

APPLICATION REPORT – FUL/349762/22
Planning Committee – 19th July 2023

Registration Date: 16th March 2023
Ward: Saddleworth West and Lees

Application Reference: FUL/349762/22
Type of Application: Full

Proposal: Erection of two storey car servicing workshop and MOT testing centre (Class B2) with storage (Class B8) and/or photographic studio (Class E(g)(iii)) accommodation above, and ancillary single storey office building.

Location: Woodend Mills, Hartshead Street, Lees, Oldham, OL4 5EE

Case Officer: Graham Dickman
Applicant: Chris Murray
Agent: Raad Al-Hamdani

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation because the agent is a close relative of an elected member of the council.

2. RECOMMENDATION

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

3. SITE DESCRIPTION

- 3.1 This application relates to a site comprising a former industrial building which is presently in a state of dereliction. The building is located within a wider site containing a mix of industrial buildings of varying ages located to the south-east of Lees.
- 3.2 Primary access is obtained from South Hill, a cul-de-sac which also serves a short residential terrace on its north side. A second vehicular access enters the wider site from Woodend Street, although a barrier prevents through-passage around the site.
- 3.3 To the south of the application site is a linked building in the applicant's ownership, beyond which lies open land associated with Thornley Brook.

4. THE PROPOSAL

- 4.1 It is proposed to replace the existing building with a new part two storey, part single storey commercial building. The use will comprise a car servicing and MOT workshop at ground level with associated office. The first floor would either be occupied by a photographic studio or used for ancillary purposes to the ground floor uses.

5. PLANNING HISTORY

- 5.1 PA/053120/07 – Erection of steel fabricated industrial unit. Approved 28 June 2007 (located to the east of the application site). Approved 28th June 2007

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document. As such, the following policies are considered relevant to the determination of this application:

- Policy 1 - Climate Change and Sustainable Development;
- Policy 5 - Promoting Accessibility and Sustainable Transport;
- Policy 9 - Local Environment;
- Policy 14 - Supporting Oldham's Economy;
- Policy 19 – Water and Flooding; and,
- Policy 20 – Design.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No objections in principle. Recommend a condition for a watching brief to identify any potential ground contamination during construction.
Drainage	No objections in principle. Recommend submission of a detailed drainage scheme prior to commencement of development.
Highways	No objections in principle. A condition will be required to ensure the proposed parking spaces are provided and remain accessible.
Environment Agency	No objections in principle. Recommend a condition requiring an assessment of the impact of the development in respect of contamination and implementation of any necessary remediation strategy.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by neighbour notification letters and display of a site notice.

- 8.2 In response, one representation has been received raising the following concerns:

- The vehicle access points would lead onto a private road which is of a narrow width and access may cause conflict with existing businesses. (12.2)
- The applicant has a right to pass and repass along the access road, but for no other purposes. (12.6)

- The existing access gates would obstruct the proposed parking spaces. (12.3)
- The proposed parking spaces are located away from the customer access to the building meaning customers would need to walk along the unsegregated access road. (12.5)
- There is no provision for visitor parking in the vicinity and parking is a problem. (12.6)
- There are already 3 businesses on the estate offering the same service. (15.1)
- The main estate and development are adjacent to Thornley Brook and at risk of flooding. (13.3)
- There will be limited space to work during construction. (15.2)

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The proposal relates to the redevelopment of an existing industrial building within an established employment site. In this context, the development would represent an appropriate use of the site and have the potential to enhance employment opportunity.
- 9.2 The scheme would therefore comply with the objectives of Local Plan Policy 14.

10. RESIDENTIAL AMENITY

- 10.1 Having regard to the requirements of Local Plan Policy 9 the impact of the development on surrounding residents needs to be considered.
- 10.2 The nearest residential properties are located a minimum of 50 metres to the west of the site on South Hill.
- 10.3 Proposed hours of operation are stated as between 08.00 and 18.00 hours on weekdays, and 08.00 and 13.00 hours on Saturdays.
- 10.4 Given the separation distance, the character of the proposed use, and the existing nature of the industrial uses located on the estate, it is not anticipated that there will be any significant impact on residential amenity, and as such, the proposal satisfies the requirements of Local Plan Policy 9.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 The proposed building will be of a functional, industrial design to be clad in profiled steel sheets. The scale of the new building would also not detract from its setting amongst a mix of buildings of differing ages, styles, and sizes.
- 11.2 In this context, it is considered that the proposal would represent an appropriate form of development and comply with Local Plan Policies 9 and 20.

12. HIGHWAY SAFETY

- 12.1 Access to the site is obtained from South Hill which terminates at the entrance to the wider industrial site. The overall Woodend Mill site is in private ownership and in large

part vehicle parking and manoeuvring areas are not clearly defined on the ground, although there are notices indicating that certain areas are allocated to individual businesses.

- 12.2 The new building will largely follow the footprint of its predecessor, which results in the creation of a relatively narrow gap between the proposed building and neighbouring building to the north. As originally proposed a vehicle access doorway was shown directly onto this area which may have resulted in conflict with passing vehicles as vehicles emerged from the building. The layout has since been reconfigured so that vehicles do not emerge directly onto this gap.
- 12.3 It has been noted that the 6 parking spaces for the unit would be accessed from an area which is presently gated, and the gates when opened would obstruct access to the proposed spaces.
- 12.4 The applicant has confirmed that the gates are within his control and that they will need to be removed should permission be granted. This will be a condition of any approval.
- 12.5 Whilst the customer spaces are not immediately adjacent to the reception area, a similar situation is likely to apply elsewhere on the estate. As with any working site, users will be required to have due regard to their surroundings, and the amount of traffic movement is not at a level where conflict between users is inevitable.
- 12.6 It is acknowledged that the wider site contains a variety of businesses, many of which are vehicle related. The introduction of an additional business would add to some vehicle movement on the site and to parking demand. As a consequence, the effective functioning of the site requires all users to ensure parking of vehicles does not cause obstruction to other activity. This will equally apply to the proposed development.
- 12.7 NPPF paragraph 111 is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is not considered that such a threshold of increased activity would be reached following the introduction of the proposed development. In considering the proposals, the Highway Engineer has raised no objections subject to the imposition of a condition requiring provision and retention of the proposed parking spaces.

13. GROUND CONDITIONS AND DRAINAGE

- 13.1 The proposal relates to an established industrial site. The Environment Agency (EA) notes that a preliminary risk assessment has not been carried to establish any impact on controlled waters. Whilst provision of this information upfront is preferred, the EA is satisfied that a relevant condition can be imposed to deal with this matter. Given the acceptability in principle of the development in planning terms, the use of a conditional approval would be a suitable approach.
- 13.2 No detailed drainage scheme has been submitted. However, there is no information to suggest that a suitable scheme could not be achieved, and therefore, a condition will be required to secure submission of such details as recommended by United Utilities.
- 13.3 Although the adjacent valley of Thornley Brook falls within Flood Zones 2 or 3, the application site is within Flood Zone 1, at the lowest risk from flooding.

14. ECOLOGY AND LANDSCAPING

- 14.1 The site presently consists of a former building which has been largely demolished. Although the site lies in close proximity to the Thornley Brook corridor, it is unlikely that the remnants on site harbour any protected species. The developer will nevertheless be advised of their statutory obligations to ensure no protected species are present before work commences.
- 14.2 As an entirely hard surfaced site there are presently no trees or other features of ecological value, nor would it be feasible to incorporate new areas of landscaping within the confines of the application site.

15. OTHER MATTERS

- 15.1 Reference has been made in the submitted objection to the presence on the estate of businesses providing similar services. It is not unusual for businesses of this type to congregate together, as exists at present. Furthermore, competition between businesses is not a material planning consideration in this context.
- 15.2 The tight confines of the site are noted. Given the need to ensure other businesses are not inconvenienced during construction, approval of a construction management plan will be required.

16. CONCLUSION

- 16.1 It is acknowledged that the introduction of an additional business onto the Woodend Mills site has potential to increase levels of activity and congestion, notwithstanding that its previous use would have similarly generated increased activity.
- 16.2 However, the proposed development is considered acceptable in principle as it re-uses a previously developed site and is a small-scale development that is compatible with surrounding land uses.

17. RECOMMENDED 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 until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- a. A preliminary risk assessment which has identified: all previous uses: potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways, and receptors; and potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON - The site is located within a sensitive environmental setting with respect to controlled waters. Further information is required to demonstrate the proposed development will be protective of relevant controlled water receptors and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and Policy 9 of the Oldham Local Plan.

4. Prior to any part of the development being brought into use a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and Policy 9 of the Oldham Local Plan.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON - To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously

unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework and Policy 9 of the Oldham Local Plan.

6. Prior to the commencement of any development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Separate foul and surface water systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 9 of the Oldham Local Plan.

7. Prior to the commencement of the construction of the parking spaces indicated on the approved plan SK02 Rev A), a specification for the construction, levels and drainage of those areas shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the existing gates which obstruct access to the parking spaces have been permanently removed and the parking spaces have been provided in accordance with the approved plan and specification. Thereafter, those areas shall be retained for the parking and manoeuvring of vehicles.

REASON - To ensure adequate off-street parking facilities are provided and remain available 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.

8. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to ensure construction activities are deployed in a manner which does not adversely impact on existing site operations. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

EXISTING SITE PLAN

