

APPLICATION REPORT - FUL/349858/22
Planning Committee 7th December 2022

Registration Date: 3rd October 2022
Ward: Coldhurst

Application Reference: FUL/349858/22
Type of Application: Full Application

Proposal: Change of use from Builders Merchants (*sui generis*) to dual Class B2 and B8 uses.

Location: Builder Center, Coldhurst Street, Oldham, OL1 2PX

Case Officer: Matthew Taylor
Applicant: Peter Aureus Investments Limited
Agent: Peter Dines

INTRODUCTION

The application is referred to Planning Committee for determination given it comprises major development, in accordance with the Council's Scheme of Delegation.

RECOMMENDATION

It is recommended that the application should be approved subject to the conditions as set out in this report.

THE SITE

The application site measures 1.28ha in overall area and was last occupied by Jewson's building merchants who vacated the site earlier this year.

The site is currently occupied by existing warehouses building and extensive hardstanding, which is enclosed by existing security fencing, and vehicle and pedestrian access is gained directly from Coldhurst Street.

THE PROPOSAL

Planning permission is sought for the change of use of the site from a *sui generis* use (Builders Merchants) to purposes falling in Use Classes B2 (General Industrial) and B8 (Storage and Distribution).

The supporting information submitted with the application outlines that the intend occupier of the site will operate material processing, namely the acceptance, processing and baling of paper, card and plastics. However, it is not intended for use as a Waste Transfer Station. All of the processing activities are proposed to be undertaken within the existing buildings on site.

The proposed vehicle movement times are:

Mon - Fri - 6am - 6pm
Saturday - 6am - 1pm

RELEVANT PLANNING HISTORY

AD/051648/06 - Replacement signs – Approved, 16 August 2006

RELEVANT PLANNING POLICIES

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham.

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

Joint Development Plan Document

Policy 01 - Climate Change and Sustainable Development
Policy 05 - Promoting Accessibility and Sustainable Transport
Policy 09 - Local Environment
Policy 14 - Supporting Oldham's Economy
Policy 20 - Design

CONSULTATIONS

Highways Engineer	Does not wish to restrict the granting of planning permission.
Environmental Health	No objection, subject to a condition requiring the submission and approval of a scheme to protect the existing homes close to the site from noise from the proposed B2 and B8 Use.

REPRESENTATIONS

The application has been advertised by means of neighbour notification letters, site notice, and press notice. No written representations have been received in response.

PLANNING CONSIDERATIONS

Principle of Development

Policy 1 seeks to ensure the effective and efficient use of land and buildings, promote economic prosperity, and meet the needs of existing and new businesses, and to promote high quality and sustainable design. Policy 14 states that it is important that Oldham has a range of sites to support the local economy for both existing and new firms within the area.

It is considered the application acceptable in principle as the development would support bring employment to the borough and maintain an employment generating use on a brown field site.

It is therefore considered compliant with the aims and objectives of Policy 14.

Design

Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

Since no external alterations are proposed it is considered that the development accords with the design principles set out in Policy 20.

Residential Amenity

Policy 9 states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety, security and noise.

The closest neighbouring residential properties are Aston House, Trinity House, no's 1-7 Lower Edge Avenue and Franklin House. Given the proposal is for the reuse of an existing employment generating service yard and buildings, with most of these neighbours being separated from the site with mature planting, it is considered that the impact on the amenity of the occupiers these neighbouring properties would be minimal.

Moreover, following consultation with the Council's Environmental Health department no objection has been raised to the proposed development, subject to a scheme for protecting the existing homes in close proximity to the site from the noise generated by the proposed use.

Highway safety

Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

Crucially, NPPF paragraph 111 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

This therefore provides the key test for considering this (and other) proposal in relation to highway safety. Given that the proposed development does not seek to alter the existing access to the site, and does not impede the ability of vehicles to safely manoeuvre, it is not anticipated that the proposed change of use will generate any additional significant amount of traffic to the detriment of highways safety.

Other matters

Paragraph 183 of the NPPF states that the planning decisions should ensure that a site is suitable for its proposed use taking account of ground contamination, stability and risk. Environmental Health have been consulted on the application and have raised no objection nor suggest that any conditions are required.

CONCLUSION

Having regard to the scale and nature of the proposed development, the location of the site and the general pattern of development in the area, it is considered that the development would not lead to any significant adverse impact on the character of the area neither would it lead to unacceptable adverse impact on the amenity of the occupiers of neighbouring properties, subject to the imposition of the conditions attached to this recommendation.

The proposal would enhance the viability of the established employment site and help to retain / create new employment opportunities thereby supporting the local economy. The proposal would therefore be in accordance with relevant provisions of the Local Plan.

RECOMMENDATION

It is recommended that the Planning Committee resolves to grant permission, subject to the inclusion of the conditions listed 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 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. Prior to the first occupation of the development hereby approved a Noise Management Plan shall be submitted to and be approved by the Local Planning Authority. As a minimum, it shall include:
 - Details of how vehicles will load and unload at the site; and,
 - Measures to be put in place to minimise noise disturbance to local residents.

The measures within the approved Plan shall be implemented in full and be retained at all times thereafter. REASON - To ensure the protection of the occupiers of the existing dwelling(s), having regard to policy 9 of the Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

