

Application Number:	20/00293/FUL
Proposal:	Change of use from engineering works (Use Class B2) to distribution and storage warehouse (Use Class B8) – retrospective.
Site:	Ryecroft Engineering Co Ltd, Ryecroft Street, Ashton-under-Lyne, OL7 0BS
Applicant:	Mr Juma Gull Arsala
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 the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 Known previously as Ryecroft Engineering Works, the application premises comprise a complex of amalgamated buildings used for general industrial purposes. Extensive refurbishment works (see planning history below) have since resulted in a more uniform appearance of the building in terms of both design and external finishes. Although containing a fairly consistent eaves height, the building includes single-storey workshops/storage areas, and 2-storey office areas. The building's main frontage is to Ryecroft Street and is finished externally with vertically-profile metal cladding above a brickwork plinth. Other external walls are finished primarily with brickwork.
- 1.2 The building is located in the west end of Ashton, close to Guide Bridge, and is bounded on three sides by housing. The frontage, adjacent Ryecroft Street, faces towards a 7-storey mill building occupied by Ryecroft Foods Ltd, manufacturers of breakfast cereals. The area extending to the south east and west of the application site is predominantly residential and characterised by late 19th century terraced housing, although interspersed with recent renewal housing, arranged in a grid-iron pattern. The environs of a 2-storey block of sheltered housing apartments adjoin the site immediately to the west. The area to the north, up to Manchester Road (A635) is predominantly commercial.

2. PROPOSAL

- 2.1 The application seeks permission retrospectively for the change the use of the building from general industrial use (use class B2) to storage and distribution (use class B8). The applicant has advised that the storage and distribution use began in May 2021. No physical alterations or additions to the building or its environs are proposed.
- 2.2 The amalgamated building occupies the majority of the site but an open yard area remains along the western part of the site, adjoining the curtilage of the neighbouring part of the sheltered housing apartments. The submitted drawings show the north-western part of the yard area as including space for parking four cars and for delivery vehicles to enter the site and manoeuvre so as to leave in forward gear. The remainder of the yard is subject a current application (ref. 23/00733/FUL) for an extension to the existing building.

3. PLANNING HISTORY

- 3.1 18/00787/FUL: Proposed refurbishment works to main frontage on to Ryecroft Street, consisting of taking down defective brickwork, repairing external walls and adding new feature cladding, installing new windows & shutters and to re-clad defective cladding to existing lean to building in Service Yard. Also to undertake demolition of existing dilapidated structures within the existing footprint of Ryecroft Works to facilitate future construction of new Portal framed building within the existing footprint. No additional floor areas will be created. Application approved 05/11/2018.
- 3.2 20/00050/FUL: Proposed removal of part of existing roof structure and replacement with new raised steel structure/cladding - part retrospective. Application approved 03/04/2020.

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). The site is unallocated.

Tameside Unitary Development Plan (2004)

4.5 Part 1 Policies

- 1.1: Capturing Quality Jobs for Tameside People.
- 1.3: Creating a Cleaner and Greener Environment.
- 1.5: Following the Principles of Sustainable Development.
- 1.9 Maintaining Local Access to Employment and Services
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.6 Part 2 Policies

- E6: Detailed Design of Employment Developments.
- T1: Highway Improvement and Traffic Management.
- T7: Cycling
- T10: Parking

MW12: Control of Pollution

Supplementary Planning Documents

4.7 Employment Land Supplementary Planning Document.

Places for Everyone

4.8 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 are 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.

4.9 Paragraph 48 in the NPPF 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).

4.10 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.

4.11 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.

4.12 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.

4.13 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

4.14 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.

4.15 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 letter, display of a site notice; and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 A neighbour has raised concerns about increase in noise, including from HGVs, as well as these creating danger on nearby streets.

7. RESPONSES FROM CONSULTEES

- 7.1 The Head of Environmental Services (Public Protection) has raised no objection and suggested that conditions restricting the hours of construction work, and hours of operation thereafter, be attached to any permission.
- 7.2 The local highways authority (LHA) considers that the development would not have an unacceptable impact on highway safety, nor would the residual cumulative impact on the road network be severe, and has suggested that conditions requiring the laying out, and maintenance thereafter, of the car parking facilities as shown on the submitted plans, and that these be constructed so as to prevent displacement of materials or surface water onto the highway, together with an informative note regarding working near to a highway, be attached to any permission.

8. ANALYSIS

- 8.1 The key issues to be assessed in the determination of this planning application are:
- The principle of the development;
 - The impact on existing residential amenities; and
 - The impact on highway safety and the road network.

9. PRINCIPLE OF THE DEVELOPMENT

- 9.1 According to UDP policy 1.1:

To counteract a continuing decline in the Borough's established employment base and to increase the earnings potential of work in the area, measures will be taken to create and maintain a healthy and diverse local economy and to attract quality jobs. This will include facilitating the retention of indigenous and expanding businesses.

This policy accords with Section 6 of the NPPF which requires that:

- 9.2 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.

- 9.3 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. Places for Everyone is therefore a consideration material to determining the application.
- 9.4 The site is not specifically allocated for employment, because this is the established use. Moreover, UDP policy 1.9 seeks to maintain local access to employment opportunities in order to reduce the need to travel longer distances from outlying areas and to help create vitality and diversity in predominantly residential areas. According to the policy, opportunities will be taken wherever possible to retain and increase the availability of local employment, throughout the Borough. Constituting the reuse of an existing building the proposal, and in maintaining it in beneficial use, is in that respect inherently a sustainable, providing employment opportunities and boosting the local economy.
- 9.5 Whilst the site is not allocated for employment-generating development, the principle of development is considered to be acceptable and compliant with policies 1.1, 1.5 and 1.9 of the UDP and with Sections 2 and 6 of the NPPF.

10. IMPACT ON EXISTING RESIDENTIAL AMENITIES

- 10.1 Whilst the site is unallocated, it forms part of a significant enclave of industrial premises on the south side of Manchester Road. The site is then surrounded on three sides by housing. The previous and established use, being general industrial, has, if not greater, at least an equal potential for causing disturbance and impacting on residential amenity as does the proposed use. The Head of Environmental Services (Public Protection) has been consulted on the application and has raised no objection.
- 10.2 Residential amenities would then be further safeguarded by it being a condition of any permission that hours of operation be restricted to: 07:30 and 18:00 Mondays to Fridays; 08:00 to 13:00 Saturdays; and not at all on Sundays and Bank Holidays.
- 10.3 Given a restriction on the hours of work, it is accepted that the change of use is not to the detriment of living conditions of neighbouring residents, and so the proposal is compliant with policies 1.5 and 1.12 of the UDP, the SPD and Section 12 of the NPPF.

11. HIGHWAY SAFETY AND ACCESSIBILITY

- 11.1 The building subject to the application is situated in a relatively sustainable location, with there being regular and numerous bus services along Manchester Road, approximately 0.2 km to the north, and Stockport Road, a little further to the south. The building has been operating as a storage and distribution depot for more than two years without there being any significant impact on safety or traffic generation on local roads.
- 11.2 The application demonstrates, by means of a tracking plan, how the largest vehicles that visit the site can enter, manoeuvre within the site, and leave in forward gear. The local highway authority has reviewed the proposals and is satisfied that there would not be an unacceptable impact on highway safety, or that the residual cumulative impact on the road network would

be severe, so that, in terms of the impact on highway safety and accessibility, the proposals are acceptable and compliant with policies E6, T1 and T10 of the UDP, the SPD, and Section 9 of the NPPF.

12. CONCLUSION

- 12.1 The application proposes a change of use of the existing vacant building from B2 use to B8 use. The activities associated with the proposed use are no more likely to impact on the locality than those associated with the previous use and the uses within the adjacent enclave of industrial uses, and so would not be particularly sensitive to this area. The proposal will retain the beneficial use of the building, providing local employment opportunities and boosting the local economy. Overall, the proposed development is acceptable in principle.
- 12.2 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. The development would not cause undue impacts to highways safety.
- 12.3 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 when taking into account other material planning considerations.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

- 1) The development hereby approved shall be carried out strictly in accordance with the plan:

Proposed Building Details – drawing no. NMB/RE/20/004 rev. A – received on 28.09.2023

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

- 2) Within one calendar month of the date of this permission, the car parking spaces to serve the development hereby approved shall be laid out as shown on the approved Proposed Building Details drawing, no. NMB/RE/20/004 rev. A, and shall be retained free from obstruction for their intended use thereafter. Parking spaces shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

Reason: In the interests of highway safety in accordance with policy T1 Highway Improvement.

- 3) The use hereby permitted shall not be operated on Sundays and Bank Holidays and outside the hours of 08:00 to 18:00 hours Monday to Saturday.

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