

Planning Statement

**Tesco Superstore, Featherstall
Road North, Oldham**



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Revision Record					
Rev	Description	Date	Author	Checked	Approved
0	Draft	29.08.23	GS	JG	GS
1	Final	25.10.23	GS	JG	GS

1. Introduction

Purpose of Statement

- 1.1 This Planning Statement has been prepared to accompany a full planning application for the erection of 2 No. drive thru' units (Class E) with car parking; cycle parking; hard and soft landscaping; refuse / storage areas and associated works at Tesco Superstore, Featherstall Road North, Oldham.
- 1.2 The purpose of this statement is to assess the development proposals in the context of the adopted Development Plan in force for the area and other material considerations and should be read in conjunction with the following supporting documents:

Document	Author
Application Forms & Certificates	ELG Planning
Location Plan	Loroc Architects
Planning Drawings	Loroc Architects
Transport Statement	MJM Consulting Engineers
Drainage Statement	Beam Consulting
Phase 1 Desk Study & Coal Mining Risk Assessment	Arc Environmental

Structure of Statement

- 1.3 This Planning Statement is structured as follows:

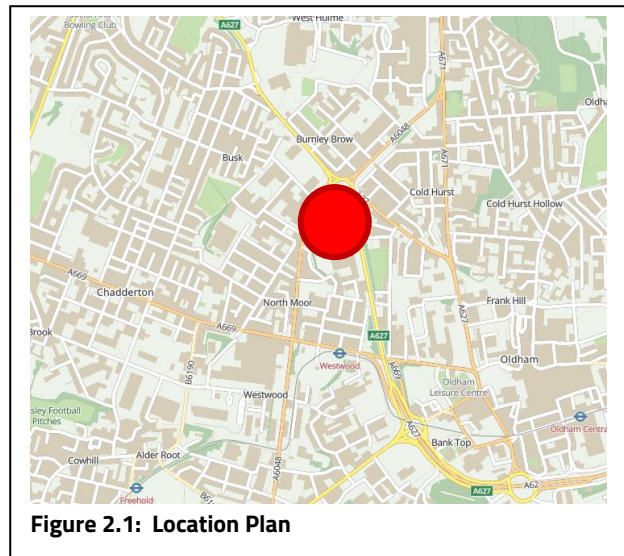
- **Section 2** provides a description of the site and the development proposals;
- **Section 3** outlines the relevant planning policy framework;
- **Section 4** assesses the proposals in the context of the adopted Development Plan in force for the area and other material considerations;
- **Section 5** draws conclusions on the overall findings of the statement.

2. Site Context & Development Proposals

Local Context

2.1 The application site lies towards the north eastern extent of the customer car park serving the Tesco Superstore at Featherstall Road North, Oldham.

2.2 The site is located within the main urban area to the north western edge of Oldham Town Centre and the surrounding area is mixed in



character accommodating a range of retail, commercial, community and residential uses.

Site Context

2.3 The application site comprises an underutilised area of the customer car park to the north eastern extent of the wider Tesco site. The main superstore building lies to the immediate south of the application site with the customer car parking areas located to the front (west) and side (north) of the building. There is a petrol filling station to the west of the site beyond the internal access road.

- 2.4 The site is entirely hard surfaced providing customer car parking bays serving the existing superstore. There is an existing retaining structure forming the eastern boundary of the site formed by gabion baskets which has become overgrown with vegetation beyond which lies a footpath / cycleway running along the western edge of Oldham Way and linking into the main site access from Featherstall Road North.

Planning History

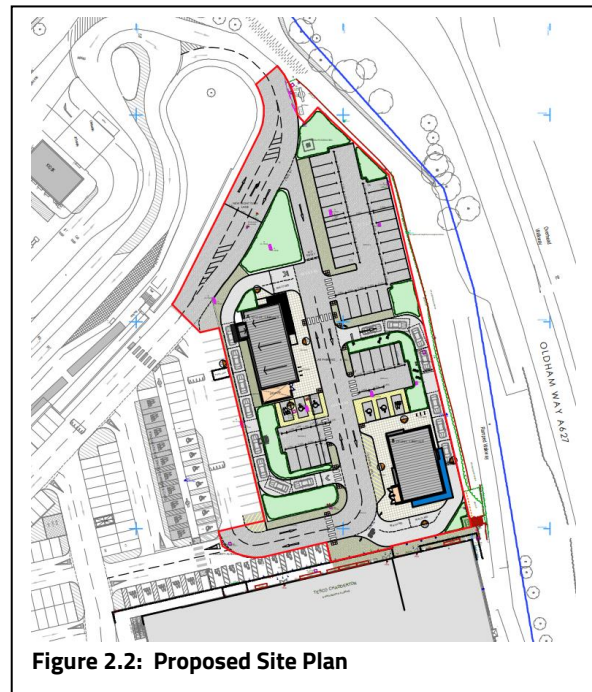
- 2.5 There is no planning history relating to the site that is considered to be of direct relevance to the current application proposals.

Development Proposals

- 2.6 The current application proposals involve the redevelopment of the north eastern extent of the existing Tesco car park to provide 2 No. drive thru' units (Class E) to be occupied by Starbucks and Greggs with car parking; cycle parking; hard and soft landscaping; refuse / storage area and associated works.
- 2.7 The proposed Starbucks unit and associated drive thru' lanes will be located to the north west of the site and the building will have a total floor area of 171 sq.m (GIA). The main body of the building will be approximately 4m in height to the top of the parapet. The building will be predominantly finished in pure white render above a brick plinth. A full height glazed shopfront will wrap around the north eastern corner of the building with a timber cladding surround. The drive thru' window will be contained within the rear (west) elevation within a timber cladding tower that will be approximately 6.3m in height. A refuse area will be provided to south of the building enclosed by a timber fence.

2.8 The proposed Greggs unit will be located to the south east of the site and will have a floor area of 167 sq.m. The proposed building will be 5.25m in height to the top of the parapet and will be finished predominantly in a mix of anthracite grey (RAL 7016) and cornflower blue (RAL 270 5040) composite cladding panels. An aluminium framed glazed shopfront will be contained within the front (west) elevation of the building with a further customer entrance provided within the side (north) elevation. The rear (east) elevation of the building will accommodate the drive thru' window and will be finished in a mix of anthracite grey (RAL 7016) composite cladding panels and facing brickwork with a metal sun screen canopy extending across much of the elevation and wrapping around the south eastern corner of the building.

2.9 A total of 41 No. car parking spaces will be provided including disabled and family bays. The scheme also incorporates new areas of low level soft landscaping across the main body of the site.



3. Planning Policy Context

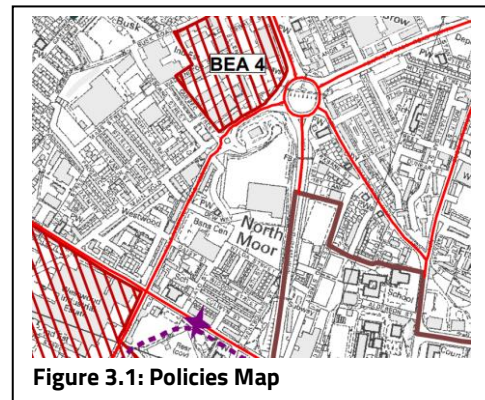
General Principles

- 3.1 S.38(6) of the Planning and Compulsory Purchase Act 2004 states that the statutory Development Plan will continue to be the starting point for the consideration of planning applications for the development or use of land, unless material considerations indicate otherwise.
- 3.2 The Development Plan therefore provides the essential framework for planning decisions. When conflicts between Local Plan policies arise, decisions should be taken in the light of all material considerations, including local priorities and needs, guided by relevant national policy.

Development Plan

Oldham Joint Core Strategy and Development Management Policies DPD (CSDMP)

- 3.3 The application site lies immediately to the north west of the defined town centre boundary (brown line) but is not subject to any specific land use or environmental designations, as shown on the adjacent extract from the adopted Policies Map.



3.4 The following policies of the CSDMP are of relevance to the assessment of the current application proposals:

- Policy 1: Climate Change & Sustainable Development;
- Policy 2: Communities;
- Policy 4: Promoting Sustainable Regeneration & Prosperity;
- Policy 5: Promoting Accessibility & Sustainable Transport Choices;
- Policy 9: Local Environment;
- Policy 15: Centres;
- Policy 19: Water & Flooding;
- Policy 20: Design

Material Considerations

National Planning Policy Framework

3.5 The revised version of the NPPF was published in September 2023 and sets out the Government's planning policies for England and how they should be applied. The NPPF is a material consideration in planning decisions.

3.6 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and, in order to achieve this purpose, the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a. **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b. **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c. **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.7 Paragraph 9 of the NPPF confirms that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of an area.

3.8 At the heart of the NPPF is a presumption in favour of sustainable development and Paragraph 11 confirms that, for decision-taking, this means:

- Approving development proposals that accord with an up-to-date Development Plan without delay; or
- Where there are no relevant Development Plan policies, or the policies that are most important for determining the application are out-of-date, granting planning permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

- 3.9 Paragraph 12 of the NPPF reiterates that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 3.10 Paragraph 38 of the NPPF confirms that LPAs should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure development that will improve the social, environmental and economic conditions of the area. Decision makers at every level should seek to approve applications for sustainable development wherever possible.
- 3.11 The relevant areas of the NPPF will be referred to throughout this Planning Statement, as appropriate.

4. Planning Assessment

Key Planning Considerations

4.1 Having regard to the adopted Development Plan in force for the area and other material considerations, namely the NPPF, the key planning considerations in this instance are considered to be as follows:

- Principle of Development;
- Design;
- Highways;
- Flood Risk & Drainage;
- Contaminated Land & Ground Conditions

Principle of Development

4.2 The current proposals involve the redevelopment of the north eastern extent of the existing Tesco car park to provide 2 No. drive thru' units to be operated by Starbucks and Greggs.

4.3 The application proposals would secure the comprehensive redevelopment of an underutilised previously developed site occupying a highly accessible location within the defined urban area and would therefore fully accord with established policies aimed at promoting the efficient use of previously development land and directing new development towards the defined urban area.

- 4.4 The proposals also represent significant capital investment in the area and will generate a number of additional job opportunities for local people in both the operational and construction phases development. The proposed drive thru' units will generate a number of opportunities across a range of roles with flexible shift patterns offered, with both operators offering training and career development opportunities, as well as a number of employee benefits, including discount schemes; pension plans; employee assistance and incentive schemes available to all staff. The proposals will therefore provide flexible and high quality job opportunities for local people and would fully align with established local and national policy objectives aimed at supporting economic growth.
- 4.5 The proposals involve the erection of 2 No. drive thru' units and the drive thru' model is a markedly different format and serves a different market to traditional high street café and restaurant uses. The business model of the key operators within this sector requires a prominent location on a main arterial route with a high volume of vehicular traffic and / or locations next to large-scale retail and leisure destinations. The nature of such uses therefore means they perform an ancillary and complementary function to existing uses in the locality and, accordingly, the customer base of the units will be drawn primarily from existing users of the area, including the Tesco store, nearby commercial and community uses and passing trade on the surrounding highway network.
- 4.6 On this basis, it should be acknowledged that drive thru' units within established commercial areas do not act as destinations in their own right and would not compete directly with existing facilities within nearby designated centres. The majority of customers do not tend to make dedicated trips to such facilities and visits tend to be as part of a linked trip to surrounding businesses and facilities. The proposed units will occupy a highly prominent location within an established mixed use area lying on a main arterial route to

the north west of the town centre and has therefore been identified as a prime location for new drive thru' facilities to complement the range of established commercial and community uses within the immediate locality.

- 4.7 The application proposals do however involve the provision of main town centre use floorspace outside the boundary of any designated centre and, as such, it will be necessary to consider the two key tests applied in such circumstances – the sequential and impact tests.

Sequential Test

- 4.8 Paragraph 87 of the NPPF confirms that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 4.9 Planning Practice Guidance confirms that it is for the applicant to demonstrate compliance with the sequential test and there have been a number of Court judgements and Secretary of State (SoS) / appeal decisions since the publication of the original NPPF in March 2012 that have provided clarification of the application of the sequential test.
- 4.10 Key case law in terms of to what extent an alternative site is considered suitable is provided by the *Tesco Stores Limited v Dundee City Council [2012] UKSC13* judgement. The judgement established that for a site to be considered suitable for the purposes of the sequential test, it must meet the commercial requirements of the development. In respect of the size of an

alternative, provided that applicant has demonstrated the requisite flexibility, the question is:

'...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit the alternative site.'

(Paragraph 29)

4.11 Paragraph 38 of the Dundee judgement considers the issue of suitability as follows:

'...the issue of suitability is directed to the developer's proposals, not some alternative scheme which may be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer's assessment of the market he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28 above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so.'

(Paragraph 38)

4.12 The subsequent Rushden Lakes SoS decision (APP/G2815/V/12/2190175) relating to a retail-led mixed use development at land adjacent to Skew Bridge Ski Slope, Northampton Road, Rushden acknowledged that the *Dundee* judgement is of '*seminal importance*' and is clear that, if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and that, in terms of the size of the alternative site, provided that the applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is

suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. The Rushden Lakes decision also recognised that there is no suggestion within Paragraph 24 of the NPPF that the sequential test means to refer to anything other than the application proposal.

- 4.13 The subsequent *Aldergate Properties Ltd v Mansfield District Council* [2016] judgement provides further clarification on the meaning of 'suitable' and 'available' for the purposes of applying the sequential test:

'...it was held that "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in NPPF paragraph 24, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content.'

- 4.14 The proposals involve the provision of a mixed use development incorporating a range of retail and commercial units and the Rushden Lakes decision also gave consideration to the need to consider disaggregation in undertaking the sequential test and it was concluded:

'Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. If it had been intended to carry on with the requirement, then all that would have been required is the addition of the word "disaggregation" at the end of NPPF [24]'

4.15 It is noted that further appeal decisions at Tollgate Village in Colchester in relation to proposals for a mixed-use development comprising leisure uses, including a cinema and retail (Use Classes A1, A2, A3, A4 & A5) and at Kingswood, Hull suggested that disaggregation may be a requirement in specific circumstances. However, this was addressed within a Call-In Inquiry Decision relating to a retail-led mixed-use development at Cribbs Causeway, Gloucestershire (APP/P0119/V/17/3170627), which again considered the scope for disaggregation and the appointed Inspector made reference to the aforementioned Tollgate Village and Kingswood decisions, as follows:

'There was debate at the inquiry about whether the proposals should be split into different parts so that they can be accommodated on several town centre sites. Whereas past retail policy and guidance has adopted a disaggregation approach this is not embodied in either the Framework or the PG as was confirmed by the Court of Appeal in Warners Retail. The Secretary of State reached a similar conclusion in his decisions on Rushden Lakes, Scotch Corner and Honiton Road. Whilst the Inspector in the Kingswood, Hull appeal decision did endorse a disaggregated approach this seems to have been influenced by a wording of the relevant policy and the availability of two allocated sites.'

'In the Tollgate Village case the Inspector did consider that there was scope for disaggregating the proposals and spreading them onto different sites, even though ultimately such sites were found not to be available. However, the findings here were case specific and it is noted that they were not specifically endorsed by the Secretary of State in his decision. As a general principle, an approach that involves disaggregation does not seem to me to fit well with the Aldergate Properties or Warners Retail judgements referred to above. The town centre uses in the application

proposals would comprise the retail and leisure uses and to divide them up would change the broad nature of the development in this case.'

- 4.16 It should also be recognised that the revised version of the NPPF was published in July 2021 and does not make any specific reference to the need to consider disaggregation in carrying out the sequential test. It merely requires applicants to demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre and edge of centre sites are fully explored.
- 4.17 On this basis, it is clear that the disaggregation of the scheme would sit uncomfortably with case law and key decisions by the Secretary of State and therefore there is no requirement to consider the scope for disaggregation. The sequential test should be undertaken for the proposal as a whole, notwithstanding that some flexibility in terms of format and scale is required. It is acknowledged that particular circumstances may arise, such as an adopted Development Plan policy, that requires disaggregation to be considered in order to satisfy the sequential test. However, there is no such policy in this instance or any other circumstances that would require the scope for disaggregation to be considered. On this basis, it is clear that there is no requirement to disaggregate the proposed development in undertaking the sequential test.
- 4.18 In terms of availability, Paragraph 8.55 of the Rushden Lakes Inspector's Report states *'NPPF [24] simply asks whether town centre or edge of centre sites are "available." It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years.'* However, the revised version of the NPPF has included a requirement for sites that are expected to become available within a reasonable period to be considered in undertaking the sequential test.

- 4.19 On this basis, under the provisions of the revised NPPF, a site needs to be available at the current time or expected to become available within a reasonable period, although no definition of a '*reasonable period*' is given.
- 4.20 The aforementioned court judgements, SoS and appeal decisions provide clarity on the application of the sequential test and the key points can be summarised as follows:
- If a site is not suitable for the commercial requirements of the developer in question then it is not a suitable size for the purposes of the sequential approach;
 - Provided the developer has demonstrated flexibility with regard to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site;
 - '*Suitable*' and '*available*' generally mean '*suitable*' and '*available*' for the broad type of development which is proposed in the application by approximate size, type and range of goods;
 - There is no requirement to consider the scope for disaggregation;
 - The area and site covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content (i.e. the identity and corporate attitudes of an individual retailer are excluded);
 - A site needs to be available at the current time or expected to become available within a reasonable period.
- 4.21 On the basis of established case law, the correct application of the sequential test relates to the development proposed and, in order to be considered suitable, any alternative

available sites must meet the specific commercial requirements of the developer subject to the requisite flexibility with regard to format and scale.

Developer Requirements & Flexibility

- 4.22 On the basis of established case law, the correct application of the sequential test relates to the development proposed and, in order to be considered suitable, any alternative available sites must meet the specific commercial requirements of the developer subject to the requisite flexibility in format and scale.
- 4.23 The application proposals relate to the provision of 2 No. drive thru' units and the business model of the key operators within this sector requires a prominent position of a main arterial route with a high volume of vehicular traffic and / or locations next to established large-scale retail and leisure destinations. A suitable site must also be capable of accommodating two buildings each of between 140 sq.m and 279 sq.m with associated drive thru' lanes, as well as appropriate parking and servicing arrangements - a site area of approximately 0.2 - 0.3 hectares will therefore be required. On this basis, in order to be considered suitable, an alternative site must be able to accommodate these broad operational requirements.

Area of Search

- 4.24 Planning Practice Guidance is clear that the application of the test will need to be proportionate and appropriate for the given proposal. Part 6 of the *'Planning for Town Centres: Practice Guide on Need, Impact & the Sequential Approach'* provides guidance on the application of the sequential test. Whilst this guidance has now been cancelled, it does continue to provide useful guidance on the application of the sequential test and defining

an appropriate area of search in the context of the advice contained within PPG that the application of the test will need to be proportionate and appropriate for the given proposal:

'When considering applications, LPAs will need to consider the extent of the catchment area likely to be served by the proposal, and to then identify alternative sites located in centres within the catchment area' (Paragraph 6.22)

'In determining the appropriate area of search for an application, including whether it is appropriate to consider sites within or on the edge of established centres, it will be relevant to consider the scale and form of the development proposed. For example, some proposals will serve a purely localised need (e.g. 'local' foodstores), whereas others are likely to serve a materially wider catchment area.' (Paragraph 6.24)

- 4.25 The current proposals relate to the delivery of 2 No. drive thru' units, which by virtue of their limited scale, format and use will serve a relatively limited catchment area to the north west of the town centre and, as such, the sequential assessment will focus on potential suitable and available sites with Oldham Town Centre and Chadderton District Centre as the nearest designated centres to the application site.

Sequential Assessment

- 4.26 ELG Planning have utilised a range of sources (e.g. commercial property agents; Development Plan allocations etc.) to identify potential alternative sites capable of accommodating the proposed development within the designated centres within the defined area of search and the findings of the assessment are set out below:

Oldham Town Centre

- 4.27 Oldham Town Centre is the largest centre within Oldham Borough, supporting a range of retail, service and community facilities. The main town centre is focussed around Yorkshire Street, Market Place and Tommyfield Market, with the Spindles Shopping Centre located to the south of Market Place and Yorkshire Street.
- 4.28 There are a number of vacant properties within Oldham town centre, however, the units comprise traditional high street properties that would be inherently unsuitable and incapable of accommodating the drive thru' format units proposed by the current application.
- 4.29 The search has not identified any other available sites occupying prominent locations on the main arterial routes through the town centre carrying the requisite volumes of vehicular traffic to meet the commercial requirements of drive thru' operators.

Chadderton District Centre

- 4.30 Chadderton District Centre lies to the north west of the town centre and is anchored by an ASDA supermarket. Chadderton Mall lies towards the southern edge of the District Centre and comprises of a parade of retail and commercial units occupied by independent and national operators. There are also a range of community uses within the District Centre boundary.
- 4.31 There are currently a number of vacant units available within Chadderton Mall, however, they comprise small, terraced units within the existing parade and are not therefore capable of accommodating the drive thru' format units proposed by the current application. The

search has not identified any other available sites or premises within the District Centre boundary.

- 4.32 It is therefore evident that there are no suitable and available sites within any nearby designated centres capable of accommodating the current development proposals and, accordingly, the sequential test is passed.

Impact Test

- 4.33 The purpose of the impact test is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality / viability and investment. The test relates to retail and leisure developments (not all main town centre uses) which are not in accordance with up to date plan policies and which would be located outside existing town centres,
- 4.34 However, the impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority. The application proposals relate to the erection of 2 No. drive thru' units with a total combined gross floor area of 338 sq.m and would not therefore exceed the floorspace thresholds whereby an impact assessment would be required.

Summary

- 4.35 The current application proposals will result in the comprehensive redevelopment of an underutilised area of the existing Tesco car park to deliver 2 No. drive thru' units, which will promote the more efficient use of a previously developed and highly accessible site within the main urban area. The proposals also represent significant capital investment in the area

and will generate a number of additional job opportunities for local people in both the operational and construction phases development and would fully align with established local and national policy objectives aimed at supporting economic growth and maximising access to employment opportunities. It has also been demonstrated that there are no suitable and available sites within any designated centres capable of accommodating the proposed development.

- 4.36 The application proposals therefore represent an entirely acceptable form of development in this location having regard to the relevant policies of the adopted Development Plan and other material considerations.

Design

- 4.37 Policy 20 of the CSDMP confirms that the LPA will promote high quality design and sustainable construction of developments that reflect the character and distinctiveness of local areas, communities and sites across Oldham. The policy also suggests that development proposals must have regard to national and local guidance and policies on design.
- 4.38 The NPPF confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.39 Paragraph 130 of the NPPF confirms that planning decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.40 Paragraph 134 of the NPPF goes onto confirm that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

4.41 The application site comprises an underutilised area of car parking to the north eastern extent of the Tesco site, which currently has a sterile appearance being entirely hard surfaced. The current proposals will secure the comprehensive redevelopment of the site to deliver a 2 No. drive thru' units with associated works.

- 4.42 The proposed Starbucks unit will be approximately 4m in height to the top of the parapet and the proposed Greggs building will be 5.25m in height to the top of the parapet and it is evident that the scale and massing of the buildings would be complementary to the nearby built form, including the petrol filling station within the wider Tesco site and the range of retail, commercial, community and residential uses within the wider locality.
- 4.43 The proposed Starbucks unit will be predominantly finished in pure white composite render above a brick plinth. A full height glazed shopfront will wrap around the north eastern corner of the building with a timber cladding surround. The drive thru window will be contained within the rear (west) elevation within a timber cladding tower that will be approximately 6.3m in height.
- 4.44 The Greggs drive thru' unit adopts a broadly similar design approach and will be finished predominantly in a mix of anthracite grey (RAL 7016) and cornflower blue (RAL 270 5040) composite cladding panels. An aluminium framed glazed shopfront will be contained within the front elevation of the building with a further customer entrance provided within the side elevation. The rear elevation of the building will accommodate the drive thru' window and will be finished in a mix of anthracite grey (RAL 7016) composite cladding panels and facing brickwork with a metal sun screen canopy extending across much of the elevation and wrapping around the corner of the building.
- 4.45 It is clear that the design approach that has been adopted and the proposed palette of materials will sit comfortably within its setting given the commercial character of the Tesco site and wider area.
- 4.46 The proposals will also deliver extensive areas of soft landscaping within the site, which will help soften the visual impact of the proposed development and provide biodiversity

enhancements and will help deliver a general improvement in the current appearance of the site in comparison with the sterile environment created by the existing hardsurfaced car parking area.

- 4.47 The proposals will therefore secure the redevelopment of this underutilised brownfield site with a well-designed commercial development that will have a positive impact on the appearance of the site and surrounding area. The proposals would therefore accord with Policy 20 of the CSDMP and national guidance contained within the NPPF aimed at securing high quality design.

Highways

- 4.48 Policy 5 of the adopted Oldham CSDMP confirms that new development will be guided to the most accessible locations and the use of public transport will be promoted and encouraged. Policy 5 goes onto confirm that all development, particularly that which is likely to generate large numbers of journeys, must be accessible by a choice of transport modes and must not impede the strategic and local road networks or compromise pedestrian and highway safety.
- 4.49 Paragraph 110 of the NPPF reiterates that, in assessing specific applications for development, it should be ensured that:
- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b. safe and suitable access to the site can be achieved for all users;

- c. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.50 Paragraph 111 goes onto state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.51 The planning application is accompanied by a Transport Assessment prepared by MJM Consulting Engineers, which concludes that the proposals will by no means result in a 'severe residual cumulative impact' (the test set out in NPPF); indeed, they will be complementary to the prevailing policy agenda. On this basis, there are no substantive highway grounds why the development should not be granted consent.

Flood Risk / Drainage

4.52 Policy 19 of the adopted Oldham CSDMP confirms that the LPA will ensure that development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding, and protecting and improving existing flood defences, water resources and quality. Paragraph 159 of the NPPF also confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and Paragraph 167 goes onto advise, when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere.

- 4.53 The planning application is accompanied by a Drainage Statement prepared by Beam, which demonstrates that the proposals will fully accord with established national and local policies aimed at minimising the risks of flooding.

Contaminated Land & Ground Conditions

- 4.54 Policy 9 of the adopted Development Plan confirms that the LPA will seek to protect and improve the local environmental quality and amenity by ensuring development, *inter alia*, is not located in areas where an identified source of potential hazard exists and development is likely to introduce a source of potential hazard or increase the existing level of potential hazard.
- 4.55 Paragraph 183 of the NPPF also advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 4.56 The planning application is accompanied by a Phase 1 Desk Study & Coal Mining Risk Assessment prepared by Arc Environmental, which concludes that the site lies within a moderate geotechnical risk setting and provides a low ground contamination risk setting for human health and a negligible to low risk setting for controlled waters. It is therefore recommended that a programme of Phase 2 Ground Investigation works are completed on site, which can be secured by way of condition.
- 4.57 It is not therefore considered that the proposals are subject to any unacceptable risks in terms of ground conditions, land instability of contamination and would therefore accord with both local and national policy requirements in this respect.

5. Conclusions

- 5.1 The application proposals relate to the erection of 2 No. drive thru' units (Class E) with car parking; cycle parking; hard and soft landscaping; refuse / storage areas and associated works at Tesco Superstore, Featherstall Road North, Oldham.
- 5.2 The proposals will result in the comprehensive redevelopment of an underutilised area of the existing Tesco car park to deliver 2 No. drive thru' units, which will promote the more efficient use of a previously developed and highly accessible site within the main urban area. The proposals also represent significant capital investment in the area and will generate a number of additional job opportunities for local people in both the operational and construction phases development and would fully align with established local and national policy objectives aimed at supporting economic growth and maximising access to employment opportunities. It has also been demonstrated that there are no suitable and available sites within any designated centres capable of accommodating the proposed development. The application proposals therefore represent an entirely acceptable form of development in this location having regard to the relevant policies of the adopted Development Plan and other material considerations.
- 5.3 The design approach that has been adopted and the proposed palette of materials will ensure that the development sits comfortably within the local context and improves the appearance of this underutilised part of the wider Tesco site. The suite of technical information that accompanies the submission also demonstrates that the proposals will not give rise to unacceptable impacts in relation to highway safety, contaminated land or flood risk.

5.4 It is therefore evident that the application proposals would deliver a number of social, environmental and economic benefits and represent a sustainable form of development that would accord with the adopted Development Plan in force for the area. We would therefore respectfully request that the LPA resolves to grant planning permission for the proposed development at the earliest opportunity.