testing of the site materials considered prudent. The report identifies a moderate to high ground gas risk in certain areas of the site and recommends that ground gas monitoring is undertaken.

The report recommends that site investigation works be carried out in order to determine the ground conditions with a greater degree of certainty and to allow further detailed design of the proposed development, drainage, services, and immediate external areas to be undertaken.

The Coal Mining Risk Assessment notes 2 no. coal seams recorded on-site. A coal mine shaft is also identified within the site boundary. The report advises that further ground investigation works be carried out to determine the risk associated with shallow coal seams. Further details of the suggested scope of the required Phase 2 Intrusive Geo-environmental Ground Investigation are provided by IGE Consulting at paragraph 5.11 of the Phase 1 Geo-Environmental Investigation and Coal Mining Risk Assessment.

In this context, conditions are recommended in relation to further site investigation in line with the comments of the Coal Authority and the Environmental Health officers.

CONCLUSION

The proposals involve the redevelopment of an important and prominent site within the town centre, which will ensure benefits in reinvigoration of the existing retail core, along with longer term benefits associated with redevelopment of the wider town centre.

Economic benefits include a significant investment in the town with 230 full time equivalent (FTE) posts over the 20-month construction period, assuming a consistent development programme, contributing £24.9m over the period, with indirect spend through the supply chain.

Once completed and fully occupied, the development is estimated to accommodate around 1,750 FTEs jobs, generating annual GVA of £83.2m. The jobs accommodated will provide varied employment opportunities for Oldham residents.

The new multi-purpose events space will help to improve the leisure and cultural offer, attract visitors and increase footfall and dwell time, supporting economic benefits by supporting spend in the local area, for example on shopping, eating out, local transport and accommodation.

The total annual business rates generated are estimated to be £1.4m, applying Valuation Office Agency (VOA) statistics for the relevant uses, and therefore any additional business rates generated as a result of the redevelopment can help to support the delivery of local services, generating wider benefits for the borough.

The social benefits include a major step forward in delivering on the Council's key regeneration ambitions including those set out in 'Creating a Better Place' and the Oldham 'Town Centre Investment Plan' establishing a strong sense of place, enhancing the quality of the streetscape, public realm and the architectural fabric of the town centre.

The proposals will enhance the viability and vitality of Oldham town centre by encouraging additional footfall and stimulating the night-time economy.

The environmental benefits that could be secured by the development include redevelopment of a prominent brownfield site in the town centre creating a new development of high design quality, and delivering a biodiversity net gain improvement.

The significant changes in retail demand which have occurred since the Local Plan was adopted, with the projected impact on footfall, have created a necessity to consider diversification of the Shopping Centre to ensure we maintain a healthy and vibrant town centre whilst reducing the existing level of vacancies. Furthermore, the clear economic, social, and environmental benefits identified above, weigh in favour of the proposed realignment of uses to assist with the town centre's regeneration and future prosperity.

RECOMMENDED CONDITIONS

Grant planning permission, subject to the following 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. No development comprising the erection of any external walls shall take place until a specification for 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.

4. No development comprising the construction of the new or replacement buildings hereby approved shall commence until a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON - To ensure that any potential impact from coal mining legacy features has been addressed having regard to Policy 9 of the Oldham Local Plan.

5. No development comprising the construction of the new or replacement buildings hereby approved shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:

1. Be informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:

- i - an archaeological watching brief undertaken during groundworks (including ground-level reductions below modern overburden, the excavation of foundation trenches, drainage/service runs etc)

2. A programme for post investigation assessment to include:

- i - analysis of the site investigations records and finds
 - ii - production of a final report on the investigation results.

3. Deposition of the final report with the Greater Manchester Historic Environment Record.

4. Dissemination of the results commensurate with their significance.

5. Provision for archive deposition of the report and records of the site investigation.

6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

REASON - To record and advance understanding of the significance of any heritage assets having regard to Policy 24 of the Oldham Local Plan.

6. No development comprising the construction of the new or replacement buildings hereby approved shall take place until a Phase II site investigation to deal with any

risks associated with contamination of the site, has been submitted to, and approved in writing by, the local planning authority.

This strategy will include the following components:

- A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site
- A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

REASON - Approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety and the water environment, having regard to Policy 9 of the Oldham Local Plan.

7. No development comprising the construction of the new or replacement buildings hereby approved shall commence until 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 19 of the Oldham Local Plan.

8. The development hereby approved shall be implemented in accordance with the measures set out in the Energy Strategy Ref: SPO-WSP-00-XX-RP-M50003 dated January 2022. Within 3 months of the date of the commencement of the development, a detailed scheme for the installation of photovoltaics as set out in paragraph 3.3.1, including a timetable for implementation, shall be submitted for the written approval of the Local Planning Authority. The measures shall therefore be fully implemented in accordance with the approved details.

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

9. The development hereby approved shall be implemented in accordance with the security measures set out in Section 4 of the submitted Crime Impact Statement Version A 08.03.22.

REASON - To secure a safe form of development having regard to Policy 9 of the Oldham Local Plan.

10. The development hereby approved shall be implemented in accordance with the measures set out in paragraph 6.15 of the submitted Framework Travel Plan VN212149 February 2022.

REASON - To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

