

**APPLICATION REPORT – FUL/352774/24**  
**Planning Committee 10<sup>th</sup> September 2025**

Registration Date: 9th May 2025  
Ward: Coldhurst

Application Reference: FUL/352774/24  
Type of Application: Full Application

Proposal: Two-storey building with ground floor prayer hall (F1(f)) and first floor community hall (F2b).

Location: Compass House, Neville Street, Oldham, OL9 6LD

Case Officer: Matthew Taylor  
Applicant: Juhel  
Agent: Mr Martin Spencer

## **1. INTRODUCTION**

- 1.1 This application is presented to Planning Committee as it proposes a development exceeding 1,000m<sup>2</sup> in floorspace and is therefore a Major development.

## **2. RECOMMENDATION**

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

## **3. THE SITE**

- 3.1 The application relates to an area of land north to Compass House, Neville Street, Oldham, OL9 6LD.
- 3.2 The site is currently enclosed by security fencing and contains a concrete pad and steel structures. These were installed following the granting of planning permission for the demolition of an annex building that originally occupied the site, and erection of a prayer hall (Ref: PA/343451/19). However, the works carried out did not constitute a lawful commencement of development because the pre-commencement conditions attached to the permission had not been discharged by the applicant. Consequently, the planning permission has now lapsed.

## **4. THE PROPOSAL**

- 4.1 The proposal is for the erection of a two-storey building with ground floor prayer hall (F1(f)) and first floor community hall (F2b).
- 4.2 The building would be rectangular in shape and create 1144sqm of floorspace. It would incorporate a flat roof design with parapet wall surround, which would keep down the

overall height of the building to approximately 8.6m (approximately 1.1m taller than the previously approved single storey building).

## **5. RELEVANT PLANNING HISTORY**

PA/336508/15 - 1) Erection of a canopy 2) Single storey extension 3) Pitched roofing over existing annex building. Approved 23.06.2015

PA/338180/16 - Demolition of existing annex building and reconstruction and extension on same footprint for new two storey prayer hall. Approved 19.07.2016

PA/343451/19 - Single storey prayer hall and community rooms. Approved 07.01.2020

VAR/348177/21 - Variation of condition 2 relating to application PA/343451/19, which proposes aesthetic design changes to the proposed building. Withdrawn 23.05.2025

## **6. RELEVANT PLANNING POLICIES**

- 6.1 The Places for Everyone (PfE) Joint 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 the retained policies in 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 in the Proposals Map associated with the Development Plan as Central Shopping Core and Primary Shopping Frontage (part).
- 6.4 As such, the following policies are relevant to the determination of this application:

### Places for Everyone

Policy JP-S1: Sustainable Development  
Policy JP-P1 Sustainable Places  
Policy JP-P3: Cultural Facilities  
Policy JP-S4: Flood Risk and the Water Environment  
Policy JP-G7: Trees and Woodland  
Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity  
Policy JP-C8: Transport Requirements of New Development

### Local Plan

Policy 1: Climate Change and Sustainable Development  
Policy 2: Communities  
Policy 5: Promoting Accessibility and Sustainable Transport Choices  
Policy 9: Local Environment

## 7. CONSULTATIONS

### *Highways Engineer:*

No objection, subject to a cycle storage condition.

### *Greater Manchester Ecology Unit:*

There has been no unauthorised site degradation since January 2020, so the *de minimis* exemption applies and the application is not subject to mandatory Biodiversity Net Gain (BNG). However, GMEU advises that planning policy supports biodiversity enhancements. Therefore, features such as integrated bat or bird boxes should be included where possible, and a suitably worded planning condition is recommended to secure these measures.

### *Mining Remediation Authority:*

The site lies within a Development High Risk Area, where historic, unrecorded shallow coal mining may pose risks to ground stability and public safety. Initial ground investigation reports lacked a specific assessment of coal mining risks, resulting in an initial objection from the Coal Authority. Although updated coal mining information has now been submitted, the Coal Authority maintains concerns—particularly regarding the assumption that foundation design alone will fully mitigate these risks.

Mine gas risks may also be present and should be considered by the Local Planning Authority (LPA), even if not explicitly identified by the Coal Authority. Additionally, if Sustainable Drainage Systems (SuDS) are proposed, the developer must assess their potential interaction with ground stability and any underlying mine workings.

The Coal Authority has withdrawn its objection, subject to the imposition of conditions relating to:

- Intrusive Site Investigation and Remediation, and
- Post-Remediation Declaration,

to ensure the safety and stability of the development, in accordance with paragraphs 187, 196, and 197 of the National Planning Policy Framework (NPPF).

### *Environmental Health:*

Have raised no objection to the proposed new community and religious building and its use, subject to conditions addressing the following matters:

- Contamination
- Landfill Gas Investigation
- Noise from Building and Plant
- Restricted Hours of Use
- Call to Prayer – Noise Control

## 8. 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 a site notice, publication of a press notice, and neighbour notification letters.

8.2 In response, 51 support comments and 26 objection comments have been received.

### *Summary of objections:*

#### Traffic & Parking:

- Severe congestion on Neville Street, Daintry Road, and Middleton Road.
- Overflow parking from mosque and Ahmed Cash & Carry affecting residents.
- Lack of independent traffic and parking assessments.
- Concerns that existing infrastructure cannot support increased demand.

#### Residential Amenity:

- Loss of privacy.
- Loss of natural light due to building height.
- Increased noise from events and construction.
- Ongoing disruption from previous incomplete works.

#### Community Impact:

- Perceived overdevelopment in a vulnerable area.
- Lack of consultation with directly affected residents.
- Distrust due to change in scope from prayer hall to community/event space.
- Concerns about anti-social behaviour and fireworks.

#### Planning Concerns:

- Conflict with local plan.
- Inadequate access and public transport.
- Environmental damage (e.g., tree removal).
- Strain on existing community facilities.

### *Summary of supporting comments:*

#### Community Benefits:

- Inclusive space serving Muslims and non-Muslims.
- Dedicated female areas and youth facilities.
- Educational and interfaith programs.
- Addresses lack of community spaces due to government cuts.

#### Parking & Management:

- Large on-site car park (claimed capacity of 60–100 cars).

- Plans for enforcement and collaboration with Ahmed Cash & Carry.
- Mosque stewards manage parking during peak times.

#### Design & Sustainability:

- Vertical expansion avoids green space loss.
- Environmentally friendly features (e.g., energy-efficient lighting).
- Accessible design for all community members.

#### Social Cohesion:

- Promotes unity, understanding, and mutual support.
- Seen as a positive investment in the future of the neighbourhood.

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 Policy 1, in the context of this application, seeks to ensure the effective and efficient use of land and buildings by promoting the reuse of existing buildings and developments on previously developed land prior to the use of greenfield sites.
- 9.2 In addition, consideration should be given to Policy 2 'Communities' of the Joint DPD, which endorses improvements to the education and skills of the borough's population by supporting proposals for new and improved community facilities that meet an identified need.
- 9.3 The application is considered acceptable in principle, since the proposed use would bring benefits to the local community, and provide a centre for residents on a brownfield site. It is therefore in compliance with the aims and objectives of Policies 1 and 2 of the Local Plan.

## **10. DESIGN AND APPEARANCE**

- 10.1 Policy JP-P1 within the PFE Joint DPD outlines that we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places. Policy 1 within the DPD states that the Council will ensure that development proposals respect Oldham's built environment.
- 10.2 Furthermore, the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that permission should be refused for development that is not well designed.
- 10.3 The proposed building is an appropriate scale and mass in relation to the adjoining Compass House and industrial building. Furthermore, the proposed building has a modern and simple palette of materials that will not detract from the character of the area.
- 10.4 In this context it is considered that the development accords with the design principles set out above.

## **11. AMENITY**

- 11.1 Policy 9 states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development is not located where it would be adversely affected by neighbouring land uses and does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users. This includes impacts related to safety, security, and noise.
- 11.2 In respect of other potential amenity impacts the Council's Environmental Health section have raised no objection to the proposed development. However, they have recommended the imposition of conditions due to the proximity of the development to residential properties. These include:
- Noise Insulation (Building and Plant Equipment) – Both building and externally mounted equipment must be insulated in line with an approved scheme, completed before first use and retained thereafter.
  - Restricted Hours of Use – The premises may only operate between 07:00 and 23:00 for worshippers and deliveries.
  - Noise Control – No audible call to prayer outside the site boundary is permitted unless a noise minimisation plan is submitted and approved.
- 11.3 Therefore, given that the current scheme maintains the same use as the previous application and separation distance from residential properties, it is considered appropriate to impose the same residential amenity planning conditions, having regard to Policy 9.

## **12. HIGHWAY SAFETY**

- 12.1 Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.
- 12.2 Crucially, NPPF paragraph 116 requires that, in considering planning applications, *“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.”* This therefore provides the key test for considering this (and other) proposal in relation to highway safety.
- 12.3 The Highway Engineer initially had concerns about the level of car parking provision and the pattern of use for the proposed development. However, the Applicant has now provided additional information to address this matter. Whilst there will be some additional demand for on-street parking, it is not considered this would significantly or severely impact on the local highway network to the detriment of highway safety.
- 12.4 Therefore, it is not considered by the consultee that the development would not be detrimental to highway safety.
- 12.5 On the basis of the above, the development complies with the NPPF, together with Policies 5 and 9, 13 of the Local Plan.

### **13. ECOLOGY**

- 13.1 Policy 6 and Policy 21 of the Oldham LDF Joint DPD are concerned with protecting, conserving and enhancing our local natural environments.

*Biodiversity Enhancement:*

- 13.2 It is expected development of this scale include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. Therefore, to address this matter, an appropriately worded planning condition has been agreed with the applicant prior to determination and is attached to the recommendation.

*Biodiversity Net Gain:*

- 13.3 Greater Manchester Ecology Unit note in their response that there has been no unauthorised site degradation since January 2020, so the *de minimis* exemption applies and the application is not subject to mandatory Biodiversity Net Gain (BNG).
- 13.4 Therefore, it is accepted that the proposal is exempt from BNG requirements under the *de minimis* rule.

### **14. DRAINAGE**

- 14.1 Policy 19 of the Oldham LDF Joint DPD is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas.
- 14.2 In line with good practice, a condition to ensure that details of a drainage strategy are submitted and agreed with the Local Planning Authority prior to the commencement of development has been attached. This will ensure that surface and foul water is appropriately considered as part of the development.

### **15. GROUND CONDITIONS**

- 15.1 Paragraph 187 of the NPPF states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 15.2 The Council's Environmental Heath team have been consulted and recommended it is appropriate to impose conditions which relation to intrusive site investigations for landfill gas and a watching brief for other contaminations. These are attached to the recommendation.
- 15.3 The application site lies within a designated Development High Risk Area, where historic, unrecorded shallow coal mining may pose risks to ground stability and public safety. Initial ground investigation reports lacked specific assessment of these risks, prompting an objection from the Mining Remediation Authority (previously known as the Coal Authority).

- 15.4 Although updated coal mining information has since been submitted, the Mining Remediation Authority remains concerned that the potential impacts of shallow workings have not been adequately addressed given that a reliance on foundation design alone is not considered a sufficient mitigation strategy.
- 15.5 Additional risks include the potential presence of mine gases, which should be considered by the Local Planning Authority (LPA), and the interaction between Sustainable Drainage Systems (SuDS) and ground stability, which requires specialist assessment.
- 15.6 The Mining Remediation Authority has withdrawn its objection, subject to the imposition of conditions requiring:
- Intrusive site investigations and implementation of any necessary remediation measures; and,
  - A post-remediation declaration confirming the site is safe and stable for development.

These measures are necessary to ensure public safety and compliance with paragraphs 187, 196, and 197 of the National Planning Policy Framework (NPPF).

## **16. CONCLUSION**

- 16.1 Having regard to the scale and nature of the proposed development, the location of the site and the general pattern of development in the area, it is considered that the development would not lead to any significant adverse impact on the character of the area neither would it lead to unacceptable adverse impact on the amenity of the occupiers of neighbouring properties.
- 16.2 The proposal would serve the local community and provide new and improved community facilities. The proposal would therefore be in accordance with relevant provisions of the Local Plan Policies.

## **17. RECOMMENDATION**

- 17.1 It is recommended that planning permission is granted, subject to the imposition of the following conditions.

## **18. 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. Notwithstanding the details shown on the approved plans, no development comprising the erection of any external walls shall take place until a specification of 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 1 of the Oldham Local Plan and Policy JP-P1 within the PFE Joint DPD.
4. The use of the development hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. Reason – In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
5. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this. Reason – To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, having regard to Policy 9 of the Oldham Local Plan.
6. Notwithstanding any development undertaken to date, no further works of construction of the fabric of the building hereby approved shall be undertaken until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of satisfactory completion report, to discharge the condition. Reason - In order to protect public safety, because the site is located within 250m of a former landfill site, having regard to Policy 9 of the Oldham Local Plan.
7. The building and/or externally mounted plant and equipment shall be insulated in accordance with a scheme submitted to and approved by the Local Planning Authority before the development is first brought in house. Any work implementing the scheme shall be completed before use and shall be retained at all times thereafter. Reason - To ensure the protection of nearby premises, having regard to Policy 9 of the Local Plan.
8. The premises shall only be open to worshippers and deliveries between the following times 07:00 to 23:00. Reason - To protect the amenities of occupiers of nearby premise, having regard to Policy 9 of the Local Plan.
9. There shall be no call to prayer from any amplified speaker played at the premises unless a plan on how to minimise its potential noise nuisance has been submitted

to and agreed by the LPA. Reason - to ensure the protection of occupants of nearby premises, having regard to Policy 9 of the Local Plan.

10. Notwithstanding any development undertaken to date, no further works of construction of the fabric of the building hereby approved shall be undertaken until, a scheme for the Biodiversity Enhancement Measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter. REASON - To ensure positive enhancement of the site having regard to Policy 21 of the Oldham Local Plan.

11. Notwithstanding any development undertaken to date, no further works of construction of the fabric of the building hereby approved shall be undertaken until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, 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 onsite in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance. Reason: The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework.

12. Notwithstanding any development undertaken to date, no further works of construction of the fabric of the building hereby approved shall be undertaken until:

- (i) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity;
- (ii) any remediation works and/or mitigation measures to address land instability arising from past 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.
- (iii) a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance. REASON – In order to ensure any coal mining legacy has been satisfactorily addressed having regard to Policy 9 of the Oldham Local Plan.

# SITE LOCATION PLAN (NOT TO SCALE)

