

**APPLICATION REPORT – FUL/353379/24**  
**Planning Committee 16<sup>th</sup> October 2024**

Registration Date: 3<sup>rd</sup> September 2024  
Ward: Chadderton South

Application Reference: FUL/353379/24  
Type of Application: Full Application

Proposal: Proposed use of the building for flexible employment uses within use classes E(g), B2 and B8

Location: Oldham 369, Lydia Becker Way, Chadderton, Oldham, OL9 9JE

Case Officer: Graham Dickman  
Applicant: Inspired Global Cuisine & Ergo  
Agent: Chris Betteridge

## **1. INTRODUCTION**

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

## **2. SITE DESCRIPTION**

2.1 This application relates to a large, presently vacant warehousing and distribution unit with an attached office building located on the north side of Lydia Becker Way approximately 600m west of its junction with Broadway.

2.2 The site incorporates associated car parking for 324 vehicles and 16 motorcycles, servicing, and landscaping areas. The primary access is from a roundabout which also serves a retail store and drive-through located to the south of the site.

2.3 To the south-west, the site is adjacent to a development of commercial units, from which it is separated by a public footpath which continues along the western side of the site. To the south-east, a previously vacant site is allocated for future commercial development.

2.4 In contrast to the east, the site adjoins a modern residential development, with the Radclyffe School to the rear.

## **3. THE PROPOSAL**

3.1 The proposal seeks to extend the range of uses of the building from Use Class B8 (warehousing and distribution), on which basis the Reserved Matters application for the building was granted.

3.2 The proposed uses would also encompass Class B2 (general industrial use) and Class

E(g). This latter Class includes an office to carry out any operational or administrative functions, research and development of products or processes, or any industrial process which can be carried out in any residential area without detriment to amenity.

- 3.3 The change will specifically permit occupation by a food manufacturing business, whilst allowing future flexibility of employment uses.
- 3.4 The presently intended occupier is a company primarily involved in the production of frozen ready meals, soups and sauces producing a range of products which are sold by a number of operators including Iceland Foods Ltd.
- 3.5 The business will operate on a 24 hour day basis.
- 3.6 The proposal will facilitate in the region of 550 jobs, almost all of which will be full time. It is anticipated approximately 300 of these will be staff moving from their existing premises, but with approximately 200 new roles created initially which will be primarily filled by local residents.
- 3.7 Ultimately it is anticipated that the proposed operation will provide 760 FTE jobs on the site when in full operation.
- 3.8 It is anticipated that the use would operate on a 24 hour, 3 shift pattern (06.00 – 14.00, 14.00 – 22.00 and 22.00 – 06.00), with projected staff at 180 (rising to 225) during each of the daytime shifts, and 80 (rising to 100) for the nighttime shift.

#### Environmental Impact Assessment

- 3.9 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.10 The proposal would represent an Industrial Estate Development Project within paragraph 10(a) of Schedule 2 of the Regulations. However, it would not exceed the applicable threshold of 5 hectares, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 3.11 Consequently, an Environmental Statement is not required.

#### **4. PLANNING HISTORY**

- RES/346292/21 - Details relating to appearance, landscaping, layout and scale for a proposed Class B8 warehouse in connection with outline approval PA/337091/15. Approved 11 May 2021.
- PA/337091/15 – Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and

occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold'). Approved 28 September 2015.

- PA/334355/13 - A hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park. Approved 23 October 2014.

## **5. RELEVANT PLANNING POLICIES**

- 5.1 The Places for Everyone (PfE) Joint Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 5.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document adopted in November 2011 (referred to as the Local Plan in this report), in accordance with the National Planning Policy Framework (NPPF).
- 5.3 The following PfE policies are considered relevant to the determination of this application:

Places for Everyone

Policy JP-S1 – Sustainable Development  
Policy JP-J1: Supporting Long-Term Economic Growth  
Policy JP-J2: Employment Sites and Premises  
Policy JP-J3: Office Development  
Policy JP-J4: Industry and Warehousing Development  
Policy JP-C8: Transport Requirements of New Development

The site is located within a Business Employment Site on the Proposals Map associated with this document.

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

Policy 9 – Local Environment  
Policy 13 – Employment Areas  
Policy 14 – Supporting Oldham's Economy

## 6. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Highways	No objection subject to the submission of Green Travel Plan.
National Highways	No objection
Active Travel England	Direct the Council to ATE's Standing Advice in assessing the application.
Environmental Health	No objection subject to conditions for details of extraction equipment and maximum noise level.

## 7. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

7.1 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 press and site notice and letter to adjoining properties. No decision on the application will be taken until the statutory notification period has expired.

7.2 One representation has been received raising the following (summarised) issues:

- The proposed use differs from that on which were previously informed and other promised park and play area have not been delivered (clarified in paragraphs 8.1-8.5 below).
- Not all residents on the estate have been notified and the letter and letters were not received until 5 day after the posting date (clarified in paragraph 7.1 above).
- The Noise Impact Assessment pre-dates the introduction of Aldi opposite in assessing the noise impact (addressed in paragraph 10.6 below).
- Potential odours from pre-frozen meat waste stored on site (addressed by Section 8 below and by condition).
- Are traffic calming measures proposed on Lydia Becker Way (addressed in paragraph 9.6 below).
- What are the hours for vehicle movements and how will the staff be split on shifts? (clarified in paragraphs 3.5-3.8 below).

## **ASSESSMENT OF THE PROPOSAL**

### 8. PRINCIPLE OF DEVELOPMENT

8.1 The application site comprises a large commercial unit constructed as part of the Foxdenton Strategic Site which includes sites allocated for both residential and employment purposes.

8.2 The development of the site has been brought forward in accordance with the hybrid planning permission granted in 2015 (PA/337091/15). That permission was granted subject to a Parameters Plan which site out the various allocate uses across the wider

site, including where employment and residential uses would be located adjacent to one another.

- 8.3 The original approval for this site envisaged a development which could include uses within Classes B1(a) and B1(c) (now Class E(g)), B2 and B8.
- 8.4 Although the subsequent Reserved Matters approval for the present building sought use within Class B8 only, the present proposal will in effect extend the permitted uses to reflect the range of uses (including general industrial uses) which were originally envisaged on the application site.
- 8.5 A landscaped, mounded area of open space separates the site from the adjacent residential development in accordance with the original approved layout for that site. Within the wider development area, informal recreation facilities are proposed focussed on the linear park and these works are presently on-going to the south of Lydia Becker Way.

## **9. HIGHWAYS MATTERS**

- 9.1 NPPF paragraph 115 states 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*”.
- 9.2 The original strategic development of the Foxdenton site included the provision of new highways infrastructure, including the construction of Lydia Becker Way which serves the application site. The Transport Assessment which accompanied that application encompassed uses within classes B1, B2 (now E(g)) and B8. The approval included contributions to off-site highway works which have subsequently been implemented.
- 9.3 Consequently, the local highway network has been designed to accommodate the levels and type of traffic which would be associated with the use of the building for the various uses for which approval is now sought.
- 9.4 Similarly, satisfactory car parking and commercial vehicle parking and servicing has been incorporated into the site.
- 9.5 The application is supported by a Transport Note which assesses the proposal on the basis of a B2 (general industrial) use of the building. It identifies that there would be an increase of around 26 additional two-way movements in the morning peak hour and 13 additional two-way peak movements in the evening peak. These additional movements do not represent a material increase over the approved scenario.
- 9.6 In this context no objections have been raised by the Highways Officer or by National Highways, which is responsible for the maintenance of Broadway in this location, nor is it determined that further measures would be required to be introduced to ensure the safe and efficient operation of the highways in the vicinity of the site.

## **10. AMENITY IMPACTS**

- 10.1 A Noise Impact Assessment has been submitted with the application.
- 10.2 In common with the commercial units which have been constructed on the adjacent sites, no restrictions on operating hours have previously been imposed in the application that granted permission for this building. This application purely seeks permission for the proposed use of the building.
- 10.3 Given the building's previously authorised use and hours of operation, no significant additional noise impact associated with vehicle movements would result.
- 10.4 The applicant has indicated that, at this stage, details of plant and extraction equipment have not been determined. Proposals for these would follow in subsequent applications. This would include specifications for the equipment in order to ensure that adequate noise mitigation measures and controls over odours can be put in place.
- 10.5 In addition, arrangements for any on-site storage of food waste will be controlled by means of planning condition.
- 10.6 It has been noted that the submitted noise impact assessment pre-dates the construction of the Aldi store opposite. However, the authorised operation of the building for commercial purposes and the relationship with nearby residential properties has been previously assessed, which would include the potential for 24-hour vehicular movements from a warehousing operation.
- 10.7 Potential additional sources of noise from extraction or similar equipment will need to be assessed in detail once these are known.
- 10.8 The Environmental Health Officer has assessed the submitted details and has recommended conditions to ensure that details of any new extraction or ventilation equipment are submitted for approval and that any resulting noise levels do not exceed the existing noise climate.

## **11. OTHER CONSIDERATIONS**

- 11.1 As the site is now fully developed, issues associated with the suitability of the building in terms of ground conditions, drainage, and ecological factors have previously been fully addressed.
- 11.2 In respect of the statutory Biodiversity Net Gain requirement, the proposals relate to the change of use of the building only and consequently will not result in any habitat loss.

## **12. CONCLUSION**

- 12.1 The proposed use will facilitate the productive use of a large, presently vacant, building on an identified strategic employment site. In addition, it would create significant employment opportunities for local people.
- 12.2 In this context, the proposal would accord with the provisions of the local plan.

### 13. 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification), no changes from Class E(g) to other Classes within Class E of the Order shall be undertaken. REASON - To safeguard the effective employment function of the site having regard to Policy JP-J2 of the Places for Everyone Joint Development Plan and Policy 13 of the Oldham Local Plan.
4. No external extraction or ventilation equipment shall be installed, nor shall food waste be stored outside the building, unless a full specification has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details. REASON - In order to protect the amenity of neighbouring dwellings in respect of noise and odours having regard to Policy 9 of the Oldham Local Plan.
5. The noise rating level from the premises (not including vehicle movements) as defined by BS 4142:2014+A1:2019 shall not exceed 39 between the hours of 0700 and 23:00 and 35 between the hours of 23:00 and 07:00 at residential properties in the area at the following locations or at a suitably equivalent location: Gradient Close, Mill Fold Gardens, Ferney Field Road, Rupert Court, Henrietta Court, Pinewood, Ashwood, Tulip Close. REASON - In order to protect the amenity of neighbouring dwellings having regard to Policy 9 of the Oldham Local Plan.
6. Within six months of the first occupation of the development hereby approved, a green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. All measures contained within the plan to be implemented and updated thereafter. The green travel plan shall, as a minimum, deal with the following key issues:
  - appointment of a Travel Plan Co-ordinator and notification in writing to the Local Planning Authority of the name of the holder of that post;
  - measures to promote and facilitate public transport use; timetables and fare information to be updated regularly;
  - measures to promote and facilitate walking and cycling;
  - promotion of car sharing and practices and on-site facilities that reduce the need for travel;
  - monitoring and review mechanisms.

REASON - To ensure the development accords with sustainable transport policies having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.

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

