

Application Number:	23/00455/FUL
Proposal:	Change of use from B2 workshops and offices to B8 self-storage and ancillary offices.
Site:	Greenside House, Richmond Street, Ashton-under-Lyne, OL6 7ES
Applicant:	Mr Bailey
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 This planning application relates to two storey freestanding industrial building, with a footprint of approximately 1,940 square metres (sqm), positioned on an area of hardstanding, measuring 8,069sqm.
- 1.2 The site is located south of the Ashton town centre boundary and east of an established employment area, as identified in the adopted Unitary Development Plan. Kenyon Street, to the south, and Uxbridge Street to the west, are largely residential in nature. The application site itself is unallocated.
- 1.3 The application building is currently vacant, though its former use was Class B2 (general industry with ancillary office space).
- 1.4 The building sits towards the north eastern corner of the site and is constructed from part brick, part sheet cladding, with a shallow pitched roof. Its west facing elevation comprises 2no large openings, for the distribution of goods and the south facing elevation comprises a glazed front entrance.
- 1.5 The building is surrounded by hardstanding, serving a car parking and servicing area, which is accessed via Richmond Street. North west of the site is the railway line and north is the tramline.

2. PROPOSAL

- 2.1 Planning permission is sought for the change of use of the premises, from Class B2 (general industrial with ancillary office space) to Class B8 (storage with ancillary office use).
- 2.2 The proposed floor plans indicate the ground floor would include storage space, a goods in and out section and office space, and the first floor would comprise a mezzanine level, including further storage and office space.
- 2.3 The proposal involves no external alterations to the building. Access would remain, taken from Richmond Street. The existing hardstanding surrounding the application building would be utilised for car parking.

3. PLANNING HISTORY

- 3.1 00/00286/FUL: Two storey building for metal and woodwork workshop and offices and new access to Richmond Street. Application approved June 2000.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

4.5 **Part 1 Policies**

- 1.1: Capturing Quality Jobs for Tameside People;
- 1.2: Creating a Cleaner and Greener Environment;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.7: Supporting the Role of Town Centres;
- 1.9: Maintaining Local Access to Employment and Services;
- 1.11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 **Part 2 Policies**

- E3: Established Employment Areas
- E6: Detailed Design of Employment Developments
- C1: Townscape and Urban Form
- T1: Highway Improvement and Traffic Management
- T10: Parking
- MW11: Contaminated Land.

Places for Everyone

- 4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors have been appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.
- 4.8 Paragraph 48 of the NPPF sets out what needs to be taken into account when considering the weight given to emerging plans. It states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.9 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.
- 4.10 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.
- 4.11 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.
- 4.12 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone.

Other Considerations

- 4.13 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.14 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

- 5.1 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 site notice, and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 In response to the publicity carried out, the Council has received no comments.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority – No objections.
- 7.2 Contaminated Land – No objections, though recommend an informative note be attached to any approval, to ensure any contaminants encountered during the development of the site is reported to the Environmental Protection Unit (EPU).
- 7.3 Environmental Health – No objections, subject to conditions restricting hours of conversion and hours of operation.
- 7.4 Network Rail – No objections.
- 7.5 United Utilities – No comments or objections received.
- 7.6 Design for Security – Advises that the development should be designed and constructed in accordance with the recommendations and specifications as set out in sections 3.3 and 4 of the submitted Crime Impact Assessment.

8. ANALYSIS

- 8.1 Section 6 of the NPPF is entitled "Building a strong, competitive economy". Paragraph 81 states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
- 8.2 The application site is unallocated, as per the Unitary Development Plan (UDP), however, lies within close proximity to an Established Employment Area, west of the site. Although the application building is vacant, its former use is B2 (general industry), which is closely associated with the uses of the buildings situated within the adjacent Established Employment Area. As such, the immediate area is not particularly sensitive to the introduction of a B8 class use.
- 8.3 The Council recognises that there is, at present, a shortage in the supply/allocation of employment land within the Borough. This will be partly addressed within the emerging spatial plan, Places for Everyone. The evidence submitted as part of the Greater Manchester Spatial Framework and Places for Everyone highlights that Tameside has the lowest availability of industrial and warehousing space within Greater Manchester. Industrial and warehousing development has an important role to play in addressing the economic disparities across Greater Manchester and, in particular, to boost the competitiveness of the Borough within the northern areas. It is therefore material to the decision.
- 8.4 Although the site is not allocated as an employment use, it is important to note that the existing building is vacant and therefore the proposed change of use would serve to bring

back a beneficial use, providing employment opportunities and boosting the local economy, which would help to support the above.

- 8.5 The application building is in a sustainable location, with good, close access to public transport, including bus, train and tram services.
- 8.6 The proposed change of use fully accords with strategic objectives of the Council, current UDP policies and those of the emerging Places for Everyone strategic plan. As such, the principle of development if so considered to be acceptable and in compliance with UDP policies 1.1, 1.5, 1.7 and E3 and sections 2, 6, 7 and 19 of the NPPF.

9. DESIGN & LAYOUT

- 9.1 The Tameside UDP, the guidance within the SPD, and the NPPF are clear in their expectations of achieving high quality development that enhances the locality and contributes to place making. Amongst other matters, paragraph 130 of the NPPF requires new developments to function well and add to the overall quality of the area; be visually attractive, as a result of good architecture and layout; be sympathetic to local character and history and establish and maintain a strong sense of place.
- 9.2 Policy C1 and E6 of the UDP promotes that development should respond to and with understanding of its local context, including its design, materials and landscaping.
- 9.3 The proposed development does not include any external alterations to the application building, or any landscaping to the surrounding site, and therefore would have a neutral impact on the character of the surrounding area, compliant with UDP policy C1 and E6 and section 12 of the NPPF.

10. RESIDENTIAL AMENITY

- 10.1 Paragraph 130(f) of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing users and future users. The guidance within the Tameside UDP puts great importance on protecting existing amenities, including those that provide employment opportunities, as set out in policy E6(d).
- 10.2 The application building is located within close proximity to residential properties, particularly to the east on Uxbridge Street. Taking into account the building is existing and operated as a workshop with ancillary office space, the proposed storage use with ancillary office space, is not considered to worsen the living conditions of the neighbouring residents, in respect of noise, vibration, traffic and hours of operation.
- 10.3 The Council's Environmental Health Officer has reviewed the proposed development and recommended conditions be attached restricting the hours of conversion from 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays and no works to take place on Sundays and Bank Holidays, to protect neighbouring amenity. The officer also recommends a condition restricting the hours of operation from 08:00 to 18:00 Monday to Friday, 09:00 to 16:00 Saturday and 10:00 to 16:00 Sunday and Bank Holidays, to protect neighbouring amenity.
- 10.4 The proposed change of use is not considered to impact significantly on the living conditions of neighbouring residents, in accordance with UDP policy E6 and section 12 of the NPPF.

11. HIGHWAY SAFETY AND ACCESSIBILITY

- 11.1 The Tameside UDP is clear within its policies, that developments which provide employment uses must provide suitable arrangements for parking, be within convenient access to public transport, and cumulatively, must not create a danger to road users (policy E6(a)).
- 11.2 The application building is surrounded by hardstanding, some of which serves a car parking area. The car parking area would adequately serve the 35 members of staff that the new use will employ, as stated in the submitted design and access statement, along with accommodating other vehicles associated with the storage use.
- 11.3 There is also adequate space for larger vehicles, associated with the storage use, to enter and exit the site in a forward gear.
- 11.4 The site is located within walking distance from bus stops, tram stops and Ashton railway station, so as to promote sustainable modes of transport for employees.
- 11.5 The Local Highway Authority has reviewed the proposed development and is satisfied that there would be no unacceptable impact on highway safety and that the residual cumulative impact on the road network would not be severe, in accordance with policy T1, T10 and E6(a) of the UDP and section 9 of the NPPF.

12. OTHER MATTERS

- 12.1 Rail – The railway line is located north west of the development site. Network Rail have no objections to the proposed change of use.
- 12.2 Contaminated Land - Historical mapping dating back to the late nineteenth century displayed that the site was located on an athletic training ground. However, by the early twentieth century, the proposed development area had altered to become part of the National Gas Engine Works and during this period, a large industrial factory/warehouse building occupied the site. No significant alterations to the layout of the site appears to have occurred until the late twentieth century, when it is noted that the industrial buildings had been demolished and they were replaced by a warehouse. This would appear to be the current site layout. Surrounding land uses have included industrial buildings and residential dwellings.
- 12.3 It is possible that made ground may exist at the site and this may have elevated contaminants within it, which may include asbestos. There could also be specific contaminants associated with the previous land uses at the site. However, it is noted that development will be just a change to another commercial end use and no extensions or new buildings will be added. We also note that no landscaping is to be included. As such, the Environmental Protection Unit (EPU) has recommended an informative note be attached to any approval, to ensure that any evidence of contaminants that are encountered during the development, is reported to the EPU, in line with UDP policy MW11.
- 12.4 Greater Manchester Police Design for Security – Design for Security has reviewed the submitted Crime Impact Statement, and advised that the safety and security recommendations made within this report are acceptable. Particular recommendations and specifications are set out at sections 3.3 and 4 of the report. An informative is thereby recommended which would advise the applicant to consider these measures, in order to ensure a good level of security and sense of safety for future users of the development.

13. CONCLUSION

- 13.1 The application proposes a change of use of the existing vacant building from B2 to B8. The activities associated with the proposed use are closely associated with the existing use and the uses within the adjacent established employment area, and so would not be particularly

sensitive to this area. The proposal will bring back the beneficial use of the building, providing local employment opportunities and boosting the local economy. Overall, the proposed development is acceptable in principle.

- 13.2 There would be no alterations to the external elevations of the building, and therefore the development would not impact unduly on the character of the area.
- 13.3 The proposal would not be significantly detrimental to residential amenity, having regard to the existing building and its former use.
- 13.4 The development would not cause undue impacts to highways safety.
- 13.5 There are no objections to the proposal from the statutory consultees in relation to the proposals.
- 13.6 The proposal therefore complies with relevant development plan policies, as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

- 1) The development hereby permitted must begin before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in full accordance with the plans and specifications as approved, unless required by any conditions in this permission
 - Existing and proposed site plans – 903/100
 - Proposed ground floor plan – 903/210 rev A
 - Proposed first floor plan – 903/211 rev A
 - Location plan
 - Supporting Planning and Design and Access Statement
 - Crime and Impact Statement

Reason: In the interests of the visual amenities of the locality and in accordance with policies of the adopted TMBC UDP.

- 3) During construction / conversion no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

- 4) The use hereby permitted shall not be operated outside the hours of 08:00 to 18:00 hours Monday to Friday, 09:00 to 16:00 hours Saturday and 10:00 to 16:00 hours Sunday & Bank Holidays.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

Informative notes:

Contaminated Land – The responsibility to address contaminated land issues, including safe development and secure occupancy, irrespective of any involvement by this Authority, lies with the owner/developer of the site. Historical searches undertaken by the Council as part of the planning process have identified a former potentially contaminative use (i.e. may be a former industrial use, an infilled feature such as a pond/landfill site, etc.) that may affect the development site. You need to ensure that your builder and the Building Control Officer dealing with the development are aware of this and that any evidence of contamination / organic materials / wastes encountered during the development of the site is reported to the Councils Environmental Protection Unit (Tel: 0161 342 3680 / 0161 342 2691) as soon as is practicable. Where appropriate, precautions should be taken to protect the developer, the public, the environment and the proposed development from potential contamination issues.

Please note that the discussion on site history and the potential contamination issues is based on information available to the Environmental Protection Unit. It is not a definitive history of the site, the activities undertaken or a full appraisal of the potential contamination issues. We recommend that further specialist advice is obtained regarding the contaminated land issues for this development.

The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by this Authority, lies with the owner/developer of the site.

Whilst all reasonable care has been taken to ensure the accuracy of the information and data provided in this response, the Council accept no liability for any loss or damage howsoever caused arising from any reliance placed by any other person upon the information and data contained herein.

Highways – When carrying out building works on property near to a public highway it is important to remember that the highway is not part of the building site. There are various statutory requirements relating to highways which may be helpful to such persons to know in advance:

- (1) Skip permits are available for certain locations where obstruction is not likely to interfere with free flow along the highway.
- (2) Similarly hoarding/scaffolding permits may be issued.
- (3) Other obstructions of the highway are not permitted, i.e. storage of materials, deposition of rubble, mixing of materials.
- (4) Parking/loading or unloading regulations must be observed.
- (5) Any damage to any part of the highway or its furniture, or blocking of gullies will be repaired/cleared at the expense of the person causing such damage/blockage.
- (6) Water should not be permitted to discharge over a public highway either temporarily or permanently.
- (7) The deposition of mud on a highway is illegal and action may be taken against the person causing such deposition (e.g. the driver and/or the owner of the vehicle).
- (8) Applications for sewer connections/vehicle crossings over footways should be made in advance of development commencing. Any persons requiring further assistance in relation to these items should contact the Engineering Service at Tameside Metropolitan Borough Council (tel. 0161-342-3900).

Crime Impact Measures – The applicant is advised that the development hereby approved should be designed and constructed in accordance with the recommendations and specification set out in Sections 3 and 4 of the submitted Crime Impact Statement (ref: 2021/0216/CIS/01, version A, dated 13.07.2021).