

APPLICATION REPORT – FUL/351141/23
Planning Committee 15th November 2023

Registration Date	28 th June 2023
Ward	Royton South
Application Reference	FUL/351141/23
Type of Application	Full Application
Proposal	Two general industrial (Use Class B2) and storage and distribution (Use Class B8) units with ancillary offices, electricity substation, access, associated car parking, service yards and landscaping.
Location	Land west of Leonard Way, Royton
Case Officer	Graham Dickman
Applicant	Miranda Bell
Agent	Miranda Bell

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major development.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

- 3.1 The application site covers 4.8 hectares located on the west side of Leonard Way, a private access road which is served from Salmon Fields. The access is also used by an existing, large industrial unit to the north. Further industrial sites are located to the east and south, whilst a wooded area forming part of Oldham Edge is located to the west.
- 3.2 A public footpath follows the northern boundary of the site linking from Leonard Way to open space at Oldham Edge.
- 3.3 The development site has previously been cleared of vegetation and ground levels have been altered in accordance with the planning permission previously granted for this site in August 2020. Additional minor regrading will be required to facilitate the amended development.

4. THE PROPOSAL

- 4.1 The application relates to the erection of two general industrial or storage and

distribution units with associated parking and servicing areas.

4.2 Unit 1 has a gross external area of 4020sqm reaching a maximum height of 13.44m whilst Unit 2 has a gross external area of 7254sqm reaching a maximum height of 15.44m.

4.3 Unrestricted hours of operation are sought.

5. PLANNING HISTORY

5.1 CND/350224/22 – Discharge of condition 6 (updated remediation strategy) relating to PA/344755/20. Awaiting determination.

5.2 CND/345481/20 – Discharge of conditions 3, 5, 6, 7, 8, 12, 14, 15, 16 and 17 relating to PA/344755/20. Part discharge 6 May 2021

5.3 PA/344755/20 – Full planning application for a storage and distribution unit (Use Class B8) with ancillary office (Use Class B1a), electricity substation, access and associated car parking and service yards. Approved 28 August 2020

6. RELEVANT PLANNING POLICIES

6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site allocated as a Business and Employment Area on the Proposals Map associated with this document.

6.2 As such, the following policies are considered relevant to the determination of this application:

Policy 1 – Climate Change and Sustainable Development

Policy 5 – Promoting Accessibility and Sustainable Transport Choices

Policy 9 – Local Environment

Policy 19 – Water and Flooding

Policy 13 – Employment Areas

Policy 14 – Supporting Oldham’s Economy

Policy 18 - Energy

Policy 20 – Design

Policy 21 – Protecting Natural Environmental Assets

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objections subject to conditions in respect of the provision of access, parking and servicing areas, cycle parking and a Green Travel Plan.
Environmental Health	Recommend conditions in relation to maximum noise levels, air pollution, and contaminated land.

Environment Agency	Object to the application as the EA do not consider that issues in respect of controlled waters have been resolved at this stage.
G M Ecology Unit	Requested submission of an Ecological Impact Assessment.
Trees Officer	Noted that insufficient replacement tree planting was proposed in the initial scheme.
Coal Authority	No objections
United Utilities	No objections subject to implementation in accordance with the submitted drainage scheme.

8. PUBLICITY AND THIRD PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development which affects a Public Right of Way by display of a site notice, and publication of a press notice.
- 8.2 In response, two representations have been received on grounds of increased noise nuisance and pollution adding to existing problems (14.1-3).

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The site is allocated for employment purposes where development for industrial and storage and distribution uses within Classes B1 (now E(g)), B2 and B8 will be acceptable in principle.
- 9.2 The development would therefore conform to the objectives of Local Plan Policy 14.
- 9.3 The proposed development is acceptable in principle, subject to other material considerations which are set out below.

10. LAYOUT AND DESIGN

- 10.1 The proposal relates to the construction of two large industrial units rising to maximum heights of approximately 14 and 16 metres. The buildings will be of a largely functional commercial design with low level brickwork and cladding above.
- 10.2 Public views of the units would be largely limited to users of the Right of Way which adjoins the northern boundary. Distant views are significantly reduced by the extent of surrounding tree cover to the east and west of the site, and in relation to

established industrial premises to the north and south.

- 10.3 In this context the proposed buildings are considered to have of a satisfactory appearance in accordance with Local Plan Policies 9 and 20.

11. HIGHWAY SAFETY

- 11.1 Vehicular access to the site will be obtained from Leonard Way along a partly private access road before emerging onto Salmon Fields.
- 11.2 A Transport Assessment has been submitted and the Highways Officer is satisfied that the proposed development will not have any adverse effect on the wider local or strategic highway network.
- 11.3 It is noted that Leonard Way is not currently adopted and if adoption of the highway is required by the applicant, a Section 38 Agreement can be entered into with the Local Highway Authority.
- 11.4 In terms of car parking, the proposals provide for adequate space for parking, including accessible spaces and spaces served by electric vehicle charging points. Similarly, there is sufficient space for servicing and manoeuvring of all vehicles within the site to avoid pressure on the surrounding highway network.
- 11.5 The existing route of the public footpath to the north of the site would not be affected by the development.

12. DRAINAGE AND GROUND CONDITIONS

- 12.1 A Drainage and Flood Risk Assessment has been submitted which indicates that the site lies within Flood Zone 1 at the lowest risk of flooding.
- 12.2 A watercourse is culverted below part of the site. The proposed development works do not impact this culvert and therefore it is proposed to remain in situ.
- 12.3 United Utilities has recommended that the development is implemented in accordance with the submitted drainage scheme.
- 12.4 The Environment Agency has noted that given previous site usage, controlled waters are particularly sensitive as the site is within 50m of a known watercourse and located on a secondary aquifer. Although the applicant has submitted information to indicate how this concern would be addressed, this has not been shown to be sufficient to resolve the concerns.
- 12.5 Subsequent discussions have taken place between the EA and applicant. However, no confirmation has been received to date on an agreed approach. Consequently, a condition requiring subsequent approval of those details is recommended. This reflects the position which also applied to the previous application.
- 12.6 Should this be resolved prior to the Committee meeting the report and recommended conditions will be updated accordingly.

13. ECOLOGY AND LANDSCAPING

- 13.1 The site was subject to a Preliminary Ecological Appraisal in April 2020 in connection with the previous application. It has subsequently been cleared of all vegetation within the proposed development plot areas. It is therefore difficult to provide a definitive comparison of the site's pre- and post-development ecological value as requested by G M Ecology Unit.
- 13.2 The initial proposal included replacement planting reduced from the earlier scheme. However, following comments from the Trees Officer, the number of replacement trees has been increased to a comparable level. This includes the planting of heavy standard specimens.
- 13.3 Undeveloped areas of the site will be planted with grass containing a wildflower mix, including posts containing bat/bird boxes.
- 13.4 Provision of the proposed tree planting and ecological measures will be required by means of condition and should ensure that adequate compensation for an ecological impact can be addressed.

14. RESIDENTIAL AMENITY

- 14.1 The nearest residential properties are located on Manor Street and Higginshaw Lane approximately 90m from the site, from which they are separated by a band of trees. There are existing industrial premises within similar proximity to the dwellings. Unlike the proposed development, many of these businesses involve activities outside of buildings increasing any potential noise impact.
- 14.2 A Noise Impact Assessment has been submitted which concludes that the development will not result in significant increase in noise levels comparative to the existing environment.
- 14.3 The Environmental Health Officer has reviewed the information and recommended conditions setting out the permitted maximum noise levels in relation to any sensitive neighbouring properties.

15. CONCLUSION

- 15.1 The proposal comprises a suitable use of the site in accordance with the allocation and character of the surrounding environment and will make a contribution towards employment opportunities in the area.
- 15.2 The scheme would therefore accord with the objective of relevant national and local planning policies.

16. RECOMMENDED 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 Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the

Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. No development comprising the erection of any external walls shall take place until a specification of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan
4. The drainage for the development shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 3678-JPGZZ-ZZ-DR-D-1410, Rev P01- Dated 26/05/2023 prepared by JPG. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON - To ensure a satisfactory form of development, to prevent an undue increase in surface water run-off, and to reduce the risk of flooding having regard to Policies 9 and 19 of the Oldham Local Plan.
5. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: SF 3426 LL01 Rev A and SF 3426 LL02 Rev A prior to 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 and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
6. The buildings hereby approved shall contain measures as set out in a detailed energy statement which has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the buildings. The statement shall set out how the development will accord with 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 and retained as operational thereafter. REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.
7. The development hereby approved shall not be brought into use until the access to the site, car parking spaces, service and turning areas have been provided in accordance with the approved plan Ref: 3219-SK03-01 Rev A and with the details of construction, levels and drainage, which shall have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking spaces, service and turning areas shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking

facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

8. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. REASON - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
9. Within six months of the first occupation of the development hereby approved, a green travel plan shall be submitted for the written approval of the Local Planning Authority. The approved travel plan shall be implemented thereafter. The green travel plan shall, as a minimum, deal with the following key issues: appointment of a Travel Plan Co-ordinator and notification in writing to the Local Planning Authority of the name of the holder of that post; measures to promote and facilitate public transport use; timetables and fare information to be updated regularly; measures to promote and facilitate walking and cycling; promotion of car sharing and practices and on-site facilities that reduce the need for travel; along with monitoring and review mechanisms. REASON - To encourage use of sustainable modes of transport having regard to Policy 5 of the Oldham Local Plan.
10. The buildings and/or any externally mounted plant and equipment shall be insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to completion of the construction of that building. The approved scheme shall be implemented before the use of the building commences and shall be retained at all times thereafter. The level of insulation to be provided and/or noise permitted from externally mounted machinery shall aim to be such that the rated level of noise from the development is below the existing background level by at least 10dB(A). REASON - To ensure the protection of nearby premises having regard to Policy 9 of the Oldham Local Plan.
11. The development shall be operated within the limitations set out below:
 1. The 1 hour LAeq from the site when measured in free field conditions adjacent to any residential accommodation on Highfield Drive between the hours of 07.00 and 23.00 shall not exceed 30dB.
 2. The 1 hour LAeq from the site when measured in free field conditions adjacent to any residential accommodation on Manor Street between the hours of 07.00 and 23.00 shall not exceed 40dB.
 3. The 15 minute LAeq from the site when measured in free field conditions adjacent to any residential accommodation on Highfield Drive between the hours of 23.00 and 07.00 shall not exceed 30dB.
 4. The 15 minute LAeq from the site when measured in free field conditions adjacent to any residential accommodation on Manor Street between the hours of 23.00 and 07.00 shall not exceed 35dB.
 5. The LAF Maximum from the site shall not exceed 60dB between 23.00 and 07.00 when measured in free field conditions on land adjacent to any residential property.

REASON - To ensure acceptable levels of amenity for surrounding residents in

accordance with Policy 9 of the Oldham Local Plan.

12. Prior to the commencement of the use of the buildings, an assessment of air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out in accordance with a methodology which has been previously approved in writing by the Local Planning Authority and shall identify mitigation measures required to protect the surrounding land uses. The approved mitigation measures shall be implemented in full before first occupation and shall be retained at all times thereafter. REASON - To ensure acceptable levels of amenity for surrounding residents in accordance with Policy 9 of the Oldham Local Plan.

13. No development comprising the erection of any building or construction of any hardstanding hereby approved shall commence until details have been submitted to and approved in writing by the Local Planning Authority to confirm that, following the undertaking of a satisfactory risk assessment, it has been demonstrated that appropriate measures have been implemented to ensure any risk to controlled waters has been satisfactorily alleviated. REASON - In the interests of public health having regard to Policy 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)

