

APPLICATION REPORT – FUL/353082/24
Planning Committee 18th September 2024

Registration Date: 26th June 2024
Ward: St Mary's

Application Reference: FUL/353082/24
Type of Application: Full Application

Proposal: Full planning permission for site enabling works, including reprofiling site levels and site clearance, to facilitate future development.

Location: Former Leisure Centre, Rock Street, Oldham

Case Officer: Graham Dickman
Applicant: Oldham Council
Agent: CBRE Ltd

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 submitted by the Council on its own land.

2. SITE DESCRIPTION

2.1 The application relates to the site of the former Oldham Leisure Centre and Pool which has latterly been used for car parking purposes.

2.2 The site has a varied topography, with levels generally dropping from north to south and west to east, but with a mix of artificial landforms, including retaining structures. Tree cover is evident across the site.

2.3 St Mary's Way adjoins the north and east boundaries, with Rock Street to the south and the grounds of the Grade II* listed Rochdale Parish Church (Church of St Mary and St Peter) and Oldham Town Centre Conservation Area beyond.

2.4 Lord Street is to the west, across which presently are the Tommyfield indoor and outdoor markets.

3. THE PROPOSAL

3.1 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.

3.2 The details of the subsequent redevelopment scheme will be subject to a separate

future application.

- 3.3 All hardstanding, parking meters, lamp posts, and other car park paraphernalia within the site will be removed.
- 3.4 The proposed works will comprise cut-and-fill operations to remove the sharp changes in levels and create a more regular platform to facilitate the future development. Resultant levels will typically be raised by 1 metre, with localised increases of up to 3 metres.
- 3.5 Although a future comprehensive redevelopment of the site is anticipated, the proposals will ensure that should the redevelopment not come forward in the near future, a scheme of replacement on-site landscaping will be implemented.

Environmental Impact Assessment

- 3.6 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations as it seeks to prepare land for future residential development.
- 3.7 The number of future dwellings is not known at this stage. However, the site does not exceed the 5 hectare size in the 'Applicable Thresholds and Criteria' in Column 2 of Schedule 2 of the Regulations for such development.
- 3.8 Nevertheless, in the context of Schedule 3 of the Regulations, comprising the 'Characteristics of the Development', the 'Location of the Development', and the 'Types and Characteristics of the potential impact', the Council is satisfied that the development would not have significant, or wider than local environmental effects, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 3.9 The proposal would not therefore constitute development for which an Environmental Statement would be required.

4. PLANNING HISTORY

- 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

5. RELEVANT PLANNING POLICIES

- 5.1 The Places for Everyone (PfE) 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-G7 - Trees and Woodlands; and,
Policy JP-P1 - Sustainable Places

The site is located within the Town Centre 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; and,
Policy 15 – Centres

6. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objections subject to a Construction Management Plan.
Environmental Health	No objection subject to submission of an asbestos management plan, a Materials Management Plan being approved, and validation report on completion of the development.
G M Ecology Unit	This demonstrates that the scheme can achieve a net gain of over 10% if the landscaping scheme is implemented.

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.

7.2 No representations have been received.

ASSESSMENT OF THE PROPOSAL

8. PRINCIPLE OF DEVELOPMENT

- 8.1 The site comprises previously developed land. At present it serves as a car park formed across the various site levels. The present proposals in effect represent an interim stage towards the anticipated comprehensive regeneration of the site and its future use for residential purposes.
- 8.2 As such the works will help to secure the future benefits of regeneration of the town centre and the provision of future housing in a sustainable location.

9. AMENITY ISSUES

- 9.1 Residential properties are located across St Mary's Way to the north of the site. A Construction Management Plan (CMP) has been submitted. The enabling works will be undertaken between 07.00 and 18.00 hours on weekdays. Where it is necessary for works to be undertaken outside those hours, prior agreement with the Local Planning Authority will be required.
- 9.2 Subject to implementation of the measures set out in the CMP, it is not anticipated that there will be any significant adverse impacts on amenity.

10. HERITAGE

- 10.1 The Grade II* listed Rochdale Parish Church (Church of St Mary and St Peter) and Oldham Town Centre Conservation Area are located to the south of the application site.
- 10.2 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 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.
- 10.3 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 10.4 In addition, NPPF Part 16 sets out guidance on the approach to be taken in considering proposals which would affect heritage assets.
- 10.5 In this instance the nature of the proposals will not adversely affect the setting of the Grade II* listed church and its gardens along with views into the Conservation Area.
- 10.6 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.
- 10.7 The present scheme will create an attractive environment designed to enhance the local environment and provide opportunities for informal recreation and new housing

close to the town centre. This will result in a significant public benefit.

- 10.8 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.

11. IMPACT ON TREES AND BIODIVERSITY

- 11.1 In order to undertake the works, 11 individual trees and 6 groups of trees will be required to be removed. It is recommended that these are replaced with new species within the site.
- 11.2 In addition to the need to comply with the requirements of Places for Everyone Policy JP-G8, the proposals are also subject to the mandatory requirements of the Environment Act 2021 to secure 10% biodiversity net gain.
- 11.3 A Biodiversity Net Gain Assessment and Metric has been submitted. It is recognised that the enabling works are to be carried out in advance of the finalisation of proposals for the redevelopment of the site, and that no set timetable is presently available for that development to be progressed.
- 11.4 It is anticipated that the future redevelopment of the site will secure a scheme of biodiversity to achieve the required 10% uplift. However, in light of the above timeframe uncertainty, a detailed landscaping scheme has been provided within this enabling application.
- 11.5 Consequently, should the redevelopment proposals not be progressed within 10 years of the date of this permission, the submitted landscaping will be implemented. This will be secured via legal agreement.

12. HIGHWAYS ISSUES

- 12.1 The works will result in the loss of 123 car parking spaces which will not be replaced following the development.
- 12.2 A Transport Technical Note has been submitted with the application which concludes that other nearby town centre car parks have sufficient capacity to accommodate the loss.
- 12.3 The Highways Officer has recommended that construction vehicle movements should take place outside peak hours.

13. GROUND CONDITIONS AND DRAINAGE

- 13.1 The application is accompanied by a Phase II Geo-environmental Report and Remediation Method Statement. The Environmental Health Officer has confirmed that the submitted reports are acceptable in order to allow the enabling works to be progressed.
- 13.2 A Flood Risk Assessment has been submitted alongside an existing site utility plan. It is confirmed that the site lies in Flood Zone 1 at the lowest risk of flooding.

13.3 A final drainage scheme for the site will be devised in due course to accommodate the comprehensive redevelopment of the site.

14. CONCLUSION

14.1 The proposal comprises initial site preparation works to facilitate the comprehensive regeneration scheme to transform Oldham town centre. The development will therefore result in significant public benefits and can be achieved without detriment to ecological, amenity, and heritage considerations.

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. The development shall be implemented in full accordance with the Construction Management Plan prepared by Arcadis and Rowan Ashworth dated June 2024. REASON - To safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.
4. No development shall commence unless an asbestos management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the measures set out in the submitted Remediation Method Statement dated 19 June 2024. Within one month of the completion of the enabling works hereby approved, a satisfactory completion report shall be submitted to the Local Planning Authority to discharge the condition. REASON - In order to protect public safety having regard to Policy 9 of the Oldham Local Plan.
5. Unless development has commenced on a comprehensive redevelopment scheme for the site within 10 years of the date of this permission, all hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 3452-PLA-00-XX-DR-L-0002 Revision A and a written 30-year Habitat Management and Maintenance Plan (HMMP) shall be submitted for the written approval of the Local Planning Authority. The approved HMMP shall relate to all 'significant' biodiversity gains on site and will be strictly adhered to and implemented in full for its duration and shall contain:
 - i. Aims, objectives and targets for management, including habitat target conditions matching the associated Biodiversity Metric submitted with the application.
 - ii. Descriptions of the management operations necessary to achieving aims and objectives.
 - iii. Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

- iv. Details of monitoring needed to measure the effectiveness of management.
- v. Details of the persons responsible for the implementation and monitoring.
- vi. Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.
- vii. Reporting on years 1, 2, 5, 10, 20 and 30.

REASON - To ensure that the development secures a biodiversity net gain of 10% and in the interests of visual amenity to safeguard the future appearance of the area having regard to Policies 9 and 21 of the Oldham Local Plan, and policies JP-G7 and JP-G8 of the Places for Everyone Joint Development Plan.

SITE LOCATION PLAN (NOT TO SCALE)

