

**APPLICATION REPORT – FUL/346977/21
Planning Committee 6th April 2022**

Registration Date: 28th May 2021
Ward: Chadderton Central

Application Reference: FUL/346977/21
Type of Application: Full Application

Proposal: Proposed 1040 sq.m general industrial unit to include use class B2 and B8 with associated service yard, parking and new site entrance.

Location: Plot 21, Grimshaw Lane, Chadderton, Oldham

Case Officer: Stephen Gill
Applicant: Wantage Development (NW) Ltd
Agent: Mr John Albutt

INTRODUCTION

The application is referred to Planning Committee for determination since it is a Major development proposing more than 1,000m² of commercial floorspace.

RECOMMENDATION

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

THE SITE

The site is located adjacent to the junction of Broadgate and Grimshaw Lane, close to Middleton junction station. The site is triangular, and is bounded by Broadgate to the west, Grimshaw Lane to the north, and the Rochdale Canal (which is Special Area of Conservation (“SAC”), a Site of Special Scientific Interest (“SSSI”), and a site of Special Biological Importance (“SBI”)). There is a small pumping station building in the north east corner of the site that serves the Grimshaw Lane canal lift bridge. There is also a high voltage pylon located almost central within the site, together with an adjacent electricity equipment housing.

THE PROPOSAL

The application proposes the erection of a general industrial unit on the site for Use Classes B2 and B8 with an associated service yard, parking provision and a new site entrance.

RELEVANT PLANNING HISTORY:

PA/335613/14 - Outline application for hotel (Use Class C1) and restaurant/cafe premises (Use Class A3). All matters reserved – Application disposed of 15/04/2019

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 objection
Transport for Greater Manchester – No objection
Environmental Health – No objection
Greater Manchester Ecology Advisory Service – No objection
Natural England – 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 Statement of Community Involvement. However, no representations have been received in response.

PLANNING CONSIDERATIONS

Principle of development

The site is located within the Business Employment Area 3 (Chadderton / Broadgate) (BEA 3) as set out in Policies 13 & 14 of the Local Plan. Policy 14 states that development proposals for B2 & B8 uses are acceptable in Business Employment Areas and therefore the principle of development is considered acceptable.

Layout, Appearance and Scale

The site lies directly adjacent to the Rochdale Canal, which is a SAC, a SSSI and SBI as noted above. Both the Greater Manchester Ecology Unit ("GMEU") and Natural England ("NE") have been consulted on the layout and no objections are raised. Their conclusions are discussed in detail below under the Ecology section of the report.

Generally, in terms of the layout and position of the proposed building, and its relationship to the canal, no objections are raised. The proposed building would be sited in the north west corner of the site, with a concrete service yard to the east, serving two access doors. Visitor and disabled parking spaces are provided adjacent to the main entrance. The service yard is sized to provide a 25m turning circle for HGVs. The eastern boundary adjacent to the canal will incorporate a minimum 3m planting strip, which will clearly separate the development from the canal, whilst also leaving an appropriate buffer.

The Canal and Rivers Trust have also responded to the proposed layout and stated that the site contains an existing control pedestal and control box (on the northern boundary for boaters to operate the Lifting Bridge). The applicant has amended the site plan to clearly show an accessible area designated to the control pedestal. The Canal and Rivers Trust have confirmed that they have no objections to the layout.

The proposed development is also near an electricity pylon which is south of the development and central to the site. National Grid have been in discussions with the developer to assess the potential implications. They state in their response that they need access to the pylon at all times and advise that any conductive material within 30m of a tower should be adequately earthed. National Grid also raised concerns initially regarding the proximity of the access gate to the pylon which could restrict access around the tower for maintenance activities. The developer amended the position of the gates to ensure an adequate distance to the pylon and the highway. As a result, National Grid have confirmed that they have no objections to scheme.

In terms of levels, referring to section A-A (Plan ref KN678-01-PL-301), the site is shown to have a finished floor level 99.400, which is consistent with the existing levels that surround the site to the east and west. The levels gently rise east towards the canal before reaching the bank. Section B-B (KN6-01-PL-302) also provides an overview of the relationship of the development with the existing levels and shows again that the finished floor levels are consistent with the surroundings, and no concerns are raised on this basis.

The general appearance of the development is considered acceptable in principle. The elevations will comprise either insulated polyester powder or plastic-coated metal cladding, with a variation in type and arrangement to add visual interest to the building. The roof would be clad with plastic coated metal cladding with roof lights incorporated. The entrance includes glazing and entrance doors which is standard for this type of development.

The appearance of the building is in keeping with what would be expected in a Business Employment Area where the surroundings are characterised by a mixture of commercial buildings which vary in appearance. The final materials have not yet been agreed, however, a condition is attached to the recommendation requiring these to be agreed prior to commencement of development.

In terms of scale, the Gross External Area ("GEA") is 917m² and would be 8.95m in height from ground to eaves level and 10.58m to ridge height. No objections are raised to the scale of the building, since the area to the south and the immediate north are characterised by commercial buildings that are of a similar scale and size, with some considerably bigger. A building of this scale and size is what would be expected within a Business Employment Area.

Overall, it is considered that the site is a very constrained site, with the Rochdale Canal and pylon close to the development. However, the layout and siting has carefully considered these constraints. The scale, appearance and design of the proposal is in keeping with the immediate and wider surroundings of the Business Employment Area, and with that considered, the development complies with Policy 20 and NPPF Section 12.

Residential Amenity

There are no residential properties close to or in the immediate vicinity of the site. Instead, the site is surrounded by a mixture of commercial uses and the development is not expected to have an adverse impact on residential amenity when considered against the requirements of Policy 9.

Ecology

Policy 21 states that the Council will ensure development does not have an adverse effect on the integrity of a European designated site on the basis of objective information. The council will work with Natural England and the Greater Manchester Ecology Unit to assess proposals that may have an adverse effect on the integrity of the European site and where appropriate, ensure effective mitigation measures are put in place before permission is granted.

The Rochdale Canal is an SAC, which is a European designation (Habitats Regulations 2010) which protects rare, endangered or vulnerable habitats and species. The canal supports floating water plantain (*Luronium natans*) which is afforded legal protection. The Canal is also a SSSI, which is a UK designation (Wildlife & Countryside Act, 1981) to protect the diverse aquatic plant communities it supports. It is also an SBI, due to the variety of aquatic plants and marginal habitats it supports. SBIs are local non-statutory sites that are included in the Local Plan to guide the decision-making process of planning applications.

To consider the potential impacts of the development on the Rochdale Canal the applicant submitted an Ecological Statement for the purposes of a Habitats Regulations Assessment (HRA) on the 8th November 2021. This was carried out by Rachel Hacking Ecology and reviewed by Greater Manchester Ecology Unit (GMEU) who confirm the following:

- The only potential effects are pollution during and post construction;
- There is no likely increase in shading, with the development set well back from the canal;
- No works are proposed to the banks of the canal;
- There is a commitment to appropriate landscaping; and,
- No proposals in terms of boat usage.

GMEU have no objection to the development subject to adequate measures being implemented to protect the canal during construction. GMEU recommend a condition for a Method Statement to be submitted to ensure the canals protection, and this will be required prior to the commencement of development.

GMEU state that they are happy for the Council to adopt the HRA carried out by Rachel Hacking as part of fulfilling its duty under the terms of the Conservation (Natural Habitats etc) (Amendment) (EU Exit) Regulations 2019. Natural England have reviewed the latest submission and conclude that they have no objection to the recommendations made within the HRA subject to the mitigation measures that have been outlined.

An Extended Phase I Habitat Survey was also submitted with the application and concludes that no evidence of any protected species was found, and no further mitigation is required. The site was found to have scrub present and GMEU have recommended a condition to ensure that no works to the shrubs should occur between 1st March and 31st August unless a nest survey is undertaken by an experienced ecologist. In relation to invasive species both Japanese knotweed and Himalayan balsam have been confirmed as present on site. Therefore, a method statement is required for the eradication and/or control of both species, to ensure that this does not spread.

Overall, it is considered that subject to conditions, the development will not have an unacceptable adverse impact on the Rochdale Canal SAC, SSSI & SBI and the development complies with Policy 21 and NPPF Section 15.

Landscaping and Trees

The Arboricultural Officer has been consulted on the application and does not object to the application on the grounds of trees and landscaping. As described above, a 3m landscaping strip will be retained at the canal boundary, which will be thinned out, with native species retained and then enhanced with additional native planting.

A full landscaping and planting scheme will need to be agreed and a condition is attached to the recommendation requiring this to ensure compliance with Policy 21.

Highways

The existing access off Grimshaw Lane is to be closed off and replaced with a new access off Broadgate. The access will be 6m wide, with a 6m kerb radii, with inward opening gates set back 15m from the kerb line. A pedestrian access is proposed adjacent to the new vehicular entrance.

The proposal also includes provision for 26no car parking spaces and 2no disabled parking spaces, situated close to the entrance on the eastern elevation. Cycle storage provision is also made for 2no bicycles within the warehouse.

The Highways Engineer has reviewed the information and does not consider that the proposed development will be detrimental to highway safety and has no objection to the access and parking arrangements. The Highways Engineer also notes that there is an existing vehicular access on Grimshaw Lane which will not be required, and this should be reinstated with a footway before the development is brought into use. In addition, a combined footway and cycleway along the length of Broadgate from Grimshaw Lane to the access, along with an associated crossing will be required to allow safe pedestrian and cycle access to the development. This work can be secured through a combination of planning conditions and a s278 Agreement.

Considering the above, and subject to condition, the application is considered to comply with Policies 5 & 9 and NPPF Section 9.

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). In addition, the proposal would be considered as a 'less vulnerable' use within the flood risk vulnerability classification. Notwithstanding this, the Council would expect proposals of this size and nature to demonstrate how surface water will be drained post development and given that no drainage proposals have been submitted with the application a pre-commencement condition is attached to the recommendation requiring further details to ensure overall compliance 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 applicant has submitted a Walkover Survey and Desk Study to consider contaminated land, which was undertaken by Sub Surface North West Ltd. Environmental Health have reviewed the documents submitted and no objections have been raised to the information submitted. Environmental Health have recommended a condition relating unsuspected contamination, and this is attached to the recommendation.

Therefore, the development complies with Policies 7, 8 and 9 and NPPF section 15.

CONCLUSION

It is considered that the proposed development is acceptable and would readily integrate within the context of the wider Business Employment Area. The amenity of neighbouring properties would not be impacted because of the development and highway and pedestrian safety will be maintained subject to condition. 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, 7, 8, 9, 13, 14, 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 comprising the erection of any external walls shall take place until samples 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. No development including site clearance, invasive species management or earth moving shall take place or material or machinery brought on to site until a detailed construction environmental method statement has been submitted to and approved in writing by the local planning authority. Details shall include measures to protect the Rochdale SAC from accidental spillages, herbicide drift, dust and debris, along with details demonstrating no negative impact to the Rochdale Canal SAC resulting from

surface and foul water disposal post development. Thereafter the development shall be carried out in accordance with the approved scheme. Any subsequent amendments shall be agreed in writing with the local planning authority.

5. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.
6. Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam and Japanese knotweed and any other invasive species. The approved method statement shall be adhered to and implemented in full prior to the commencement of the development in that phase. REASON - To prevent the spread of Japanese knotweed, Himalayan balsam, Giant hogweed and any other invasive species having regard to Policies 9 and 21 of the Oldham Local Plan.
7. No development shall take place until full details of both hard and soft landscape works and boundary treatments with an associated implementation plan, 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; hard surfacing materials; boundary treatments and street furniture, where relevant. The soft landscaping works shall include planting plans; 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.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

REASON - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

8. The development hereby approved shall not be brought into use until the access to the site, car parking spaces, turning and service areas have been provided in accordance with the approved plan Ref: 1304/C-001 Rev G 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.

9. The development hereby approved shall not be brought into use until the existing vehicular crossing on Grimshaw Lane has been reinstated with a footway, which shall accord with details that have been previously submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be implemented and retained thereafter. REASON - In the interest of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

10. The development hereby approved shall not be brought into use until a highway improvement has been carried out to include the provision of a combined footway and cycleway of a minimum width of five metres along Broadgate from the existing infrastructure at the Grimshaw Lane junction including cycle crossing facilities across Broadgate has been completed in accordance with details that shall first of all have been submitted to and approved in writing by the local planning authority. All works that form part of the approved scheme shall be retained thereafter. REASON - To ensure that pedestrian and cycle infrastructure is provided and remain available for all users of the development in a accordance with policies 5 and 9of the Oldham Local Plan

11. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981, having regard to Policy 21 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):

