

Report to Planning and Licensing Committee



Date of Meeting	3 December 2020
Portfolio	Councillor John Blundell Cabinet Member for Planning, Development & Housing
Report Author	Michael Atkinson-Smith
Public/Private Document	Public

Application: 20/00955/FUL	Township: Heywood	Ward: Hopwood Hall
Applicant: Yeargate Limited		Agent: WSP
Site Address: Birch Business Park, Unit D Whittle Lane Heywood OL10 2SX		
Proposal:	Retrospective demolition of Unit D and erection of a B2/B8 warehouse unit with ancillary B1(a) office space at Birch Business Park including ancillary office, parking and servicing areas, associated works and infrastructure	

SITE LOCATION



DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee as it comprises major development which represents a departure from the Development Plan.

PROPOSAL SUMMARY

- 2.1 Full planning permission is sought for the retrospective demolition of an existing building and its replacement with a new building to accommodate 6,795.1sqm GIA of B2/B8 floorspace including ancillary B1 office accommodation. Associated areas of parking/loading bays, servicing areas and soft landscaping would be provided.

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves to **GRANT planning permission** subject to the recommended conditions, which shall be provided in an update report.

REASON FOR RECOMMENDATION

- 4.1 The proposal would comprise inappropriate development in the Green Belt as defined by the National Planning Policy Framework and as such development should not be approved except in very special Circumstances

- 4.2 It is considered that the very special circumstances in this case are the economic benefits of substantial scale that would weigh heavily in favour of the proposal. The scheme would support and enhance the operations of an existing business in an existing industrial estate location and secure the retention of that business within the Borough in a new state of the art business premises.

- 4.3 When looking at the case as a whole, and in accordance with paragraph 143 of the Framework, very special circumstances are considered to exist because the harm to the Green Belt and all other harms that have been identified are clearly outweighed by the other considerations discussed in this report. Therefore, the proposal therefore comprises sustainable development and it is recommended that planning permission is granted subject to conditions.
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SITE

This application relates to Unit D at Birch Business Park which lies at the south east corner of the wider industrial estate site. The industrial estate, including the application site, is a major developed site within the Green Belt as defined by the Proposals Map of the Rochdale Unitary Development Plan. Approximately 350m to the south east of the site is the eastbound Birch Services of the M62, whilst 900m north is Heywood Distribution Park. The immediate area surrounding Birch Industrial Estate is farmland, and the topography of the land falls away to the south east. There are areas of landscaping throughout the industrial estate and a pond in the eastern corner. The site boundaries are marked by mature trees on all sides, although there are significant gaps within it at present. The site is accessed via Moss Hall Road / Whittle Lane, the latter of which runs along the western boundary of the site and wraps around the southern boundary.

The site benefits from an extant outline planning permission (ref. 16/01455/OUT) for the erection of 3 industrial units of B2/B8 use (with ancillary B1) including the provision of car parking and associated infrastructure. A further application to reword the pre-commencement conditions of 16/01455/OUT to accord with phasing arrangements was also granted permission on 14 December 2018, thus allowing for the separate construction of Units L2a and L2b which has now been completed.

Birch Business Park lies to the south of, but in close proximity to, Heywood Distribution Park and is also closely located to the wider South Heywood masterplan area recently approved under application ref. 16/01399/HYBR. The site also sits within the 'Northern Gateway' area as referred to in the emerging Greater Manchester Spatial Framework.

PROPOSAL

Full planning permission is sought for the retrospective demolition of an existing warehouse that was erected in the 1940's and its replacement with a new high-specification building to accommodate 6,795.1sqm GIA of B2/B8 floor space including ancillary B1 office accommodation. Associated areas of parking/loading bays, servicing areas and soft landscaping would be provided. The application forms part of a wider strategy to upgrade the business park to provide modern warehouses for industrial and manufacturing purposes and the redevelopment of Unit D forms one of the final phases of the proposed redevelopment.

The building itself would measure 112m x 58.6m with a ridge height of 14.895m. Much of the building would be clad in vertical trapezoidal profiled cladding finished in Goose Wing Grey. The façade of the units will be broken up with profiled cladding and dark blue banding on certain elevations. The proposal would involve the removal of two trees, although 13 new trees would be planted in addition to hedgerow and buffer screening planting. Vehicular and pedestrian access would be through the existing industrial estate existing gatehouse off Moss Hall Road. Whilst not the applicant, Restore PLC have been confirmed as

the end user for the proposed development, which has been designed to meet occupier need, albeit Yeargate Ltd is the wider site owner.

ENVIRONMENTAL IMPACT ASSESSMENT

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the Council has conducted a screening opinion. This was in order to establish whether the proposed development was likely to have significant effects on the environment to warrant the carrying out of an Environmental Impact Assessment (EIA) and the submission of an Environmental Statement by the developer. It was concluded that the proposed development does not warrant the submission of an EIA.

DEVELOPMENT PLAN

Rochdale Core Strategy (CS) 2016:

SP2	The Spatial Strategy for the borough
SP3	The Spatial Strategy for the townships
SD1	Delivering sustainable development
DM1	General development requirements
SO1	To deliver a more prosperous economy
E2	Increasing jobs and prosperity
E3	Focusing on economic growth corridors and areas
SO3	Improving design, image and quality of place
P1	Improving image
P2	Protecting and Enhancing Character, Landscape and heritage
P3	Improving design of new development
SO4	Promoting a greener environment
G1	Tackling and adapting to climate change
G2	Energy and new development
G3	Renewable and low carbon energy developments
G4	Protecting Green Belt
G6	Enhancing green infrastructure
G7	Increasing the value of biodiversity and geodiversity
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility

Rochdale Unitary Development Plan (UDP) 2006:

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

G/D/2	Green Belt
D/5(ii)	Infilling at Major Existing Developed Sites in the Green Belt – Birch Industrial Estate, Whittle Lane, Heywood
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

Greater Manchester Joint Minerals and Waste DPD (2013)
 Climate Change Adaptation SPD (June 2012)
 Biodiversity and Development SPD (updated 2017)

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (NPPF) – June 2019
 National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

19/00092/REM - Submission of reserved matters pursuant to outline planning permission 18/01048/VRCON relating to the means of access, appearance and landscaping in relation to phase 1 of the development. – Granted subject to conditions

19/00144/VRCON - Application to vary condition 5 (development to be carried out in accordance with submitted Ground Investigation Report) and condition 16 (to refer to updated energy statement submitted) of planning permission 18/01048/VRCON – Granted subject to conditions

18/01048/VRCON - The imposition of additional planning condition to planning permission reference 16/01455/OUT to allow the site to be developed in 2 phases. Subsequent variation in the wording of conditions 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14 and 17 and the removal of condition 15 for achievement of very good or excellent BREEAM rating – Granted subject to conditions.

16/01455/OUT - Outline planning permission by means of layout and scale for the erection of 3 industrial units of B2/B8 use (with ancillary B1) including the provision of car parking and associated infrastructure including the demolition of existing commercial units – Granted subject to conditions

CONSULTATION RESPONSES

Bury Council - No comments received to date.

Electricity North West - [Summary]: The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any

ancillary rights of access or cable easements. Recommendations in respect of safe working have been provided.

GMP Design for Security [Summary] – Recommendation that the outdated (+3 years) Crime Impact Statement is updated on the basis that the crime data produced on each CIS is only valid for a period of 12 months as crime patterns in a given area change over time and the recommendations / suggested security measures should be updated to reflect this.

Greater Manchester Ecology Unit – [Summary] - The developer's ecological consultant identified no significant ecological issues. Issues relating to great crested newts, bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Greater Manchester Ecology Unit (Trees) – No comments received to date.

Highways and Engineering - I am satisfied that the site is suitable for the type of traffic generated by a development of this nature. The applicant has provided ample parking within the curtilage of the development for this nature. The proposals separate Private and Commercial vehicles uses which is ideal. The site layout is suitable for its usage. No changes to the highway layout are proposed or required for this proposal. I have no concerns about the safety of the access to the site or on the surrounding highways. We have no objections to this proposal on highways grounds.

Landscaping Team - No comments received to date.

Lead Local Flood Authority/Drainage - [Summary]: No objection subject to suggested conditions. Recommendation for reduction in geocellular storage capacity.

Public Protection (Air Quality) - No comments received to date.

Public Protection (Environment) - The report and recommendations are acceptable.

Public Protection (Noise / Odours) - No comments received to date.

Rights Of Way Officer - No comments received to date.

Strategic Transport Planning Co-Ordinator - No comments received to date.

Transport for Greater Manchester - No comments received to date.

United Utilities - No comments received to date.

TOWNSHIP PLANNING PANEL

The application has not been discussed at the Heywood Township Planning Panel due to postponement of these during the ongoing incidence of COVID-19.

During this period Councillors representing township panels have been advised to contact officers if they wish to make comments, however no such request has been made in this case.

MEMBER REPRESENTATIONS

No representations have been received from Members.

PUBLIC REPRESENTATIONS

Letters of notification were sent to adjacent properties, a site notice was displayed in the vicinity and advertisement was placed in the local press. Two letters of support were received; one from the end user of the proposed development setting out their preference to consolidate their regional operations at the site and one from the Rochdale Development Agency highlighting the benefits of job creation and retention within the Borough of Rochdale.

ANALYSIS

Principle of Development – Green Belt

1. The Birch Industrial Estate, including the application site, is a major developed site within the Green Belt as defined by the Proposals Map of the saved Rochdale Unitary Development Plan. Saved UDP policy D/5 states that 'limited infilling within the major existing developed sites within the Green Belt will be permitted provided that the development accords with certain limitations and conditions.
2. The UDP policy is not in complete conformity with the NPPF, and the weight that can therefore be afforded to it is reduced, with the requirements of the NPPF in respect of the Green Belt taking precedence.
3. Adopted Rochdale Core Strategy policy G4 is consistent with paragraph 145 of the NPPF, however, which states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt unless it meets one of the exceptions listed in the policy. The exception of relevance is '*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development*'
4. The proposed development could be considered to comprise the redevelopment of previously developed land (PDL) (for the most part) which is in continuing use and would thus fall within the parameters of exemption g) as outlined above.

5. However, the degree to which the proposed development could be considered to represent 'limited infilling' given that there would be a substantial increase in height and built form is not considered to be within the parameters of the national policy position. The replacement Unit D be almost double the footprint of the building it would replace (an increase from 61.5 x 63.5m to 56.8m x 112m) and be of greater scale, height and massing. The information provided within the application indicates that the previous Unit D had a maximum height of 136.88 AOD whereas the replacement would reach 142.895m AOD.
6. For that reason, officers consider that the proposals would result in inappropriate development that would harm openness, which is contrary to both the UDP policy and the NPPF and thus requires very special circumstances to be demonstrated.
7. It is acknowledged that there is an extant outline planning permission for the replacement of Unit D, and that the proposed replacement building is not dissimilar to the previously approved outline scheme overall, notwithstanding increased scale and massing. However, in granting that outline permission, amendments were secured to reduce the more harmful elements of the development such as reducing the scale of the building to reduce its proximity to the boundary and the removal of hardstanding close to the south eastern boundary. Without these modifications, that scheme could not be considered to accord with Green Belt Policy and therefore the reintroduction of these elements in the current application takes the development beyond 'limited infilling' to the extent that very special circumstances are required to substantiate an exception from Green Belt restrictions.

Very Special Circumstances

8. There will be a range of significant benefits resulting from the proposed development, together comprising the 'Very Special Circumstances'. The case submitted by the applicant specifically highlights the following key considerations:
 - Operator led development providing comfort that the development and associated benefits will be delivered;
 - Efficient redevelopment of a currently vacant brownfield site which makes optimal use of the site taking into account the wider well-established business park and need for additional employment sites across the borough; and
 - Social benefits through job creation with a range of positions created. New employment would be accessible to a range of the local community including disadvantaged residents of the Borough;
9. It is noted that environmental benefits such as new landscaping and tree planting with a net gain in biodiversity are a policy requirement and cannot be considered to represent very special circumstances at this

limited scale. Similarly, improvements in sustainability through the reduction of vehicle movements associated with consolidating Restore's operations in one location and the use of electric vehicles, the need for additional employment land across the Borough generally, temporary economic benefits during construction and retention of existing employment that may otherwise be translocated elsewhere cannot be considered to represent 'Very Special Circumstances'.

Design, Layout and Visual Appearance

10. The application site is part of an existing industrial estate, set in a rural location. Outside the industrial estate the built environment is characterised by occasional low density farm buildings. Approximately 400m to the southeast of the site is the eastbound Birch Service Station of the M62, whilst 620m north of the industrial estate is Heywood Distribution Park, occupied by large storage and distribution buildings. The topography of the land falls away to the southeast from the application site towards the motorway and service station. Close views of the industrial estate can be taken from traffic passing the site on Whittle Lane and the public right of way to the south west, Broom Hill Farm and Cottage also to the south west and more distant views from public rights of way to the east and west.
11. The proposed replacement building would be closer to the south eastern boundary of the industrial estate as a result of the increase in size and would also be more visible, particularly from the south. The submitted Landscape and Visual Impact Assessment demonstrates the increase in visibility of the proposed building and attempts to demonstrate that the proposed landscaping and planting scheme would shield the proposed building from several viewpoints after 15 years once fully established. Medium adverse change magnitudes have been identified in respect of Viewpoint 2 (road users) and Viewpoint 5 (PRoW Hey FP74), although the significance of the change is reduced to 'slight adverse' or 'negligible' from all Viewpoints assessed at year 15.
12. It is inescapable that a much larger building than the one it would replace would result in a greater impact on the openness of the Green Belt, but it is noted that consideration has been given to the use of recessive colouring in respect of the higher level cladding which would reduce the overall impact and the eventual vegetative screening would provide some relief, albeit less so in the winter months. Whilst there would be an approximately 8m increase in height over the former Unit D, it is also noted that from most vantage points, including adjacent Public Rights of Way, the proposed building would be viewed in the context of the wider industrial estate, as demonstrated in the submitted LVIA. The highest building currently standing on site in relative terms, due to changes in site levels, is Unit A which has a height of 142.900 AOD. The proposed building would be 55mm lower than the relative height of Unit A, although it would be taller than many other buildings on site.

13. Notwithstanding the general landscape impact, which would reduce over time, the proposed building is considered to be of an appropriate and acceptable design for its intended purpose and would sit comfortably amongst the other buildings on the wider industrial estate in which it would sit. The layout of the parking and servicing areas is also considered to be acceptable in this industrial park location. On this basis, the proposed development would accord with adopted Rochdale Core Strategies DM1 and P3 and the NPPF.

Impact on Residential Amenity and Surrounding Occupiers

14. The nearest residential properties are Broom Hill Farmhouse, which is situated approximately 30 metres from the southern site wider site boundary, and The Bungalow, Broom Hill Farm, approximately 55 metres to the south-west.

15. Although the proposed redevelopment of Unit D represents an increase in scale and thus intensifies the use of the wider site, the operation of the unit would be similar to the existing commercial operations and it is noted that Unit D is located well away from the nearby residential properties. It is noted that the end use would be consistent with the established uses taking place on the industrial estate and that the overall impact in this regard will not be materially greater than the impacts that would occur should the extant outline planning permission for a similar replacement of Unit D be implemented.

16. With regards to noise, it is acknowledged that the site forms part of the existing industrial estate and the site is currently occupied by industrial buildings. To mitigate against the potential for unacceptable impacts in respect of noise disturbance for surrounding occupiers a condition is recommended requiring the submission and approval of a construction management plan. This would ensure appropriate site working hours to protect the amenity of the occupants of the residential properties to the south and minimise the impacts of noise and disturbance from construction traffic. A condition requiring acoustic insulation of any external and mobile plant in a scheme to be agreed by the LPA is also recommended to protect amenity and the surrounding natural environment.

17. A lighting strategy plan has been submitted in order to indicate the external lighting that would be provided as part of the development. Given the separation distance of Unit D from surrounding residential properties, however, it is not anticipated undue impacts in this respect would occur.

18. Subject to the suggested conditions, it is considered that the proposed development, through its construction, ongoing use and associated activity would not cause any significant harm to residential amenity or other surrounding occupiers. The proposed development would therefore accord with adopted Rochdale Core Strategy policy G9 and the NPPF.

Impacts on Parking, Highways and Access

19. Birch Business Park is predominantly in a rural location and therefore the sustainable travel opportunities reflect this, particularly for walking and public transport. However, cycling trips could be made to/from the site and the proposed cycle parking would encourage such trips to be made by staff.
20. The submitted Transport Assessment indicates that the redevelopment is expected to result in a net increase of 21 and 19 two-way trips during the morning and evening peak hours respectively, which is considered to be insignificant in respect of the general highway functionality characteristics. The Highways Authority is satisfied that the site is suitable for the type of traffic generated by a development of this nature and that sufficient parking provision would be provided to serve the proposed development. No highway safety concerns have been raised by the Highways Authority.
21. A condition is recommended requiring the implementation of the bicycle parking facilities detailed within the application prior to the first occupation of the building to encourage the use of transportation options other than private motor vehicles.
22. Therefore it is considered that the proposed development accords with the requirements of Rochdale Core Strategy policies DM1 and T2 and the NPPF in relation to the traffic implications and network capacity of the proposed development.

Arboricultural and Ecological Impacts

23. An Extended Phase I habitat survey was undertaken in 2016 and this was updated by a walkover survey in August 2020. The site has been assessed as low ecological value, with the only features of value being the mature trees around the boundary. The report has been reviewed by the Greater Manchester Ecology Unit (GMEU) who are satisfied that the ecological appraisal has identified all of the constraints on the site including great crested newts, bats and nesting birds and that any impacts can be mitigated via condition or informative. The requirement for biodiversity net gain can, in this instance, also be secured through conditioning the implementation of additional landscaping and vegetative screening.
24. There is a known great crested newt breeding pond approximately 130m to the north of the development. The development site and much of the intervening habitat is however hostile to this European protected species and the consultants have assessed the likelihood of negative impacts on the favourable conservation status of this species as very low and

recommended only reasonable avoidance measures. An informative is therefore recommended in this respect.

25. The buildings and trees on site were assessed as having negligible bat roosting potential and GMEU have found no reason to doubt the findings of the report. As the existing building has already been demolished and the site largely cleared, no further actions are considered necessary in this respect.
26. Two trees would be removed to facilitate the development, namely T29 which is a category B tree, and T27 which is a category C tree. A small section of G26 may also need to be pruned back. It is not considered, when judged in conjunction with the comprehensive landscaping plan which would see an increase in tree planting, that the loss of these existing trees will materially harm the wider amenity that they afford. G25, G26 and G28 would all be retained and protected during construction as per the details and recommendations of the submitted Arboricultural Impact Assessment.
27. A condition is recommended requiring that no works to trees or shrubs should occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist had been submitted to ensure against the potential loss of bird nesting habitat.
28. Therefore, subject to the suggested conditions and informatives, the proposed development would preserve biodiversity mitigate any impacts on protected species in accordance with adopted Rochdale Core Strategy policy G7 and the NPPF.

Drainage and Flood Risk

29. The application site falls within flood zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year). However, the application site does comprise a major development of more than 1 hectare residential development and accordingly the application has been supported by a Flood Risk Assessment (FRA). As the site lies in Flood Zone 1, there is no need for a sequential test or exception test. No other potential sources of flooding of the site have been identified.
30. The submitted drainage details indicate that attenuation storage will be provided by oversized pipes and geocellular tanks with hydrobrake flow controls. The Council's Drainage Officer agrees that the proposed drainage design is appropriate. The applicant may, however, wish to reduce some of the geocellular volume requirements through the use of permeable block paving or permeable tarmac with appropriately designed subbase with 30% voids as this would also provide attenuation storage. A condition has been recommended requiring submission of final drainage

details and a maintenance document explaining how the surface water scheme will be maintained and managed after completion.

31. Subject to the suggested condition, the proposed development is considered to be acceptable in respect of drainage and flood risk and in accordance with adopted Rochdale Core Strategy policy G8, saved Rochdale UDP policies EM/7 and EM/8 and the NPPF.

Ground Contamination and Site Conditions

32. A Phase II report detailing the findings of intrusive ground investigations has been provided. The report considers that there is a negligible risk to human health from ground based contaminants due to the expansive proposed hard covering and context of the site, and also a low risk to Controlled Water receptors. The report concludes that further assessment or remedial actions are therefore not warranted. Similarly, there is considered to be a negligible risk from ground gas and no gas protection measures are considered necessary. Recommendations in respect of foundation design have been provided based on geo-technical analysis.
33. The Council's Public Protection Officer has reviewed the submitted Phase II report and has concluded that the report and the recommendations contained within it are acceptable. Subject to the suggested condition requiring adherence to the recommendations of the report, the proposal would accord with adopted Rochdale Core Strategy policies DM1 and G9 and the NPPF.

Other Matters

34. The applicant has declined to provide an updated Crime Impact Assessment that uses up to date baseline data regarding crime patterns in the immediate area but it is acknowledged that comprehensive security measures are already employed at the wider site and the building has been designed to a high contemporary standard.
35. An Energy Statement has been submitted with the application to satisfy the requirements of adopted Rochdale Core Strategy policy G2 and which demonstrates that the proposed replacement building would provide an 11% betterment in respect of CO2 emissions over the Building Regulations Part L2A 2103 target. Low/zero carbon technology would be used to heat and ventilate the building alongside measures to reduce energy demand.

Conclusion and the Balancing Exercise

36. The proposed development would support the redevelopment of a previously developed site with a new high quality industrial building which

would support the Council's aspirations to deliver substantial economic growth within the Borough in accordance with adopted Rochdale Core Strategy policy E2.

37. The proposal would result in minimal harm to landscape character, despite the increase in scale, height and massing of the proposed replacement building and its proximity to the wider site boundary. There would also be minimal harm in respect of biodiversity and ecological impacts which would be mitigated by conditions and by way of a robust planting and landscaping scheme which would result in a moderate degree of biodiversity enhancement.
38. Whilst the proposed development would comprise inappropriate development within the Green Belt, it is noted that the majority of the site is PDL within an industrial setting and it is therefore considered that the economic benefits of the scheme would outweigh the harm to the Green Belt through inappropriateness.
39. The presented case as to why 'Very Special Circumstances' exist that should weigh in favour of the proposed development focusses on the specific business and locational needs of Restore PLC which would see the existing business remain within the borough, whilst allowing for its expansion. This would bring benefits in terms of investment and local employment, along with the modernisation and upgrading of an older part of a long-established industrial estate. However, it would be necessary to secure any such benefits through the recommended planning condition requiring an occupancy period of not less than five years following first occupation of the development to tip the planning balance in favour of the scheme.
40. Overall it is considered that the benefits set out in the submitted 'Very Special Circumstances' case outweigh harm to the Green Belt that has been identified. As such, when looking at the case as a whole, and in accordance with Paragraph 143 of the Framework, 'Very Special Circumstances' are considered to exist because the harm to the Green Belt and all other harms that have been identified are clearly outweighed by the other considerations detailed in this report. Therefore, although the proposal does not accord with the development plan when read as a whole, other material considerations indicate that planning permission should be granted.