

APPLICATION REPORT – FUL/355490/25
Planning Committee – 23rd September 2026

Registration Date: 14th January 2026
Ward: Chadderton South

Application Reference: FUL/355490/25

Type of Application: Full

Proposal: Application for full planning permission for the erection of a new two-storey multi-use commercial building comprising a restaurant at ground floor level and a function and events space at first floor level.

Location: Land at Junction of Broadgate and Grimshaw Lane, Chadderton

Case Officer: Stephen Gill
Applicant: Mr Brooks
Agent: Miss Beth Carney

1. INTRODUCTION & BACKGROUND

- 1.1 The application is referred to Planning Committee for determination as it a major development.
- 1.2 The site is located adjacent to the junction of Broadgate and Grimshaw Lane, close to Middleton junction station. The site is triangular, and is bounded by Broadgate to the west, Grimshaw Lane to the north, and the Rochdale Canal (which is Special Area of Conservation (“SAC”), a Site of Special Scientific Interest (“SSSI”), and a site of Special Biological Importance (“SBI”). There is a small pumping station building in the northeast corner of the site that serves the Grimshaw Lane canal lift bridge. There is also a pylon located almost central within the site, together with an adjacent electricity equipment housing. The site is designated as sitting within the Greengate/Broadgate Business Employment Area (BEA).

2. THE PROPOSAL & BACKGROUND

- 2.1 The application seeks full planning permission for the erection of a new two-storey multi-use commercial building comprising a buffet restaurant at ground floor level and a function and events space at first floor level.
- 2.2 The two uses would operate together as a single venue, with associated parking provision, servicing areas, landscaping and a new vehicular access from Broadgate.

- 2.3 The proposal would redevelop a currently vacant parcel of land located within a Business and Employment Area (BEA). The site previously benefitted from planning permission under application FUL/346977/21 for a general industrial building with associated service yard, parking and access arrangements; however, that permission has not been implemented.
- 2.4 The proposed building would occupy the north-western part of the site, broadly reflecting the position of the building approved under previous planning approval FUL/346977/21, with associated parking and servicing areas arranged around it. Access would be taken from Broadgate via a new vehicular entrance, with separate pedestrian access points also provided. The proposed layout includes on-site parking, accessible parking spaces, electric vehicle charging infrastructure and a refuse storage area.
- 2.5 Following the submission of the application, amended plans were received during its consideration. The amendments reduced the overall scale and massing of the development, most notably through the removal of an entire floor from the originally submitted scheme. As a result, the revised proposal represents a materially smaller form of development.
- 2.6 Having reviewed the amendments, the Local Planning Authority (LPA) concludes that the revised plans would not give rise to any additional planning impacts. Accordingly, it was not considered necessary to undertake a further round of publicity or consultation, as the amendments do not materially alter the nature of the development or increase its impacts. The amendments and their implications are discussed further within the assessment section of this report.

3. PLANNING HISTORY

- 3.1 The following is a summary of the planning history attached to the site:
- FUL/346977/21 - Proposed 1040 sq.m general industrial unit to include use class B2 and B8 with associated service yard, parking and new site entrance – Granted via Planning Committee April 2022.

4. RELEVANT PLANNING POLICIES

- 4.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 4.2 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).

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

Places for Everyone

- Policy JP-S1: Sustainable Development
- Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity
- Policy JP-P1 Sustainable Places
- Policy JP-C8: Transport Requirements of New Development
- Policy JP-J1 - Supporting Long-Term Economic Growth
- Policy JP-S2 – Energy & Carbon

Oldham Joint Core Strategy and Development Management DPD (Local Plan)

- Policy 01 - Climate Change and Sustainable Development
- Policy 09 - Local Environment
- Policy 13 - Employment Area Policy
- Policy 14 - Supporting Oldham's Economy

Other Material Considerations

National Planning Policy Framework (NPPF) 2026

- NPPF Policy E2
- NPPF Policy L2
- NPPF Policy DP3
- NPPF Policy TR4
- NPPF Policy TR6
- NPPF Policy P3
- NPPF Policy N3
- NPPF Policy P2
- NPPF Policy F7
- NPPF Policy F8

5. CONSULTATIONS

Environmental Health	No objection
Highway Engineer	No objection subject to conditions.
Greater Manchester Ecology Unit	No objection subject to conditions relating to bat box provision, external lighting and precautionary methods of working. Comments are discussed

	further in the report.
Lead Local Flood Authority	No objection
Transport for Greater Manchester	TfGM has reviewed the submitted Transport Assessment and advises that the traffic impact of the development would be negligible, with junctions operating within capacity. No objection is raised, subject to the implementation of appropriate access, parking, active travel measures and a Travel Plan.
The Coal Authority	No objection
Active Travel	No comments
United Utilities	No objection subject to condition
Environment Agency	No objection subject to condition
National Grid	No objection subject to meeting the required statutory clearance lines from the overhead power line
Canal and Rivers Trust	No objection subject to condition

6. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 6.1 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 way of site notices and a press notice. No representations have been received on the application.

ASSESSMENT OF THE PROPOSAL

7. PRINCIPLE OF DEVELOPMENT

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The site forms part of the Greengate/Broadgate Business and Employment Area (BEA) as designated within the Local Plan. NPPF Policy E2 requires significant weight to be

afforded to the economic benefits of commercial development, particularly where proposals support business investment, economic growth and productivity. In addition, NPPF Policy L2 supports the effective use of land and requires substantial weight to be given to the value of using suitable brownfield land, remediating derelict or underutilised sites, and bringing vacant land back into beneficial use.

- 7.3 Local Plan Policies 13 and 14 relate to development in BEAs and will be considered in conjunction with the requirements of NPPF Policies E2 and L2.
- 7.4 Paragraph 6.38 of the supporting text to Policy 13 explains that BEAs are designated to support a broad and diverse range of employment-generating uses. These areas are intended to meet the needs of a changing local economy and provide investment opportunities for both new and existing businesses.
- 7.5 Policy 14 sets out the acceptable uses within BEAs, which include:
- i. Business
 - ii. General Industry
 - iii. Storage or Distribution
 - iv. Restaurants and Cafés
 - v. Drinking Establishments
 - vi. Hot Food Takeaways (excluding SEAs 1 to 10)
 - vii. Hotels
 - viii. Leisure facilities up to 1,000m² gross floorspace
 - ix. Retail facilities up to 500m² gross floorspace
 - x. Building and construction-related uses
 - xi. Transport and transport-related uses
 - xii. Waste management facilities
 - xiii. Garden centres
- 7.6 The ground floor restaurant falls squarely within the types of development identified as acceptable within a BEA under Local Plan Policy 14. The first-floor accommodation would provide a flexible space for corporate events, private functions, community gatherings and associated activities operating as part of the overall commercial venue. Whilst this element is not a standalone restaurant use, it would form part of a single planning unit and would operate in conjunction with, and be dependent upon, the ground-floor restaurant operation. Whilst the first-floor events type space would not necessarily fall within the uses acceptable uses set out in Policy 14, the two elements are intrinsically linked from both an operational and economic perspective.
- 7.7 The proposal would deliver a substantial commercial development on a vacant employment site and would generate new employment opportunities during both the construction and operational phases of development. The development would also support inward investment and economic activity within the borough through the creation of a new destination venue capable of attracting customers, visitors, businesses and community organisations.
- 7.8 In addition to the relevant provisions of Local Plan Policies 13 and 14, significant weight

is attached to the requirements of NPPF Policy E2, which seeks to support sustainable economic growth and advises that substantial weight should be given to the benefits of commercial development which enables businesses to invest, expand and adapt. In this instance, the proposal would represent a significant private sector investment within an established BEA and would result in the productive use of a vacant employment site for an employment-generating commercial development, which is also strongly supported by NPPF Policy L2. The developments compliance with the objectives of the NPPF weighs significantly in favour of the development.

- 7.9 Whilst not every component of the proposal falls neatly within the individual categories listed under Local Plan Policy 14, the development must be considered in the round. The proposal comprises a single integrated commercial operation and would deliver economic benefits consistent with both the objectives of the Business Employment Area designation and the economic growth objectives of the NPPF. Having regard to these considerations, the principle of development is considered acceptable.

8. LAYOUT, APPEARANCE, & SCALE

- 8.1 In design terms, Policy DP3 of the NPPF requires (in summary) that development proposals respond positively to their context, the history, character and features of the site and it's setting so that they integrate with and enhance their surroundings through the arrangement of plots and buildings, the use of materials and architectural features. Proposals should also reflect the principles of well-designed places, including liveability, climate, nature, movement, built form, public realm and identity.
- 8.2 PfE Policy JP-P1 and Local Plan Policy 9 seek high-quality development which responds positively to local character, provides attractive and functional environments, protects visual amenity and delivers safe and sustainable places. These policies will be considered alongside the requirements of NPPF Policy DP3.

Layout:

- 8.3 The building would be positioned within the north-western part of the site and would provide active frontages onto both Broadgate and Grimshaw Lane. The majority of the car parking provision would be arranged around the building. The layout incorporates vehicular and pedestrian access from Broadgate, an additional pedestrian access from Grimshaw Lane, together with refuse storage, servicing facilities and landscaped areas.
- 8.4 As set out above, internally, the building is arranged over two floors. The ground floor is centred around a buffet restaurant and dining area, together with an ancillary bar, kitchen facilities, storage accommodation, toilet facilities, lift cores and associated circulation space.
- 8.5 The first floor contains a large function and events hall together with kitchen accommodation, storage rooms, plant areas, lift facilities and customer welfare facilities. The internal arrangement provides a logical separation between the

restaurant and function space whilst ensuring both operate as a single integrated commercial venue.

- 8.6 The site is subject to several physical and operational constraints which have influenced the proposed layout. These include the proximity of the Rochdale Canal corridor to the east, the presence of National Grid infrastructure positioned centrally within the site, and existing drainage infrastructure crossing the land.
- 8.7 In relation to the Rochdale Canal, Greater Manchester Ecology Unit (GMEU), Natural England (NE) and the Canal & River Trust (CRT) have reviewed the proposals and raise no objections to the siting and layout of the development.
- 8.8 United Utilities has confirmed that a surface water sewer crosses the site. The submitted Drainage Strategy acknowledges this constraint and indicates that the affected section of sewer would be diverted to the eastern part of the site, outside the proposed building footprint. Whilst any diversion would require separate approval from United Utilities outside of the planning process, the LPA is satisfied that sufficient space exists within the development to accommodate this requirement and that the layout has been designed having regard to this constraint.
- 8.9 CRT has also advised that the site contains the control pedestal and control cabinet used by boaters to operate the Grimshaw Lane Lifting Bridge. The Trust has emphasised the need to retain safe and unrestricted access to this infrastructure during both the construction and operational phases of development. The applicant has confirmed that access will be always maintained, and the submitted plans demonstrate that this can be achieved via the north-eastern part of the site.
- 8.10 In relation to the existing pylon, National Grid has advised that a minimum 15-metre stand-off distance must be maintained around the tower to facilitate future maintenance and operational activities. The submitted layout responds to this requirement by locating the building away from the pylon and accommodating parking and circulation areas within the stand-off zone. National Grid has confirmed that this arrangement is acceptable, provided the area can be cleared when access to the tower is required.
- 8.11 Taking the above matters into account, it is considered that the proposed layout makes efficient use of the site whilst appropriately responding to the various physical, ecological and operational constraints affecting the land. No objections are therefore raised to the proposed layout.

Scale & Appearance:

- 8.12 In terms of scale, the development comprises a substantial two-storey commercial building. The submitted elevations indicate a maximum height of approximately 13 metres. Although prominent within the site, the building occupies only part of the wider development parcel.
- 8.13 During the course of the application, amended plans were submitted which reduced the overall scale and massing of the development through the removal of an entire

upper floor. This resulted in a materially smaller building than originally proposed. The amendments were made in response to the relationship between the development and National Grid's pylon, ensuring that the necessary operational and safety clearances can be maintained. National Grid has reviewed the amended plans and confirms that it raises no objection to the revised scale of the building, provided the required safety clearances are maintained. In this regard, a minimum clearance of 7.3 metres is retained between the highest point of the building and the buffer to the lowest point of the overhead conductor swing. The amended plans demonstrate that these clearance requirements can be achieved.

- 8.14 In terms of appearance, the building adopts a contemporary commercial design characterised by extensive glazing, strong horizontal and vertical architectural features, and modern cladding systems. The principal elevations incorporate large-glazed sections, particularly around the main customer entrances, creating active frontages and visual interest.
- 8.15 These glazed elements are complemented by grey cladding panels which help to articulate the elevations, break up the massing of the building and avoid the appearance of an overly bulky structure. The roof incorporates plant areas, lift overruns and access hatches, all of which have been integrated into the overall design.
- 8.16 Whilst the final material specifications have not yet been agreed, the submitted plans indicate a palette of glazing and contemporary cladding materials that would be appropriate to the character of the surrounding BEA. In principle, these materials can deliver a high-quality appearance. The precise details of the external materials can be secured by planning condition.

Conclusion:

- 8.17 Taking the above matters into account, it is considered that the development represents an appropriate response to the constraints of the site. The contemporary design approach, use of glazing and modern materials would create a visually attractive development that is appropriate within the context of the surrounding BEA.
- 8.18 The proposal is therefore considered to accord with the objectives of NPPF Policy DP3 by delivering a well-designed, functional and attractive form of development that responds positively to its context and site-specific constraints. For similar reasons, the proposal is considered to comply with Places for Everyone Policy JP-P1 and Local Plan Policy 9.

9. ACCESS & HIGHWAYS

- 9.1 NPPF Policy TR6 requires proposals likely to generate significant movement to be supported by appropriate transport evidence and a Travel Plan where necessary. Assessment of impacts should be proportionate to the scale of development and consider likely transport effects, including cumulative impacts and opportunities to promote sustainable travel.

- 9.2 NPPF Policy TR4 requires transport considerations to be integrated into the design of development. Priority should be given to walking, wheeling, cycling and public transport, whilst ensuring that developments are safe, accessible and inclusive for all users. Appropriate servicing arrangements, parking provision and electric vehicle charging infrastructure should also be incorporated.
- 9.3 PfE Policy JP-C8 seeks to reduce reliance on private vehicles by promoting walking, cycling and public transport. Development should provide safe and convenient connections to surrounding transport networks and local facilities, together with appropriate vehicle and cycle parking provision. This policy will be considered alongside the requirements of NPPF Policies TR4 and TR6.

Highway Impact:

- 9.4 The application is supported by a Transport Statement (TS), which assesses the accessibility of the site and the likely transport impacts arising from the development. The TS confirms that the development would operate predominantly during the evening and weekend periods, outside of the traditional weekday highway peak periods. The assessment therefore concludes that the development would not generate a material impact on the local highway network during peak traffic conditions.
- 9.5 Transport for Greater Manchester (TfGM) reviewed the submitted TS and advised that a trip generation exercise would normally be expected. However, having regard to the nature of the proposed use and its location, TfGM deferred to the Highway Officer on whether additional assessment was required. The Highway Officer has reviewed the proposal and concludes that the traffic generated by the development would not have a severe impact on the local highway network and that no further trip generation assessment is necessary.

Access Arrangements:

- 9.6 The development would be served via a new vehicular access from Broadgate located towards the southern part of the site frontage. The access incorporates acceptable visibility splays, pedestrian crossing facilities and footway connections into the existing highway network. The existing access from Grimshaw Lane to the north of the site would be permanently closed and reinstated as footway.
- 9.7 Following comments from TfGM, the access arrangements were amended to incorporate a continuous 3-metre-wide footway along the Broadgate frontage together with tactile dropped crossing facilities at the site entrance (new access). TfGM confirmed that the revised arrangements satisfactorily addressed their comments, and the Highway Officer also raises no objection. It is noted that works within the adopted highway will require a Section 278 Agreement, which is a matter separate to the planning process. Overall, the proposed access arrangements are considered acceptable.

Parking and Internal Arrangements:

- 9.8 The proposal includes the provision of 89 car parking spaces, comprising 83 standard spaces and 6 disabled parking bays positioned close to the principal entrance. In addition, electric vehicle charging infrastructure is proposed within the site, which includes provision for 10 EV Charging spaces.
- 9.9 The Highway Officer has reviewed the parking arrangements and confirms that the level of parking proposed is adequate to serve the development. No objections are therefore raised in relation to parking provision, and the provision for disabled spaces and electric charging provision is supported.
- 9.10 The proposals include the construction of new internal access roads, footways, parking areas and pedestrian routes. The main vehicular access and circulation areas would comprise a conventional bituminous carriageway construction, whilst the parking bays would be formed using permeable paving. Pedestrian footways would be constructed using a hard paving finish comprising concrete paving flags, providing clear, and durable pedestrian routes. The surfacing arrangements have been reviewed by both TfGM and the Highway Officer and are considered appropriate for the scale and nature of the development.

Active Travel:

- 9.11 The site benefits from good accessibility by sustainable modes of transport. The nearest bus stops are located immediately adjacent to the site on Grimshaw Lane and would be unaffected by the development. These stops provide regular services between Middleton and Oldham. Mills Hill Railway Station is located approximately 15 minutes' walk from the site and provides rail services to both Manchester and Rochdale.
- 9.12 There is existing cycling infrastructure in the vicinity of the site, including Bee Network cycle facilities along Broadgate and routes associated with the Rochdale Canal corridor. Secure cycle parking is proposed within the development, and the Highway Officer considers that details of the final cycle parking provision can be secured through planning condition.
- 9.13 In addition, the Highway Officer recommends that a Travel Plan be secured by condition to promote sustainable travel choices for staff and visitors to the development. Subject to these measures, the proposal is considered to provide appropriate opportunities for travel by walking, cycling and public transport.

Conclusions on Highways:

- 9.14 The development would not result in severe impacts on the local highway network, having regard to the nature and operating characteristics of the proposed use. The proposal provides a safe and suitable access, adequate parking provision, pedestrian improvements, and opportunities for travel by walking, cycling and public transport. Subject to conditions, the proposal is considered to accord with the requirements of NPPF Policies TR4 and TR6 and Places for Everyone Policy JP-C8.

10. AMENITY

- 10.1 NPPF Policy P3 requires development to be appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, including cumulative effects, on or off site, and whether arising from the development itself or from pre-existing conditions nearby, and the sensitivity of occupiers, users and the surrounding population.
- 10.2 Local Plan Policy 9 requires development to safeguard the amenity of existing and future occupants, including in respect of privacy, safety, noise, security, visual appearance and access to daylight. This policy will be considered in conjunction with the requirements of NPPF Policy P3.
- 10.3 The site is separated from the nearest residential properties by at over 200m to the east and northeast of the site, which is a significant distance. The surrounding area is characterised by commercial, industrial and employment-generating uses. Given the nature and location of the development, it is not considered that the proposal would give rise to unacceptable conflicts with neighbouring land uses or result in adverse impacts upon residential amenity.
- 10.4 Environmental Health has reviewed the application and raises no objection in relation to either the construction or operational phases of the development. No concerns have been identified in respect of noise, air quality, odour or general amenity impacts. Environmental Health has recommended a condition requiring details of the ventilation and extraction systems serving the building to be submitted and approved prior to their installation.
- 10.5 Taking the above matters into account, it is considered that the proposal would safeguard the amenities of surrounding land users and future occupants of the development. Subject to condition, the proposal is considered to accord with the requirements of NPPF Policy P3 and Local Plan Policy 9.

11. TREES & LANDSCAPING

- 11.1 NPPF Policy N3 seeks (in summary) to ensure that development incorporates appropriate tree planting and landscaping to enhance visual amenity, biodiversity, climate resilience and the quality of the built environment. New trees should be integrated into developments wherever practicable, including within streets, parking areas and public spaces, whilst remaining compatible with highways, utility infrastructure and operational requirements. The Policy also requires provision for the long-term maintenance of existing and proposed trees.
- 11.2 PfE Policy JP-G7 (in summary) supports the Greater Manchester Tree and Woodland Strategy by promoting increased tree cover, protection of existing woodland, and

improved public access to nature. The Policy also states that development must replace lost trees on a 2-for-1 basis, preferably on-site, and protect existing trees during construction. This policy will be considered in conjunction with the requirements of NPPF Policy N3.

Trees:

- 11.3 An Arboricultural Impact Assessment (AIA) has been submitted in support of the application. The assessment concludes that all surveyed trees are Category C specimens, reflecting their low arboricultural quality. The site is characterised predominantly by self-seeded species and naturally regenerated scrub.
- 11.4 To facilitate the development, it will be necessary to remove Tree T1 (Laburnum), Tree T2 (Cherry) and Tree Group G2, which comprises naturally regenerated Willow, Cherry and Birch scrub. These trees and scrub are of low quality, are readily replaceable through new planting and do not represent a material arboricultural constraint to the development.
- 11.5 The AIA confirms that the development can be implemented without adverse impacts upon the health, stability or long-term retention of the trees proposed for retention. The Arboricultural Officer has reviewed the submitted assessment and raises no objection to its findings or conclusions. A planning condition is recommended requiring the implementation of appropriate tree protection measures during the construction phase of development.

Landscaping:

- 11.6 The application is supported by a landscaping scheme. The scheme includes the provision of 14 heavy-standard replacement trees, extensive native hedgerow planting around the site boundaries, native scrub planting, ornamental shrub beds and areas of wildflower meadow planting. The scheme would introduce a more structured, diverse and visually attractive landscape framework than currently exists on the site.
- 11.7 The Landscape Plan is supported by maintenance and establishment specifications which include watering, weeding, pruning, grassland management, wildflower meadow management and the replacement of failed planting. These measures are intended to ensure the successful establishment and ongoing management of the proposed landscaping.
- 11.8 The Arboricultural Officer raises no objection to the submitted landscaping proposals, including the level of replacement planting, species selection and overall quality of the scheme. The landscaping would not only compensate for the tree and scrub loss associated with the development but would also deliver enhancements in terms of visual amenity and overall landscape quality. Notwithstanding the maintenance details already provided, a planning condition is recommended requiring implementation of the approved landscaping scheme together with the replacement of any trees, shrubs or plants that die, become diseased or are removed within a period of five years following planting. This will ensure the long-term establishment and retention of the landscape

proposals.

- 11.9 Taking the above matters into account, it is considered that the landscaping provides an appropriate level of mitigation for the loss of existing trees and vegetation, whilst delivering an enhancement in landscape quality. The proposal therefore accords with the objectives of NPPF Policy N3 and PfE Policy JP-G7.

12. ECOLOGY & BIODIVERSITY NET GAIN

- 12.1 NPPF Policy N2 seeks (in summary) to ensure that development contributes positively to the natural environment by protecting and enhancing biodiversity, supporting nature recovery, strengthening ecological networks and securing opportunities for biodiversity enhancement. Development should minimise adverse impacts on biodiversity and provide for the long-term management of ecological assets.
- 12.2 Local Plan Policy 21 requires development to protect, conserve and enhance biodiversity, landscapes and Green Infrastructure, whilst ensuring that environmental assets are safeguarded as part of the development process. This policy will be considered alongside the requirements of NPPF Policy N2.

Ecology:

- 12.3 The Rochdale Canal represents the principal ecological constraint associated with the site. The application is supported by a Preliminary Ecological Appraisal (PEA), comprising a desk study, habitat survey, protected species assessment and assessment of the canal corridor. The survey identifies the site as having a moderate level of ecological interest, with habitats comprising areas of grassland, scrub, scattered trees, ruderal vegetation and developed land.
- 12.4 The PEA concludes that the majority of habitats are of relatively low ecological value and comprise common and widespread habitat types. Notwithstanding this, the site contains habitat with potential to support certain protected and notable species, including nesting birds, bats and hedgehog. No further ecological surveys are recommended.
- 12.5 A desk study identified records of badger, bats, otter and water vole within the wider area. However, no evidence of badger activity was recorded during the survey, whilst the habitats present are not considered suitable to support a resident badger population. Similarly, both the site and adjacent canal corridor were found to provide limited suitability for otter and water vole. On this basis, these species are unlikely to be affected by the proposed development, and no further assessment is required.
- 12.6 The existing buildings and trees were assessed for bat roosting potential. The assessment concludes that all buildings have negligible bat roost potential and no evidence of bat activity was recorded. The trees were also found not to contain any suitable roosting features.

- 12.7 Areas of scrub and vegetation provide suitable cover for hedgehog and other small mammals. The PEA recommends a series of Reasonable Avoidance Measures during the construction phase to safeguard these species, which can be secured by condition.
- 12.8 The assessment confirms that trees, scrub and other dense vegetation provide suitable nesting habitat for birds. Vegetation clearance undertaken during the nesting season could adversely affect nesting birds. The PEA therefore recommends that vegetation clearance is undertaken outside the bird nesting season (March to August), unless a pre-commencement nesting bird inspection is first undertaken by a suitably qualified ecologist. These measures can be secured by condition.
- 12.9 The PEA also identifies the presence of Himalayan Balsam and Japanese Knotweed, both of which are invasive non-native species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). The report recommends that both species are managed and eradicated through an appropriate treatment strategy, which can be secured by condition.
- 12.10 GMEU has reviewed the submitted PEA and raises no objection to its findings or conclusions. The Local Planning Authority is satisfied that, subject to the recommended mitigation and conditions, the proposal would not result in unacceptable impacts upon protected species or ecological interests.

Construction Management Biodiversity:

- 12.11 In its initial consultation response, GMEU identified the need for a Construction Environmental Management Plan (Biodiversity) (CEMP) to ensure that construction activities would not adversely affect the adjacent canal corridor.
- 12.12 In response, the applicant submitted a CEMP. The submitted CEMP includes a range of mitigation measures designed to protect Rochdale Canal during construction. These measures include the installation of a continuous silt barrier along the eastern site boundary, the designation of a Biodiversity Protection Zone adjacent to the canal, the provision of spill kits, bunded fuel and chemical storage, restrictions on concrete washout activities, dust suppression measures, pollution incident procedures, and controls on machinery cleaning and site drainage.
- 12.13 Clear roles and responsibilities are assigned within the CEMP, including daily monitoring of the biodiversity protection measures by the site manager. The document also requires ecological checks for nesting birds where vegetation clearance is required during the bird nesting season. Following review of the submitted Biodiversity CEMP, GMEU confirmed that the document is acceptable. CRT have also reviewed the CEMP and support the use of a silt barrier to the canal to prevent contaminants entering the canal. A compliance condition would be attached to ensure that the CEMP is implemented in full during the construction phase of the development.

Habitat Regulation Assessment:

- 12.14 The Rochdale Canal SAC is designated primarily for its population of floating water-

plantain and associated aquatic plant communities, which are sensitive to changes in water quality, hydrology, shading and physical disturbance. As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), the LPA is required to consider whether the development, either alone or in combination with other plans or projects, would be likely to have a significant effect upon the SAC.

- 12.15 A Shadow Habitats Regulations Assessment (sHRA) has been submitted in support of the application. The screening assessment concludes that, owing to the immediate proximity of the development to the SAC and the potential for effects associated with construction pollution, operational drainage, physical disturbance, dust, shading, lighting and the spread of invasive non-native species, Likely Significant Effects could not be excluded in the absence of mitigation. The assessment therefore proceeds to an Appropriate Assessment.
- 12.16 The Appropriate Assessment considers the identified impact pathways and the measures required to avoid adverse effects upon the integrity of the SAC. These include construction-phase pollution prevention and physical protection measures, control of invasive non-native species, appropriate surface-water drainage, sensitive external lighting and longer-term ecological management. The assessment also considers the potential for effects in combination with other plans and projects and concludes that there is no realistic mechanism by which the development would contribute to an adverse effect upon the integrity of the SAC in combination with other development.
- 12.17 Natural England (NE) has reviewed the sHRA and confirms that it concurs with the conclusions of the Appropriate Assessment, subject to the identified mitigation being appropriately secured. Natural England requires the implementation of a Construction Environmental Management Plan (CEMP), which has been submitted and accepted by NE and GMEU as set out above.
- 12.18 The Council has reviewed the submitted sHRA, including its screening assessment, Appropriate Assessment, mitigation measures and consideration of in-combination effects. The Council adopts the assessment and its conclusions for the purposes of its duties under the Habitats Regulations. The Biodiversity CEMP subsequently submitted with the application has been reviewed and accepted by GMEU and NE and includes measures to protect the Rochdale Canal during construction, whilst the proposed drainage strategy directs surface water away from the canal.
- 12.19 Accordingly, having regard to the conclusions of the Appropriate Assessment and the advice of NE and GMEU, the Council is satisfied that, subject to the identified mitigation being secured and implemented, the development would not adversely affect the integrity of the Rochdale Canal SAC, either alone or in combination with other plans or projects.

Biodiversity Net Gain:

- 12.20 Biodiversity Net Gain (BNG) is a statutory requirement for new development and seeks to ensure that the natural environment is left in a measurably better state than before.

Under Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021, qualifying developments must deliver a minimum 10% net gain in biodiversity value. Schedule 7A also provides several exemptions from the statutory BNG requirement, however, this development does not meet any of those exemptions.

- 12.21 The application is supported by a Biodiversity Net Gain Assessment (BNG Assessment). The assessment identifies a baseline biodiversity value of 3.05 habitat units. The baseline habitats comprise a mixture of grassland, scrub, ruderal vegetation and scattered trees across the site.
- 12.22 The biodiversity assessment concludes that the development would result in a reduction in habitat units due to the extent of built development and hardstanding required. The submitted metric demonstrates that the post-development site would result in a 66.43% reduction. The BNG Assessment concludes that an additional 2.33 habitat units and 0.04 watercourse units would be required to achieve the statutory 10% BNG requirement.
- 12.23 The BNG Assessment concludes that it is not possible to achieve the required gains wholly within the site and that the shortfall will need to be addressed through the purchase of off-site biodiversity units. GMEU has reviewed the BNG Assessment, and is satisfied with the methodology, and conclusions. GMEU raises no objection to the approach taken and agrees that the biodiversity shortfall can be addressed through the purchase of off-site units.
- 12.24 The statutory Biodiversity Gain Condition would apply if the application is granted, preventing commencement of development until a Biodiversity Gain Plan has been submitted and approved. Subject to compliance with the statutory BNG Condition and the provision of the necessary off-site biodiversity units, the proposal is considered capable of delivering the mandatory 10% BNG.

13. FLOOD RISK AND DRAINAGE

- 13.1 NPPF Policy F7 requires that development should not present a risk from flooding to occupiers, users or visitors, and should not increase flood risk elsewhere. NPPF Policy F8 requires development which could affect drainage on or around the site to incorporate sustainable drainage systems controlling flow rates and reducing runoff volumes, proportionate to the nature and scale of the proposal and delivering multifunctional benefits for water quality, biodiversity and amenity where possible.
- 13.2 PfE Policy JP-S4 expects developments to manage surface water runoff using sustainable drainage systems (SuDS) as close to the source as possible, aiming to achieve greenfield runoff rates unless demonstrated to be impracticable.
- 13.3 The site is located within Flood Zone 1 and is therefore at the lowest probability of flooding. The application is supported by a Drainage Strategy which proposes that surface water arising from the development would be collected via a private drainage

network and discharged at a restricted rate of 2.1 litres per second to the existing public surface water sewer. To manage runoff, the scheme incorporates below-ground attenuation measures, including geocellular storage tanks and oversized pipework, designed to accommodate up to the 1 in 100-year storm event plus a 25% allowance for climate change.

- 13.4 The strategy demonstrates that the applicant has considered the drainage hierarchy. Infiltration was initially considered as the preferred drainage option; however, ground investigation works identified significant depths of made ground, peat deposits, highly variable underlying soils. The applicant's drainage engineers therefore concluded that infiltration techniques would not represent a viable solution for the site. Following review of the supporting information, including the Phase II Ground Investigation, the Lead Local Flood Authority (LLFA) accepted this position and agreed that infiltration could reasonably be discounted.
- 13.5 In accordance with the drainage hierarchy, alternative sustainable measures have been incorporated into the scheme. These include permeable paving within sections of the parking areas, landscaping and tree planting, and on-site attenuation infrastructure designed to reduce runoff rates. The LLFA advises that further technical information is required before the detailed design and long-term management of the culverted watercourse can be fully assessed, and further investigations of the culverted watercourse will be required prior to the drainage strategy being agreed, which will be conditioned as confirmed by the LLFA.
- 13.6 Subject to pre-commencement conditions requiring further details relating to the culverted watercourse, the proposal is considered to accord with the requirements of NPPF Policy W3 and Places for Everyone Policy JP-S4

14. ENERGY

- 14.1 PfE Policy JP-S2 promotes the retrofitting of existing buildings to improve energy efficiency, the use of life-cycle carbon assessments, and a positive approach to renewable and low-carbon energy generation. The policy requires development to follow the energy hierarchy, prioritising the minimisation of energy demand, maximisation of energy efficiency, and the incorporation of renewable and low-carbon technologies wherever practicable.
- 14.2 No Energy Statement has been submitted with the application. However, given the nature of the proposed development, it is considered reasonable for this information to be secured by planning condition. Subject to this condition, the proposal is considered capable of complying with the requirements of PfE Policy JP-S2.

15. CONTAMINATION & COAL MATTERS

- 15.1 NPPF Policy P2 requires development to be suitable for its proposed use, taking account of ground conditions, land instability and contamination risks arising from

natural processes or former land uses. Any risks must be appropriately investigated and mitigated so that the site is safe for its intended use and is not capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

- 15.2 Local Plan Policies 7, 8 and 9 seek to ensure that development is appropriate having regard to site conditions, including contamination, pollution and other environmental constraints, together with any mitigation measures required to make the site suitable for development. These policies will be considered alongside the requirements of NPPF Policy P2.

Contamination:

- 15.3 A Desk Study and Walkover Survey has been submitted with the application. The site has a complex historical land use history, including former industrial uses, railway sidings, ground workings, refuse deposits, a scrapyard and historical landfill activity both on and adjacent to the site. The report also confirms the presence of made ground across the site together with historical records of industrial and waste-related activities which have the potential to give rise to contamination risks.
- 15.4 The Desk Study submitted concludes that the principal potential sources of contamination are associated with made ground, historical industrial activities, former waste disposal uses, fuel and oil handling, and historical landfill activity. Notwithstanding these potential sources, the report identifies the overall risk to future users, controlled waters and the wider environment as generally low, subject to further investigation and verification. The report recommends a new intrusive ground investigation to confirm site conditions and to obtain updated contamination, asbestos, groundwater and surface water sampling information.
- 15.5 Environmental Health has reviewed the submitted information and accepts the findings of the report. However, Environmental Health advises that the applicant will need to submit an updated site investigation together with any necessary remediation proposals, and this can be secured by way of condition/
- 15.6 Having regard to the submitted information and the consultation response from Environmental Health, there is no evidence before the LPA to indicate that the site cannot be made suitable for its proposed use. Subject to conditions the proposal is considered to accord with NPPF Policy P2 and Local Plan Policies 7, 8 and 9

Coal Risk:

- 15.7 The southern part of the site falls within a Coal Mining Development High Risk Area. The Coal Authority advises that two coal seams are beneath part of the site. However, the Coal Authority has confirmed that any coal seams are likely to be located beneath a substantial depth of superficial deposits, with rockhead anticipated to be more than 30 metres below ground level. The Coal Authority have confirmed that they have no objection to the application, and recommends that a standard informative is attached to any planning permission advising the applicant of the potential for previously

unidentified coal mining features to be encountered during construction works

16. CONCLUSION

- 16.1 The development would deliver employment-generating commercial development to a site within a BEA that has been vacant for a significant period. Whilst the first-floor events space would not fall squarely within the individual use categories identified under Local Plan Policy 14, the building overall would operate as part of a single integrated commercial enterprise intrinsically linked to, and dependent upon, the ground-floor restaurant use. The development is in line with one of the main objectives of the NPPF, which is to support sustainable economic growth, and promote opportunities for businesses to invest.
- 16.2 The development would bring a vacant brownfield site back into productive use and would deliver economic benefits through private investment, job creation and increased economic activity. These benefits attract significant weight in favour of the proposal and are strongly supported by NPPF Policies E2 & L2 and Local Plan Policies 13 and 14.
- 16.3 The proposed layout, scale, appearance and landscaping are considered appropriate to the characteristics and constraints of the site. Subject to the recommended planning conditions, no objections have been raised in relation to highways, residential amenity, trees and landscaping, ecology, biodiversity net gain, flood risk and drainage, ground conditions, coal mining risk, or energy.
- 16.4 Taking all material considerations into account, it is considered that the proposal accords with the relevant policies of the 2026 NPPF, and the Development Plan, including the PfE Plan and the Oldham Local Plan.

17. RECOMMENDATION

- 17.1 The application is therefore recommended for approval subject to the following conditions set out 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. No development comprising the erection of any external walls shall take place until samples 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 20 of the Oldham Local Plan.

4. No development shall commence until details of the method of surface water for the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the design, implementation, maintenance and management of the drainage systems and shall be carried out in full in accordance with the approved scheme. The drainage systems shall thereafter be retained, managed and maintained in accordance with the approved details. REASON: To ensure the satisfactory drainage of the site, the effective management of surface water and foul water, and to minimise flood risk in accordance with NPPF Policies F7 and F8 and Places for Everyone Policy JP-S4.
5. Prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the approved surface water and foul water drainage systems have been installed and completed in accordance with the approved details. REASON: To ensure the satisfactory drainage of the site, the effective management of surface water and foul water, and to minimise flood risk in accordance with NPPF Policies F7 and F8 and Places for Everyone Policy JP-S4.
6. No development shall commence until a detailed scheme relating to the existing culverted watercourse within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) A topographical survey identifying the precise alignment and location of the culverted watercourse;
 - b) Details of the culvert dimensions, construction materials, condition and structural integrity;
 - c) Longitudinal and cross-sectional drawings showing the culvert, invert levels, depth below ground level, proposed finished floor levels and the relationship of the culvert to the proposed building envelope;
 - d) A CCTV survey of the culverted watercourse between the upstream and downstream manholes;
 - e) A full structural assessment of the culvert, including the effects of proposed loading, building foundations, any interaction with the proposed development, and any mitigation or protection measures required;
 - f) A hydraulic assessment of the culverted watercourse, including the assessment of blockage scenarios, exceedance flows and flood risk implications
 - g) A long-term inspection and maintenance strategy for the culverted watercourse, including details of safe access, easement requirements, maintenance responsibilities and evidence demonstrating that future maintenance, repair or replacement works can be undertaken without

adversely affecting the development or requiring the demolition of any part of the approved building; and

- h) Risk assessments and method statements for construction works adjacent to the culverted watercourse, including details of temporary works, monitoring arrangements and contingency measures

REASON: To ensure the satisfactory drainage of the site, the effective management of surface water and foul water, and to minimise flood risk in accordance with NPPF Policies F7 and F8 and Places for Everyone Policy JP-S4.

7. Prior to the first occupation of the development hereby approved, an interim green travel plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan each individual occupier shall submit their own travel plan to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of occupation of each respective unit. The green travel plan shall, as a minimum, deal with the following key issues: REASON - To ensure the development accords with sustainable transport policies having regard to Places for Everyone Policy JP-C8
8. The use of the building 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.
9. The development hereby approved shall not be brought into use until the access to the site, car parking spaces, turning and service areas have been provided in accordance with the approved plan Ref: 1304/C-001 Rev G and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces, servicing and turning areas shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
10. All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref: 7817.01 Rev B) prior to the occupation of any part of the development or in accordance with the programme approved in writing by the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of

visual amenity and to safeguard the future appearance of the area having regard to Policy JP-G7 of the Places for Everyone Joint Development Plan

11. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to Policy JP-G7 of the Places for Everyone Joint Development Plan
12. No development shall commence until a site investigation and risk assessment have been undertaken to assess the nature and extent of any contamination on the site and a written report has been submitted to and approved in writing by the Local Planning Authority. The report shall include:
 - a. A Preliminary Risk Assessment identifying all previous uses of the site;
 - i. potential contaminants associated with those uses;
 - ii. a conceptual site model indicating sources, pathways and receptors; and
 - iii. potentially unacceptable risks arising from contamination at the site.
 - b. A site investigation scheme, based upon the findings of the Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - c. The results of the site investigation and detailed risk assessment together with, where necessary, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected to demonstrate that the remediation works identified in the approved remediation strategy have been completed, together with details of any longer-term monitoring, maintenance and contingency measures that may be required.

Any remediation works shall be carried out in full in accordance with the approved details. Following completion of any remediation works, a verification report demonstrating the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of

the development.

Reason: To ensure that the site is suitable for its proposed use and to protect human health, controlled waters, property and the wider environment from potential contamination in accordance with NPPF Policy P2 and Local Plan Policies 7, 8 and 9.

13. 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.
14. Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam and Japanese knotweed and any other invasive species. The approved method statement shall be adhered to and implemented in full prior to the commencement of the development in that phase. REASON - To prevent the spread of Japanese knotweed, Himalayan balsam, Giant hogweed and any other invasive species having regard to Policies 9 and 21 of the Oldham Local Plan.
15. The development shall be carried out in full accordance with the measures, set out within the Biodiversity Construction Environmental Management Plan (CEMP) prepared by Rachel Hacking Ecology Ltd, Project Reference RHE.4660, revised 26 March 2026. REASON: To safeguard biodiversity during construction in accordance with Policy 21 of the Oldham Local Plan, and JP-G8 of Places for Everyone
16. No development above ground level shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. Any approved and agreed measures shall be implemented in full prior to the occupation of the development. REASON: To ensure the development complies with the carbon and energy requirements of Places for Everyone Policy JP S2.
17. The biodiversity enhancement measures shall be carried out in full accordance with the Biodiversity Enhancement Scheme prepared by Rachel Hacking Ecology Ltd, Project Reference RHE.4660, dated March 2026, unless otherwise agreed in writing by the Local Planning Authority. REASON: To enhance biodiversity in accordance with Policy 21 of the Oldham Local Plan, and JP-G8 of Places for Everyone
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order with or without modification), the premises unit 6a shall not be used for any use that does not fall within Use Class E and Unit 6b shall not

be used for any use that does not fall within Use Class E(b) unless otherwise agreed in writing by the Local Planning Authority.

19. Prior to any earthworks a method statement detailing the eradication of invasive species shall be submitted to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full. REASON: To ensure that invasive species are managed accordingly in line with the requirements of Policy JP-G8 of the Places for Everyone Joint Development Plan Document (adopted 21 March 2024).
20. Prior to any site clearance taking place, a reasonable avoidance measures statement for bats, badgers and amphibians during site clearance and construction will be provided to and agreed in writing by the LPA. Reason: In order to ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan, and JP-G8 of Places for Everyone.

SITE LOCATION PLAN (NOT TO SCALE):

