

APPLICATION REPORT - PA/343254/19

Planning Committee, 12 February, 2020

Registration Date: 17/04/2019
Ward: Chadderton Central

Application Reference: PA/343254/19
Type of Application: Full Planning Permission

Proposal: Full planning application for two industrial/warehousing units (Classes B1, B2 and B8), external lighting, electricity substation, regrading of the site, access road, parking and service yards
Location: Land to the East of Cobalt Way, Foxdenton Lane, Chadderton Oldham
Case Officer: Dean Clapworthy
Applicant Agent : Commercial Development Projects Limited (CDP Ltd)

THE SITE

The site occupies an undulating area of approximately 4 hectares. A small watercourse flows generally north/south through the site, with natural vegetation covering much of the area. It is criss-crossed by informal paths that link to the linear walkway. A fenced rectangular compound comprising mostly cracked hardstanding is located within the south-western corner.

The site is bounded by industrial buildings to the west, residential development under construction to the east, a linear walkway to the north with established housing beyond, and a mixture of wooded landscaped areas, residential properties and commercial garage operations to the south. A public right of way is routed along the eastern boundary (partially outside of the site).

THE PROPOSAL

The proposal is for the erection of two industrial/warehousing units, with associated infrastructure, car parking and landscaping. The proposal would principally comprise the following:

- The erection of two units (Unit 1 - 5713 sq m GIA; Unit 2 - 4018 sq m) for uses within the B1, B2 and B8 use categories.
- Unit 1 would have a maximum height to ridge of 15.75m (13.5m to eaves); Unit 2 a maximum of 13.5m to ridge and 11.5m to eaves. The development would be finished with low level smooth brickwork in blue and profiled metal cladding in Merlin and Goosewing grey to elevations and roof.
- Associated car parking (Unit 1 - 76 spaces, Unit 2 - 43 spaces) and servicing areas accessed from a new estate road off Cobalt Way which links to Foxdenton Lane;
- A new public footpath along the western boundary connecting Foxdenton Lane (via Cobalt Way) to the linear footpath;
- Retaining walls, acoustic fencing to the northern boundary, landscaping, culverting of the brook, external lighting and electricity substation.

RELEVANT HISTORY OF THE SITE:

PA/059408/11: Extension of time limit to previously approved PA/51737/06 for erection of 6no. industrial units (B1, B2 and B8), infrastructure and parking. Approved October 2011

PA/051737/06: Erection of 6 no. industrial units (B1, B2 and B8), infrastructure and parking. Approved July 2008.

RELEVANT PLANNING POLICIES & GUIDANCE

The site is allocated for business and industry (Use Classes B1, B2 and B8) under Saved UDP Policy B1.1 and Oldham DPD Policy 14. The following policies are relevant to the determination of this application.

Joint Development Plan Document (DPD)

Policy 1: Climate change and sustainable development
Policy 5: Promoting Accessibility and Sustainable Transport Choices
Policy 6: Green Infrastructure
Policy 9: Local Environment
Policy 13: Employment Areas
Policy 14: Supporting Oldham's Economy
Policy 18: Energy
Policy 19: Water and Flooding
Policy 20: Design
Policy 21: Protecting Natural Environmental Assets
Policy 25: Developer Contributions

Saved Unitary Development Plan (UDP) Policies

Policy B1.1: Business and Industrial Allocations
Policy D1.5: Protection of Trees on Development Sites

CONSULTATIONS

Highway Engineer	No objection, subject to conditions requiring a green travel plan, provision of the access, servicing, car parking and secure cycle storage; along with wheel washing facilities during construction.
Environmental Health	No objection subject to conditions relating to noise control, flood lighting and air quality.
Coal Authority	No objection as the site does not fall within the defined Development High Risk Area.
Environment Agency	No objection subject to condition as the submitted Flood Risk Assessment (FRA) demonstrates that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.
Lead Local Flood Authority	No objection.
Greater Manchester Ecology Unit	No objection, subject to conditions to protect retained features, flora and fauna.
G M Police Architectural Liaison Unit	No objection subject to the development being designed and constructed in accordance with the recommendations of the submitted Crime Impact Statement.
G M Architectural Advisory Service	No objection subject to condition requiring a programme of archaeological works.
Transport for Greater Manchester	No objection subject to a condition relating to travel planning.
Ramblers	No objection.
Trees Officer	No objection subject to the retained trees being enclosed by protective fencing and a site specific Arboricultural Method Statement undertaken.
Natural England	No objection as the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Street Lighting

No objection subject to a condition for the development to be undertaken in accordance with the submitted external lighting details.

REPRESENTATIONS

The application has been advertised by direct neighbour notification and press and site notices. 81 representations have been received raising matters that can be summarised as follows:

Access and highway safety

- The proposal would result in additional traffic in an area that is already congested, overloading local road infrastructure to the detriment to highway safety in an area that has a history of collisions;
- There are schools and play parks in the local area and there would be increased risks when crossing local roads/junctions;

Landscape/open space/visual amenity

- Loss of attractive landscape and unacceptable impact on visual amenity as the buildings themselves are overbearing and out of scale;
- Loss of open space used by local residents as an amenity area which provides quality of life for the many people who use the field for walking their dogs, recreation and running and walking on the public right of way;
- The loss of this natural pocket of green space goes against the principles of the 5 year Environment Plan for Greater Manchester which outlines as part of its vision that all citizens will have access to green space in every community;
- The linear walkway/park would be affected;

Ecology

- Loss of woodland, habitat and (protected) wildlife and birdlife at the site and adjacent areas (e.g. the Rochdale Canal);
- Impact of external lighting on wildlife, including bats;
- The stream would be affected by the proposal;

Neighbouring amenity

- Noise and disturbance from construction activities;
- Disturbance from 24 hour operations/vehicles arriving, outside working and vehicle manoeuvring (warning bleeps) and flood light spillage;
- Loss of privacy;

Environmental/Health and wellbeing

- Impact on air quality and therefore detrimental impacts on neighbours/school children's health and wellbeing and the canal, which is a SSSI;
- It will increase carbon levels and impact on climate change;
- Loss of amenity land would reduce potential for exercise, therefore impacting on physical and mental health;

Other matters

- There is no provision for waste storage and collection;
- The use of the buildings is not clearly defined;
- The security measures would deflect attention onto nearby properties;
- Loss of Green Belt land when unused brownfield land should be used;
- Impact on local GP services;
- Unsafe to residents' health having an electrical substation nearby;
- Serious health concerns over two large power stations being so near to a residential and

- school area;
- There is no need for the development given that many existing units are vacant;
- House prices would be affected;
- The publicity for the application was inadequate and the information was not available on the website on occasion.

PLANNING CONSIDERATIONS

The principal issues relate to:

- Principle of the development;
- Visual amenity;
- Residential amenity
- Access and highway safety;
- Ecology;
- Drainage and ground conditions.

Principle of the development

Although presently undeveloped, the site has an established allocation for business and industry purposes (Use Classes B1, B2 and B8) under Saved UDP Policy B1.1 and DPD Policy 14, which aims to create a premium business location at Foxdenton with opportunities for a variety of employment developments. Given that the proposal is for large scale commercial units to be occupied by B1, B2 or B8 uses, the proposal is therefore acceptable in principle. Furthermore, there are historic, but expired, planning permissions for employment units at the site as detailed above.

As the development is greater than 1,000 square metres of floor space, and having regard to the objectives of the 5 Year Environment Plan for Greater Manchester, the proposal would be required to achieve the energy efficiency targets indicated in Local Plan Policy 18. Therefore, a condition is recommended requiring agreement of the appropriate energy savings, along with the introduction of electric vehicle charging points.

Design and impact on visual amenity

As the site is allocated for employment uses, it is accepted that a significant change in the character of the site would follow from this. In particular, given its raised position relative to the site, the views from the linear footpath to the north would be changed to one with business and industry development upon it. There is no specific guidance on the form of commercial development at the site in the above stated policies, other than encouraging high quality development to create a premium business location. The undulating site would be re-engineered to provide level platforms for the units and the associated parking and servicing areas. Whilst there would be some infilling, the median level of the site would not be raised. The existing higher levels at the southern boundary to the rear of the short block of terraced dwellings at no's 133 to 139 Foxdenton Lane and the eastern boundary to the neighbouring development site to the east would be retained.

The proposed units would be relatively large, but of a contemporary design in a recessive colour finish, positioned within spacious landscaped grounds, that due to the topography of the enclosing land, would frame and soften the appearance of the units over time. The woodland to the south of the site would largely screen the development from Foxdenton Lane. The proposed units would be relatively large in absolute terms, they would not be out of scale in the context of the large site and curtilage. Although the proposed units would represent substantial new elements in the landscape, immediate views of them from the linear footpath to the north would relate to only a short section and views would be filtered by the existing vegetated boundary, that would be reinforced.

In this context, it is considered that the development comprises an appropriate scale, layout, and design and would not be unduly harmful to visual amenity.

Residential amenity

The nearest dwellings to the proposed units are on Birchwood and Tulip Close on the north side of the raised embankment of the intervening linear footpath, a minimum of 40m from proposed Unit 1. These dwellings are set down significantly and the embankment is lined by with an unbroken stand of mature trees (largely to the north side of the embankment closest to the dwellings on that side). The finished floor level of the proposed units would be around 4m lower than the top of the embankment.

The nearest dwellings to the south at 133-139 Foxdenton Lane are around 60m to the south of proposed Unit 2. Furthermore, land re-engineering would set the unit lower than the intervening banking that would also be landscaped. Dwellings presently under construction to the east are further away again.

The servicing areas to both proposed units are on the south side shielding any activity from the neighbouring residential areas. The electricity sub-station will similarly be located away from the nearest housing. The proposal is supported by a Noise Impact Assessment and this has been considered by the Council's Environmental Health Officer. In order to protect the amenity of occupants of nearest neighbouring residential properties, it is recommended that conditions are imposed setting noise limits from the site, controlling external lighting, and requiring the installation of acoustic fencing.

Access and highway safety

The proposal is supported by a Transport Statement and Travel Plan. Cobalt Way presently provides access to two business units. Both the Council's Highway Officer and TfGM are satisfied with the proposal, as the likely increase in traffic as a result of the development proposal is considered to be negligible on the existing highway network with current and predicted traffic flows.

Traffic calming measures are to be introduced along Foxdenton Lane between Broadway and the junction with the new spine road, and a weight restriction already exists ensuring large vehicles are unable to travel along Foxdenton Lane, including past Foxdenton Park. Therefore, traffic from the development would be most likely to use either the new spine road or Broadgate as the preferred route of entry/exit from the site, as Foxdenton Lane would not be suitable.

The Highway Officer advises that there are existing linear footpaths leading to the site which require upgrading to improve cycling and pedestrian routes to the site and that a contribution of £35000 should be sought for improvements to the linear path to the north of the proposed development site. This would be secured via a Section 106 agreement.

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the above, it is not considered that the proposal would conflict with the above Local Plan policies or the NPPF.

There are existing (non-definitive) public paths which cross the site, and these will be the subject of stopping up and diversion orders, as required under highways legislation.

Ecology

The GMEU notes the site has some ecological value, although this is largely restricted to the brook and woodland to the south, both of which would be largely retained. The site is within the SSSI Impact Risk Zone for the Rochdale Canal. However, the GMEU are satisfied that subject to conditions, the proposal would not have any unacceptable impacts upon the Rochdale Canal, the brook through the centre of the site, habitat or species.

The development will be required to be implemented in accordance with the mitigation proposed in the submitted Biodiversity Management Plan and Construction Environmental Management Plan.

The development would result in some loss of existing trees. The Council's Tree Officer agrees that this loss would be adequately compensated for by the landscape proposal and advises that conditions should be attached relating to implementation of this. He furthermore recommends that conditions should be attached requiring protective tree measures and an Arboricultural Method Statement.

Drainage and ground conditions

The site lies within Flood Zones 1, with a narrow strip alongside the watercourse in Flood Zone 3. The Environment Agency has reviewed the submitted Flood Risk Assessment (FRA) and is satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, so long as the development proceeds in strict accordance with this FRA, and the mitigation measures identified will form a condition of any approval. The drainage details are considered acceptable by the Lead Local Flood Authority.

The Environmental Health team has confirmed that there are no concerns regarding ground conditions, whilst the Coal Authority confirms the development is in a low risk area.

Conclusion

The proposed development would deliver a major employment scheme at a site identified for such development. Subject to appropriate conditions and Section 106 agreement, the proposal would not have any unacceptable adverse impacts on traffic and highway safety, visual, neighbouring and general amenity, ecology and biodiversity, drainage and would not be at risk from contamination.

The proposal therefore complies with the relevant Oldham Local Plan policies and the NPPF.

RECOMMENDATION

It is recommended that Committee resolves:

1. To grant planning permission subject to the conditions set out below and to a Section 106 obligation being secured to provide a contribution £35,000 for improvements to the linear path to the north of the proposed development site.
2. To delegate authority to the Director of Economy to issue the decision notice upon satisfactory completion of the planning obligation.

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 following approved plans and specifications:

Location Plan (Drawing No. M2803-01)
Site Layout Plan (Drawing No. M2803-Sk20H)
Site Sections (Drawing No. M2803-03A)
Detailed Planting Plan (Drawing No. DR-3727-03.04)
Drainage Layout (Schematic) including Protective Planting (Drawing No. 5519-JPG-XX-00-DR-C-1401 S2 P01)
External Lighting Design (Drawing No. 1905027DNA)
Lighting Schedule (Drawing No. 1905027DNA)
Unit 1 - Proposed Elevations (Drawing No. M2803-01-02)

Unit 1 - Roof plan (Drawing No. M2803-01-03)
Unit 1 - Floor Layout Plan (Drawing No. M2803-01-01B)
Unit 2 - Floor Plan (Drawing No. M2803-02-01B)
Unit 2 - Roof Plan (Drawing No. M2803-02-03A)
Unit 2 - Elevations (Drawing No. M2803-02-02B)
Electricity Substation Plans and Elevations

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 materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentatio, unless otherwise approved in writing with the Local Planning Authority.

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. All hard and soft landscape works shall be carried out in accordance with the approved plan (Drawing no. DR-3727-03.04) within the first available planting season following the occupation of any part of the development or in accordance with the programme agreed in writing with 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 having regard to Policies 9, 20 and 21 of the Oldham Local Plan and Saved Unitary Development Plan Policy D1.5.

5. The tree protection measures as detailed on approved plan (Drawing no. 5519-JPG-XX-00-DR-C-1401 S2 P01) shall be implemented to BS:5837:2012 standards before 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. The fencing shall be maintained for the duration of the construction of the development and no excavation, site works, trenches or channels shall be cut or laid or materials stored within the fenced tree protection areas.

Reason - To protect existing trees having regard to saved Policy D1.5 of the Unitary Development Plan.

6. Prior to the commencement of any development, an Arboricultural Method Statement shall be submitted to and approved in writing with the local planning authority. Thereafter, the construction of the development shall adhere to the Arboricultural Method Statement for the full duration of the construction works.

Reason - To protect existing trees having regard to saved Policy D1.5 of the Unitary Development Plan.

7. All ecological measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Management Plan (Ref R-3727-05-1) and Construction Environment Management Plan (Biodiversity) (Ref R-3727-06) dated October 2019 by Brooks Ecological.

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.

8. No removal of or works to trees or shrubs shall take place during the main bird breeding season between 1st March and 31st August inclusive, 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.

9. Within three months of occupation of any part of the development hereby approved, an interim green travel plan for that part of the development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan, the occupier shall submit their travel plan to the Local Planning Authority for approval and the approved travel plan shall thereafter be implemented within six months of occupation of the development.

Reason - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

10. No part of the development hereby approved shall be occupied until the access, car parking spaces and service areas including turning areas for that part of the development have been provided in accordance with the approved plan Ref: M2803-SK20 Rev H. The details of 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 access or parking spaces. Thereafter the parking spaces and turning areas shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that 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.

11. During the construction period, adequate wheel cleaning equipment, the details of which shall be submitted to and approved in writing by the Local Planning Authority, shall be installed on the site. Prior to leaving the site, all vehicles which have travelled over a non-tarmac surface shall use the wheel cleaning equipment provided, such that they are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order and shall not be removed unless agreed in writing by the Local Planning Authority

Reason - To ensure that debris is not does not obstruct the highway network In the interests of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

12. Prior to the commencement of the use of each industrial unit hereby approved, a scheme for the provision of secure cycle parking for that development shall be 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 at all times thereafter.

Reason – To ensure that adequate and satisfactory provision is made for bicycle parking in order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.

13. No development comprising the construction of a building shall take place until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local plan Policy 18 and shall detail how a target area has been determined; and how the development will meet this target.

The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

Reason - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

14. Prior to the commencement of the use of either industrial unit hereby approved, electric vehicle charging points shall be provided at that unit in accordance with a scheme which has previously been submitted to and approved in writing with the Local Planning Authority. The electric vehicle charging points shall be retained for that purpose thereafter.

Reason - To enable the use of alternative fuels for transport purposes such as electric vehicle charging stations in order that sustainable travel alternatives needs are supported and promoted within the development in accordance with Policies 5 and 9 of the Oldham Local Plan.

15. The following noise limits shall apply to the development hereby approved:
 1. The level of noise emanating from the site shall not exceed 38 dBA (15 min) when measured free field at the boundary of any residential property on Tulip Close, Foxdenton Lane or Ferney Field Road. The measurement height for measuring this level is any height from 1.6 metres to 4 metres.
 2. The level of noise emanating from the site shall not exceed 60 dB(A) Max between the hours of 11.00pm and 7.00am when measured free field at the boundary of any residential property on Tulip Close, Foxdenton Lane or Ferney Field Road. The measurement height for measuring this level is any height from 1.6 metres to 4 metres.

Reason - In order to protect neighbouring residents from noise nuisance from the development hereby approved having regard to Policy 9 of the Oldham Local Plan.

16. Prior to the commencement of the use of either unit hereby approved, an acoustic fence shall be installed from Point A to Point B as per drawing M2803-Sk 20 Rev. H. This fence must be at least 2.4 metres high and have a density of at least 10 kg/m³ and have no gaps in its entire length and height. The acoustic fence shall be retained and maintained for the life of the development.

Reason - In order to protect neighbouring residents from noise nuisance from the development hereby approved having regard to Policy 9 of the Oldham Local Plan.

17. As far as is practicable, the development shall be carried out in accordance with the recommendations contained within section 3.3 of the Crime Impact Statement by Design for Security dated 10/04/2019 (Ref. URN: 2019/0054/CIS/01) and the physical security specification listed within section 4 of the appendices.

Reason - To create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion in accordance with Policy 20 of the Oldham Local Plan.

18. The external lighting shall be installed in full accordance with the lighting plan and schedule (Drawing no. 1905027DNA) dated 25/07/1 and retained in the approved format thereafter.

Reason - To protect the amenity of the area having regard to Policy 9 of the Oldham Local Plan.

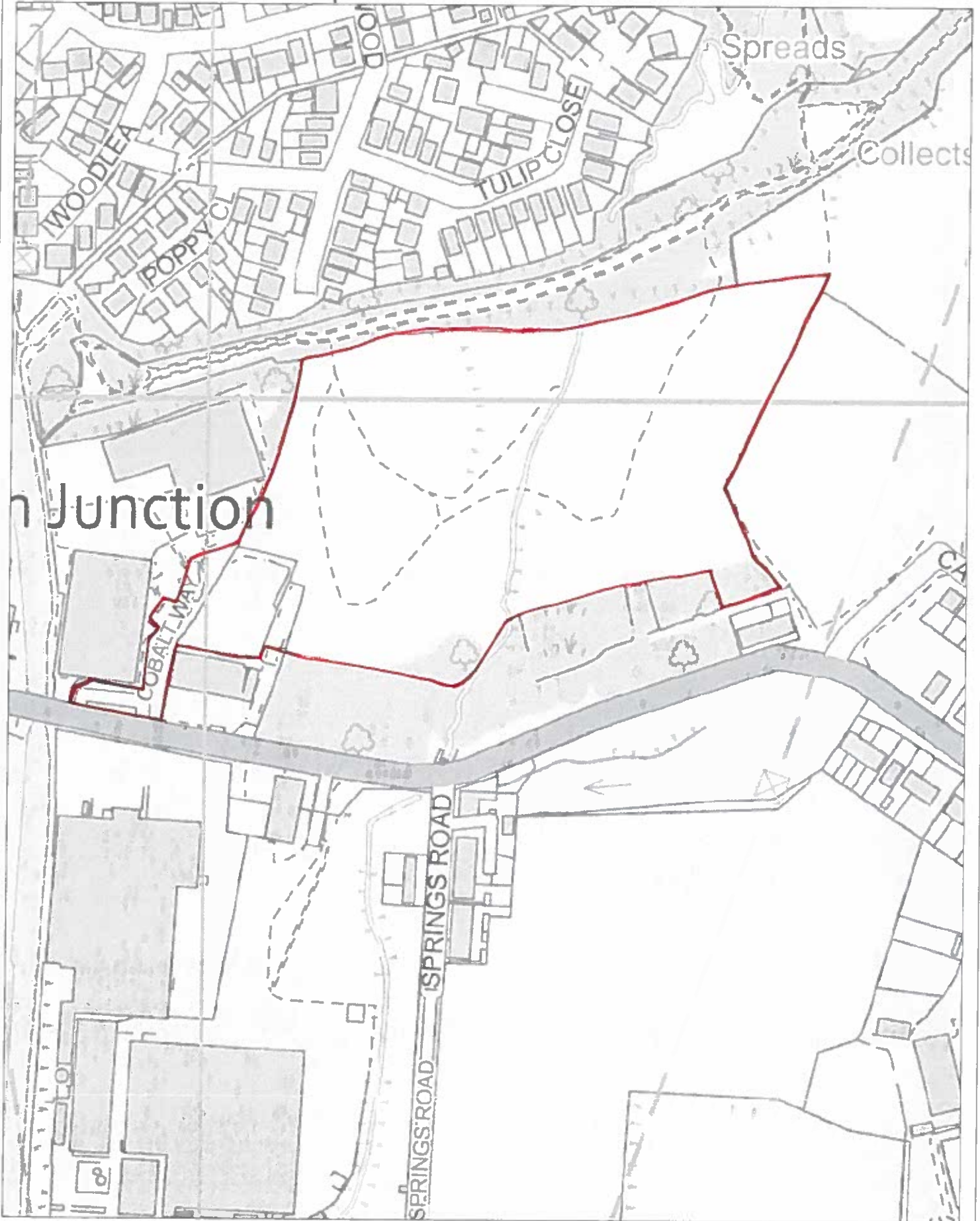
19. The development shall be carried out in accordance with the measures/recommendations identified in the Drainage and Flood Risk Assessment by JPG dated 10/04/2019 (Ref. TM/DFS/5519.V5) and maintained as such thereafter.

Reason - To minimise the risk of flooding having regard to Policy 19 of the Oldham Local Plan.

20. No development or groundworks shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Oldham Planning Authority. The WSI shall cover the following:
1. A phased programme and methodology of investigation and recording to include:
i) - geophysical evaluation survey ii) - a scheme of targeted archaeological evaluation, possibly leading to iii) - targeted open area excavation and recording.
 2. A programme for post investigation assessment to include: i) - analysis of the site investigation records and finds ii) - a detailed analysis of the fieldwork records iii) - production of a final report on the significance of the archaeological and historical interest represented.
 3. Deposition of the final report with the Greater Manchester Historic Environment Record and dissemination of the results in a manner commensurate with their significance. This may include production of a volume in the Greater Manchester's Past Revealed series, and a report in a more academic journal.
 4. Provision for archive deposition of the report and records of the site investigation.
 5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and form of the development in order to secure the to record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible having regard to Policy 24 of the Oldham Local Plan.

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