

PLANNING COMMITTEE

19/12/2018

Late Information as at 19 December, 2018

AGENDA DETAILS
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1	<p>PA/342378/18</p> <p>Land Adjacent To Gorse Mill, Gorse Street, Chadderton Erection of 1no. distribution warehouse with associated external works.</p>
	<p>ADDITIONAL REPRESENTATIONS:</p> <p>Since the drafting of this report the owners of Ram Mill have submitted additional representations as follows:</p> <ul style="list-style-type: none"> - the existing vehicular access to Ram Mill will be obstructed by the development, and this right is shown on the Land Registry plans; - a right of way/ footpath access from Gorse Street to Ram Mill has been obstructed and is not shown on the submitted plans; - the reservoir served as a soakaway for Ram Mill and has now been filled in with no consideration of where surface water would be disposed; - trees on the site have been destroyed; - a right of way to a water meter on the site has been obstructed; - land levels on site have been raised without the Council's consent; - the company has spent significant resources on Ram Mill, with plans for further substantial expenditure and job creation which would be affected by the proposals; - the proposed occupier of the site will generate significant nuisance; - the site has not been adequately secured, with inspection chambers being left open, mud and other debris on the access road, causing a danger. <p>ADDITIONAL INFORMATION:</p> <p>The applicant has submitted a revised site plan which indicates the position of the replacement access to Ram Mill, and the tracking for HGVs to continue to access the site, with a resultant minor variation to the site boundary, clarification of the extent of the applicant's land ownership, and revisions to the siting of United Utilities equipment on the site, following representations by the company.</p>

AMENDMENT TO REPORT:

Additional comments in relation to the representations

Access to Ram Mill

The primary issue to be addressed in the late representations is the need to ensure continued, satisfactory access to Ram Mill, and this is reflected in the requirements of the recommended Condition 10. These details will necessitate the provision of a satisfactory alternative access which will need to be put in place before the existing route is obstructed, and which will need to be retained thereafter. Although a precise specification is to be agreed, this is capable of being satisfied on land within the ownership of either the applicant or the Council..

Notwithstanding the above, the granting of planning permission would not override any private access rights which may exist and it will remain the responsibility of the developer to secure such agreement before any such rights are impeded.

Right of way from Gorse Street

The comments in relation to the right of way are noted; however, this route does not appear on the Definitive Rights of Way map, and therefore has no statutory protection. Should the objector wish to establish their claim, it would be necessary for a formal claim to be submitted under section 31 of the Highways Act 1980. Consequently, there are separate legislative procedures which can be followed.

Drainage issues

Condition 5 of the recommendation addressed this matter and the need for the developer to demonstrate that satisfactory arrangements can be put in place to deal with flooding and drainage concerns.

Trees

None of the trees on the site were subject to protection and therefore no breaches have occurred during the clearance works which have taken place.

Access to the water meter

As indicated above, the granting of planning permission would not override the objector's rights in this regard. Similarly, it will be necessary for the developer to agree with United Utilities for any changes to the existing arrangements on the site.

Alterations to land levels

The re-grading of land on the site has been noted, including the fact that such work, including the infilling of the mill lodge, has been undertaken without planning permission. In order to ensure satisfactory levels are achieved, it is recommended that a further condition set out below is added to require submission of proposed land levels.

Investment by Ram Mill

The implications of the development for Ram Mill as an existing source of employment have been given due consideration in assessing the application, in accordance with the objectives of Development Plan policies 13 and 14. It is considered that the controls enacted through the recommended conditions will ensure the site can continue to operate effectively, whilst also securing the additional investment associated with the present application.

Nuisance

The application site occupies a situation between established industrial premises, and within an area in which employment development will be encouraged. The Environmental Health officer has considered the application and does not envisage the use would cause unacceptable nuisance to other nearby occupiers.

Health and safety issues

It is noted that work in connection with this development has already commenced. The issues raised are subject to separate legislative controls and any such claimed deficiencies would not constitute a material planning consideration in determining this application.

AMENDMENT TO RECOMMENDATION:

It is recommended that the following additional condition is appended to the recommendation

Condition 11

No development comprising the erection of the building hereby approved or the final creation of parking and servicing areas shall commence until full details of proposal land and floor levels relative to previously agreed datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

Reason - In the interests of the amenity of the area

AMENDED SITE PLAN

