

APPLICATION REPORT – FUL/355356/25
Planning Committee – 11th March 2026

Registration Date: 21st November 2025
Ward: Coldhurst

Application Reference: FUL/355356/25
Type of Application: Full Application

Proposal: Erection of a shipping container to serve hot/cold food to takeaway.

Location: 7 Silver Street, Oldham, OL1 1HU

Case Officer: Matthew Taylor
Applicant: Mr Mohammed Waleed Hashim
Agent: Mr Ibrahim Bin Awais

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Council's Constitution and Scheme of Delegation because the Applicant, Mr Mohammed Waleed Hashim, is a direct relative of Councillor Shoab Akhtar (Werneth Ward).

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report, and that the Assistant Director Planning, Transport & Housing Delivery shall be authorised to issue the decision.

3. THE SITE

- 3.1 The application site is located on the corner of created by the junction of Silver Street and Peter Street (on the southern side of Silver Street).
- 3.2 The site is within the defined Town Centre Central Shopping Core on the proposals map of the Local Plan. It is currently an open hardstanding area that is partly enclosed by a knee-high post and rail timber fence and has an established use as a car park.

4. THE PROPOSAL

- 4.1 The application seeks planning permission for the siting of a shipping container on the land equipped with facilities to cook and serve hot food. No customer seating is proposed as part of the scheme so it would therefore effectively operate as a hot food takeaway.

5. PLANNING HISTORY

5.1 No relevant planning history.

6. RELEVANT PLANNING POLICIES

6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. In addition, the Places for Everyone (PfE) Joint Plan which was adopted in March 2024 forms a material consideration in the assessment of planning proposals.

6.2 The following policies are considered relevant to the determination of this application:

Joint Development Plan Document (Local Plan):

Policy 09 - Local Environment

Places for Everyone:

JP-P1 - Sustainable Places

National Planning Policy Framework:

Chapter 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well Designed Places

7. CONSULTATIONS

Highways Officer	Recommended refusal for the reasons outlined in section 11 of this report.
Environmental Health	No objection subject to the wastewater from the unit must be connected to the foul sewer system.

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 by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response no representations have been received objecting to the development.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Paragraph 97 of the NPPF (December 2024) states that local planning authorities should refuse applications for hot-food takeaways and fast-food outlets:
- a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or
 - b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution, or anti-social behaviour.
- 9.2 These criteria are intended to ensure that new hot-food takeaway uses are directed to appropriate commercial areas and do not exacerbate existing issues relating to public health, environmental quality, or community safety.
- 9.3 The application site is located within the designated Town Centre and therefore falls within the exception set out in Paragraph 97(a). As such, the proposal does not conflict with national policy relating to proximity to schools or youth-focused facilities.
- 9.4 Furthermore, there is no evidence to suggest that the introduction of this proposal would contribute to a harmful concentration of similar uses in the locality, nor that it would materially worsen health outcomes, pollution levels, or anti-social behaviour as described in Paragraph 97(b).
- 9.5 On this basis, the proposal is considered to comply with the relevant provisions of the NPPF. Accordingly, the development is acceptable in principle, subject to the detailed assessment of site-specific matters.

10. AMENITY CONSIDERATIONS

- 10.1 Oldham Local Plan Policy 9 states that development should not cause significant harm to the amenity of current or future occupants, or to neighbouring users, through impacts such as loss of privacy, noise, visual intrusion, or access to daylight, among others. Paragraph 135 of the NPPF requires that new development ensures a high standard of amenity for existing and future users.
- 10.2 It is evident that the proposed use would operate predominantly within the night-time economy, and as such, potential impacts on amenity form a central part of the assessment.
- 10.3 The location of the site within the Town Centre is a significant factor. The surrounding area is characterised largely by commercial premises, many of which already contribute to evening and late-night activity. This context inherently reduces the sensitivity of neighbouring uses to the type of impacts typically associated with hot-food takeaways or similar operations.
- 10.4 When considered against this backdrop, and subject to the imposition of suitably worded planning conditions that feature on this recommendation, particularly those controlling opening hours, it is concluded that the proposal would not give rise to an unacceptable level of noise, disturbance, or general amenity harm. The development

is therefore considered compatible with its town centre setting and would not materially affect the living conditions of existing or future occupants of nearby properties, nor the operation of adjacent commercial uses.

- 10.5 Given that the proposal includes the preparation and serving of hot food, appropriate management of cooking odours, fumes, and waste is essential to safeguard the environment and the amenity of the wider area. These matters can be effectively addressed through the submission and approval of detailed extraction, filtration, and waste-handling systems. Planning conditions requiring such details prior to first use are both reasonable and necessary to ensure compliance with environmental health standards and to prevent adverse impacts on neighbouring properties.

11. DESIGN CONSIDERATIONS

- 11.1 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.
- 11.2 Policy 1 within the DPD states that the Council will ensure that development proposals respect Oldham's built environment.
- 11.3 The application site is a cleared site that is currently used for parking. The proposal comprises a small commercial unit typical in scale and form for this type of development. The surrounding built environment is varied, with no strong uniformity in architectural style, building height, or frontage design only this frontage of Silver Street. Within this context, the modest scale of the unit and the nature of the proposed use would not appear incongruous or visually intrusive.
- 11.4 The proposal would not detract from the character or appearance of the wider area. As such, the development is considered to comply with Policy JP-P1 of the PfE Joint DPD and Policy 1 of the Oldham DPD.

12. PARKING AND HIGHWAY SAFETY

- 12.1 PfE Policy JP-C8 requires new development to be designed and located in a way that promotes walking, cycling, and public transport use, reducing reliance on private cars and supporting the creation of sustainable, accessible, and attractive communities. Developments must provide safe, direct, and inclusive access for all users, prioritising pedestrians, cyclists, and public transport in line with the user hierarchy. Proposals should also ensure strong connectivity to local facilities and transport links. Adequate and well-integrated parking should be provided, including for disabled users, alongside secure and convenient cycle parking.
- 12.2 NPPF paragraph 116 states 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, following mitigation, would be severe, considering all reasonable future scenarios.
- 12.3 The Highway Engineer has reviewed the application and raised an objection. Their view is that the proposed development would be located close to the signal-controlled junction at Peter Street/Union Street and the junction of Silver Street/Peter Street. They note that customers of hot-food takeaways often seek to park as close to the premises as possible when arriving by car.

- 12.4 Given the limited lawful on-street parking in the immediate area, the Highway Engineer considers it highly likely that additional short-term, illegal parking would occur. They anticipate this would take place on the approaches to the Peter Street/Union Street traffic signals and on Silver Street near its junction with Peter Street, increasing the risk of congestion, obstructing visibility, and creating conflict between road users.
- 12.5 The Highway Engineer further advises that short-term illegal parking of this nature is difficult to enforce and that no practical measures exist that would reliably prevent it. They therefore conclude that any increase in unlawful stopping or parking in this constrained area would be detrimental to highway safety.
- 12.6 In addition, the submitted drawings do not clarify whether the existing car park use would be retained alongside the proposed kiosk. The Highway Engineer expresses concern that, if the car park remains operational, conflict may arise between pedestrians accessing the kiosk and vehicles manoeuvring within the car park. Further information was requested regarding the intended use of the car park, the extent of perimeter fencing and gates, and the arrangements for safe pedestrian access. The response provided did not adequately address these matters.
- 12.7 However, having regard to the Highway Engineer's comments, several material planning considerations are present which must be afforded weight in the planning balance:
- The site has an established use as a car park which has been operating for over 10 years (and is therefore exempt from planning enforcement action);
 - On-street parking on Silver Street is available to the public between 7pm and 7am, with loading restrictions applying only outside these hours;
 - Multiple private and public car parks are located within walking distance of the site, providing lawful parking opportunities for customers. For the purposes of determining a planning application it cannot be assumed that customers would park illegally if visiting the premises by vehicle.
 - The site is located within the Town Centre, which benefits from strong walking, cycling, and public transport links, reducing reliance on private car use and supporting sustainable travel patterns; and,
 - Presence of other food outlets in the vicinity of the site.
- 12.8 Taking these factors into account and applying the NPPF test it is not considered that the impacts identified would amount to an unacceptable or severe impact on highway safety on the operation of the road network. While the concerns raised are acknowledged, they are not judged to be of sufficient magnitude to robustly justify a recommendation of refusal.
- 12.9 Overall, the proposed development is not considered to result in severe impacts on the highway network or highway safety. The development is therefore judged to comply with the requirements of PfE Policy JP-C8 and Chapter 9 of the National Planning Policy Framework.

13. ECOLOGY

- 13.1 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the condition that development may not begin unless a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has approved the plan.
- 13.2 However, there are exemptions to the legislation which apply in some certain cases. This development is exempt from Biodiversity Net Gain requirements as it does not impact a priority habitat given the site comprises an area of hardstanding.

14. DRAINAGE

- 14.1 Policy 19 of the Oldham LDF Joint DPD seeks to ensure that new development does not result in unacceptable flood risk or increased drainage problems. The policy directs development away from areas at risk of flooding and requires proposals to demonstrate that appropriate drainage arrangements can be achieved.
- 14.2 No drainage details have been submitted as part of this application. Having regard to the comments from Environmental Health, the method of managing foul water must be fully addressed before the business begins trading. Without this information, the Local Planning Authority cannot be satisfied that the development would not give rise to drainage issues or health concerns on or off the site.
- 14.3 To ensure compliance with Policy 19, it is therefore considered necessary and reasonable to impose an appropriately worded planning condition requiring the submission and approval of full details of the proposed foul water drainage systems. These details must demonstrate how water will be safely and effectively discharged to the main sewer network. The condition will ensure that adequate drainage infrastructure is secured prior to the commencement of the use, thereby preventing any unacceptable impacts.

15. CONCLUSION AND RECOMMENDATION

- 15.1 The proposal is considered to comply with the relevant development plan policies, Places for Everyone Plan and the NPPF. The application is therefore recommended for approval subject to the imposition of conditions referenced below:
1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
 3. The use hereby permitted shall not be open to customers outside the following times;

09:00 - 01:00 Sunday - Thursday
09:00 - 02:00 Friday and Saturday

Reason - To protect the amenities of occupiers of nearby premises, having regard to Policy 9 of the Local Plan.

4. The development hereby approved shall not be brought into use unless and until a detailed scheme for treating fumes and odours 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. The scheme shall detail how the extraction unit will be attenuated and mounted to minimise the transmission of airbourne and structure bourne noise and vibration. The works forming the approved scheme shall be completed entirely in accordance with the approved scheme and thereafter the works forming the approved scheme shall at all times remain in place. Reason - To protect the amenities of the occupiers of nearby premises, having regard to Policy 9 of the Local Plan.
5. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use. Reason - To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area, having regard to Policy 9 of the Local Plan.
6. Notwithstanding the plans hereby approved, the business shall not be open for trade or business unless and until, details of the method of foul water drainage from the site to the main sewer along Stanley Road has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the opening/trading of the business and shall be maintained thereafter. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)

