

# APPLICATION REPORT - PA/342341/18

Planning Committee, 13 March, 2019

**Registration Date:** 16/10/2018  
**Ward:** Shaw

**Application Reference:** PA/342341/18  
**Type of Application:** Full Planning Permission

**Proposal:** Demolition of existing building and construction of 17 no. industrial units

**Location:** Linney Lane, Shaw, OL2 8HD

**Case Officer:** Graeme Moore

**Applicant Agent :** Safe and Sound (M/CR) Ltd  
Mr McGilray

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## THE SITE

The site is located at the junction of Linney Lane and Rutland Way, Shaw. Currently the site is occupied by a large, brick built industrial unit that was previously occupied by W Shuttleworth & Son, but who have now ceased trading and the building is currently empty.

The site itself is relatively flat with a small change in level at the exit to Rutland Way. The surrounding area is predominately industrial in nature, although residential dwellings are located approximately 100m away to the west (over the Metrolink line) and east along Linney Lane.

## THE PROPOSAL

A full planning application has been submitted for the demolition of the existing buildings on the site and the construction of 17 small industrial units. The units are all the same size with 74 sq m at ground floor and 26 sq m at first floor and are arranged in four blocks.

- Block A-E measures 32m x 13m x 6.6m (4.5m to the eaves);
- Block F-K measures 32m x 13m x 6.6m (4.5m to the eaves);
- Block R-S measures 13m x 13m x 6.6m (4.5m to the eaves);
- Block L-Q measures 32m x 13m x 6.6m (4.5m to the eaves).

In addition, the proposal will provide 26 car parking spaces. Access to the site will be via a modified existing access on Linney Lane, with egress provided on Rutland Way. This will be enforced through a sliding access gate and one way 'dog tooth' elevated road plates.

## PLANNING HISTORY

None relevant to the determination of the proposal

## ALLOCATION AND PLANNING GUIDANCE / POLICY

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).

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 allocated as a Business Employment Area by the Proposals Map associated with this document.

The following policies of the 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

### National planning guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## **PUBLICITY AND REPRESENTATIONS**

The application has been publicised on the Council's web-site, by press advertisement and by site notice. No representations have been received.

## **CONSULTATIONS**

Highways Officer - No objections, subject to conditions in relation to car parking, access and egress and cycle storage.

Transport for Greater Manchester - Request a condition in relation to site sections and protection of the Metrolink route

Drainage - No objections, subject to a condition in relation to the submission of a drainage plan.

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

Environment Agency - Awaiting response

## **DETERMINING ISSUES**

1. Principle of the development
2. Design
3. Environmental impact
  - Flood risk and drainage
  - Land and groundwater conditions
4. Highways

## **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 includes a

currently vacant building, which is proposed to be demolished, in an existing site and therefore provides for the efficient use of land. 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 a Business Employment Area, DPD Policies 13 and 14, support proposals for development for employment generating uses within this existing industrial area.

## **Design**

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

The site will be laid out so that the blocks are split into four, with three of the blocks on a north / south axis and the smallest unit (Block R-S) on an east / west axis and terminating the view through the site from the south. Blocks A-K lie on the western boundary alongside the existing Metrolink route to Rochdale, whilst block L-Q lies on the boundary with Rutland Way. Vehicles will enter via Linney Lane in a one way system and exit via Rutland Way. Given the industrial nature of the area it is considered that the overall site layout is acceptable.

The proposed design reflects the character and appearance of adjacent and surrounding buildings. It will be set back from Linney Lane, and viewed within the context of similar uses and 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.

The proposed location, scale, massing and design of 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.

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. 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.

## **Environmental impact**

### Flood risk and drainage

The site is within Flood Zone 2 within the Environment Agency's Indicative Flood Maps. Section 10 of the NPPF Planning Practice Guidance, and DPD Policy 19 are relevant.

Given the scale of the application, and its siting within Flood Zone 2, a sequential test is required. Having consulted the technical guidance and table 3 of the NPPF, it is considered that the proposal is classed as 'less vulnerable' and using the table is an acceptable use in Flood Zone 2. There is therefore no requirement to carry out an exceptions test. The council's own drainage team have been consulted and have stated that subject to the submission of a drainage plan, there are no concerns with the application in principle.

Therefore, 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

Policy 9 of the DPD is 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, having reviewed the application and its site history, have requested conditions in relation to landfill gas and contaminated land. Given the previous industrial use and the possibility of land contamination to have occurred over the years, the conditions are considered a reasonable request. It is considered the conditions as outlined should be imposed on any permission.

## **Highways**

Guidance within Section 9 of the NPPF is relevant, together with DPD policies 5, 9, 13 and 20.

Access to the site will be via an existing access. It accommodates the necessary visibility splays and adequate space for manoeuvring vehicles within the site is achievable.

It is considered that the impact on the wider highway network will be negligible due to the low numbers of vehicle movements that are anticipated. The improved facility will, in a similar way to the existing site, not result in significant vehicle movements on and off site.

The application has been assessed by the Highways Officer who has stated that subject to the imposition of a condition in relation to provision of car parking, turning area and the access and egress arrangements, there is no objection to the proposal.

Consultation has also taken place with Transport for Greater Manchester stating that they have no objections to the proposal, subject to a condition in relation to site section drawings being provided to ensure that there is no land slippage onto the Metrolink network.

Therefore, taking account of the scale and nature of the development, the technical advice given by the Council's Highways 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 the relevant DPD policies.

## **Conclusion**

The proposal has been fully assessed against national and local planning policy guidance. On balance, 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. 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, accords with the aforementioned policy guidance.

For the reasons set out in this report the proposal is considered to be acceptable when assessed against national and local planning policy and conditional approval of planning permission is therefore recommended, subject to the conditions outlined below.

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 11/02/2019, which are referenced as follows 2690 01 01, 2690 01 02 Rev A, 2690 01 03, 2690 01 04, 2690 01 05 Rev A, 2690 01 06.

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 shall take place, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period.

Reason - To ensure safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system.

4. The development hereby approved shall not be brought into use unless and until the access, car parking spaces and turning area have been provided in accordance with the approved plan received on 11th February 2019 (Ref: Dwg No. 2690 01 05 Rev A). 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 any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that satisfactory access/egress and 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.

5. The development hereby approved shall not be brought into use unless and until the access with Linney Lane has been marked 'in' and the access with Rutland Way marked 'out' with signs clearly visible to users of the accesses when entering and leaving the application site. Furthermore, the proposed development shall not be brought into use unless and until one way flaps have been installed at the access from Linney Lane which allow one way travel out of the site in the direction of Rutland Way.

Reason - To facilitate the safe manoeuvring of vehicles into and out of the site.

6. 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 by the Local Planning Authority.

Reason - In the interests of highway safety.

7. No development, other than the demolition of the existing building, shall commence 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.

8. No development, other than the demolition of the existing building, 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.

9. No development, other than the demolition of the existing building, shall commence until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason - To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment



