

**APPLICATION REPORT – OUT/354338/25**  
**Planning Committee 2<sup>nd</sup> July 2025**

Registration Date: 9<sup>th</sup> April 2025  
Ward: Coldhurst

Application Reference: OUT/354338/25  
Type of Application: Hybrid – Full/Outline

Proposal: Hybrid planning application seeking: - 1. Permission for demolition of existing buildings. 2. Full planning permission for residential development (Block A) (Use Class C3) with associated access, servicing, parking, public realm and landscaping. 3. Outline planning permission for development of a mix of uses, comprising residential units (Use Class C3); ancillary commercial, business and service uses (Use Classes E and F1) with associated access, servicing, parking, public realm and landscaping. All matters reserved for future determination save for primary access.

Location: Former Civic Centre and Queen Elizabeth Hall, West Street, Oldham, OL1 1UT

Case Officer: Graham Dickman  
Applicant: Muse Places Limited  
Agent: Hannah Blunstone

## **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 involving the Council as landowner.

## **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 application relates to a site of 2.19 hectares located towards the western edge of Oldham town centre. It presently comprises a L-shaped block used as municipal offices alongside the western (Rochdale Road) and southern (West Street) site boundaries and the Queen Elizabeth Hall located centrally within the site.
- 3.2 The remainder of the site largely comprises car parking areas. The site levels rise consistently in a west to east direction.
- 3.3 To the north of the site across New Radcliffe Street is an apartment block and the Oldham Integrated Care Centre. Across Rochdale Road to the west is Oldham College.
- 3.4 To the south across West Street is a vacant site previous occupied by the Magistrates'

Court. This is also proposed for residential redevelopment under a separate application (OUT/354323/25).

- 3.5 To the east at an elevated level is Oldham Bus Station.
- 3.6 Adjoining the south-east corner of the site is the Civic Tower, which it is intended to retain. It is separately proposed for conversion to a hotel (FUL/354322/25).

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

- 4.1 All existing buildings within the application site are to be demolished.
- 4.2 The proposal involves a comprehensive redevelopment of the site for primarily residential purposes with a mix of ancillary commercial, business, and service uses within parts of the ground floors of multi-storey buildings.
- 4.3 The application takes a Hybrid (part-full, part outline) form.
- 4.4 The full part of the application relates to the north-west corner of the site fronting onto Rochdale Road and New Radcliffe Street. This will comprise a six storey, U-shaped residential block comprising 93 dwellings with a mix of 35 x one-bedroom apartments, 52 x two-bedroom apartments, and 6 x three-bedroom apartments.
- 4.5 A service access from New Radcliffe Street, along with four disabled persons' car parking spaces will be provided. Within the building there will be provision for 93 cycle spaces.
- 4.6 The outline part of the application, for which all matters except the primary access arrangement are reserved for subsequent approval, comprises further residential development of up to 745 dwellings in five buildings ranging in height between 11 and 16 storeys. Ancillary commercial, business and service uses (Use Classes E and F1) will also be provided.
- 4.7 The envisaged residential mix would be for 316 x one-bedroom apartments, 371 x two-bedroom apartments, and 58 x three-bedroom apartments.

#### Environmental Impact Assessment

- 4.8 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.9 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. The site is not located within any impact distance of a 'sensitive area' as defined in the Regulations. However, it would exceed the applicable threshold of 5 hectares or 150 dwellings.
- 4.10 In this instance, the applicant considered that an Environmental Statement was required and a request for a 'Scoping Opinion' was submitted (EIAP/354094/25).
- 4.11 An Environmental Statement, taking into consideration the matters identified in that 'Scoping Opinion', accompanies the application.

## **5. PLANNING HISTORY**

- 5.1 The existing buildings were erected in phases during the 1970s. Various applications for subsequent changes within the site have been approved. None are relevant to the present application.
- 5.2 This Planning Committee agenda however includes 5 further applications related to the regeneration of the town centre.

## **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 designated within the Town Centre on the plan associated with the Local 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-J2: Employment Sites and Premises  
Policy JP-H1: Scale, Distribution and Phasing of New Housing Development  
Policy JP-H2: Affordability of New Housing  
Policy JP-H3: Type, Size and Design of New Housing  
Policy JP-H4: Density of New Housing  
Policy JP-G7: Trees and Woodland

Policy JP-P1: Sustainable Places  
Policy JP-P2: Heritage  
Policy JP-P4: New Retail and Leisure Uses in Town Centres

Policy JP-C1: An Integrated Network  
Policy JP-C2: Digital Connectivity  
Policy JP-C3: Public Transport  
Policy JP-C5: Streets for All  
Policy JP-C6: Walking and Cycling  
Policy JP-C8: Transport Requirements of New Development

### Core Strategy

Policy 1: Climate Change and Sustainable Development  
Policy 2: Communities  
Policy 9: Local Environment

Policy 14: Supporting Oldham's Economy  
 Policy 15: Centres  
 Policy 23: Open Spaces and Sports.  
 Policy 25: Developer Contributions

## 7. CONSULTATIONS

Highways Officer	No objections subject to conditions in relation to access, cycling provision, a travel plan, and a Construction Management Plan.
Environmental Health	No objections. Recommend conditions in relation to further ground investigations and acoustic protection.
TfGM	Comments have been provided on the siting of pedestrian and vehicular access points and footway resurfacing, and for a contribution towards a CCTV to monitor traffic flows at the St Mary's Way/ Rochdale Road junction.
United Utilities	Recommend that conditions are imposed to require submission of a sustainable drainage scheme which fully considers the use of infiltration for surface water.
Drainage	Concur with the view of United Utilities that the drainage scheme should full consider infiltration of surface water.
Natural England	No objections
G M Ecology Unit	The development should secure a minimum 10% biodiversity gain.
Trees Officer	No objections subject to replacement tree planting on a 2 for 1 basis.
Mining Remediation Authority	No objections subject to a scheme of intrusive site investigations
GM Archaeological Advisory Service	No further assessment is required
G M Police	No objections
Active Travel England	No objections subject to improvements in active travel infrastructure around 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 display of site notices, 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 Oldham Town Centre Development Framework (OTCDF) sets out a vision for delivering a transformative change to the town centre by creating a new town centre residential market to complement the plans taking shape across the town centre as part of the Council's 'Creating a Better Place' programme.
- 9.2 To bring the change to fruition the Council has entered into a 15 year partnership with Muse (the applicant). The present application is one of four to bring forward an aspiration for providing up to 2000 new mixed-tenure homes across the town centre, including forming a new neighbourhood in the north of the town centre.
- 9.3 For this application, whilst providing the opportunity to make a substantial contribution towards regeneration and meeting the aspiration to provide new homes, consideration needs to be given to the loss of the existing employment facility provided by the local authority complex.

#### **Loss of employment space**

- 9.4 The site largely comprises offices and ancillary accommodation occupied by the local authority. However, since 2024, services have been largely relocated to the Spindles with a large portion of the site now standing vacant. Local Plan Policy 14 indicates that such loss will be acceptable where it can be demonstrated that it is no longer appropriate or viable to continue the existing use.
- 9.5 This can be demonstrated either through an appropriate marketing exercise or viability assessment, or where *"the development of the site for alternative uses would benefit the regeneration areas identified by the Council as being in need of investment or would benefit the community of an area"*.
- 9.6 Following a comprehensive design process, informed by technical assessments and market considerations, it has been determined that the complete redevelopment of the site for residential purposes would result in the greatest regeneration benefits as part of the wider objectives of securing a transformative change to the town centre.
- 9.7 In this context, it is determined that the loss of the facility on this site can be justified when weighed alongside the regeneration benefits of the scheme. Furthermore, the previous employment has not been lost given the Council's relocation to the Spindles and the opening shortly of a new Civic Centre in the Old Library on Union Street, bringing a listed building back into productive use.

#### **Housing Supply**

- 9.8 Places for Everyone (PfE) was adopted on 21 March 2024. JP-H1 of PfE sets out Oldham's housing requirement for 2022 to 2039 (the PfE plan period).
- 9.9 NPPF Paragraph 78 sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five

years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

- 9.10 As such, given PfE is less than five years old, JP-H1 continues to set out Oldham's housing requirement until 2029, and there is currently a five-year supply of deliverable housing sites in Oldham to meet the PfE housing requirement.
- 9.11 It is also noted that final completions have now been confirmed for 2024/25 as 578 homes delivered (this exceeds the PfE requirement of 404 homes (for 2024/25) by 43%).
- 9.12 Nevertheless, this site is a crucial part of that five-year supply and of the Council's housing supply overall to 2039 under PfE. Therefore, along with the associated applications, this proposal creates the opportunity to generate a substantial contribution to ensuring a supply of appropriate new housing sites on sites identified as previously developed land in line with PfE objectives.

#### Affordable Housing

- 9.13 An Affordable Housing Statement has been submitted with the application. The Statement indicates that a policy-compliant affordable housing scheme would cost equivalent to approximately £11M (policy-compliant being 7.5% of the total development sales value in accordance with Local Plan Policy 10). However, this scheme is not a typical development scheme on a typical development site. It is a regeneration scheme seeking to bring a brownfield site back into use as part of a public-private partnership, from which the council's main priority is not to seek to generate a profit or even a land receipt.
- 9.14 As such, it is not plausible to provide (and fund) affordable housing on the sites in the usual way a developer would for a typical market housing-led scheme, which is what Local Plan Policy 10 is aimed at. Instead, the partnership will look to lever in private investment alongside government grant funding to deliver a mix of affordable, build-to-rent and market homes.
- 9.15 In this regard, in this case, it is not appropriate to require an affordable housing contribution in the usual way through a planning application (a Section 106 agreement) as it would not be viable for these regeneration developments to be delivered in the same way as a typical market housing-led scheme. In fact, to do so would actually limit which government grants the partnership could access. Instead, the council as landowner and partner will be able to ensure that the developments undertaken by the partnership will deliver affordable housing, and at a level that would seek to exceed what would be provided by Local Plan Policy 10.

#### Public Open Space

- 9.16 Local Plan Policy 23 sets out the Council's approach to Open Space, Sport, and Recreation Provision. In terms of residential development, all developments should contribute towards the provision of new or enhanced open space where there is not already sufficient provision in the locality, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.
- 9.17 The Council's Open Space Study has identified present deficiencies in the quantity and

quality of open space within the local area.

- 9.18 However, in this instance the development forms part of wider proposals for the regeneration of the town centre as set out in the Town Centre Development Framework, including the provision of the linear park. As part of that scheme improved links from the application site are being facilitated with the creation of Snipe Gardens helping to provide an attractive link between the application site and the linear park.
- 9.19 In addition, the proposed layout encompasses areas of communal open space which will provide readily accessible amenity space for future residents. In order to ensure such areas will be maintained a condition is recommended to ensure appropriate future management and maintenance arrangements are in place.
- 9.20 In these circumstances, approval will be subject to a condition to secure the payment of financial contributions towards the provision of off-site open/green space, taking into consideration the existing provision.

#### Education

- 9.21 The introduction of a significant number of new residents into the town centre has the potential to generate increased demand for school places.
- 9.22 The present application includes full details for Block A which is anticipated to be brought forward in a first phase of development.
- 9.23 An assessment of the impact on school places has been undertaken and this has concluded that having regard to the type of accommodation proposed and existing availability of school places, no contribution from this first phase of the development will be required.
- 9.24 With regard to later (outline) phases of the development, as these will be implemented over a longer timeframe, an updated assessment will be required, taking into account the availability of school places at that time.

### **10. DESIGN AND LAYOUT**

- 10.1 A Townscape and Visual Impact Assessment has been submitted with the application as part of the Environmental Statement. This assesses the impact of the development on sensitive visual receptors both within the vicinity of the site and from the wider townscape perspective.
- 10.2 As the application has been submitted in Hybrid form, only the full details of the design and layout of Block A are available.
- 10.3 Block A will be prominently sited at the Rochdale Road and New Radcliffe Street junction in the north-west corner of the site. The building will comprise a total of 6 storeys. The front elevation will be raised above street level on Rochdale Road separated by landscaped retaining structures. These levels (which reflect the existing Civic Centre building) are required to accommodate the rising land levels from front to rear of the site along New Radcliffe Street.
- 10.4 The building will be faced in brickwork with a horizontal form. Detailing within the brickwork will be incorporated to create visual interest.

- 10.5 The 'Appearance', 'Layout'; and 'Scale' of the remainder of the proposed buildings are subject to later Reserved Matters approval. Parameter Plans have been submitted providing an indication of the envisaged plot layout and scale of buildings within those plots rising to between 11 and 16 storeys.
- 10.6 This approach takes into account the rising topography and includes a general increase in building heights towards the bus station where heights of the blocks would reflect the Civic Tower.
- 10.7 The site layout is also designed to create an integrated neighbourhood, including landscaped linkages to facilitate movement across the site.
- 10.8 The proposals have been developed using the principles of 'Secured by Design' and these have been addressed in the accompanying Crime Impact Statement. GM Police is satisfied that the development conforms with those principles.

## **11. AMENITY ISSUES**

- 11.1 As required by Places for Everyone Policy JP-H3, all new dwellings must comply with the nationally described space standards; and be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations (unless specific site conditions make this impracticable).
- 11.2 In this instance, the applicant has confirmed that the whole development will be constructed to achieve those standards.
- 11.3 Opportunities to enjoy open space will be integral to the development site and provided in the vicinity within the linear park.
- 11.4 Daylighting, sunlight, and overshadowing assessments have been carried out and accompany the submission. Consideration of the findings of the report has been used to inform the design of the scheme and confirms that the outcome would be acceptable within the town centre context.
- 11.5 A Noise Impact Assessment and a Ventilation and Extraction Statement have also been submitted.
- 11.6 The Environmental Health Officer has raised no objections, subject to implementation of various recommended conditions to protect the amenity of future residents. These include ensuring any noise or extraction associated with the ground floor commercial units is appropriately controlled.

## **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 The site benefits from high accessibility to sustainable transport options, including the adjacent bus station, nearby Metrolink tram stops and improving walking and cycling infrastructure. In addition, there is a range of amenities and retail facilities within easy walking distance.



- 12.3 The Council does not presently utilise specific car parking standards.
- 12.4 It is intended that the development will be as vehicle-free as possible. No residential parking is proposed to be provided on the site, except for a reasonable level of dedicated disabled persons' parking spaces for residents of the new homes. Disabled persons' spaces will be provided for up to a maximum of 5% of apartments.
- 12.5 Such limited provision of resident parking is reasonable given the town centre location and excellent public transport connectivity, meaning that no resident would need to own a car to access all essential and day-to-day services or to access employment or education, and residents who choose to live in the new developments would not be expected to own a car.
- 12.6 On-street parking around each of the sites is already tightly controlled to prevent fly-parking in the town centre. Nevertheless, a review of on-street parking controls around each of the sites has been undertaken. The Transport Statement submitted in support of the application shows that the nearby road network has full parking restrictions such as double yellow lines or 24 hour clearways, and some areas with single yellow lines or permit parking.
- 12.7 These restrictions will also apply to future residents and therefore they will not be permitted to park on-street around the developments. Future residents will not be granted parking permits within any of the controlled parking permit areas in the town centre. Should any issues arise with on-street parking around the town centre, this will be monitored. The Council has the option to introduce restrictions to address it.
- 12.8 The rationale for this approach is to create developments focussed on sustainable communities and moving away from car dependency by adopting a 'low-car' vision. This is in line with the policy objectives around sustainable travel set out in the adopted development plan. This approach is justified by the highly accessible town centre location of the developments, where local facilities are available within walking or cycling distance. Additionally, the availability of frequent bus and tram services means that public transport can be used for longer journeys.
- 12.9 Low parking provision encourages sustainable travel behaviour for future residents from the moment they move in, by not providing for private vehicle use and promoting sustainable travel via Travel Information Packs which would be provided to new residents at each of the sites.
- 12.10 Promotion of active and sustainable travel reduces dependency on cars which supports healthier lifestyles, reduces air and noise pollution and is more environmentally sustainable.
- 12.11 In this context, the request by TfGM for a contribution towards CCTV monitoring of the St Mary's Way/ Rochdale Road junction would not be justified given the low level of additional traffic demand which is envisaged.
- 12.12 With specific regard to the detailed proposals for Block A, on-site parking will be limited to four spaces available for disabled persons' parking. Cycle storage at a 1 cycle per apartment level, 50% in secure cycle storage rooms and with 50% of apartments incorporating a zone for cycles to be hung, will also be available.
- 12.13 Elsewhere within the development, whilst details of the main vehicle access points

have been submitted for approval, 'Access' in relation to detailed vehicle movements and circulation within the site is a Reserved Matter for the outline part of the application. However, the indicative details confirm that no vehicular through routes will be included.

#### Loss of existing car parking

- 12.14 The development will involve the removal of existing pay and display public car parking at the site. The Council has previously undertaken a review of how frequently the car parks in the Town Centre are used and found many were underutilised and able to absorb the overflow from the closure of some of the existing surface car parks.
- 12.15 Nonetheless, it is recognised that removing the public car parks on this site and other sites will lead to an imbalance in parking provision across the town centre.
- 12.16 Therefore, the Council is exploring the possibility of creating multi-storey car parks on other sites in the town centre, and in a way that ensures drivers coming from all directions can access parking easily without having to drive into the heart of the town centre. They will also provide additional parking for those with blue badges and so allow easier access to key destinations in the town centre for those with mobility restrictions. This will help address the loss of the public car parking on this application site

### **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 application is accompanied by a Biodiversity Net Gain Metric and Assessment. This confirms that the development will be able to achieve an on-site gain in excess of the minimum 10% requirement.
- 13.5 Any grant of planning permission will be subject to a condition to require a 30-year Habitat Management and Maintenance Plan to be approved. In addition, following the grant of a planning permission, it will be necessary for the applicant to submit a statutory Biodiversity Gain Plan for approval which will ensure the required measures are implemented.
- 13.6 The Trees Officer notes that most on-site trees will be removed to facilitate the redevelopment. Due to the scale and layout of the redevelopment and the site levels, it is recognised that it would be difficult to retain many of the specimens, and that many of the ash trees are suffering from Ash Dieback disease.
- 13.7 For that reason, the loss is accepted subject to replacement planting on a 2 for 1 basis in accordance with the adopted standard.

## 14. HERITAGE

- 14.1 The application is accompanied by a Heritage Statement which provides a detailed assessment of the significance of the on-site buildings and the relationship to off-site designated heritage assets.
- 14.2 It is noted that the site does not contain any Listed Buildings, and that Historic England has recently rejected a request for the Civic Centre and Queen Elizabeth Hall to be added to the national List having taken into consideration its lack of special interest in a national context.
- 14.3 The site is however located within the wider setting of the Oldham Town Centre Conservation Area and a number of listed buildings (none of which are located within 200m of the site).
- 14.4 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.
- 14.5 Section 72 of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 14.6 NPPF Paragraph 208 states that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise”*.
- 14.7 NPPF Paragraph 212 states that in considering the impact of a proposed development, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 14.8 Having regard to the detailed matters considered in the Heritage Assessment, it is concluded that the development will have ‘less than substantial’ harm to off-site heritage assets, including the Town Centre Conservation Area.
- 14.9 NPPF paragraph 215 states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 14.10 Furthermore, the Civic Suite and Queen Elizabeth Hall could be considered as Potential Non-designated Heritage Assets to which (given their proposed demolition) would amount to ‘substantial harm’.
- 14.11 NPPF paragraph 216 states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.

- 14.12 Taking all these factors into consideration, the loss must be weighed in the context of the significant regeneration benefits to the town centre, and therefore, approval would accord with the statutory duties and national and local planning policies.
- 14.13 The application is supported by an archaeological desk-based assessment. GM Archaeological Advisory Service agrees with the conclusions that the site has low potential for archaeological remains and therefore no further consideration of archaeological matters is required.

## **15. DRAINAGE**

- 15.1 The site is located within Flood Zone 1 at the lowest risk of flooding.
- 15.2 A Flood Risk Assessment and Drainage Strategy has been submitted with the application.
- 15.3 United Utilities and the Council's Drainage Engineer have raised issues in relation to the assessment and arrangements for the disposal of surface water, specifically regarding the potential to infiltrate surface water rather than direct to the public sewer system.
- 15.4 In response, the applicant has indicated that infiltration has not been discounted outright, but that infiltration as the sole or primary means of surface water discharge is not deemed feasible based on present information. Testing is presently limited due to the current use as a surface car park.
- 15.5 Therefore, conditions have been recommended to require full details of the proposed method of foul and surface water drainage from the development which will allow a final scheme to be agreed once further testing has been undertaken.

## **16. GROUND CONDITIONS**

- 16.1 A Phase 1 Desk Study and Preliminary Risk Assessment. report has been submitted with the application.
- 16.2 The Environmental Health Officer has accepted the findings which recommends that further intrusive site investigations should be carried out along with any necessary scheme of remediation.
- 16.3 The Mining Remediation Authority have noted that the site falls within a Development High Risk Area and that the Coal Mining Risk Assessment report recommends the undertaking of intrusive site investigations.
- 16.4 Planning conditions are recommended accordingly.

## **17. ENERGY**

- 17.1 The applicant is required to demonstrate that the buildings are consistent with the 2022 Part L of the Building Regulations and with the measures in TABLE 5.1 of Places for Everyone Policy JP-S2, unless this is not practicable or financially viable.

- 17.2 An Energy/ Sustainability and a Sustainability Statement has been submitted with the application. It is outlined how a 'fabric first' approach to minimise energy use intensity has been used with passive measures adopted across the buildings. The development as a whole therefore achieves a 75% improvement over the Building Regulation's Target Emission Rate.
- 17.3 Consequently, it is considered that the development would ensure compliance with the policy objectives.

## **18. CONCLUSION**

- 18.1 This application, alongside with the other development proposals being considered on this Planning Committee agenda, will make a substantial contribution to the regeneration of Oldham town centre as part of wider objectives set out in the Oldham Town Centre Development Framework and Creating a Better Place vision.
- 18.2 This follows on from the previously approved schemes for revitalisation of the Spindles Shopping Centre, new market hall and food court, replacement Council offices, a new linear park, and the enhancement of heritage buildings across the town.
- 18.3 The development will deliver a new residential neighbourhood which can act as a catalyst for further regeneration.
- 18.4 The proposed approach to the promotion of a car-free environment reflects the objectives of PfE Policy JP-C1. This encourages a pattern of development that minimises the need to travel by unsustainable modes and which increases the proportion of trips that can be made by walking, cycling, and public transport.
- 18.5 In townscape terms, the site occupies a prominent location on the western approaches to the town centre. It will introduce a vibrant and visually appealing development designed to maximise the opportunities provided by the site levels.
- 18.6 Overall, the development would represent a positive opportunity for the regeneration of the town centre.

## **19. RECOMMENDED CONDITIONS**

### **CONDITIONS THAT APPLY TO THE FULL (BLOCK A) ELEMENT OF THE PERMISSION**

#### **1. COMMENCEMENT**

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. ACCESS/PARKING**

No residential unit within the development shall be occupied until the access to the site and car parking and servicing space for that development has been provided in accordance with the approved plan ref:18502-PLA-XX-XX-D-L-000001 Rev P03.

REASON – In the interests of the amenity of the occupiers of the development, having regard to Policies 5 and 9 of the Oldham Local Plan and Policy JP-C8 of the Places for Everyone Joint Development Plan.

### 3. CYCLES

The use of the building hereby approved shall not commence until the secure cycle parking provision as indicated on the approved plan ref: 18502-HBA-ZZ-GF-D-A-080101 Rev P03 has been made available. The facilities shall be retained at all times thereafter.

REASON - In order to promote sustainable means of travel having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.

### 4. MATERIALS

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.

### 5. LANDSCAPING

All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 18502-PLA-XX-XX-D-L-000001 P03 and with a programme to be agreed in writing with the Local Planning Authority prior to the first occupation of any dwelling hereby approved. 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

### 6. BIODIVERSITY

The use of the building hereby approved shall not 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.

## **CONDITIONS THAT APPLY TO THE OUTLINE ELEMENT OF THE PERMISSION**

### 7. RESERVED MATTERS

Applications for approval of the reserved matters of 1) Access 2) Appearance 3) Landscape 4) Layout and 5) Scale shall be made to the Local Planning Authority before the expiration of

15 years from the date of this permission. The commencement of development of each plot (as defined on approved plan 18500-HBA-CC-ZZ-D-A-080021 P04) must be no later than the expiration of 3 years from the final approval of the reserved matters relating to that development plot.

REASON - To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

## 8. APPROVED DOCUMENTS

All applications for Reserved Matters shall be in accordance with the approved Parameter Plans 18500-HBA-CC-GF-D-A-080026 P04, 18500-HBA-CC-GF-D-A-080027 P04 and 18500-HBA-CC-GF-D-A-080028 P04.

REASON - In order to ensure that the developed scheme accords with the parameters used to assess the impact this proposal will have on its surroundings, including the neighbouring buildings, having regard to Policy JP-P1 of the Places for Everyone Joint Development Plan.

## 9. MAXIMUM PARAMETERS FOR OUTLINE PLOTS

The development hereby approved shall not exceed the following maximum parameters:

Up to 745 residential units (Use Class C3)

Up to 388 sqm of commercial floorspace (Use Class E and/or F1) GEA floorspace

REASON - In order to ensure that the developed scheme does not exceed the floor spaces which have been used to assess the impact which this proposal will have on its surroundings, including the neighbouring buildings, local retail centres and the local highway network having regard to Policies JP-P1 and JP-C8 of the Places for Everyone Joint Development Plan.

## 10. LEVELS

Any application for the approval of reserved matters in respect of the landscaping, layout, and/or scale of the development shall be accompanied by the following information: A full site survey for that part of the site showing: (i) the datum used to calibrate the site levels (ii) levels along all site boundaries (iii) levels across the site at regular intervals (iv) floor levels of adjoining buildings, and full details of the proposed ground and finished floor levels of all buildings and proposed levels for external areas, including any retaining structures. The development shall be implemented only in full accordance with the approved details.

REASON - To ensure that the details of the development are satisfactory having regard to Policies 9 and 20 of the Oldham Local Plan.

## 11. AMPLIFIED SOUND

Any amplified music and/or speech sound from any commercial unit at the development shall result in a sound level associated with the commercial unit of no greater than Noise Rating (NR) NR25 Leq (5 minutes) between 07.00 and 23.00 hours, NR20 Leq (5 minutes) and 40 dB LAFMax between 23.00 and 07.00 hours as measured or predicted in any structurally adjoining habitable areas of residential properties located above or adjacent to the commercial unit.

REASON - To protect the amenities of the occupiers of the dwelling having regard to Policy 9 of the Oldham Local Plan.

## 12. FUMES

No commercial unit hereby approved shall be brought into use unless and until a detailed scheme for treating fumes and odours from any required kitchen odour/heat extraction system before their emission to the atmosphere so as to render them innocuous has been submitted to and approved in writing by the Local Planning Authority.

REASON - To protect the amenities of the occupiers of the dwelling having regard to Policy 9 of the Oldham Local Plan.

### 13. ACCESS AND PARKING

No residential unit within any development plot as indicated on plan ref: 18500-HBA-CC-ZZ-D-A-080021 P04, shall be occupied until the access to the site and car parking space for that development plot has been provided in accordance with the approved layout plan.

REASON – In the interests of the amenity of the occupiers of the development, having regard to Policies 5 and 9 of the Oldham Local Plan and Policy JP-C8 of the Places for Everyone Joint Development Plan.

### 14. DEVELOPER CONTRIBUTIONS

No phase or sub-phase of development plot as defined on plan ref: 18500-HBA-CC-ZZ-D-A-080021 P04 (other than enabling works) shall commence unless and until all relevant legal estates and interests in the land comprised in that phase or sub-phase of development are subject to and bound by terms set out in an enforceable section 106 agreement to secure the payment of financial contributions towards the provision of off-site open/green space and education.

REASON - As the Local Planning Authority would not have granted planning permission in the absence of a signed Section 106 obligation, and at the time of this permission being issued the applicant was not able to bind all relevant interests in the site to the terms of the planning obligations it contains. This condition restricts development on land until such time that relevant parts of the land are bound by section 106 planning obligations in the form of an enforceable deed.

## **CONDITIONS THAT APPLY TO BOTH FULL AND OUTLINE ELEMENTS OF THE PERMISSION**

### 15. APPROVED PLANS

The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice unless the variation from approved plans is required by any other condition of this permission.

REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

### 16. CONTAMINATION

No development, other than demolition and site clearance, within any development plot (as defined on approved plan 18500-HBA-CC-ZZ-D-A-080021 P04) shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination for that development plot 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 - In order to ensure that appropriate measures are taken to protect public safety having regard to Policy 9 of the Oldham Local Plan.

## 17. COAL MINING

No development, other than demolition and site clearance, within any development plot (as defined on approved plan 18500-HBA-CC-ZZ-D-A-080021 P04) shall commence until;

a) a further scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, having regard to the Coal Mining Risk Assessment Report (Seventh Issue, dated 26 March 2025) prepared by Civic Earth Limited and;

b) 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 order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

c) Prior to the occupation of the development, or it being taken into beneficial use, 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 the Local Planning Authority for approval in writing. 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 – In order to ensure that appropriate measures are taken to protect public safety having regard to Policy 9 of the Oldham Local Plan.

## 18. BIODIVERSITY

Any application for the approval of reserved matters in respect of the landscaping and/or layout of the development shall be accompanied by an updated Biodiversity Net Gain Metric and Biodiversity Net Gain Statement to demonstrate how the development will secure a 10% uplift relative to baseline conditions. Any on-site biodiversity will be subject to a 30 year Habitat Management and Maintenance Plan.

REASON – To secure biodiversity improvement at the site in accordance with the requirements of Schedule 7A of the Town and County Planning Act 1990 (as inserted by the Environment Act 2021).

## 19. GLAZING SPEC

All residential windows for the whole development should meet the minimum glazing performance as detailed within the Noise and Vibration Impact Assessment 18500-MXF-XX-XX-T-O-10000 Issue P05 dated 28 March 2025 unless otherwise agreed in writing by the Local Planning Authority.

REASON - To protect the amenities of the occupiers of the development having regard to Policy 9 of the Oldham Local Plan.

## 20. TESTING OF WINDOWS

Prior to occupation of any residential unit, a noise report must be submitted to and approved in writing by the Local Planning Authority to confirm noise testing of the whole window units has been completed and not just the glazed component to achieve the internal ambient noise levels for habitable spaces given in BS 8233.

REASON - To protect the amenities of the occupiers of the dwelling having regard to Policy 9 of the Oldham Local Plan.

## 21. VENTILATION

Prior to the occupation of any residential unit, the Mechanical Ventilation and Heat Recovery system shall be installed in accordance with a Noise and Ventilation Strategy which has been submitted to and approved in writing by the Local Planning Authority

REASON - To protect the amenities of the occupiers of the dwelling having regard to Policy 9 of the Oldham Local Plan.

## 22. EXTRACTION

Prior to the occupation of any residential unit, an external plant scheme, which has been submitted to and approved in writing by the Local Planning Authority, detailing how the extraction unit will be attenuated and mounted to minimise the transmission of airborne and structure-borne noise and vibration, shall be completed entirely. Thereafter the works forming the approved scheme and shall at all times remain in place.

REASON - To protect the amenities of the occupiers of the development and existing residents in the area having regard to Policy 9 of the Oldham Local Plan.

## 23. NOISE LIMIT

Any plant or machinery used on the site shall not exceed the following noise rating levels (which includes any acoustic character associated with the mechanical services plant) at the most noise sensitive premises when measured in accordance with BS 4142:2014+A1:2019:

- Daytime (07:00 to 23:00): < 50 dBA L<sub>Ar,Tr</sub>
- Night-time (23:00 to 07:00): < 43 dBA L<sub>Ar,Tr</sub>.

Emergency plant noise level limits at the nearest noise sensitive receptor should not be higher than 10 dBA above the representative daytime background noise level.

REASON - To protect the amenities of the occupiers of the development and existing residents in the area having regard to Policy 9 of the Oldham Local Plan.

## 24 DRAINAGE

Prior to the commencement of above ground works within any development plot as indicated on plan ref: 18500-HBA-CC-ZZ-D-A-080021 P04, 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 Policies 9 and 19 of the Oldham Local Plan.

## 25. DRAINAGE MANAGEMENT

Prior to occupation of any development plot as indicated on plan ref: 18500-HBA-CC-ZZ-D-A-080021 P04, 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:

- 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 Policies 9 and 19 of the Oldham Local Plan.

## 26. CEMP

Prior to the commencement of any development plot as indicated on plan ref: 18500-HBA-CC-ZZ-D-A-080021 P04, 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 for the methods to be employed to control and monitor noise, dust and vibration impacts
- where construction site processes are likely to give rise to significant levels of vibration, details of appropriate monitoring should be provided. A method of vibration measurement should be agreed prior to commencement of site works.

- arrangements for construction vehicle access (including scheduling of deliveries, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, and construction methods to be used; including the use of cranes if intended)
- wheel cleaning equipment to ensure that before leaving the site all vehicles, which have travelled over a non-tarmac surface, use the wheel cleaning equipment provided,
- details of measures to safeguard access to retained activities and uses within the wider development site.

REASON – To safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

## 27. TRAVEL PLAN

Prior to the first occupation of the development hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Within 6 months of first occupation within any development plot (as defined on approved plan 18500-HBA-CC-ZZ-D-A-080021 P04, a travel plan shall be submitted to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of such written approval.

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

## 28. PART L

Prior to the residential occupation of any development plot as defined on plan ref: 18500-HBA-CC-ZZ-D-A-080021 P04, a statement shall be submitted to and approved in writing by the Local Planning Authority detailing how that building has been constructed to be consistent with the 2022 Part L of the Building Regulations and with the measures in TABLE 5.1 of Places for Everyone Policy JP-S2, unless it can be demonstrated that it is not practicable or financially viable. The development shall be implemented in accordance with the approved details.

REASON - In order to secure a sustainable form of development having regard to Policy JP-S2 of the Places for Everyone Joint Development Plan Document.

## 29. NDSS Part M4(2)

Each dwelling hereby approved shall comply with the Nationally Described Space Standards and the development shall be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations, unless it is first demonstrated to and agreed in writing by the Local Planning Authority that the specific site conditions make this impractical.

REASON - To ensure a sustainable form of development having regard to the requirements of Policy JP-H3 of the Places for Everyone Joint Development Plan Document.

## 30. CRIME

The development hereby approved shall be built in line with the recommendations in the Crime Impact Statement reference 2025/0066/CIS/02 Version A 19th March 2025.

REASON – In order to ensure the creation of a safe environment having regard to Policy 9 of the Oldham Local Plan.

## 31. BIRDS

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.

### 32. PUBLIC REALM MANAGEMENT

Prior to the first occupation of any development plot as defined on plan ref: 18500-HBA-CC-ZZ-D-A-080021 P04, a scheme for the future management and maintenance of all external communal areas of the site, including pedestrian access, vehicle access, parking and servicing, recreational open space and landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in full and retained thereafter unless otherwise agree in writing by the Local Planning Authority.

REASON – To ensure the site is maintained in a condition which protects the amenity f future residents and the area in general having regard to Policy JP-P1 of the Places for Everyone Joint Development Plan and Policy 9 of the Oldham Local Plan.

## SITE LOCATION PLAN (NOT TO SCALE)

