

APPLICATION REPORT – FUL/351243/23
Planning Committee 20th September 2023

Registration Date	4th July 2023
Ward	St Mary's
Application Reference	FUL/351243/23
Type of Application	Full Application
Proposal	Change of use and associated development to create a new public open space
Location	South-east part of Rock Street Car Park, junction of Rock Street and St Mary's Way.
Case Officer	Graham Dickman
Applicant	Oldham Council
Agent	Emma Norman

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a development submitted by the Council on its own land.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

- 3.1 The application site extends to 0.18 hectares and is located at the eastern end of the town centre. It is presently used as a public car park and adjoins St Mary's Way between the Rock Street and Egerton Street junctions.
- 3.2 Although largely hardstanding, there are a number of established trees and associated landscaped areas on the site.
- 3.3 Across Rock Street to the south are the grounds of the Grade II* listed Rochdale Parish Church (Church of St Mary and St Peter) and Oldham Town Centre Conservation Area.

4. THE PROPOSAL

- 4.1 The proposal will involve re-development of the site to create a new area of public open space. It will form the eastern extent of the new Jubilee Park to be created as part of the Council's Creating a Better Place plan to transform Oldham town centre.

- 4.2 Access to the site will be predominantly from a network of footpaths and footways connecting the site to the wider network. A new ramped footway will zig zag from the north-east of the site towards the south-western side of the site with a gradient of 1:21. This footway will then extend west running parallel to Rock Street towards Lord Street.
- 4.3 Further gravel footpaths will connect to this and provide access to an amenity area positioned in the middle of the site. To the north-east the footpath will connect to the junction improvement scheme at the St Marys Way / Egerton Street junction.
- 4.4 The area will incorporate soft landscaping in the form of shrub, tree, and grass planting.
- 4.5 Lighting on the site will consist of 12 street lighting columns along Rock Street, 3 lighting columns along the northern boundary of the site, and lighting bollards and floor lighting strips along the zig zag footway within the site. Pathways will be illuminated through bollards and lighting columns to improve the sense of safety.
- 4.6 Paths and dwell spaces are inter-connected providing natural passive surveillance that will help to provide a safe environment for users.

5. PLANNING HISTORY

- 5.1 PA/339572/17 - Extension to existing car park to provide an additional 172 spaces including formation of new access off Rock Street and provision of associated parking machines, lighting, safety barriers, landscaping and footpaths. Approved 20 April 2017

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is located within the Town Centre Inset on the Proposals Map associated with this document.
- 6.2 As such, the following policies are considered relevant to the determination of this application:

- Policy 1 – Climate Change and Sustainable Development
- Policy 5 – Promoting Accessibility and Sustainable Transport Choices
- Policy 6 – Green Infrastructure
- Policy 9 – Local Environment
- Policy 19 – Water and Flooding
- Policy 20 – Design
- Policy 21 – Protecting Natural Environmental Assets
- Policy 23 – Open Spaces and Sports
- Policy 24 – Historic Environment

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objections
Environmental Health	Recommend an updated / revised site investigation report for the public open

	space end use for this part of the site to determine if any mitigation measures are required.
G M Ecology Unit	No objections in principle. Recommend a condition regarding tree removal during the bird nesting season and for addition of bird boxes.
Trees Officer	Although some trees will be removed as part of the proposals, adequate replacement will be provided as part of the wider Jubilee Park development.

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 affecting the setting of a listed building by display of a site notice, and publication of a press notice.
- 8.2 In response, no representations have been received.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 NPPF paragraph 98 notes that the health and well-being of communities can be enhanced by access to high quality open spaces, an approach reflected in Local Plan Policy 23.
- 9.2 The proposal forms part of a wider regeneration strategy for the town centre. It will function in providing a new attractive public realm and serve to improve sustainable access options into and from the town centre.
- 9.3 In this context the principle of the development is deemed acceptable.

10. HIGHWAY SAFETY

- 10.1 To proposal will facilitate an improved safe walking and cycling network along Rock Street.
- 10.2 The Highways Officer has no objections on the basis that the scheme will not result in additional traffic whilst ensuring the added benefit of more sustainable modes of travel being encouraged.

11. ECOLOGY AND LANDSCAPING

- 11.1 Although a number of trees will be removed to facilitate the works, including in order to create accessible site levels, the development's context as part of the wider Jubilee

Park improvements will ensure that there will be a beneficial contribution towards biodiversity across the site.

- 11.2 GMEU and the Council's Trees Officer are satisfied that the scheme can achieve positive ecological benefits.

12. DESIGN AND HERITAGE

- 12.1 The proposal will enhance the present condition of the site which is characterised largely by hard surfacing.
- 12.2 As the site lies within the setting of the Grade II* listed Rochdale Parish Church and adjacent to the Town Centre Conservation Area the impact on the heritage assets must be considered.
- 12.3 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 state that in considering whether to grant planning permission for development that affects a listed building or its setting, or affects a Conservation Area, the local planning authority shall have special regard to the desirability of preserving the building or its setting and the desirability of preserving or enhancing the character or appearance of the area.
- 12.4 In this instance the proposals will significantly enhance the setting of the Grade II* listed church and its gardens along with views into the Conservation Area.
- 12.5 NPPF paragraph 202 sets out the approach to be taken in considering the potential impacts on heritage assets, and where it would lead to 'less than substantial harm' to those heritage features, any harm should be weighed against the public benefits of the proposal.
- 12.6 The present scheme will create an attractive public realm designed to enhance the local environment and provide opportunities for informal recreation close to the town centre. It will consequently produce a more appealing gateway into the town centre.
- 12.7 In this context, the proposal would enhance the setting and relationship with the heritage assets and ensure the Council's heritage protection obligations are met.

13. DRAINAGE AND GROUND CONDITIONS

- 13.1 Surface water within the park will be infiltrating into the soft landscaped areas within the site, whilst the cycle path areas will run into highways surface water drainage.
- 13.2 The Environmental Health Officer has assessed the submitted land contamination information which has confirmed that no elevated contaminants have been found. However, it has been recommended that further samples are taken from an earth bund on site to determine if the material is suitable for re-use and that a remediation strategy will be required in relation to the verification of imported soils.
- 13.3 As such, a condition requiring further details is recommended.

14. CONCLUSION

- 14.1 The proposal will make a valuable contribution towards improving accessibility by sustainable means of transport and enhance the green infrastructure and appearance of the town centre.
- 14.2 The scheme would therefore accord with the objective of relevant national and local planning policies.

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. All hard and soft landscape works, including the installation of bird boxes, shall be carried out in accordance with the approved plans prior to the use of the site commencing. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
4. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
5. 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.

SITE LOCATION PLAN (NOT TO SCALE):

