

APPLICATION REPORT - PA/341391/18

Planning Committee, 19 December, 2018

Registration Date: 08/03/2018
Ward: Royton South

Application Reference: PA/341391/18
Type of Application: Full Planning Permission

Proposal: Proposed mixed use B1, B2 and B8 building with car parking, yard area and landscaping.

Location: Lion Mill, Fitton Street, Royton, OL2 5JX

Case Officer: Tessa McKee

Applicant Daleford Ltd
Agent : Daleford Limited

THE SITE

The application relates to an industrial site associated with the 5 storey, Grade II listed, Lion Mill which fronts onto Fitton Street and Penryn Avenue. The mill remains in operation and the application indicates the current use of the mill is lightweight storage. The application site itself is within the service yard and curtilage of the mill. The mill forms part of a wider group of industrial buildings, with further industrial premises and associated yard located to the north, and a larger industrial unit adjoining the site to the west.

Nearby residential properties front onto Shaw Road to the north, with further residential areas to the east and south.

The service yard comprises an open hardstanding, with unmarked servicing and parking areas, and will originally have included the now infilled mill lodge. It is located to the west of the mill with access from Penryn Avenue, which also serves the adjacent residential estate. Some of those residential properties back onto the mill yard to the south. A red brick wall runs along the south-east boundary.

THE PROPOSAL

Planning permission is sought for the:

- Erection of a new building for industrial or storage and distribution purposes (Use Classes B1, B2 and B8) with associated offices;
- Provision of a service yard and car parking to serve Lion Mill and the proposed industrial building.
- Associated landscaping scheme.

The building is proposed to be located along the south-western boundary of the site, on part of the existing hardstanding yard and grass verge. It will be single storey, approximately 8.5m in height up to the eaves, with a parapet roof. All elevations of the building will have a brick finish with inset grey cladding and windows, and design features to reflect the vernacular style of the mill.

The proposed floorspace is 2,252 square metres. 18 full time equivalent employees are anticipated. The hours of operation are not specified on the application form, however, the supporting statement indicates the hours of operation are to be in line with the existing mill operating hours.

RELEVANT HISTORY OF THE SITE:

There have been various previous applications associated with employment uses and telecommunication developments on the Lion Mill site, though none of direct relevance to this application.

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 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 application site is shown within a Business Employment Area on the Proposals Map associated with this document.

Joint Development Plan Document

Policy 1 - Climate change and sustainable development;
Policy 9 - Local environment;
Policy 14 - Supporting Oldham's Economy
Policy 18 - Energy
Policy 19 – Water and Flooding
Policy 20 – Design;
Policy 21 – Protecting Natural Assets
Policy 24 – Historic Environment

CONSULTATIONS

Highway Engineer	No objection, subject to a condition regarding parking and access provision.
Environmental Health	No objection, subject to conditions to limit the hours of vehicle movements and the submission of a scheme for protecting the occupiers of the existing housing from noise before any use, and to require a landfill gas investigation.
Greater Manchester Ecology Unit	No objection. Recommend conditions regarding protection of nesting birds and a scheme for biodiversity mitigation and enhancement measures.
Greater Manchester Archaeological Advisory Services	No archaeological interests are affected by the proposals and therefore no archaeological mitigation is required.
Tree Officer	There is some tree loss which will require replacing and the remaining trees are close to the proposed building. So long as the Arboricultural Method Statement, Tree Protection Plan and landscaping scheme (including replacement planting) are adhered to, the development

Drainage	should be able to go ahead. Recommends a condition for a drainage design.
United Utilities Asset Protection	No objection. Recommend conditions regarding surface water drainage and wastewater provision.
Transport for Greater Manchester	The revised plan that relates to the car parking layout and service yard demonstrate HGV manoeuvres can be accommodated, alongside parking spaces.

REPRESENTATIONS

The proposed development has been advertised by means of a press notice, public notice erected on site and individual consultation letters sent to neighbouring properties.

6 letters of objection were initially received, with 2 additional letters following re-consultation after the submission of amended plans. The comments are summarised below:

- Loss of privacy, including the use of CCTV, due to the close proximity to residential properties and garden areas.
- The height, scale and proximity of the grey industrial type building is not in keeping with the area. It will be oppressive, overbearing, block sunlight, create overshadowing, cause a detriment to outlook, and a concern of fire safety.
- The increase in traffic to Fitton Street/ Penryn Avenue will have a negative impact on the surrounding residential area and the area in close proximity to this proposed new build.
- Noise and disturbance, generated by the new industrial/warehousing building being constructed in such close proximity to residential properties, parking, and exacerbation of existing issues, such as heavy goods vehicles regularly queuing, gates banging and clanging at unsociable times, litter, rubbish, use of space for toilet activity, and to burn pallets.
- Concerns with the current use of the open area, which has been neglected for over 7 years, with the grounds turned into a truck park with caravans and rubbish at times.
- The following questions regarding the proposal are raised:
 - Are there any landscaping or screening proposals?
 - What are the hours proposed for its use?
 - Is the new proposal in keeping with the existing Grade II listed Mill?
 - Could the building be smaller and set away from residential properties?
- Detriment to ecology and trees (loss of 15-20 mature trees) on site.
- Security lighting will be detrimental to amenity.
- Concern that the warehouse to be used to store waste materials.
- Waste management concerns.
- The development would make properties unsaleable.

PLANNING CONSIDERATIONS

The main issues to consider are:

- Principle of the proposed development;
- Design and heritage;
- Amenity;
- Highway Impact;
- Landscaping, Trees and Ecology; and
- Other matters.

Principle of the proposed development

The application site is located within a Business Employment Zone. DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings. DPD Policy 14 states that employment areas are to provide land for existing firms to expand and for new firms to locate, thus providing job opportunities.

The building is proposed on previously developed land. The existing site and business has a history of commercial activity and the proposed building and use would retain this function. The application is acceptable in principle as the development would support an existing local business and maintain an employment generating use on the site. It is therefore considered compliant with the aims and objectives of Policies 1 and 14.

Nevertheless, the impact on surrounding land uses, including the listed mill and nearby residential properties, must be taken into consideration and these matter are assessed below.

Design and Heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority in relation to listed buildings is to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. DPD Policy 24 (Historic Environment) together with Part 16 (Conserving and enhancing the historic environment) of the NPPF reflect this duty.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 are particularly relevant in this instance as the proposed development would be sited within the curtilage of the Grade II listed Lion Mill.

Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

NPPF Paragraph 189 requires the applicant to describe the significance of the heritage asset including any contribution made by its setting. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

DPD Policy 24 states that development within the curtilage or vicinity of a listed building or structure must serve to preserve or enhance its special interest and its setting.

The proposed industrial unit and alterations to the service yard are located within the curtilage of the listed Lion Mill building.

The existing yard is currently concreted and the mill's historic lodge has been infilled. It would appear therefore that this area of the site has always maintained an open character, and the construction of the new building will therefore change this character. By developing within the curtilage of the listed mill, the primacy of the mill will be partly diminished. In respect of the NPPF guidance the harm would be considered to be 'less than substantial'

In assessing the proposal it is noted the height is limited to 8.5m and the elevations facing the mill will be sympathetic to the mill building, set away from the dominant building and retain existing boundary trees which contribute to the setting. As noted above, the proposal will diminish the setting of the mill to an extent; however the overall prominence of the five storey mill building will be maintained.

NPPF Paragraph 196 advises that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The additional statement submitted in support of the application indicates the proposed industrial unit would provide 14 full time and 8 part time jobs. The car parking scheme would provide 106 designated car parking spaces for the use of the proposed industrial unit and Lion Mill, and will provide a surfaced service yard.

During the application process, the applicant was requested to further demonstrate the public benefits of the proposal. Additional documents entitled 'Site Operations Accommodating Proposed Unit' and 'Proposed Unit Financial Benefits to Lion Mill' were received on the 24 September 2018. These documents detail benefits of the proposal which are summarised below:

- *Rental income from the proposed unit will support the existing mill overheads to create one overall viable site.*
- *The sale of the current mill owner's existing unit in Worsley will create funds to build the proposed unit and create some funds to be used against long term capital expenditure.*
- *Create the basis for long term sustainability of the mill.*
- *New car parking will generate a better quality of car parking area for mill operatives and employees.*
- *Designated parking will mean land is not subject to storage of old used vehicles, storage containers and general waste, as is currently the case.*
- *Bicycle shelter to be provided.*
- *Toilet, shower and welfare facilities will be provided for employees.*
- *Existing loading bay and turning area will be made good and resurfaced.*
- *CCTV installation will take place to create a safer environment and avoid fly tipping.*
- *Additional and maintained lighting to benefit safety and welfare of staff.*
- *Full time maintenance/caretaker will be appointed.*
- *Hours of operation are to be in line with the mill operating hours.*
- *Existing mill operations will continue unaffected by the proposed unit.*
- *The proposed unit will not remove any existing facilities for the current mill operation.*
- *The additional facilities generated by the proposed unit will enhance existing mill operation/facilities and encourage future tenants.*

Whilst there is no mechanism to ensure direct enhancements to the listed building, in this case, the overall scheme should provide an opportunity to improve the operation on site and in turn benefit the long term viability of the site and Lion Mill's economic use. In conclusion, the application demonstrates that the 'less than substantial harm' is outweighed by the benefits of the proposal and considered to comply with 'statutory duty' of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF.

Amenity

DPD Policy 9 requires that development does not adversely affect the environment or human health caused by air quality, odour, noise, vibration or light pollution, or cause significant harm to the amenity of existing and future occupants through impacts on privacy,

safety, security, noise, pollution, visual appearance of an area, access to daylight, and other nuisances.

The proposal will increase the capacity and improve the function of the existing employment site in line with adopted planning policies.

During the consideration of the application the building has been re-sited to ensure increased separation from the nearest houses.

The closest residential properties are those on Penryn Avenue and at 2 Penthorpe Drive. The industrial building would be set 45m away from the garden boundary and 58m away from the rear elevation of 2 Penthorpe Drive. It would also be set 55m away from the garden boundary and 63m from the main rear elevation of 65 to 71 Penryn Avenue. The existing landscape buffer at the boundary of the site is to be retained.

The Environmental Health team has recommended conditions, including a limit on vehicular movement and a scheme to protect existing residents from noise.

Given the separation distances, retention of the landscape buffer (which is to be enhanced) and conditions to protect residents from noise, the impact is considered acceptable. It is noted within the objection letters that there are requests for a boundary fence in order to mitigate noise and this is something that could be considered through the condition discharge process as part of the required measures to restrict any noise impact.

It is noted the scheme does not include details of external lighting and security measures; however these are referred to in supporting information. A condition is recommended to allow the assessment of lighting and security details, through the means of a condition discharge process.

Taking into consideration the established use of the site, the benefits of providing additional employment accommodation, the revisions to the site layout, and the measures to be required by condition, it is considered that the development would not result in an unacceptable impact on the neighbouring properties or wide area in accordance with the objectives of DPD Policy 9.

Highway Impact

The Council's Highway Engineer and Transport for Greater Manchester (TfGM) have assessed the scheme in terms of the potential impact on the local highway network and highway safety. TfGM is satisfied with the scheme submitted. The Highway Engineer is also satisfied that the proposed development will not have a significant effect on the local highway network. Recommended conditions are to ensure that the turning area and parking spaces outlined in the submission are maintained at all times within the site.

The proposed service yard and parking are both required to be available for the existing Lion Mill building and the proposed industrial unit. A condition to that effect is also recommended.

Landscaping, Trees and Ecology

The revised layout, Arboricultural Method Statement and Tree Protection Plan ensures the retention of the existing landscape buffer and most of the boundary trees to the south-east of the site.

The proposal will nevertheless result in loss of 13 trees to the rear of the proposed building. The Arboricultural Method Statement refers to new boundary landscaping within the 5.5 –

6.5 metre wide strip of ground along the south-western boundary at the rear of the new building and a high quality tree, shrub and hedge planting scheme will be provided.

Retention of the existing trees in the south-eastern half of the site will safeguard the boundary screening with the adjacent residential properties. Subject to appropriate re-planting, landscaping and aftercare the Trees Officer does not object to the tree loss. Landscaping conditions are recommended to require appropriate re-planting of trees (ratio of 2 for 1), shrub and hedge planting.

The Tree Protection Plan details that retained trees are recommended to be protected from unnecessary damage during the construction process and suitable tree protection measures are proposed.

Greater Manchester Ecology Unit advised that the submitted Ecology Appraisal has been carried out an appropriate level of survey and the appraisal found the site to be of generally low ecological value. The Appraisal identified two trees that have some potential to support bats; however, these trees are to be retained. The proposal involves the loss of some trees and scrub and these may be used by nesting birds.

The general layout is acceptable in terms of ecology and trees, subject to a landscaping scheme to be recommended to ensure necessary re-planting and ecological mitigation.

Other matters

Ground conditions

The proposed building is to be partly sited on the infilled reservoir of Lion Mill. A Phase 1 Desk Study has been submitted and the Council's Environmental Health Officer has recommended conditions requiring contaminated land and landfill gas investigations before any development of the proposed building takes place. These are recommended accordingly.

Drainage

DPD Policy 19 seeks to direct development away from areas at risk of flooding and encourages the use of sustainable drainage systems (SUDS) in new development. Criterion (b) of the policy states that developments must 'minimise the impact of development on surface water run-off. The allowable discharge rates must be agreed with the council for all developments, which must where possible be achieved through the implementation of SUDS'. The NPPF identifies that development should ensure that developments do not increase flood risk elsewhere.

In this respect, it is considered expedient to attach conditions requiring the submission of an appropriate drainage strategy to ensure that the post-development surface water discharge complies with DPD Policy 19 and the NPPF.

Energy

DPD Policy 18 requires all developments over 1000sqm to reduce energy emissions in line with the targets based on reductions over and above Part L of the Building Regulations 2010 or 2013. The submitted Energy Statement states that the project will follow the principles of the 'zero carbon hierarchy'; however details of how this will be achieved in accordance of the Policy 18 are required to be provided. A condition is therefore recommended for a detailed scheme to be submitted.

Conclusion

The proposed development will assist in the creation of additional employment opportunities in the borough on a site allocated for such purposes, and will provide potential for cross-subsidy of the adjacent heritage asset of the listed mill. The scheme has been designed to have due regard to its setting and not to undermine the primary of the mill building. Impacts associated with traffic and parking, drainage, ecology, and protection of amenity of nearby residents have all been taken into consideration, and it is considered that subject to the proposed conditions, the proposed development complies with Policies in the Oldham LDF Joint Core Strategy and Development Management Policies DPD and the NPPF.

RECOMMENDATION

Approve, 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:
 - Dwg.002 R15 - Proposed New Unit Plan relocated OPTION ONE (received 7 December 2018);
 - Dwg.004 - REV 9 - Proposed Unit Elevations (received 7 December 2018).

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 the building hereby approved shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations 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, because the site is located within 250m of a former landfill site.

4. No development comprising the construction of the building hereby approved shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations 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 and the environment.

5. Prior to the commencement of any above ground construction works of the building hereby approved a scheme for surface water drainage, which shall follow the principles of sustainable drainage as far as practicable and restrict the rate of discharge to the lowest possible rate, shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before the building is brought into use and retained thereafter.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

6. Prior to the commencement of any above ground construction works of the building hereby approved, a specification and colour scheme for all external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until it is coloured in accordance with the approved scheme.

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.

7. No removal of or works to any trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - In the interest of Ecology.

8. Prior to the commencement of any above ground construction works of the building hereby approved a scheme for the Biodiversity Mitigation and Enhancement Measures, as set out in section 4.2 of the Preliminary Ecological Appraisal dated 16th October 2018 ref: UES02538/01 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be retained thereafter.

Reason - In the interest of ecology.

9. The development hereby approved shall not be brought into use unless and until the car parking spaces and manoeuvring areas have been provided in accordance with the approved plan received on 1st October 2018 (Ref: Dwg No.002 R15) and details of construction, levels and drainage which have previously been approved in writing by the Local Planning Authority. Thereafter the access, car-parking and manoeuvring areas shall continually remain available for users of both the building hereby approved and Lion Mill, and shall not cease to be available for use by the occupiers of either building, or used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking and waiting facilities are provided for the development so that parking does not take place on the highway to the detriment of highway safety and to ensure the on-going viable operation of the listed Mill.

10. 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 to 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

11. Prior to the commencement of any above ground construction works of the building hereby approved, a detailed energy statement shall be 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 Policy 18 of the Oldham Local Development Framework Joint Core Strategy and Development Management Policies DPD.

The development shall be carried out in accordance with the approved scheme and retained as operational at all times thereafter.

Reason – In the interests of sustainability and energy efficiency.

12. No vehicle movements to and from and/or within the site shall take place outside the hours of 7:30 a.m. and 6:00 p.m. Monday to Friday, 8:30 a.m. to 12:30 p.m. on Saturday and at no times on Sunday or Bank Holidays and Public Holidays.

Reason - To protect the amenities of occupiers of nearby premises.

13. The development hereby approved shall not be brought into use unless and until a detailed scheme for all external lighting to be installed has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the position and height of lighting on the building or site and its luminance, angle of installation and any shields to be fixed to the lights. Only lighting as approved shall be installed on the site, and the works shall be completed before the building is first brought into operation.

Reason - To protect the amenities of occupiers of nearby residential properties from lighting spill and luminance.

14. Prior to the commencement of any above ground construction works of the building hereby approved, a scheme for protecting the occupiers of existing housing in the vicinity of the site from noise from the development shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the building is first occupied and retained thereafter.

Reason - To ensure the protection of the occupiers of nearby residential dwellings.

15. The development hereby approved shall not be brought into use unless and until a scheme for security measures to be implemented has been submitted to and approved in writing by the Local Planning Authority. The works or arrangements forming the approved scheme shall be completed entirely in accordance with the approved scheme and thereafter the works forming the approved scheme shall at all times remain in place.

Reason - In the interests of security.

16. No above ground works shall commence unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

The hard landscape details shall include proposed finished levels or contours; means of enclosure and hard surfacing materials.

The soft landscaping works shall include planting plans with replacement tree planting at a ratio of 2:1; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme and aftercare commitments (including watering, mulching, tree tie replacing, replacing of dead or damaged plants).

All approved hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme approved in writing by 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.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the amenity, character of the site and its surroundings and ecology.

17. No development to the service yard and landscape buffer shall commence unless and until a detailed method statement (ensuring compliance with BS 5837: Trees in relation to construction) for arboricultural work on the site has first been submitted to and approved in writing by the Local Planning Authority. The statement should indicate the location of building materials storage area, erection of protective fencing, a services strategy to minimise trenches and combine service runs and therefore minimise potential impact on trees through root severance and a detailed plan showing the type of protection measures to be used throughout the development. Thereafter, the proposed development must be constructed fully in accordance with the details of the approved method statement and all tree related conditions and the approved scheme shall remain as operational at all times thereafter.

Reason - To avoid damage to trees within the development site.

Case Officer
Date
Planning Officer
Date

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Partnering Officer _____
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