

APPLICATION REPORT – FUL/350748/23
Planning Committee 23rd August 2023

Registration Date: 29/03/2023
Ward: Chadderton South

Application Reference: FUL/350748/23
Type of Application: Full Application

Proposal: Erection of 3no. E(G)/B2/B8 blocks (comprising 24no. hybrid units) and formation of a new access onto Greenside Way, together with external works, landscaping, and creation of a substation and meter rooms

Location: Land south of Greenside Way, Greengate Industrial Estate, Chadderton

Case Officer: Abiola Labisi
Applicant: Mandale Investments Limited
Agent: Mr David Marjoram, ELG Planning.

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as it is a Major application.

2. RECOMMENDATION

- 2.1 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 following the completion of a Section 106 agreement requiring the payment of a sum of £38,700 for the cost of planting replacement trees, as well as a contribution of £8,800 to compensate for the loss of biodiversity.

3. SITE DESCRIPTION

- 3.1 The almost square shaped site measures approx. 0.66 ha and is located on the southern side of Greenside Way, Greengate Industrial Estate, Chadderton. It is currently vacant and forms part of lands allocated for Business and Employment Uses within the Oldham Local Plan.
- 3.2 The site is relatively flat in terms of topography and there are some mature trees on the site. The general area is characterised by commercial uses of various types, reflecting the allocation of the land within the Local Plan and to the south of the site is a golf course. The site would be accessed via a new access point off Greenside Way.

4. THE PROPOSAL

- 4.1 The application proposes the erection of 3no. E(G)/B2/B8 blocks (comprising 24no. hybrid units) and formation of a new access onto Greenside Way, together with external works, landscaping, and creation of a substation and meter rooms.
- 4.2 Two of the three blocks (Type B) would be centrally located within the site while the third block (Type A) would be sited adjacent the southern site boundary. Each of the blocks would cover approx. 13m x 56m in area with an overall height of approx. 9m. In terms of external finish materials, each block would have its walls built using a combination of facing brick and artificial stone while the roof would be covered with interlocking concrete roof tiles.
- 4.3 The proposal includes the erection of two meter rooms, each of which would cover an area of approx. 3m x 3m with a height of approx. 2.9m.
- 4.4 The substation would cover an area of approx. 4.2m x 3.1m with a height of approx. 2.9m while the bin store would cover an area of approx. 10m x 3m with a height of approx. 1.85m. The cycle store on the other hand would cover an area of approx. 3m x 5.5m with a height of approx. 2.4m.
- 4.5 The site would be accessed via a new access to be sited adjacent the north-eastern section of the site.

5. PLANNING HISTORY

- 5.1 The site was part of a larger site where permission was granted under planning ref. FUL/348818/22 for the erection of two buildings with combined floorspace of 7,540m² GEA / 7,308m² 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 on 28th February, 2023.

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 for Business and Employment Use. 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 13 – Employment Areas;
- Policy 14 - Supporting Oldham's Economy;
- Policy 20 – Design;
- Policy 21 - Protecting Natural Environmental Assets; and,
- Saved Policy D1.5 – Protection of Trees on Development Site

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	Formal comment received. Raised no objection subject to construction noise mitigation.
Drainage	No formal comment received
Highways	Formal comments received. No objection subject to conditions relating to construction details for the access and parking area, cycle storage and travel plan.
Environment Agency	Formal comment received. Did not raise any objection but recommended that the Council's Environmental Health Officers be consulted.
Coal Authority	Formal comment received. No objection subject to intrusive site investigations and implementation of mitigating measures
GMEU	Formal comment received. No objection subject to conditions relating to protection of bats and badgers, nesting birds and biodiversity net gain.
Archaeology	Formal comment received. No objection to the proposal.
United Utilities	Formal comment received. No objection raised, recommended a condition that the development be implemented in accordance with the details contained in the submitted drainage proposal.
Tree Officer	Formal comment received. No objection subject to financial contribution towards planting of replacement trees.
National Highways	Formal comment received. Raised no objection
Transport for Greater Manchester	Formal comment received. Raised no objection but recommended conditions relating to construction traffic management plan, provision of secure cycle storage and submission of a Travel Plan.
Greater Manchester Police	No formal comment received

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 No representations have been received during the period of public consultation.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application site is allocated as Business and Employment Area by the Proposals Map. The site forms part of the Chadderton Greengate/Broadgate Business Employment Area and on such land Policy 14 (Supporting Oldham's Economy) of the Oldham Local Plan provides that development proposals for B1 (business), B2 (general industry), B8 (storage or distribution) and waste management facilities will be permitted and must form the predominant uses within the technology park. The proposal is for E(g) (previously B1), B2 and B8 uses which are the main uses for which such land is allocated and as such, the proposal would be in accordance with relevant provisions of Policy 14 of the Oldham Local Plan.
- 9.2 The site is also part of an overall site which is subject of a previous planning application reference FUL/348818/22 for a similar development which is a material planning consideration. The permission granted under FUL/348818/22 is still extant.
- 9.3 Having regard to these considerations the principle of development is acceptable.

10. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 10.1 The area is characterised by industrial and commercial buildings of various designs and materials. In terms of design, the buildings would be rectangular in shape and two-storey in height with pitch roof.
- 10.2 It is considered that given the industrial character of the area and the scale and design of neighbouring properties, the proposal would not lead to any significant harm to the character and appearance of the area. The buildings would be in keeping with those generally found in industrial areas. The proposed use of the buildings would also be compatible with those of the neighbouring properties.

11. IMPACT ON AMENITY

- 11.1 The site is surrounded by non-domestic uses and therefore, having regard to the nature of the surrounding uses, it is considered that the proposal would not lead to any significant overlooking impact.
- 11.2 Similarly, as the scale is in keeping with that of other developments in the area, the proposal is not considered to be likely to cause an unacceptable overbearing impact and there would also be no significant overshadowing of neighbouring properties arising from the proposed development.

12. HIGHWAY ISSUES

- 12.1 In assessing the highway impact of proposals, paragraph 110 of the NPPF requires safe and suitable access to the site for all users, whilst paragraph 111 provides that 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.

- 12.2 A new vehicular access to the site would be created at the north-eastern corner of the site and the drive would align almost parallel to the eastern site boundary. In addition, a total of 51 parking spaces would be provided on site. There is adequate visibility around the proposed access and the number of parking spaces provided on site is also considered acceptable given the nature and scale of the proposal. As a result, it is considered that users can access and exit the site safely and the proposal would not lead to any significant potential for on-street parking that could jeopardise the safety of the users of the highway. Furthermore, given the road network capacity and the scale of the proposal, it is considered that the likely volume of vehicular traffic that would be generated by the proposal would not be such that would lead to a significant adverse impact on the road network.
- 12.3 The proposal has been reviewed by National Highways, Transport for Greater Manchester and the Local Highway Authority. These consultees have not raised any objection to the proposal subject to conditions relating to submission of the construction details for the access and parking areas, provision of cycle storage facility and a Travel Plan.
- 12.4 Having regard to the foregoing, it is considered that the proposal would not lead to any severe detrimental highway issues.

13. DRAINAGE

- 13.1 A drainage strategy prepared by Lynas Engineers (Document No. 23013-LE-ZZ-05-RP-D-0001) has been submitted with the application. The strategy considered a number of drainage options; however, it concludes that surface water would discharge into a public main sewer on Greenside Way. Whilst comments are yet to be received from the LLFA, United Utilities have however reviewed the application and the proposed drainage strategy and raised no objection subject to the proposal being implemented in accordance with the details set out in the drainage strategy submitted.
- 13.2 Having regard to the comments received from United Utilities, and with the site being located within Flood Risk Zone 1 (the zone with the lowest risk of flooding), it is considered that the proposal would not lead to an unacceptable flooding issue provided it is implemented in accordance with the submitted drainage details. This matter can be addressed via the imposition of appropriate planning conditions.

14. TREE ISSUES AND BIODIVERSITY

- 14.1 There are many mature trees on site which would have to be removed to facilitate the proposed development. A Tree Survey prepared by Amenity Tree has been submitted with the application. Whilst the survey acknowledges that a significant number of trees would have to be removed to facilitate the development, the survey however notes that majority of the trees to be removed are Class C trees, with no significant amenity value.
- 14.2 However, the Council's Tree Officer has reviewed the proposal and has recommended that for the proposal to comply with the provisions of Saved Policy D1.5 of the Oldham Local Plan, replacement trees at the rate of three trees for every one removed would have to be provided.
- 14.3 The Council's Tree Officer noted that a total of 129 replacement trees would be required, and these would have to be provided off-site as the site is not large enough to accommodate the estimated number of replacement trees on-site. Off-site planting

of replacement trees is usually undertaken by the Council at the applicant's expense. The amount charged for each replacement tree to be planted and maintained by the Council is £300. The issue of replacement trees to be planted off-site, as well as the cost implications, has been discussed with the applicant's agent and they have indicated that they have no objection to the recommendations of the Tree Officer.

- 14.4 The cost of the replacement trees would be £38,700 and this can be secured by way of a legal agreement between the Council and the applicant. With the agreement, and subsequent planting of the replacement trees, it is considered that the impact of the proposal on the character of the area would be adequately mitigated.
- 14.5 Insofar as biodiversity matters are concerned, a habitat survey, bat roost assessment ecological appraisal and biodiversity metric have all been submitted with the application. The details contained in the aforementioned documents have been reviewed by the Greater Manchester Ecology Unit and they have confirmed that the proposal would lead to a net loss of biodiversity. However, for the loss to be mitigated, conditions relating to protection of protected species, provision of bat boxes as well as a financial contribution of £16,000 per biodiversity unit lost are required. The financial contribution can be secured via a legal agreement between the Local Planning Authority and the applicant.
- 14.6 As the replacement trees and BNG would have to be implemented off-site, discussions are ongoing with the Council's Environmental Services Officers as well as Greater Manchester Ecology Unit regarding the most appropriate locations for the implementation of these mitigation measures. An update will be provided in the Late List regarding the outcome of such discussions.

15. CONTAMINATION/LAND STABILITY

- 15.1 In relation to contamination, a Phase 1 Desk Survey of the site prepared by Solmek Ltd has been submitted with the application. The report indicates that the site may have been exposed to some contamination, with construction/demolition waste and landfill waste from adjacent landfill waste local to the structures. The report also notes that made ground is expected on site and landfills are recorded in the vicinity of the site.
- 15.2 Notwithstanding the findings of the report, the Council's Environmental Health Officer has not raised any objection to the proposal on grounds relating to land contamination/landfill gas. However, although no objection was raised, Environment Agency also raised the issue of the proximity of the site to potential sources of contamination.
- 15.3 In the absence of a definite objection from the Council's Environmental Health Officer and the Environment Agency on the basis of potential land contamination/landfill gas, it is considered that a condition requiring the implementation of a watching brief relating to land contamination/landfill gas would suffice in this instance.
- 15.4 In relation to land stability, the site is located within an area identified as Development High Risk area based on previous coal mining activities and associated risks. Accordingly, the Coal Authority has been consulted and they have advised following the review of documents submitted that they have no objection subject to some intrusive site investigations and the implementation of any necessary mitigation measures.

- 15.5 On the basis of the above, it is considered that the proposal, subject to relevant planning conditions, would not lead to any significant adverse land contamination/stability issues.

16. CONCLUSION

- 16.1 The proposed development is considered acceptable in principle given that it is an employment-related development on land allocated for business and employment use within the Local Plan. The proposal would boost the local economy through creation of employment opportunities without leading to unacceptable adverse impact on the character of the area.
- 16.2 Whilst the proposal would lead to a significant loss of trees and biodiversity, these impacts can be adequately mitigated through relevant planning conditions and financial contributions towards necessary mitigation measures. This complies with the aims and objectives of 'saved' Policy D1.5.
- 16.3 As such, the proposal would be in accordance with relevant provisions of Oldham Local Plan Policies 1, 5, 9, 13, 14, 19, 20 and 21, as well as relevant provisions of the National Planning Policy Framework.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be consistent in terms of colour, size and texture with those indicated on the approved plans. REASON - To ensure that the appearance of the buildings is acceptable having regard to Policy 20 of the Oldham Local Plan.
4. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. 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.
5. No development shall commence until:
 - a) a scheme of intrusive investigations has been carried out on site to establish the

risks posed to the development by past coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance. REASON - In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

6. Prior to the occupation of the development, or it being first taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. REASON - In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
7. Prior to commencement of earthworks or vegetation clearance a survey of the site and within 30m (where feasible) for badger setts shall be undertaken by a suitably qualified person. The findings of the survey and details of any necessary mitigation measures shall be provided to the Local Planning Authority for written approval. The development shall then be implemented in accordance with the approved details. REASON - In order to ensure that protected species are not endangered as a result of the development, in accordance with relevant provisions of Section 15 of the NPPF.
8. No works to trees or shrubs shall occur 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 - In order to ensure that nesting birds are not adversely impacted by the development, in accordance with relevant provisions of Section 15 of the NPPF.
9. Prior to the commencement of the development, a method statement detailing eradication and/or control and/or avoidance measures for Himalayan Balsam should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority. REASON - To prevent the spreading of invasive species, in accordance with relevant provisions of Section 15 of the NPPF.
10. The development hereby approved shall not be brought into use until the access to the site and car parking spaces have been provided broadly in accordance with the approved plan 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 and turning area 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.

11. The use of the buildings 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.
12. Prior to the first occupation of the development hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan, the occupier shall submit their travel plan to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of first occupation of the buildings. REASON - To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.
13. All hard and soft landscape works shall be carried out in accordance with the approved plan Drawing No. 3993/1 prior to the occupation of any part of the development or in accordance with an alternative 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.
14. Notwithstanding details already provided, a proposal for the provision of bird boxes on site shall be submitted to the Local Planning Authority for written approval prior to the occupation of the development. The development shall be implemented in accordance with the approved details and retained as such thereafter. REASON - In order to enhance biodiversity, in accordance with relevant provisions of Section 15 of the NPPF.
15. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 23013-LE00-ZZ-DR-C-0100, Rev P01- Dated 17/03/2023 which was prepared by LYNAS Engineers. For the avoidance of doubt surface water must drain at the restricted rate of 3.5l/s. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.
16. A watching brief relating to ground contamination/landfill gas shall be undertaken throughout the construction phase of the development hereby approved. 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.

17. The development hereby approved shall be implemented in accordance with the crime prevention details set out in the Crime Impact Statement (VERSION A: 02.05.23, Ref. 2023/0141/CIS/01) prepared by the Greater Manchester Police. REASON - To ensure safe form of development in accordance with Policy 9 of the Oldham Local Plan

SITE LOCATION PLAN (NOT TO SCALE):

