

APPLICATION REPORT – FUL/353553/24
Planning Committee 23 April 2025

Registration Date: 22nd October 2024
Ward: Chadderton South

Application Reference: FUL/353553/24
Type of Application: Full

Proposal: Erection of commercial units within Use Classes B2, B8 and E(g)(iii) with associated parking, landscaping and infrastructure.

Location: Plot 2000, Lydia Becker Way, Broadway Green, Oldham

Case Officer: Graham Dickman
Applicant: H3CG Oldham Limited
Agent: Niall Mellan

1. INTRODUCTION

- 1.1 This application is presented to Planning Committee in accordance with the Scheme of Delegation as it relates to a Major application.

2. RECOMMENDATION

- 2.1 It is recommended that the application is approved subject to the conditions set out at the end of this report.

3. SITE DESCRIPTION

- 3.1 The site forms part of the Foxdenton Strategic Site in Chadderton. The approved development comprises various Phases, with a mix of residential and commercial designations for those areas. The majority of the overall site is now either developed or subject to detailed approvals for development.
- 3.2 This application relates to the remaining undeveloped part of Phase C1 (otherwise known as Plot 2000) located on the south side of Lydia Becker Way.
- 3.3 To the west of the site is a recently constructed Aldi retail store, to the south is presently open land subject to a recent planning approval for residential development (FUL/353689/24), and to the east is a linear park. Across Lydia Becker Way, the site faces a large commercial unit and further residential properties.
- 3.4 The site presently consists of grassland on undulating terrain with a line of trees to the site frontage.

4. THE PROPOSAL

- 4.1 The proposal involves the comprehensive development of the site to create a mix of employment units to be flexibly used for industrial, warehousing, or office purposes.

The units vary in size between 467sqm and 1642sqm.

- 4.2 Vehicular access will be obtained from Lydia Becker Way in the north-east corner of the site. The access to the individual units will be via a single estate road onto which the units will face. Individual parking and servicing areas will be available to the front or side of the units.
- 4.3 The units are largely configured in two parallel rows. The first row of units backs onto Lydia Becker Way behind a landscaped strip and comprises buildings with a low-pitched roof extending up to a maximum height of 13 metres. A pair of units will be located at the eastern end of the site extending to a maximum height of 14 metres.
- 4.4 The final row will be located along the southern boundary where the site will adjoin a new residential development. The buildings here will be lower in height than the other two blocks, with a monopitch roof dropping from a height of 10.6 metres at the front to 6.5 metres at the rear.

Environmental Impact Assessment

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

5. PLANNING HISTORY

NMA/352507/24 - Non-material amendment to condition b)4 (Parameters Plan) of planning approval PA/337091/15. Approved 8 April 2024

RES/345691/20 - Details of reserved matters for appearance, landscaping and layout for development of Linear Park at Zone L1 of the Broadway Green Masterplan. Pending determination. Approved 8 July 2021

PA/337091/15 – Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold'). Approved 28 September 2015

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 The site is allocated within a Business Employment Area on the plan associated with the Local Plan. This application was carried over as a saved policy of the Oldham Unitary Development Plan.
- 6.4 As such, the following policies are considered relevant to the determination of this application:

Places for Everyone

Policy JP-S1: Sustainable Development
Policy JP-S2: Carbon and Energy
Policy JP-S4: Flood Risk and the Water Environment
Policy JP-S5: Clean Air
Policy JP-S6: Resource Efficiency

Policy JP-J1: Supporting Long-Term Economic Growth
Policy JP-J2: Employment Sites and Premises
Policy JP-J4: Industry and Warehousing Development

Policy JP-G7: Trees and Woodland

Policy JP-P1 Sustainable Places

Policy JP-C3: Public Transport
Policy JP-C4: The Strategic Road Network
Policy JP-C5: Streets for All
Policy JP-C6: Walking and Cycling
Policy JP-C8: Transport Requirements of New Development

Core Strategy

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

7. CONSULTATIONS

Highways Officer	No objections subject to conditions
Environmental Health	No objections in principle. Final details in respect of ground contamination and noise mitigation will be required by means of planning conditions.
United Utilities	No objections subject to conditions.
G M Ecology Unit	Recommend conditions in relation to Biodiversity Net Gain, avoidance of harm to wildlife, and treatment of invasive plant species.
Trees Officer	No objection
GM Archaeological Advisory Service	Awaiting comments
Coal Authority	No objections as the site falls outside a Coal Mining High Risk area.
TfGM	Recommend measures to promote sustainable transport and a review of Traffic Regulation Orders if necessary to restrict parking on Lydia Becker Way.
G M Police	Recommend amendments to security arrangements at the site.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, no representations have been received.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The principle of the use of the site for the proposed employment purposes has been established by the 2015 hybrid approval.
- 9.2 All pre-commencement requirements in relation to improvements to highway infrastructure in the vicinity which were required as part of the accompanying Section 106 agreement have now been discharged and there are no other outstanding requirements in relation to this site.

10. DESIGN AND LAYOUT

- 10.1 At present, land levels at the site vary with a gradual fall east to west along Lydia Becker Way. Within the site itself, levels vary with significant portions of the site elevated above the road level.
- 10.2 In order to create a level platform which would avoid the stepping of the rows of commercial units, the western end of the site will be elevated above the level of the adjacent Aldi store car park. A timber clad retaining structure to a height of approximately 3 metres would therefore mark the boundary between the existing and proposed developments.
- 10.3 The applicant has explained that the topography of the site will require substantial remodelling to create a development platform. Due to the existing topography, this will involve reducing levels to the eastern portion of the site and upfilling to the west portion. A level plateau is required to achieve a consistent structural surface level along the terraced units to Blocks B and C.
- 10.4 This facilitates the parking provision and level access required to each individual unit without the need for stepped levels mid-terrace. By achieving a balanced cut and fill all suitable material can also be re-used on site, avoiding the requirement to export large volumes of material off site.
- 10.5 Whilst this is likely to represent a prominent feature, the visual context will be largely one of large commercial buildings. In this regard, the practical benefits of achieving a functional effective development would outweigh any potential visual harm.
- 10.6 The proposed units will be faced in cladding panels in a mix of greys and green colouring. This would reflect the character of the commercial buildings which have previously been erected in the vicinity of the site. In this context, the finishes will be appropriate. Additional landscaping will be provided to the site boundaries.
- 10.7 GM Police has provided comments on the layout requesting that consideration be given to the gates at the entrance to the site being automatically operated at all times in order to prevent unauthorised access during operational hours as well as at night/when closed.
- 10.8 In response the applicant has concluded that this is not a necessary request. It is noted that such gates are not in place on any of their other sites across the country, nor was it requested on their approved site further west along Lydia Becker Way where there have been no known issues with security. The manual gates will however be closed outside of normal working hours and the site will be secure.
- 10.9 In this context, it is agreed that the proposed arrangement would be satisfactory.

11. AMENITY ISSUES

- 11.1 In addition to the nearby commercial developments, the site is located in close relationship to existing housing across Lydia Becker Way, a small group of which

directly face the site, albeit set back behind a shared accessway. There is also a new housing development which is to be constructed alongside the southern site boundary.

- 11.2 A Noise Impact Assessment has been submitted to address these issues. The layout of the development has been designed to ensure the primary areas of activity are located within the estate itself and the Environmental Health Officer is satisfied with the proposals in principle.
- 11.3 Discussions between the applicant and the Environmental Health Officer are presently being concluded and a suitable planning condition will be required to ensure appropriate mitigation measures are put in place before the development is occupied.
- 11.4 Further details of the measures to be implemented under the terms of a recommended planning condition will be provided within the Late List report to be presented to Planning Committee prior to the meeting.

12. HIGHWAYS ISSUES

- 12.1 NPPF paragraph 116 states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 12.2 In respect of the wider Foxdenton Strategic Site development, of which this site is a part, a comprehensive Transport Assessment was submitted with the original outline application and all mitigation measures relating to that have been completed.
- 12.3 A Transport Statement and Framework Travel Plan have been submitted in support of the present application.
- 12.4 The Highway Officer is satisfied that there will be no adverse impact on the highway network as a result of the proposed development and does not therefore object to planning permission being granted for highway safety reasons.
- 12.5 Conditions in respect of details of the construction and implementation of the access and parking arrangements, the cycle storage, a travel plan, and a construction management plan will be required. In addition, arrangements to remove a potential secondary access and reinstate the footway along Lydia Becker Way which will also be necessary.
- 12.6 Should future issues arise with vehicle parking on Lydia Becker Way, consideration will need to be given to amending waiting restrictions.

13. BIODIVERSITY AND TREES

- 13.1 Biodiversity Net Gain is required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).
- 13.2 This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. As a clear preference, this increase should be achieved through on-site biodiversity gains.

- 13.3 Based on the application site and indicative proposals, the development would be subject to the statutory BNG requirement.
- 13.4 The applicant is seeking to achieve the required target by purchasing off-site biodiversity units at local habitat banks. These details will need to be confirmed as part of the Biodiversity Gain Statement which the applicant will need to discharge following the grant of planning permission before the development can commence.
- 13.5 GM Ecology Unit has also recommended that conditions are imposed to ensure adequate avoidance measures are in place to protect any wildlife on the site once development commences, and for the treatment of invasive species.
- 13.6 The application is accompanied by a detailed landscaping scheme, including specifications for replacement and new tree and shrub planting. The Council's Trees Officer has no objections to the proposals subject to full implementation of the proposed landscaping scheme.
- 13.7 A planning condition will be imposed accordingly.

14. DRAINAGE AND GROUND CONDITIONS

- 14.1 Phase I and II Geo-environmental Site Assessment reports and a Remediation Strategy and Verification Plan have been submitted. Due to asbestos being identified within made ground soils at the site, an Asbestos in Soils Management Plan has also been submitted.
- 14.2 The Environmental Health Officer has accepted the documents with no objections in principle. Some additional detailed information has been requested and therefore a condition is recommended for inclusion in the decision.
- 14.3 The site falls outside a Coal Mining High Risk area. However, the Coal Authority's standing advice will be drawn to the applicant's attention.
- 14.4 The application site lies entirely within a Flood Zone 1 with a low probability of flooding.
- 14.5 The submitted Flood Risk Assessment and Drainage Strategy has been considered by United Utilities which has raised no objections subject to conditions in relation to implementation of the scheme and to protect of existing drainage infrastructure on the site.

15. ENERGY

- 15.1 An Energy and Sustainability Statement has been submitted which sets out recommended sustainability features for the development will ensure that the proposals comply with PfE Policies JP-S2 and JP-S5.
- 15.2 A condition will be imposed to require confirmation that the development has been implemented in accordance with those recommendations.

16. CONCLUSION

- 16.1 The proposals will represent the development of an allocated employment site bringing forward additional inward investment and jobs. The details are considered acceptable subject to the conditions recommended below.

17. 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 part of the development shall be brought into use until the access road, service area and parking spaces for that part of the development 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 service areas and parking spaces. Thereafter the service areas and parking spaces 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 Policy JP-C8 of the Places for Everyone Joint Development Plan and Policies 5 and 9 of the Oldham Local Plan.
4. No part of the development shall be brought into use until the redundant vehicular access at the north-west site frontage has been reinstated with footway and landscaping in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the reinstated area. REASON - In the interests of highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan and Policies 5 and 9 of the Oldham Local Plan.
5. The use of the buildings hereby approved shall not commence until the cycle storage facility as indicated on plan ref: 22152-UMC-SIXX-ZZ-DR-A-0701-P03 for the provision of secure cycle parking for each unit has been implemented in accordance with submitted details. 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.
6. 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:
 - hours of construction operations and deliveries;
 - details for the methods to be employed to control and monitor noise, dust and

- vibration impact;
- details of routes and delivery regimes for construction vehicles and deliveries;
- the storage of materials on site and parking management for employees' vehicles taking into account the phasing of the works; and,
- details of adequate wheel cleaning equipment to be installed on the site which shall be used by all vehicles before leaving the site which have travelled over a non-tarmac surface so that they do not foul the highway with mud or other material.

The approved CEMP shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced and 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.

7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Strategy and FRA 24-012_Plot 2000, Oldham dated 12.8.24 which was prepared by I&L Consulting. No surface water will be permitted to drain directly or indirectly into the public sewer. 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 prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.
8. No construction shall commence until details of the means of ensuring the critical sewer 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 from construction activities and the impacts post completion of the development on the critical sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline 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 safety and to ensure protection of essential services having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.
9. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and,
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan. REASON - To ensure that management arrangements are in place for the sustainable drainage system in order to manage

the risk of flooding and pollution during the lifetime of the development having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.

10. 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.
11. Prior to any earthworks, vegetation clearance or demolition, the reasonable avoidance measures set out in the Precautionary Method of Works statement by Urban Green dated February 2025 shall be fully implemented. REASON - In order to prevent undue disturbance to wildlife having regard to Policy JP-G8 of the Places for Everyone Joint Development Plan.
12. No above ground construction of any building hereby approved shall commence until a scheme and timetable for the achievement of Biodiversity Net Gain on site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a written 30-year Habitat Management and Monitoring Plan (HMMP) for biodiversity within the site. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9 and 21 of the Oldham Local Plan, paragraph 174 of the NPPF, and Policy JP-G8 of the Places for Everyone Joint Development Plan.
13. Prior to first occupation of any part of the development hereby approved, a statement shall be submitted to and approved in writing by the Local Planning Authority to confirm that the completed building has been constructed in accordance with measures set out in the submitted Energy and Sustainability Statement. REASON - To ensure the development accords with the provisions of Policy JP-S2 of the Places for Everyone Joint Development Plan.
14. Prior to the commencement of any development (including ground works and vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control, and removal plant invasive species from the site. The measures shall be carried out strictly in accordance with the approved scheme. REASON - To prevent the spread of invasive plant species having regard to Policy 9 of the Oldham Local Plan.
15. No development shall commence, other than site set up and investigation works, unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
16. All hard and soft landscape works shall be carried out in accordance with the approved plans Ref: UG 2619 LAN GA DRW 101 P02, UG 2619 LAN HL DRW 301

P02, UG 2619 LAN SL DRW 201 P02 and UG 2619 LAN DOC LMP 701 prior to the occupation of any part of the development or in accordance with the programme previously 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 Policy JP-G7 of the Places for Everyone Joint Development Plan and Policies 9 and 21 of the Oldham Local Plan.

17. Within six months of the first occupation of the site, a full travel plan shall be submitted for the written approval of the Local Planning Authority. The approved measures shall be implemented within three months of the written approval and shall be regularly reviewed thereafter in accordance with the plan. REASON - To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.

18. Prior to first occupation of any building hereby approved, a scheme for the provision of bat and bird boxes, including an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. REASON - To ensure the enhancement of facilities for wildlife having regard to Policies 9 and 21 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



