

**APPLICATION REPORT – FUL/351218/23**  
**Planning Committee 15<sup>th</sup> November 2023**

**Registration Date** 3<sup>rd</sup> July 2023  
**Ward** Failsworth East

**Application Reference** FUL/351218/23  
**Type of Application** Full

**Proposal** 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

**Location** Land east of Albert Street, Hollinwood, Oldham, OL8 3QR

**Case Officer** Graham Dickman  
**Applicant** Mr Simon Foden  
**Agent** Miss Laura Young

## **1. INTRODUCTION**

- 1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major development in which the Council has an interest as applicant and landowner.

## **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 This application relates to a formerly developed site that covers approximately 4.9 hectares. It is largely characterised by overgrown hardstanding and un-maintained grassland with scattered trees and shrubbery. A former gasometer is located in the north-east corner along with a small brick structure.
- 3.2 Part of the wider original site to the north has recently been re-developed with a coffee shop and drive-through. They are served via a new roundabout junction and access link (Olive Claydon Way) from Albert Street, which is also intended to service the application site.
- 3.3 The site is adjoined by the M60 motorway to the east, employment uses along Albert Street to the west, and the Streetbridge Public House and New Bridge School across Roman Road to the south.

#### **4. THE PROPOSAL**

- 4.1 The proposed relates to the construction of 5 individual blocks, some comprising individual commercial units of varying sizes, and two of which are split into smaller units. Overall, there will be a total of 13 units ranging in size from 449m<sup>2</sup> to 3,935m<sup>2</sup>. The buildings will be 10m in height to the parapet and include ancillary office space at either ground or first floor mezzanine level.
- 4.2 The total gross internal floorspace of the units, inclusive of ancillary office space, equates to 17,900 sqm and the buildings have been designed to offer the maximum future flexibility.
- 4.3 A total of 193 parking spaces are to be provided within the site, split proportionally between the units. From these 193 parking spaces, 11 spaces will be accessible parking bays and 18 spaces will include electric vehicle charging facilities. A total of 62 bicycle spaces are proposed across the site.
- 4.4 Operating hours are proposed at 24 hours each day.

#### **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 5.2 The proposal would represent an Industrial Estate Development Project within paragraph 10(b) of Schedule 2 of the Regulations.
- 5.3 At 4.9 hectares the site falls slightly below the applicable threshold of 5 hectares. Additionally, it is not located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 5.4 A Screening Report has been submitted and reviewed. On the assessment of this information the development would not have a significant, or wider than local impact, and would therefore constitute development for which an Environmental Statement is not required.

#### **6. PLANNING HISTORY**

- 6.1 EIAS/350802/23 - Environmental Impact Assessment Screening Opinion (pre-application) for employment development comprising five units (Use Class E (g) (ii) (iii), B2 and B8. Environmental Statement not required. 20 April 2023
- 6.2 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
- 6.3 NMA/345548/20 - Non-material amendments to the highway layout approved with the reserved matters application PA/342681/18. Approved 12 November 2020
- 6.4 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

- 6.5 DM/341089/17 – Prior approval for demolition of redundant gasholder and associated buildings. Required and granted 1 February 2018
- 6.6 DM/339854/17 – Prior approval for demolition of redundant gasholder and associated buildings. Required and granted 30 March 2017
- 6.7 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

## 7. RELEVANT PLANNING POLICIES

- 7.1 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 allocated in the Proposals Map associated with this document as a Business and Employment Area.
- 7.2 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  
 Policy 9 - Local Environment  
 Policy 13 – Employment Areas  
 Policy 14 - Supporting Oldham's Economy  
 Policy 18 – Energy  
 Policy 19 – Water and Flooding  
 Policy 20 – Design  
 Policy 21 - Protecting Natural Environmental Assets

## 8. CONSULTATIONS

Highways Officer	Recommends conditions in relation to provision of the proposed vehicle parking and servicing areas, cycle parking, travel plan, and a Construction Management Plan.
Highways England	No objections
Active Travel England	Request further information in relation to active travel links and sustainable transport objectives in the Travel Plan.
Ramblers	No objection to the diversion of the public footpath through the site and

	recommend a historical record of the former canal.
Environmental Health	Recommend conditions in respect of contaminated land/ landfill gas and maximum noise limits.
United Utilities	Further drainage details are required and therefore a suitable condition will be necessary.
G M Ecology Unit	No objection subject to conditions in relation to invasive species control measures and avoiding the bird breeding season.
Trees Officer	A previously retained tree is now proposed for removal; however, the proposed tree planting will provide adequate compensation.
Environment Agency	No objection subject to a condition for remediation should any previously unidentified contamination be identified during construction works.
Coal Authority	No objection subject to conditions for remediation and/or mitigation works in respect of two recorded mine entries on the site.
G M Archeological Unit	All archaeological matters have been addressed on the earlier applications.

## 9. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 9.1 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 site notices, and publication of a press notice.
- 9.2 In response, no representations have been received.

## **ASSESSMENT OF THE PROPOSAL**

### **10. PRINCIPLE OF DEVELOPMENT**

- 10.1 Outline planning permission was granted in 2013 for an employment-led mixed-use scheme on land comprising the present application site and further adjoining land to the north.
- 10.2 The associated Parameters Plan and approved conditions indicated that the present application site would be developed to a maximum of 20,000 square metres with a mix of Class B1 (office, light industrial – now Class E(g)), B2 (General industrial) and B8 (Storage and distribution). Maximum heights would be 18 metres.
- 10.3 The proposed development would comply with these parameters.
- 10.4 The site is located within a Business and Employment Area within which Local Plan Policy 14 states that uses within Classes B1, B2 and B8 would be acceptable. The proposal therefore satisfies this objective.
- 10.5 In addition, the site is sustainably located with good transport links to the surrounding strategic highway network, including junction 22 of the M60, a Quality Bus Corridor and Hollinwood Metrolink tram stop.
- 10.6 Consequently, the principle of the development is acceptable.

### **11. LAYOUT AND DESIGN**

- 11.1 Although comprising a largely vacant site, legacy features including the former gasometer and a pair of mine shafts have needed to be addressed within the layout.
- 11.2 The proposed buildings will have a maximum height of approximately 13 metres and be faced in horizontal profiled metal cladding. In the context of the surrounding character of the area this is considered appropriate. In addition, the boundaries to Albert Street and Roman Road will be subject to additional landscaping.
- 11.3 As such, the proposed development is in accordance with Local Plan Policy 20.

### **12. HIGHWAY ISSUES**

- 12.1 A Transport Assessment was submitted with this application and the Highways Officer is satisfied that the proposed development will not have any adverse effect on the wider local or strategic highway network. Similarly, following the submission of additional information, National Highways do not consider that the proposed development would have an adverse impact on the safety of or the queuing on a trunk road.
- 12.2 Active Travel England has requested further information in relation to improvements to links between the site and surrounding footpath and cycle network, including towards Hollinwood Metrolink stop. Various highway improvement works have recently been carried out in the local area as part of the earlier phase of development. In this context it is not considered necessary for the development to provide further contributions towards such off-site infrastructure.

- 12.3 Furthermore, within the site, the diversion of the existing unmade public footpath along a new bound and segregated route following Albert Street will result in significant benefits as an alternative to the present footway which suffers from obstruction by parked vehicles. This will ensure safe non-vehicle options are enhanced both for users of the development and the wider community.
- 12.4 The proposed development includes a total parking provision of 193 spaces of which 182 will be standard size spaces and 11 will be accessible parking bays. A further 18 out of the 182 spaces will be fitted with Electric Vehicle charging infrastructure.
- 12.5 The car parking and servicing provision proposed within the development site is acceptable and as a result is not expected to have an adverse impact on the local or strategic highway network to the detriment of highway safety.
- 12.6 Secure cycle parking for 62 spaces will be provided on-site with showers, lockers, drying room and changing facilities located within the plots. This is one of the many initiatives to encourage more people to travel by sustainable modes, in addition to other measures outlined within the Travel Plan.

### **13. RESIDENTIAL AMENITY**

- 13.1 The closest residential properties are located across Roman Road to the south-west or on the eastern side of the M60 motorway.
- 13.2 An Environmental Noise Survey and Commercial Noise Egress Assessment has been submitted to determine the existing background and ambient sound levels in the vicinity of the site and surrounding noise sensitive premises.
- 13.3 Based on the proposed layout and the proposed number of HGV movements anticipated by the applicant, the predicted noise levels at the nearby noise sensitive premises indicate that there would be negligible significant impact either during the day and at night from HGV movements and from external loading/unloading activities.
- 13.4 The Environmental Health Officer has recommended conditions setting out the maximum noise levels to be achieved at various nearby sensitive receptors.

### **14. DRAINAGE AND GROUND CONDITIONS**

- 14.1 The submitted Flood Risk Assessment confirms that the site falls entirely within Flood Zone 1 which has a low probability of flooding.
- 14.2 United Utilities has indicated that a detailed drainage scheme, including arrangements for future management and protection of an existing water main, will be required.
- 14.3 In respect of potential land contamination, relevant conditions have been requested by both Environmental Health and the Environment Agency.
- 14.4 The application site is located within a Coal Mining High Risk Area with two recorded mine shafts within the site. The Coal Authority has accepted the findings of the submitted Ground Investigation Report and requests conditions are imposed to

require any identified remediation measures to be implemented. It is also noted that a separate permit from the Coal Authority will be required for any works which may affect coal mining features.

## **15. ECOLOGY AND LANDSCAPING**

- 15.1 The site has been subject to an updated ecological site walkover report.
- 15.2 Landscaping is proposed throughout the site, particularly in relation to the route of the diverted public footpath alongside Albert Street. This will include 169 new trees as part of the landscape scheme.
- 15.3 A Biodiversity Net Gain (BNG) Assessment has also been prepared demonstrating that the site can provide an on-site biodiversity net gain.
- 15.4 GM Ecology Unit has considered the findings and has raised no objections to the proposals.
- 15.5 It has however identified the need to eradicate invasive plant species on the site and for precautionary measures to be employed to ensure no harm to birds, bats and reptiles which may be present on the site.

## **16. ENERGY**

- 16.1 Policy 18 of the Local Plan requires all major developments to reduce energy emissions based on reductions over and above Part L of the Building Regulations 2010 or 2013.
- 16.2 The application is supported by an Energy Statement which demonstrates compliance with the policy and a suitable condition will be recommended to secure implementation of the proposed measures.

## **17. CONCLUSION**

- 17.1 The proposal comprises development in accordance with the allocation within the Local Plan and the previous planning permission. It will result in the creation of additional employment opportunities in a sustainable location with ready access to the highway network and options for sustainable means of travel for employees and visitors.

## **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. No development, other than demolition, shall commence until any remediation works and/or mitigation measures to address the mine entries as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the proposed development. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance. REASON - To secure the safe development of the site having regard to Policy 9 of the Oldham Local Plan.
4. 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 the recorded coal mine entries. REASON - To secure the safe development of the site having regard to Policy 9 of the Oldham Local Plan.
5. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - In order to protect public safety, because the site is located within 250m of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
6. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - In order to protect public safety and the environment having regard to Policy 9 of the Oldham Local Plan.
7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. REASON - To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site having regard to Policy 9 of the Oldham Local Plan.
8. No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details. REASON - In the interest of public health and to ensure protection of the public water supply having regard to Policy 19 of the Oldham Local Plan.



9. 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 21 of the Oldham Local Plan.

10. 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:

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

The development shall subsequently be completed, maintained and managed in accordance with the approved 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 21 of the Oldham Local Plan.

11. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to

Policy 21 of the Oldham Local Plan.

12. The development shall be implemented fully in accordance with the invasive plant species control measures specified in the submitted Management Plan Document for Non-native Invasive Plant Species (Ref: JK23-8787-230524 dated 24-05-2023). REASON – To prevent the spread of invasive species having regard to Policy 9 of the Oldham Local Plan.
13. All hard and soft landscape works shall be carried out in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the programme agreed in writing 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, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
14. The development shall be implemented in accordance with the measures set out in the submitted Energy Statement 'Hollinwood Industrial - Phase 2' Rev 01 dated May 2023. REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.
15. Noise emanating from the development shall not exceed the following limits:
  1. The 1 hour LAeq from all activities on site must not exceed 56dB between 07.00 and 23.00 hours when measured in free field conditions on land adjacent to 1 School House, Roman Road and 138 and 200 Roman Road.
  2. The 5 min LAeq from all activities on site must not exceed 42dB between 23.00 and 07:00 hours when measured in free field conditions on land adjacent to 1 School House, Roman Road and 138 and 200 Roman Road.
  3. The LAF maximum from all activities on site must not exceed 60dB between 23.00 and 07.00 hours when measured in free field conditions on land adjacent to 1 School House, Roman Road and 138 and 200 Roman Road.

REASON – In order to ensure a satisfactory standard of amenity having regard to Policies 9 and 20 of the Oldham Local Plan.
16. The development hereby approved shall not be brought into use until the access to the site, car parking spaces and servicing areas have been provided in accordance with the approved plan and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking and servicing facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
17. The use of the building hereby approved shall not commence until a scheme for the

provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. REASON - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

18. Within three months of the occupation of the development, a Green Travel Plan shall be submitted for the written approval of the Local Planning Authority. The plan shall demonstrate how ambitious mode share targets are to be embedded into the initiatives in the Travel Plan and what actions will be taken if the targets are not met. All measures contained within the approved Travel Plan shall be implemented, monitored, and retained thereafter. REASON - To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan
19. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management of construction traffic, delivery and storage of materials and parking for construction workers during the construction period, and the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

**SITE LOCATION PLAN (NOT TO SCALE)**

