

APPLICATION REPORT – FUL/350729/23
Planning Committee 19th July 2023

Registration Date 31st March 2023
Ward Shaw

Application Reference FUL/350729/23
Type of Application Full

Proposal Erection of a portal frame, metal clad commercial building with ancillary vehicle parking and servicing areas following the demolition of an existing dilapidated building

Location Land at Rutland Mill, Linney Lane, Shaw

Case Officer Graham Dickman
Applicant Mr Sean Elliott
Agent N/A

1. INTRODUCTION

1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as it relates to a Major development exceeding 1000sqm.

2. RECOMMENDATION

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

3. THE SITE

3.1 The site contains a group of single storey industrial buildings located on the north side of Linney Lane immediately adjacent to the bridge over the Metrolink tram line which is situated along the western boundary.

3.2 Rutland Way, an unadopted roadway adjoins the eastern boundary and serves a number of adjacent commercial businesses.

3.3 Land levels along Linney Lane rise in an east-west direction on the approach to the bridge. However, levels within the site remain consistent at the lower level with the south-west (bridge) corner being below road level.

3.4 Across Linney Lane to the south, the land is presently vacant and planning permission has been granted for a replacement residential development.

4. THE PROPOSAL

- 4.1 The application seeks approval for the redevelopment of the site with a L-shaped block of 4 industrial/warehousing units set around a central service yard/turning circle.
- 4.2 The building will be clad in insulated metal sheets.
- 4.3 Sole vehicular access will be from Rutland Way, with the existing direct access from Linney Lane being closed off. To the north of the site there will be a staff and visitor car park.

Environmental Impact Assessment

- 4.4 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.5 The proposal would represent an Industrial Estate Development Project within paragraph 10(a) of Schedule 2 of the Regulations. However, at 0.33 hectares it would not exceed the applicable threshold of 1 hectare, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.6 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

- 5.1 PA/342341/18 - Demolition of existing building and construction of 17 no. industrial units. Approved 20 March 2019.

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 allocated in the Proposals Map associated with this document as part of a Business and Employment Area.

- 6.2 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 Choices
- Policy 9 – Local Environment
- Policy 13 – Employment Areas
- Policy 14 – Supporting Oldham's Economy
- Policy 18 – Energy
- Policy 19 – Water and Flooding
- Policy 20 – Design
- Policy 21 – Protecting Natural Environmental Assets

- 6.3 Saved UDP Policy D1.5 (Protection of Trees on Development Sites) is also applicable.

7. CONSULTATIONS

Highways	No objection subject to conditions in relation to construction of the parking and servicing areas, and secure cycle storage
Environmental Health	No objections subject to conditions in respect of contaminated land and landfill gas assessment and a Construction Management Plan.
Environment Agency	Considers that it will be possible to manage the risk posed to controlled waters, and that it would place an unreasonable burden on the applicant to provide more detailed information in advance of permission being granted. A condition is therefore recommended.
United Utilities	Recommend that the application is not determined until a sewer diversion has been agreed with UU, along with the submission of additional information in respect of separate foul and surface water drainage, and an investigation of the combined sewer outfall.
GM Ecology Unit	No objections subject to conditions relating to implementation of landscaping and bird box mitigation, and for treatment of invasive species.
Trees Officer	No objections subject to the implementation of the submitted replacement landscaping scheme.

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 as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, no written representations have been received.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application site is allocated for Business and Employment purposes. The development will ensure that a presently disused site is brought back into productive operation for employment purposes.
- 9.2 Consequently, the scheme would be in accordance with the principles of Local Plan Policies 13 and 14.

10. HIGHWAY SAFETY

- 10.1 The redevelopment of the site will lead to the removal of an existing direct vehicular access into the site from Linney Lane. All traffic will in future be directed along Rutland Way, which presently serves the rear of the site and a small number of neighbouring businesses.
- 10.2 The Highways Officer has assessed the proposals and is satisfied that adequate facilities for vehicles to enter, leave, manoeuvre around the site, and park will be provided within the layout, and that the proposed use would not lead to an adverse impact on the adjacent highway network.

11. DESIGN AND APPEARANCE

- 11.1 The site occupies a predominantly commercial setting; albeit this will change as the former Shaw Distribution Depot site across Linney Lane to the south is redeveloped for housing.
- 11.2 The proposed unit will have a two-storey height and be located close to the Linney Lane frontage. As such it would have a greater presence on the street scene. However, this overall visual impact will be minimised due to the relative lower land level within the site as Linney Lane rises to cross the tramline.
- 11.3 In addition, the proposal includes a scheme of replacement tree planting along the front boundary. This should serve further to mitigate any visual impact on the street scene and ensure the proposal satisfies Local Plan Policies 9 and 20.

12. RESIDENTIAL AMENITY

- 12.1 At present there are no residential properties in close proximity to the site. However, the redevelopment of the Shaw Distribution Depot site across Linney Lane to the south will introduce additional noise sensitive receptors into the local area.
- 12.2 Nevertheless, the proposed site layout ensures that any activity within the servicing area of the site will be entirely shielded by the new building. Given the relatively limited scale of the development, and the continuing existence of other commercial activity in the area, it is not anticipated that the development will result in any adverse amenity impacts.
- 12.3 The Environmental Health Officer is satisfied that conditional restrictions on the operation of the units will not be required.

13. DRAINAGE AND GROUND CONDITIONS

- 13.1 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The details include proposals for diversion of a public sewer which runs under the existing building and would be affected by the development.
- 13.2 However, no application under Section 185 of the Water Industry Act 1991, which United Utilities wish to see carried out prior to determination of the application, has been submitted to date.

- 13.3 National guidance indicates that planning conditions can be used to enable development to proceed where it would otherwise be necessary to refuse permission. In this instance there is no definitive evidence that a satisfactory drainage system could not be forthcoming, or that necessary approval under separate legislation is not achievable. Nevertheless, as members will be aware, the grant of planning permission does not override or remove the need to comply with other regulatory requirements.
- 13.4 In order to establish the acceptability of the development in principle, it is therefore recommended that appropriate conditions are imposed to secure the achievement of satisfactory drainage facilities. Protection of drainage infrastructure is equally a material planning considerations.
- 13.5 The application is accompanied by a Phase 1 Geo-environmental report. The site comprises a historic industrial site.
- 13.6 No objections in principle have been raised by the Environmental Health Officer or by the Environment Agency. Nevertheless, conditions will be required for a full assessment of ground conditions and any necessary remediation measures in connection with any planning approval.

14. ECOLOGY AND LANDSCAPING

- 14.1 The proposal will result in the loss of existing tree cover throughout the site. In compensation a scheme of replacement planting has been submitted which includes 36 new trees, 13 of which will be heavy standard trees. Those trees will be located both along the site frontage and around the proposed car parking area located to the rear.
- 14.2 A bat survey by a qualified ecologist has been undertaken and no evidence of use by bats was recorded, nor does the building contain features for suitable roosting habitat. Bird nesting was however evident.
- 14.3 GMEU has considered the findings of the survey and has recommended that a scheme of bat and/or bird boxes should be incorporated to provide appropriate ecological enhancement, along with measures to control invasive plant species.

15. ENERGY

- 15.1 Policy 18 of the Local Plan requires all major developments to reduce energy emissions based on reductions over and above Part L of the Building Regulations 2010 or 2013. A condition will be recommended to require submission of a satisfactory scheme to meet the Policy's requirements.

16. CONCLUSION

- 16.1 The proposal will bring a presently vacant employment site back into productive use. The scale of development and its relationship to its surroundings are deemed acceptable, and no adverse environmental, traffic, or amenity outcomes are anticipated.

16.2 The development would therefore comply with relevant national and local planning policies.

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 comprising the erection of any external walls shall take place until a specification 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 the construction of the access, parking spaces, and service areas indicated on the approved plan, 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 access to the site, parking spaces and service areas have been provided in accordance with the approved plan and specification, and thereafter, those areas shall not be used for any purpose other than the parking and manoeuvring of vehicles.

REASON - To ensure adequate access, off-street parking and servicing 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.

5. The use of the building 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.

6. No development hereby approved, other than site clearance, shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved

in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the Phase 1 Desk Study, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (2) 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 - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution having regard to Policy 9 of the Oldham Local Plan.

7. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of 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.

REASON - To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete having regard to Policy 9 of the Oldham Local Plan.

8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. A piling risk assessment therefore needs to be put in place if piling is to be used during the proposed works.

REASON - To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete having regard to Policy 9 of the Oldham Local Plan.

9. All hard and soft landscape works shall be carried out in accordance with the approved plan Ref: 5269.01 prior to the occupation of any part of the development or in accordance with the programme agreed with 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. No development, including site clearance, excavation or construction works or the entry of vehicles or plant into the site shall commence until a detailed survey of the site for the presence of invasive plant species has been undertaken and a method statement for removing or for setting out the long-term management / control of the identified species on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of the invasive species during any operations and shall also contain measures to ensure that any soils brought into the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

REASON - To prevent the spread of invasive plant species having regard to Policy 9 of 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.

12. Prior to the commencement of development, other than demolition and site clearance, 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) Foul and surface water shall drain on separate 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 19 of the Oldham Local Plan.

13. No development shall commence until details of the means of ensuring the 300mm combined water sewer that is laid within the site boundary is protected from damage as a result of the development, or that a satisfactory scheme for diversion of the sewer, has been submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the 300mm combined water sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development.

Any mitigation measures shall be implemented in full prior to commencement of development in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development.

REASON - In the interest of public health and safety and to ensure protection of essential services having regard to Policy 19 of the Oldham Local Plan.

14. No development comprising the construction of a building shall take place until a detailed energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Oldham Local plan Policy 18 and shall detail how: (i) a target area has been determined; and, ii) how the development will meet this target. The development shall be carried out in accordance with the approved scheme phasing arrangements and retained as operational thereafter.

REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

15. Prior to the commencement of the construction of the buildings hereby approved, a scheme for the provision of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to the use of the development commencing.

In order to promote biodiversity on the site in accordance with Policy 21 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)

