

**APPLICATION REPORT – FUL/348818/22**  
**Planning Committee 14<sup>th</sup> September 2022**

Registration Date: 7<sup>th</sup> April 2022  
Ward: Chadderton Central

Application Reference: FUL/348818/22  
Type of Application: Full Application

Proposal: Erection of two buildings with combined floorspace of 7,540m<sup>2</sup> GEA / 7,308m<sup>2</sup> GIA to be used in any combination of Use Class E(g)(i)(ii)(iii) (offices, research and development, light industrial), Use Class B2 (general industrial) and / or Use Class B8 (storage / distribution), with associated parking and refuse storage, to be accessed via a new access onto Greenside Way with associated hard and soft landscaping.

Location: Land South of Greenside Way / West of Greengate, Greengate Industrial Estate, Oldham

Case Officer: Stephen Gill  
Applicant: Gemshaw Ltd  
Agent: Roman Summers Associates Ltd

## **INTRODUCTION**

In accordance with the Council's Scheme of Delegation the application is referred to Planning Committee for determination since it is a Major development proposing more than 1000m<sup>2</sup> of floor space.

## **RECOMMENDATION**

It is recommended that the application be approved subject to the conditions set out in this report and receipt of a signed Unilateral Undertaking from the applicant relating to the financial contribution to off-site biodiversity enhancement, and that the Head of Planning shall be authorised to issue the decision.

## **THE SITE**

The site subject of the application measures 1.78 ha in size and forms part of the Greengate Industrial Estate in Middleton. The site is approximately 3.5 miles to the east of Oldham town centre and comprises two connected plots of land to the immediate west and south of an existing industrial unit currently occupied by Jacques Products. The site is bounded by Greenside Way to the north, and Greengate to the east.

The site is located within an established industrial area (Greengate Industrial Estate), which is characterised by a variety of large, modern industrial 'sheds' and warehouses. Blackley Golf Course flanks the site on its western side.

## **THE PROPOSAL**

The application proposes the erection of two industrial buildings with a combined floorspace of 7,540m<sup>2</sup> GEA / 7,308m<sup>2</sup> GIA. The uses proposed for the buildings include a combination of Use Class E(g)(i)(ii)(iii) (offices, research and development, light industrial), Use Class B2 (general industrial) and / or Use Class B8 (storage / distribution), with associated parking and refuse storage, along with hard and soft landscaping.

## **RELEVANT PLANNING HISTORY**

No relevant planning history

## **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 allocated in the Proposals Map associated with this document as being within Business Employment Area 3 (Chadderton / Broadgate) (BEA 3).

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

Local Plan Policy 1 - Climate Change and Sustainable Development;  
Local Plan Policy 2 – Communities;  
Local Plan Policy 5 - Promoting Accessibility and Sustainable Transport;  
Local Plan Policy 9 - Local Environment;  
Local Plan Policy 14 - Supporting Oldham's Economy;  
Local Plan Policy 18 – Energy;  
Local Plan Policy 19 - Water and Flooding;  
Local Plan Policy 20 – Design;  
Local Plan 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	Concerns raised in relation to tree loss, as explained in the report below.
Lead Local Flood Authority	No response
United Utilities	No objection subject to condition
National Highways:	No objection

## **REPRESENTATIONS**

The application has been publicised by means of neighbour notification letters, site notice and press notice. In response, no representations have been received.

## **PLANNING CONSIDERATIONS**

### **Principle**

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.

### **Design, Scale and Layout**

The site layout proposes two standalone industrial units, which are identified on the plans as being plot A, which is the unit that faces on to Greenside Way, and plot C, which is the larger of the two units and this would face Greengate. Plot B already exists and is occupied by Jaques Products.

Plot A & C will be connected via a new access road. Both units will accommodate a gated access arrangement with service yards that are capable of full HGV vehicular movements. Full car parking provision for plot A is situated to the north of the building, and for plot C parking

provision is situated to the west of the building. The layout is clearly designed to be functional in nature, offering an easy route for HGVs to access both units in a safe manner, with parking for staff and visitors clearly separate, which is acceptable. No objections are raised to the proposed layout, given the nature of the end use and the sites designation.

The scale of the buildings is in line with what would be expected in a Business Employment Area. The units are rectangular, and simple in form, and as stated above, the scale of plot C is larger than plot A. The overall height of plot A is approximately 11.5m, the width is 38m, and depth 55m, and in terms of plot C, the overall height is approximately 15m, the width is 60m and the depth is 80m. The Gross External Area of the buildings in combination is 7,540sqm (plot A = 2,367sqm & plot C = 5,179sqm). Overall, the scale and massing of the buildings is not considered to be out of character with what currently exists in the Business Employment Area.

The buildings will be of a contemporary appearance. The external walls of both units would be built using a combination of composite cladding panels, in a variety of colours, primarily shades of blue, grey and white, which does add a level of interest to what would otherwise be functional buildings. The windows and entrance doors would be double glazed aluminium framed inserts, and the loading and dock doors would be insulated steel and polyester powder coated.

Plot A proposes a gabled dual pitched roof with expressed eaves, and Unit C proposes a roof that is also dual pitched and hipped set behind a parapet wall, which is considered acceptable. The roofs of both buildings will be constructed from trapezoidal panels and roof lights will also be inserted. The overall appearance of both buildings is considered to be acceptable.

The proposal includes a range of hard boundary treatments, and these include a 2.4m paladin style fencing, which will surround the boundary of the site and the proposed units. The access, internal roads and car park spaces will be a mixture of hot rolled asphalt and tarmac, the service areas will be concrete and the area surrounding the proposed buildings would be textured concrete paving. 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 and are considered acceptable.

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 approximately 300m to the west of the site, which is a considerable distance. Given the distance between the development and the residential properties, it is not considered that the development will have any adverse impacts on the amenity of existing residents either visually or by way of noise and air quality. Environmental Health have been consulted on the application and have not objected on residential amenity grounds.

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 is attached to the recommendation which will require details of the construction, levels and drainage to ensure water does not discharge onto the highway.

## **Ecology & Arboriculture**

In relation to trees, the applicant has submitted a Tree Survey and Constraints Report, undertaken by Amenity Tree. The Tree Report concludes that 126 trees will be removed from the site in order to accommodate the development. The Tree Survey states that all but 40 of the trees fall within category C, which are low value. The remaining 40 trees would be characterised as being either semi mature or mature.

The Arboricultural Officer has reviewed the details submitted and concludes that each tree if taken on its own merits as per BS5837 categorisation methodologies may arguably not be significant, but if they are to be taken as a whole, they should be considered significant because they contribute to the rich and varied localised habitat within a largely industrialised wider area. The Arboricultural Officer therefore concludes that in accordance with retained UDP Policy D1.5, the trees lost should be replaced at a ratio of 3:1 given the overall value of the trees when grouped together. This would result in the need for 378 new trees, and this mitigation would need to be delivered off-site at a cost of £300 per tree, which is a significant cost to the applicant not currently factored into the development costs.

The Arboricultural Officers comments are fully noted, however, a few wider points need to be considered:

1. The trees on the site are not protected by a Tree Preservation Order, and could be removed without any permission;
2. The site is designated as being within a Business Employment Area, the intended use of the site is for employment purposes, to contribute to job creation in Oldham, and whilst the loss of trees on the site is unfortunate, on balance the need to create jobs and economic development in the current climate is critically important;
3. The trees on site are category C trees, when taken individually, which has not been challenged by the Arboricultural Officer, and whilst they may have more merit

collectively, only 40 are considered semi-mature and/or mature as set out in retained UDP Policy D1.5; and,

4. The applicant will be planting 153 new trees on the site to help address the loss, and this would provide nearly a 4:1 replacement of the 40 trees considered semi-mature or mature.

As stated above the loss of the trees is unfortunate, however, when taking a wider view of the intended use for the site, significant weight should be given to helping accommodate this type of development, which will bring strong benefits to the community, including new economic development and job creation. The trees are not protected and when taken individually are not of a high quality, and therefore on balance, for the reasons set out, it is not considered to be justified to request a substantial financial contribution for tree planting in this instance. The applicant is offering to re-plant 153 trees and given the sites designation and benefits associated with the development, this is considered reasonable.

In terms of ecology, Greater Manchester Ecology Unit ("GMEU") have reviewed the information submitted and extensive discussions have taken place in relation to Biodiversity Net Gain ("BNG"). The Ecology information submitted with the application has been reviewed, and no objections have been raised. GMEU conclude that a Habitats Regulations Assessment ("HRA") screening report has been carried out with regards to the potential impacts on the Rochdale Canal. No likely pathways were found that would cause harm to the canal and no likely significant effects on the canal are anticipated.

An assessment of the trees and their potential to support roosting bats has been carried out. The assessment found 2no trees had potential roost features, however, on further inspection these features were found to be unsuitable for roosting bats. A breeding bird survey has also been carried out, and both Dunnock and Starling were recorded on the site. Therefore, it is considered necessary to attach a condition that would ensure that any site clearance or vegetation/tree removal would need to take place outside of the main bird nesting season (March-August).

A BNG metric has also been submitted with the application, and it suggests that there will be a net loss of 5 biodiversity units, equivalent to almost a 75% loss of the biodiversity value of the site. GMEU conclude that whilst it is always preferable to secure delivery of habitats on the site, the scale of the predicated loss makes it unlikely that even if the soft landscaping proposed for the site is increased, no net loss/net gain will not be achieved. Therefore, GMEU conclude that a financial contribution is required to address the BNG loss. GMEU have agreed to a contribution of £45,000 and this will be secured through the developer entering into a Unilateral Undertaking with Oldham Council, and Oldham Council will then work closely with GMEU to establish where the money will be best spent. Early indications point towards a peat restoration scheme within Oldham; however, this will need to be confirmed.

Overall, the loss of trees has been justified for the reasons set out above and to account for the losses in BNG, the applicant will be providing a financial contribution, and with that considered, this is considered acceptable.

## **Drainage**

Local Plan 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 details submitted and conclude that the development is acceptable subject to the submission of drainage details, which can be secured by condition.

Therefore, subject to condition, the development accords with Local Plan 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 information and have confirmed that they have no objection to the development. A Condition has been recommended in relation to landfill gas and a watching brief, and these would be attached to any decision notice, to ensure ground conditions are thoroughly assessed.

The site is situated in a Development High Risk Area in relation to coal risk. The Coal Authority have been consulted and have now confirmed that they have no objection to the application. The applicant has submitted a Geo Environmental Site Investigation Report Phase I, a Coal Authority Mining Report and Groundsure Report. The information confirms that coal legacy of the site will not have any impact of ground stability and the risks are negligible, and no objection have been raised.

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 Business Employment Area. The development will deliver many benefits, which include:

- Economic development in a Business Employment Area, which is precisely what the intended use is for the site as identified in the adopted Development Plan;

- The development will create jobs for local people both through the construction phase of development and through the eventual end uses of the buildings, which is a significant benefit; and
- The development could attract new business to operate from inside Oldham, which encourages inward investment.

The loss of the trees is unfortunate, and is a negative impact weighing against the scheme, however this is comprehensively outweighed by the benefits described above. In addition, residential amenity will be unaffected by the development, and the occupiers of the neighbouring commercial uses would not be adversely impacted. Highway and pedestrian safety would be maintained, and there would be no unacceptable impacts to the highway network. 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.

## **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. 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.



5. No development shall commence until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's written report and recommendation 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 - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
6. No above groundwork shall take place until full details of a soft landscape scheme with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping works shall include planting plans that give consideration to the requirements of breeding birds; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of replacement plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation and management 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.

7. If ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this. REASON – To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety in accordance with Policy 9 of the Oldham Local Plan.
8. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 6 of the submitted Crime Impact Statement Version 2.0 – 22.01.22. REASON - To ensure safe form of development in accordance with Policy 9 of the Oldham Local Plan
9. 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.

10. The development hereby approved shall be carried out in accordance with the Method Statement for the Management of Invasive Species set out in letter dated 07.07.2021 undertaken by Amenity Tree Care Ltd.
11. The development hereby approved shall be carried out in accordance with the recommendations set out in section 9 of the Preliminary Breeding Bird Appraisal dated 09.07.2021 undertaken by Amenity Tree Care Ltd. 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

**SITE LOCATION PLAN (NOT TO SCALE):**

