

APPLICATION REPORT - PA/342378/18

Planning Committee, 19 December, 2018

Registration Date: 19/10/2018
Ward: Chadderton Central
Application Reference: PA/342378/18
Type of Application: Full Planning Permission

Proposal: Erection of 1no. distribution warehouse with associated external works.
Location: Land Adjacent To Gorse Mill, Gorse Street, Chadderton
Case Officer: Graeme Moore
Applicant Agent : Cantt Pak
PIN Property Consultancy LTD

THE SITE

The application site is located to the south of Ram Mill, Chadderton located just off the A663/A627(M), approximately two miles to the west of Oldham town centre. The surrounding area comprises a mixture of commercial uses and industrial operations. It is identified as a Business Employment Area (BEA3) within the Joint Core Strategy and Development Management Policies DPD (2011).

The site is effectively surrounded on four sides by commercial uses and buildings of an industrial scale, with three historic mills known as Ram Mill, Gorse Mill and Ace Mill all being in close proximity. Nearby modern industrial sheds have similar heights, bulk and massing, and use materials that are comparable to those proposed within this application.

Existing access serves the site from Gorse Street and Jardine Way which is already utilised by cars and heavy goods vehicles (HGVs) as part of the existing operation of the BEA. The site edged red incorporates the site of the proposed new industrial building, and an area of car parking and servicing.

The site is generally flat, and comprises a vacant parcel of land with a historical pond.

THE PROPOSAL

A full planning application has been submitted for the construction of a single distribution warehouse unit with a total floor area of 4,858sqm (of which 1,767sqm will be ancillary B1 office accommodation). The building proposed would reach a maximum height of 16m (12m to the eaves), whilst measuring 79m in length and 70m in width.

PLANNING HISTORY

PA/340711/17 – Planning permission for 1) Erection of a distribution warehouse 2) Associated external works, at Rugby Mill, Gorse Street, Chadderton. Granted 26/02/2018.

RELEVANT PLANNING POLICIES & GUIDANCE

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. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF 2018).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The site is allocated as a Business Employment Area (Broadway / Greengate) within the Council's adopted Local Development Framework (LDF).

The following policies of the Council's LDF are relevant to the determination of this application:

Core Strategy

Policy 3 An Address of Choice

Policy 5 Promoting Accessibility and Sustainable Transport Choices

Development Management Policies

Policy 9 Local Environment

Policy 13 Employment Areas

Policy 14 Supporting Oldham's Economy

Policy 20 Design

PUBLICITY AND REPRESENTATIONS

The application has been publicised on the Council's web-site, by press advertisement and by site notice.

A letter has been received from the owners of the adjacent Ram Mill on the grounds that the development will obstruct the private rights of access through the site, that the development would lead to flooding problems, trees would be lost, and that views of the mills will be obstructed.

CONSULTATIONS

Highways Engineer - No objections, subject to conditions.

Transport for Greater Manchester - No objections, subject to conditions and a contribution towards upgrading the existing SCOOT traffic management system on the A663.

Highways England - No objections.

Environmental Health - No objections, subject to conditions in relation to contaminated land and landfill gas.

United Utilities - No objections, subject to conditions in relation to drainage.

DETERMINING ISSUES

1. Principle of the development

2. Design and appearance
3. Ecology
4. Environmental impact
 - Flood risk and drainage
 - Land stability
5. Highways & Traffic

ASSESSMENT

Principle of the development

The principle of the proposed development is considered to be acceptable at the scale proposed in this location. The application site forms part of an existing industrial area, and will make a positive and productive contribution to this existing use. The site forms a vacant area within an existing site and therefore provides for the efficient use of land to meet an identified need for industrial purposes. There are active industrial uses all around the application site.

The application demonstrates that such a facility can be accommodated on the existing site, close to all existing facilities, and within a sustainable location. The site is part of the Greengate Business Employment Area. DPD Policies 13 and 14 support proposals for development for employment generating uses within this existing industrial area.

Design and appearance

Guidance within Section 12 (Achieving well-designed places') of the NPPF (2018) is relevant, together with DPD Policies 1, 9, and 20, which provide guidance on the design of new development.

The proposed design reflects the character and appearance of adjacent and surrounding recently built industrial buildings. In terms of its materials, height, bulk and massing, and appearance, the proposed building will be in keeping with the existing commercial and industrial vernacular. Furthermore, the building would have no impacts upon any surrounding building or properties in regard to issues such as overlooking, overshadowing or having an overbearing or oppressive impact.

In relation to landscaping the proposed development will not affect any trees of any quality, with the site being generally overgrown and the applicant's intention is to clear the site. Additionally, given the nature of the site, whilst it is enclosed, no details of any boundary treatment has been submitted. It is therefore considered that a condition should be applied requiring the submission of any details of any proposed boundary treatment.

In taking account of the context and character of the site and surrounding area, it is considered that the overall design concept, the layout of the site and the scale and design of the building and associated infrastructure are acceptable. Suitably worded planning conditions could be imposed to ensure that outstanding details are approved. Overall, it is considered that the visual and physical impact of the proposed development would be acceptable and in accordance with the aforementioned national planning guidance and local planning policy.

Ecology.

National guidance within paragraphs 175, 176 and 177 of the NPPF (2018) are relevant, together with policies 1, 6, 9 and 21 of the DPD.

The application was accompanied by a Ecological Assessment which surveyed the site and its surroundings in September 2018. The report states that there are no protected species within the confines of the site, primarily because any potential habitat has been destroyed. The limited amount of foliage on the site also restricts foraging opportunities. In order to boost biodiversity however, the report outlines a strategy which involves creating bat roosting boxes and bird roosting boxes to be located in and around the site, including on the proposed warehouse.

Therefore, in taking account of the location of the site, the nature and scale of the proposed development and the findings of the ecological assessment, it is considered that the proposal would not have any detrimental impacts upon local ecology, biodiversity or legally protected species. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

Environmental impact

Flood risk and drainage

National guidance contained within Section 14 of the NPPF, the NPPF technical guidance document and DPD Policy 19 are relevant.

The site is not within an area identified as being at risk from flooding within the Environment Agency's Indicative Flood Maps, however given the size of the application site, a Flood Risk Assessment has been submitted and the Environment Agency (EA) has been consulted.

At the time of writing this report, the EA has not responded to the consultation. However, given the scale and nature of the application and the mitigation measures proposed within the FRA, it is considered that the scheme will not increase the risk of flooding elsewhere. The measures include:

- Flood attenuation on site for up to 2,638 m³ of water, by allowing the HGV park to flood (to mitigate the impact of the loss of the existing pond);
- A storage tank volume of 1,543m³ to provide a greenfield run off rate of 13.3l/s; and
- Raise the height of the building to 0.30m above adjacent ground levels.

Furthermore, it is noted that United Utilities do not raise any objections to the proposal.

Therefore, in taking account of the planning history of the site, it is considered that the proposal would not increase the flood risk at the site or within the wider area, and that subject to the imposition of planning conditions the site could be adequately drained. The proposal is therefore considered to be acceptable when assessed against the aforementioned national planning guidance and local planning policy.

Land and groundwater conditions

National guidance within paragraphs 178 and 179 of the NPPF (2018) and DPD Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team have advised that having reviewed the application and its site history, they have no objections to the proposal subject to conditions requiring a landfill gas investigation and contaminated land report be submitted before development commences on site. Furthermore, it is considered that an informative could be added to the

decision notice to advise the applicant that the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Highways & Traffic

Guidance within Section 9 ('Promoting sustainable transport') of the NPPF (2018) is relevant, together with DPD Policies 5, 9, 13, and 20.

Gorse Street is a 9m wide access road that provides access to the commercial properties along its length. The road operates as a cul-de-sac, with access to the proposal site provided from its northern end. Parking is controlled along the length of Gorse Street by double yellow lines. Street lighting and footways are present.

Access to the site will be provided from its historic location, at the end of Gorse Street, whilst another entrance will be gained via Jardine Way. The accesses will be gated. There is an existing gated access leading directly from the end of Gorse Street. 131 parking spaces will be provided for staff and visitors, including 14 disabled persons' spaces and 14 cycle spaces. Footways are provided around the perimeter of the building to connect the parking areas to the building access points.

Additionally, Jardine Way is 8.6m wide which provides access to the Aldi store service yard and Ram Mill. Access will be provided to the site from Jardine Way which operates the same as Gorse Street, effectively as a cul-de-sac. Jardine Way meets the A663 at a signalised junction just like Gorse Street. The A663 Broadway is a distributor road that connects the site to the M60 in the south and the A627(M) in the north.

There are two service yards associated with the building, located at either side (east / west). Parking space is provided for seven HGVs. Swept path analysis has been undertaken of the layout and this shows that large vehicles can enter and leave the site in a forward gear, and that there is room to turn within the site and also access the parking bays.

Having consulted TfGM, they have raised no objections to the proposal, subject to conditions and the provision of a sum to update the existing "Split Cycle and Offset Optimisation Technique" (SCOOT) traffic management system. The SCOOT system co-ordinates surrounding traffic signals to ensure that the network operates as efficiently as possible. The applicant is willing to fund the update to SCOOT in this instance for a sum of £5,300.

Additionally, the applicant is supportive of measures to promote sustainable transport and the development is underpinned by a framework travel plan. The measures in the plan are considered to be commensurate with the scale of impact of the proposal.

TfGM and the Council's Highways Officer have assessed the Travel Plan and the impact of the proposal and have stated that subject to the imposition of planning conditions, they have no objection to the proposal in principle.

Therefore, in taking account of the scale and nature of the development, the technical advice given by the Council's Highway Officer and subject to the imposition of the recommended planning conditions, it is considered that the proposed use can be adequately accommodated on the local highway network, that there would be adequate access, servicing, circulation and car parking arrangements and that the proposal would not have any detrimental impacts upon pedestrian or highway safety. For these reasons the proposal is considered to be acceptable when assessed against policies 5, 9, 13 and 20 of the DPD.

Conclusion

The proposal has been fully assessed against national and local planning policy guidance. It is considered that the proposal is acceptable in principle and is acceptable in terms of the appearance and impact upon the visual amenity of this site and surrounding area. The proposal will have no detrimental impacts upon the environmental quality of this locality, or pedestrian and highway safety. The site can be adequately drained and will not give rise to flooding problems.

For the reasons detailed within this report the proposed development will provide new jobs and investment in the district and will contribute towards developing this designated employment zone which in turn will assist in meeting the Council's wider objectives to regenerate areas and provide jobs and growth for the district.

The proposal, subject to the imposition of planning conditions and subject to the applicant signing up to a Section 106 contribution of £5,300 to upgrade the existing SCOOT system, accords with the aforementioned policy guidance and conditional approval of planning permission is recommended.

Recommendation

It is recommended that committee resolves to:

1) To grant planning permission, subject to the satisfactory completion of a Section 106 Legal Agreement for a £5,300 contribution to allow for the upgrading of the existing SCOOT traffic management system.

2) Upon satisfactory completion of the above S106 Legal Agreement that the Planning Committee grant delegated approval for the decision to be issued by the Head of Planning and Infrastructure, subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 28/11/2018, which are referenced as follows PPC120_000, PPC120_001, PPC120_002, PPC120_003 and PPC120_004.

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 construction of any external walls of the development hereby permitted shall commence until details of facing materials have been submitted to and approved in writing by the Local Planning Authority. 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 to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. No development comprising the construction of the building hereby approved shall commence until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety as the site is located within 250 metres of a former landfill site.

5. No development comprising the construction of the building hereby approved shall commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public combined sewerage system either directly or indirectly.

The scheme shall include:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall be completed in accordance with the approved details.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. The development hereby approved shall not be brought into use unless and until the accesses, turning areas and car parking spaces have been provided in accordance with the approved plan received on 28th November 2018 (Ref: Dwg No. PPC120_002). The details of the layout of the access points, construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking and servicing 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.

7. Secure cycle parking facilities shall be provided within the site prior to the first

occupation of the development hereby permitted, in accordance with details that shall first have been submitted and approved in writing by the Local Planning Authority. Such facilities shall thereafter remain available for users of the development.

Reason - To ensure adequate cycle storage facilities are available to users of the development

8. Within three months of the first occupation of the development hereby approved, a full green travel plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority. All measures approved shall be implemented thereafter.

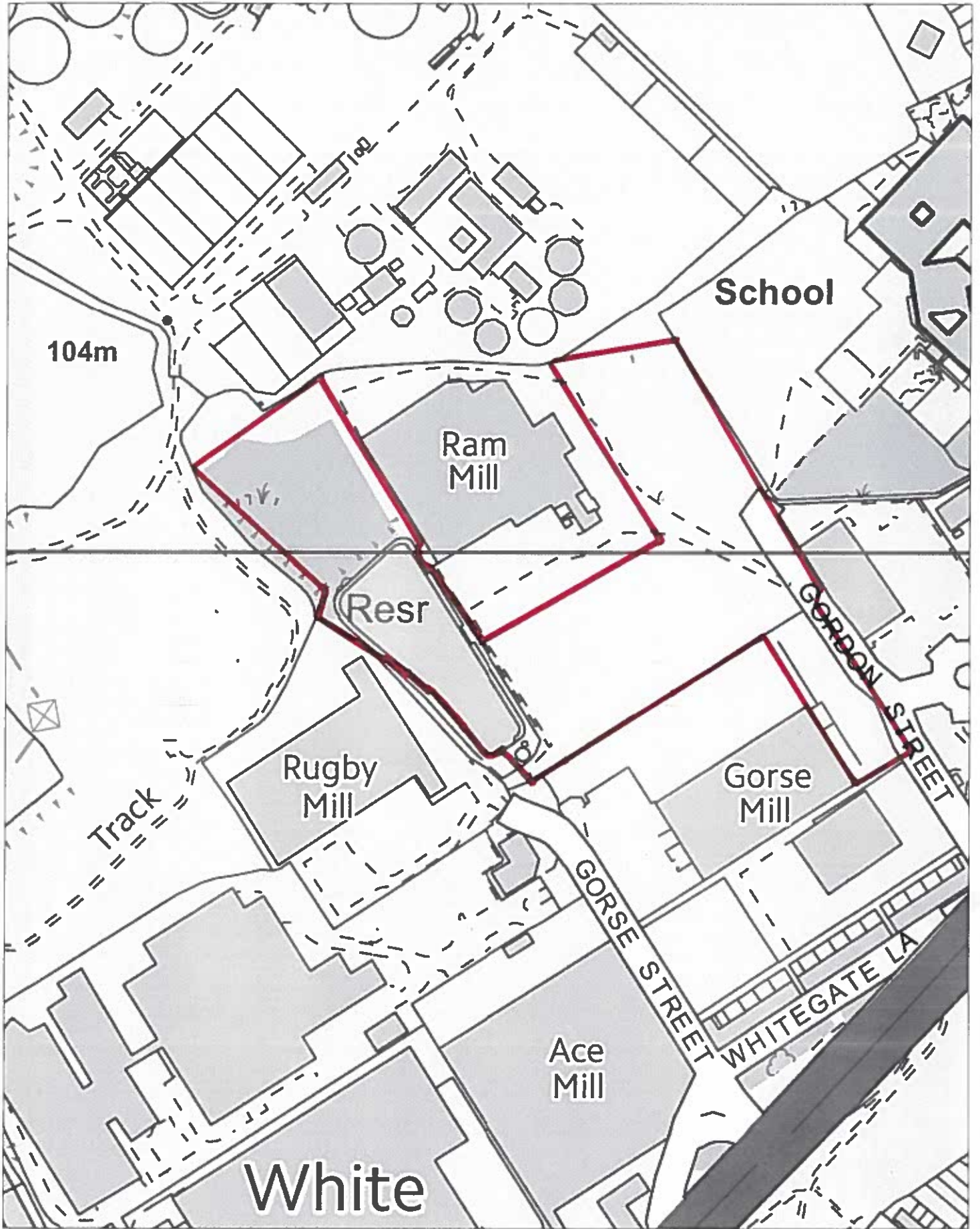
Reason - To ensure the development accords with sustainable transport policies

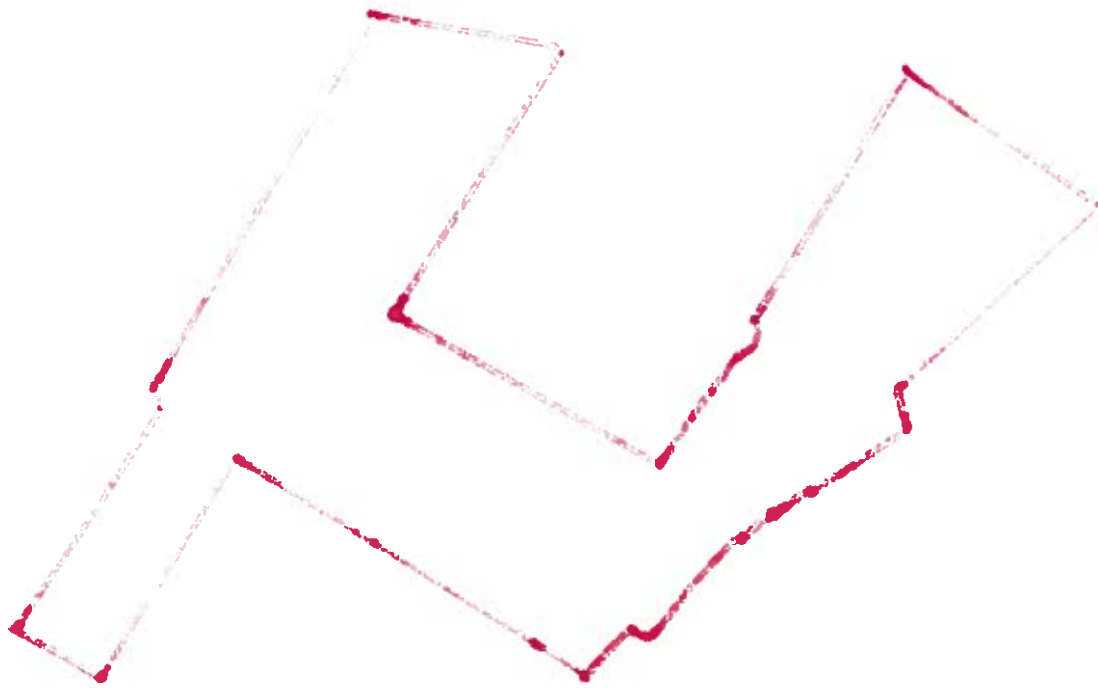
9. The development shall be carried out in strict accordance with the ecological report submitted with the application (Ref 80-022-R1-REVC, dated September 2018), including the provision of any proposed details of habitat protection/ creation.

Reason - To safeguard wildlife in the interests of nature conservation.

10. No development hereby approved which would restrict existing access to Ram Mill shall be commenced until details of arrangements for the continued effective vehicular access to Ram Mill have been submitted to and approved in writing by the Local Planning Authority, and such alternative provision has been put in operation.

Reason - In order to ensure the continued operation of an existing source of employment.





PLANNING COMMITTEE - BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

PLANNING AND ADVERTISEMENT APPLICATIONS

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information defined by that Act.

THE BACKGROUND PAPERS

1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - A list of consultees and replies to and from statutory and other consultees and bodies
 - Letters and documents from interested parties
 - A list of OMBC Departments consulted and their replies.
2. **Any planning or advertisement applications:** this will include the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - The Executive Director, Environmental Services' report to the Planning Committee
 - The decision notice
3. Background papers additional to those specified in 1 or 2 above or set out below.

ADDITIONAL BACKGROUND PAPERS

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.

