

**APPLICATION REPORT – FUL/347589/21
Planning Committee 16th February 2022**

Registration Date: 16th February 2022
Ward: Chadderton Central

Application Reference: FUL/347589/21
Type of Application: Full Application

Proposal: Erection of commercial units within Use Classes B2, B8 and E(g)(iii) with associated parking, landscaping and infrastructure.

Location: Plot 3000, Lydia Becker Way, Oldham

Case Officer: Stephen Gill
Applicant: Chancerygate Ltd
Agent: Mr Niall Mellan

INTRODUCTION

The application is referred to Planning Committee for determination since it is a Major (commercial) planning application given the floorspace exceeds 1,000m².

RECOMMENDATION

It is recommended that the application should be approved subject to the conditions as set out in this report and that the Head of Planning shall be authorised to issue the decision

THE SITE

The application proposes development of land that forms part of the Foxdenton Strategic site. It measures approximately 2.77ha in area and consists of open land which is predominantly level following extensive enabling works with embankments to all sides. The site sits within Parcel C1 and is named Plot 3000 which is to the north west of the wider Foxdenton development scheme. The site will be accessed from the newly completed spine road – Lydia Becker Way.

The nearest residential properties to the site are the newly constructed houses situated to the south of the site on the other side of Lydia Becker Way, which also form part of the wider consented development.

A public footpath is located to the north of the site and there is a wooded area to the west and a recreational footpath separating the site from residential development beyond.

THE PROPOSAL

The application seeks full planning permission for a commercial and industrial development at Foxdenton Phase C1 (Plot 3000) involving the erection of eight commercial units of varying size accommodating uses falling within Classes B2 (General Industrial), B8 (Storage and Distribution) and E(g)iii (Industrial Processes). The total amount of floorspace proposed is 9,589m².

Three units (referenced as Units 2, 3 and 4) are located to the northern (rear) boundary of the site and four units (referenced as Units 5, 6, 7 and 8) are located fronting Lydia Becker Way. Unit 1, the largest of the units proposed, is proposed to the west of the access into the site and includes a dedicated turning area for HGVs. All of the units have dedicated car parking provision.

Hard landscaping is proposed within the site and soft landscaping is proposed on the perimeter and on the northern section of the site, along with the formation of attenuation ponds.

S106 Requirements

The original Section 106 agreement associated with the Foxdenton Strategic Site agreed alongside the original planning permission (PA/344355/13) secured a number of financial contributions to help facilitate the development by mitigating its impacts. The development in this case sits within the site identified as Phase C1 in PA/344355/13 and contributions previously agreed in relation to this phase amounted to £450,000 towards Sustainable Transportation. This has previously been paid in full by the developer.

Given that the development does not propose a different use to those uses previously granted for the site, and is not materially larger than what was agreed by the original planning permission, there is no requirement for further financial contributions to be secured. In effect, any additional financial contribution would amount to duplication, given the fact that the financial contribution has already been paid in full a separate Section 106 agreement.

RELEVANT PLANNING HISTORY:

PA/334355/13: A hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park – **Granted 23 October 2014**

PA/337091/15: Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of

permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold') - **Granted 28 September 2021.**

RES/346194/21 Reserved matters application proposing details of the appearance, layout, scale and landscaping for B2, B8 and B1c development. – **Granted 13th April 2020**

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is designated in the Local Plan as being in a Business Employment Area (BEA).

The following policies are relevant to the determination of this application:

Policy 1 - Climate Change and Sustainable Development;
Policy 2 – Communities;
Policy 5 - Promoting Accessibility and Sustainable Transport;
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 Environmental Assets; and,
Saved UDP Policy D1.5 – Protection of Trees on Development Sites

CONSULTATIONS

Highways Engineer - No objections
Transport for Greater Manchester – No objection
Environmental Health – No objection
Greater Manchester Archaeology Advisory Service – No objection
Greater Manchester Ecology Advisory Service – No objection

Arboricultural Officer – No objection
Lead Local Flood Authority – No response
United Utilities – No objection

REPRESENTATIONS

The application has been publicised by means of neighbour notification letters, site notice and press notice, in accordance with the Development Management Procedure Order and the Council's own Statement of Community Involvement. However, no representations have been received in response.

PLANNING CONSIDERATIONS

Principle of development

The site is located within the Foxdenton Business Employment Area as set out in Policies 13 & 14 of the Local Plan. Policy 14 states that development proposals for B1, B2 and B8 uses are acceptable in this location, together with up to 25% of residential development. As indicated, the proposal includes provision for B2, B8 and Class E(g)iii (industrial processes which can be carried out in a residential area without detriment to its amenity) (formerly B1(a)), which is considered entirely acceptable considering the site's designation. In addition, the site subject of the application was granted outline planning permission as part of the wider Foxdenton strategic site under planning reference PA/334355/13 for B1, B2 and B8 uses, and followed by a reserved matters application (RES/346194/21).

Therefore, based on the above, the principle of development is acceptable.

Design, Scale and Layout

In respect of the proposed site layout, it has been subdivided to accommodate 8no. separate units which vary in size with associated parking and servicing. Each building is arranged to include an assigned area of open car parking. Each service yard is assigned a refuse and recycling area.

The site layout is considered acceptable. Units 5-8 will front on to Lydia Becker Way and will address the frontage of the site and the main street scene without having an overwhelming effect. Unit 1 is the largest and is set back within the site to account for the large turning area and parking provision associated with that unit. No objections are raised to its position. Units 2-4 sit to the rear of units 5-8 at an angle to not only create enough space between the units for servicing and parking requirements but also to add interest to the overall layout.

Overall, the layout offers a staggered approach to 8 modestly sized industrial / commercial units, which will be compatible with the street scene, and in addition provides sufficient car parking and servicing requirements. As such, the proposals comply with the objectives of Policy 20.

Considering appearance, all the buildings proposed on the site will be co-ordinated in terms of materials, to include the same cladding finishes and colours, such that the units read together as one cohesive development. The main facing material comprises a mixture of gull grey and merlin grey cladding and the roof will be a goosewing grey adding interest to the large units. The windows will be large format, with a curtain wall system, which will add light, openings and further interest to the buildings. Silvers and grey neutral colours are predominant colours for these types of industrial buildings, and no objections are raised to the proposed appearance.

A large commercial building has also been granted (Plot 1000) under reserved matters application RES/346292/21 in close proximity to the east of this site. Therefore, it is appropriate to consider whether the schemes complement each other, given they both form part of the overall commercial development at Foxdenton. The Plot 1000 proposal is mainly profiled cladding with composite panels to the offices. This development uses a very similar colour palette, being mainly greys and silvers. Plot 1000 proposes 'Sirius' and 'Orion', which are shades of 'mid' grey in a metallic finish. This development uses merlin grey cladding and goosewing grey for the roof, and whilst the plots use slightly different shades of grey, they are in essence similar which is considered acceptable.

In terms of scale the buildings vary in massing and height across the site to reflect the applicants' commercial needs. Unit 1 has an overall ridge height of 13.1m, units 2-4 will be 11.2m in height, and units 5-8, have an overall ridge height of 11.7m. The total massing (Gross External Area) across the site from the units proposed is 10,046m².

This is a standalone planning application, however, when considering the scale and massing, the overall planning permission for the site PA/344355/13 should be acknowledged in this case. The approved Parameters Plan (Ref: 05060_MP_02_002) illustrated buildings in this location with heights of up to 16m. Furthermore, condition 5 of the planning permission also granted a combined total of 66,460m² of commercial floor space in B1(a), B2 & B8 use classes across the site. This is a material consideration in the assessment of this application.

Having regard to the commercial floor space as a guide, this scheme with a total floor space of 10,046m², and the scheme approved for phase C1A (Plot 1000) under reserved matters approval RES/346292/21 for 34,080m² gives a total floor space of 44,126m² across the overall site. This is below the figure approved previously. As such, the proposals sit within the massing and height principles previously agreed for the site, and this material planning consideration in favour of the proposals must be given significant weight.

The proposal includes a range of hard boundary treatments, and these include a 2.4m paladin style fencing in black, which will surround the boundary of the site and the proposed units. A 1.1m high timber post and rail fence is proposed around units 2-4 and electronic sliding gates are proposed to the entrance of units 1 and 5. In addition, 2.4m high personnel gates are proposed throughout the site for security. These are the types of hard boundary treatments that are expected for this type of industrial development and will provide the necessary security and safety.

Based on the above, the development is considered to comply with Policies 5, 9 & 20 and NPPF Section 12 given that the design, scale and layout does not have an adverse effect on the overall local character.

Residential Amenity

The nearest residential properties to the site are the newly constructed houses situated to the south of the site on the other side of Lydia Becker Way (Phase R2), constructed by Redrow. They are located approximately 40m away at the closest point to the proposed development.

A Noise Assessment has been submitted with the application which concludes that the predicted noise levels from HGV's to sensitive receptors (such as residential occupiers) is lower than the existing ambient noise levels (which mainly consists of vehicle movements) and meets the criteria for good living and resting conditions for dwellings. In respect of fixed plant noise, the Noise Assessment recommends they should either be housed within the units or situated facing away from residential properties, and the details on specific limits and siting can be agreed through planning condition. Overall, the development is not considered to have an adverse impact on amenity as a result of noise.

The applicant has also submitted an Air Quality Assessment (AQA) which concludes that the development will not have a significant adverse impact on the immediate area. The AQA recommends a series of mitigation measures to minimise dust during the construction phase of development. A Construction Environment Management Plan (CEMP) has been submitted setting out how the development will be managed by the contractor which has been reviewed by Environmental Health and found to be acceptable.

Therefore, based on the above, the development will not have an adverse impact on residential amenity subject to conditions and the development is considered to comply with Policy 9.

Highways

The development proposes 138 parking spaces, 10 disabled parking spaces, and 50 cycle spaces. The Highways Engineer has reviewed the application and has no objections to the level of parking provision proposed and circulation space within the service yards for large vehicles such as HGV's. Furthermore, the site sits in a sustainable location with strong links to public transport, a wide range of local amenities and opportunities for walking and cycling. On this basis, the Highways Engineer does not envisage any additional significant increase in traffic generation to the detriment of highway safety and therefore, the development is considered to comply with Policy 5.

A condition will be required for construction, levels and drainage to ensure water does not discharge onto the highway.

The application involves the diversion of a Public Right of Way ("PROW") path no.43 to accommodate the development. It is proposed to divert the PROW route along the western boundary, where it will then reconnect to the existing route to the north of the site. Not only is the PROW diversion required to accommodate the development, but this is also required to protect users of the path from walking through a site that will be operating a heavy industrial

type use (B2/B8 uses). A diversion will still allow users to reconnect with the existing path at the other side of site but enables users to do so safely. The PROW Officer has not raised any objections to the proposals given the need to divert to ensure the safety of the general public.

Ecology & Arboriculture

The applicant has submitted a soft landscaping scheme with the application. Soft landscaping works are proposed around the north, east, south and western boundaries of the site, with some also situated within the site. The boundary treatments include a mixture of trees, shrubs, native hedge mix, native shrub mix, large tree mix and wildflower seeds. The Arboriculture Officer has reviewed the proposals and the planting schedule and has no objections to the proposal subject to condition, which ensures the management and maintenance of the soft landscaping proposed.

Greater Manchester Ecology Unit (GMEU) have been consulted and have confirmed they have no objection to the updated Ecological Assessment. No evidence of badgers or nesting birds were found. However, GMEU have identified that Himalayan Balsam is evident along the western part of the site boundary and a method statement and eradication strategy will be required. GMEU are satisfied with the proposed layout, and the planting along the northern boundary as well as two SUDs features, with planting around other boundaries also shown. GMEU have recommended conditions to ensure no work will take place during bird breeding season, and a condition to control the Himalayan Balsam on the western boundary. These conditions are attached to the recommendation.

Therefore, the development is considered to comply with retained 'saved' UDP Policy D1.5 and Policy 21

Drainage

Policy 19 states that the council will ensure development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding, and protecting and improving existing flood defences, water resources and quality, and that development proposals must carry out and pass the Sequential Test and, where necessary, the Exception Test, and be accompanied by a site-specific flood risk assessment.

According to the Environment Agency Flood Maps, the whole site is in Flood Zone 1 (the lowest risk of flooding). The proposal would be considered in the 'less vulnerable' use within flood risk vulnerability classification. United Utilities (UU) have reviewed the submitted Flood Risk Assessment and have confirmed that the drainage proposals are acceptable in principle. The applicants have confirmed how the proposed drainage strategy will link into the original drainage strategy agreed for the overall Foxdenton development, and no objections are raised to this. A condition will be applied to ensure that the drainage strategy is implemented as proposed in this application. On that basis the development complies with Policy 19.

Ground Conditions

National guidance within paragraphs 178 and 179 of the NPPF and Local Plan Policies 7, 8 and 9 are relevant, which seek to ensure that a site is suitable for its new use taking account of

ground conditions, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The Environmental Health team has reviewed the submitted Geo-environmental Site Assessment and Gas Addendum Report submitted and have advised that there are no objections to the proposal. Environmental Health have recommended a condition in relation to remediation, and this will be attached to the decision notice.

Therefore, subject to conditions, the development complies with Policies 7, 8 & 9 and the associated requirements of the National Planning Policy Framework.

Conclusion

It is considered that the proposed development is acceptable and would readily integrate within the context of the wider Foxdenton Strategic Site. The amenity of occupiers of neighbouring properties would not be impacted to unacceptable levels as a result of the development and highway and pedestrian safety will be maintained. Having regard to all planning and material considerations the proposal meets the criteria in the National Planning Policy Framework (Sections 5, 9 and 12), Local Plan policies 1, 3, 5, 9, 15, 20 & 21, and saved UDP Policy D1.5.

RECOMMENDED CONDITIONS

Grant planning permission 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 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 shall commence unless and until a remediation strategy 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 in accordance with Local Plan Policy 9.
4. Prior to the commencement of development, a scheme for protecting the nearby properties from noise and vibration from construction works shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented throughout the construction period of the development. REASON - To

protect the occupiers of nearby premises from unnecessary disturbance from noise and vibration in accordance with Local Plan Policy 9

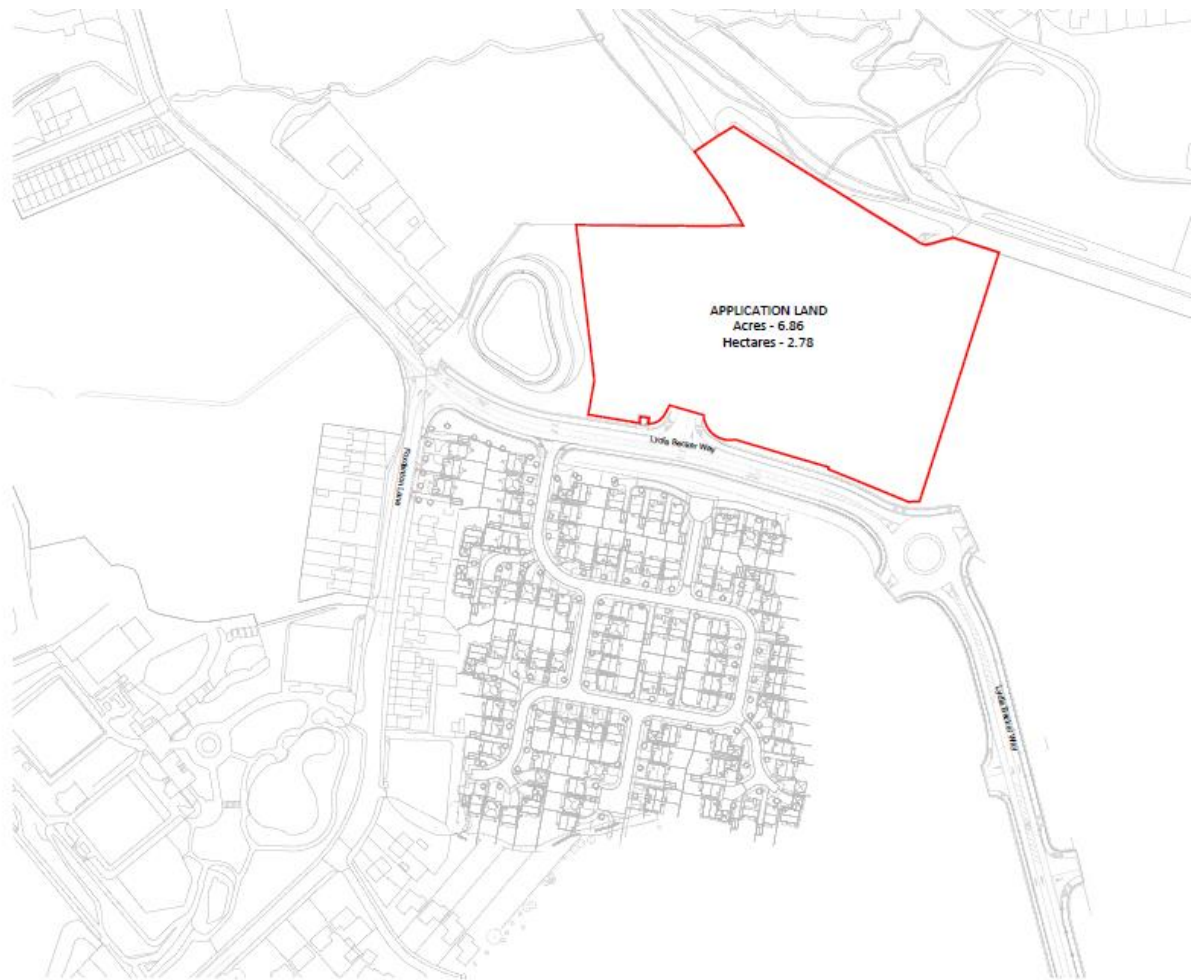
5. The development hereby approved shall not be brought into use until the access to the site, car parking spaces and service areas have been provided in accordance with the approved plan Ref:21095 P003 Rev E and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces, servicing 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.
6. No construction vehicle shall enter or leave the site, and no working shall take place on the site, on Sundays or Bank and Public Holidays at all or on Monday to Friday inclusive except between the hours of 07:30 to 18:00 or on Saturdays except between the hours of 09:00 to 13:00. REASON - to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise in accordance with Local Plan Policy 9.
7. No crushing of stone, concrete or hardcore shall take place on the site at any time. REASON – To protect the amenity of the surrounding residents in accordance with Local Plan Policy 9.
8. The use of the buildings 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. All hard and soft landscape works shall be carried out in accordance with the approved plans (Ref: 6697 Rev C, 6697.01 Rev C, 6697.02 Rev C, and 6697.03 Rev C) 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 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.
10. The development hereby approved shall be carried out in accordance with the following drainage details:

- *Proposed Drainage Plan*, reference 21-023-CHA D01 P1, Dated 03.01.22; and
- *Culvert Diversion Overview* reference FDH-BWB-HDG-05-DR-D-0525 S4 Rev B1.

REASON - To ensure that a satisfactory system of drainage is installed having regard to Policies 9 and 19 of the Oldham Local Plan.

11. The development hereby approved shall be carried out in accordance with the mitigation measures set out in Section 6.0 of the submitted Air Quality Assessment September 2021 ref: 452498.0000.0000 REASON - To protect the amenity of surrounding residents in accordance with Policy 9 of the Oldham Local Plan.
12. The development hereby approved shall be carried out in accordance with the Energy and Sustainability Statement Version 2 undertaken by Cudd Bentley Consulting dated 06/09/2021 Version 2. REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.
13. The development hereby approved shall be carried out in accordance with the External Lighting Assessment undertaken by Cudd Bentley Consulting dated 18/08/2021 Revision T01. REASON - To protect the amenity of surrounding residents in accordance with Policy 9 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):



Location Plan
Scale 1:1250