

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00284/VRCON	Majid Mir	12 May 2023

Address: Corrosion Resistant Products Ltd, Head Office Todmorden Road
Littleborough OL15 9EG

Proposal: Application to vary condition 1 on planning permission 20/00874/VRCON to extend the temporary planning permission by a further 3 years to expire in March 2027

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
-----	--	---

CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	Grant subject to conditions
----------------	-----------------------------

CHECKED AND SIGNED OFF BY: RG

DATE: 8 December 2023

SITE

The application site is an existing industrial site which is sited off Todmorden Road in Littleborough and is boarded by the River Roch to the east. The site contains a number of buildings which includes offices and buildings for industry and these comprise brick built and metal clad buildings. The buildings subject to the application are also in situ on site and these are constructed of steel cladding. The application site also includes parking for staff, visitors and HGV's and it is situated within a ribbon of industrial development that is sited to the east of Todmorden Road.

PROPOSAL

The application seeks to vary condition 1 of planning permission 20/00874/VRCON. Application 20/00874/VRCON extended the time period for retention of two temporary buildings on the site. The original application (18/00959/FUL) granted permission for the erection of 2 temporary buildings for storage and manufacturing. That permission was approved for a temporary period that expired on 13th March 2021. A subsequent application (20/00874/VRCON) was made to extend this by a further 3 years and to expire on 13th March 2024.

This application seeks to extend the period of permission to expire in March 2027.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

E2	Increasing jobs and prosperity
P1	Improving image
P3	Improving design of new development
G8	Managing water and flood risk
G9	Reducing the impact of pollution, contamination and land instability
T2	Improving accessibility
DM1	General Development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
EC/3	Mixed Employment Zone
EM/7	Development and Flood Risk

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

22/00872/FUL	Erection of a detached single storey modular building to serve as a site canteen. Decision: Grant subject to conditions.
--------------	---

20/00874/VRCON	Application to vary condition 1 of planning permission 18/00959/FUL to extend temporary planning permission in line with original proposal for 5 years (to expire March 2024). Decision: Grant subject to conditions.
18/00959/FUL	Erection of 2 temporary buildings for storage and manufacturing (Retrospective). Decision: Grant subject to conditions.
18/00312/FUL	Extension to existing manufacturing space of industrial works building. Decision: Grant subject to conditions.
09/D51940	Construction of replacement roof. Decision: Grant subject to conditions.
97/D34356	Change of use from Storage and Distribution (Class B8) to General Industrial (Class B2). Decision: Approved.

CONSULTATION RESPONSES

Highways And Engineering

Highways raised no objection to the original application and having reviewed the submitted information we raise no objection to the extension of the temporary planning permission, and request no specific planning conditions.

Lead Local Flood Authority/Drainage

The temporary buildings do not provide any rainfall attenuation, but their footprint is small. A new permanent building would need to have provision for some rainfall attenuation.

As Drainage Officer, I have no objection, from a drainage perspective.

Environment Agency

No comments received to date

United Utilities

No comments received to date

REPRESENTATIONS

The application has been publicised with a site notice and neighbour notification letters. One objection has been received. The objection has been summarised below:

- ❑ The absence of drainage and runoff in a flood zone remains an issue.
Officer comments: Discussed in the drainage section of the report.
- ❑ Eyesore.
Officer comments: Discussed in the design section of the report.
- ❑ Less noise proofing than the permanent buildings.
- ❑ Site that appears to operate 24/7- staff habits of playing loud music during their shifts, being able to hear that in the early hours of the morning is somewhat less than ideal - something that proper construction could help resolve.
Officer comments: Discussed in the amenity section of the report.

- ☐ These temporary buildings were applied for retrospectively and an extension has already been granted once. An additional 5 years is a long period, and at 10 years (construction began in 2018), that's basically permanent despite the original decisions confirming that the construction did not meet standards for the local area.

Officer comments: Discussed in the principle section of the report.

ANALYSIS

Principle

The application seeks to extend the time period for retention of two temporary buildings on the site. Planning permission was approved under application 18/00959/FUL and then temporary planning permission was extended under application 20/00874/VRCON for the buildings to remain on site until 13th March 2024. The current application seeks to extend that period by a further three years to expire in March 2027.

As established under application 18/00959/FUL the principle of the storage and manufacturing buildings is acceptable within the site. The site is allocated as a mixed employment zone under saved UDP policy EC/3 which establishes that general industry is an appropriate use on the site. However, the buildings themselves are not of permanent construction, comprising materials of grey metal cladding for the walls and PVC fabric roof covering. It is noted that concerns were raised about the longevity and design of the materials used in the construction of these buildings. This is discussed further in the design section of the report.

Planning guidance states that a temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use'). Furthermore, the planning guidance adds that it would not be normally considered acceptable to extend or grant a second temporary planning permission and would rarely be justifiable to grant a second temporary permission except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities. However, further planning permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

Policy E2 of the adopted Core Strategy states that 'we will ensure a sufficient supply of suitable land, buildings and infrastructure in the right places to support the creation and retention of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy'. Paragraph 81 of the NPPF states that local planning authorities 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. It is noted that Rochdale has underperformed with low levels of employment and high level of unemployment when compared to the northwest and nationally. Rochdale does have a greater percentage of jobs in manufacturing, transport and storage. Additionally, Rochdale has been identified as the 15th most income-deprived

It is understood that the applicants are looking to submit a formal application to provide a permanent solution in regards to the site. The extension of time for a further 3 years would allow the applicants sufficient time to submit a formal application for a permanent solution to the site whilst also allowing the applicant to continue to use the buildings temporarily whilst not unduly impacting on the business' viability. The retention of the buildings on a temporary basis for a further 3 years will

allow for the support of the existing business needs of the site is in accordance with policy E2.

It should be added that further extensions will be considered to be unacceptable and the principle of extending the time is only being considered to be acceptable to allow the applicant to proceed with a formal planning application to provide a permanent solution to the site requirements.

Design and visual amenity

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, paragraphs 126 and 130 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The dual pitched gable roof design and the general design of the buildings are considered to be acceptable. The concern that was raised in previous applications related to the materials used to construct the buildings. The buildings have been constructed using grey metal cladding to the walls and PVC fabric roof covering. These buildings normally have a life span of approximately 10 years. When such buildings deteriorate quickly they can become eyesores and have detrimental impact on the visual amenity of the area. However, when visiting the site it was noted that visually the buildings appeared to be in good condition with no visible deterioration. In this respect extending the temporary permission for a further 3 years, the building would be within the expected life span of the building and is unlikely to lead to a substantial deterioration of the buildings to the point where they would unduly impact on the visual amenity of the area.

The colour of the buildings does differ from the green found on the cladding of the adjoining buildings. It is however noted that the buildings are set back from the highway with boundary treatment and foliage partly screening the buildings when viewed from the public highway. The light grey colour of the cladding is not overly dissimilar in colour to the buildings located to the front of the site and on industrial units that were recently granted planning permissions further along Todmorden Road. It is however noted that the materials used for the construction of the buildings are considered to be inferior in quality to those used on the permanent structures on the site. In particular the roof covering which has been constructed of fabric is not considered to be suitable for retention on a permanent basis in this location.

In conclusion, it is considered that the buildings subject to this application are not suitable for retention on a permanent basis. Nonetheless, their appearance has not degraded since the last application and as temporary structures, the buildings still appear acceptable on the site. The purpose of the temporary buildings, which is to allow the replacement of a fire damaged unit with permanent buildings, is still relevant and it is not considered that retention of the buildings until March 2027 would result in undue harm to the visual amenity of the area. The buildings are therefore acceptable in this respect.

It is therefore considered that the proposal would not unduly impact on the visual amenity of the area and would therefore accord with policies DM1 and P3 of the adopted Core Strategy and the NPPF.

Amenity

Paragraph 174 of the NPPF also states that Planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 130 also seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution. Additionally, policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

The proposed building would be sited approximately 40m to the nearest residential properties, that are located on the opposite side of Todmorden Road. It has been noted that there was an objection on grounds of noise and disturbance from the site. It is noted that when the original application was made, the Council's Public Protection (Noise and Odours) Officer had no objections to the siting of two buildings for storage and manufacturing purposes. The officer in the original application considered that the distance was more than sufficient to ensure that residents would not be adversely affected by any direct impacts from the buildings.

It is noted that the objection raised concerns in regard to the noise emanating for the site at late hours of the day. The site is located within a mixed employment zone and next to the busy Todmorden Road. When visiting the site, noise from the site was predominantly emanating from external areas of the site and the openings of the permanent buildings. It is noted that there are restrictions in place in regards to operating hours and noise levels that were attached to application 97/D34356 for the main uses within the site. Those conditions are considered suitable to alleviate the concerns raised. Failure to adhere to those conditions would be a separate enforcement matter.

In light of the above it is considered that two buildings to support existing business operations on the site for a temporary period would not result in any undue harm to residential amenity and the application would accord with policy DM1 in this regard.

Highways

Policy DM1 of the Council's adopted Core Strategy requires all development proposals, provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location.

The highways department have raised no objection to the original application and have raised no objections to the proposal to extend the temporary planning permission. Furthermore, highways department have requested no specific planning conditions. As such it is considered that there are no undue highway concerns with the proposals and the application accords with policy DM1 of the Core Strategy and the NPPF.

Drainage

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk

elsewhere. Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment.

The site is in a Critical Drainage Area and is within Flood Zone 2 and 3. Application 18/00959/FUL identified that the buildings would not be acceptable on a permanent basis due to absence of any permanent drainage and rainwater attenuation measures. These are considered necessary on the site, which is within a critical drainage area and flood zone 2 and 3. The Officer's report noted that the buildings are on land that were previously hardsurfaced, and as such would not actually increase the amount of hardstanding and runoff from the site.

During consultation with the Drainage Officer for planning application 20/00874/VRCON, the Drainage Officer raised no objection and the Officer noted in the report that a flood scheme in conjunction with the Environmental Agency is due to start works 'on the ground' to reduce flood risk in this area.

In regards to this application, the Drainage Officer raised no objection to the proposal, noting that the footprint of the building was small and that when an application for permanent buildings comes forward they will need to have provision for some rainfall attenuation.

It is therefore considered that the application is acceptable in respect of drainage and flood risk.

RECOMMENDATION Grant subject to conditions

1. This permission is granted for a temporary period expiring on 13th March 2027. On or before this date, the buildings shall be removed and the site restored to its condition prior to the erection of buildings to which this permission relates.

Reason: The application seeks permission for a temporary period only. The buildings would not be acceptable on a permanent basis on the site having regard to policies P1, P3, G8 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

INFORMATIVE:

The proposal does not comply with the development plan. However to allow for the continued operation of a successful business the development would be acceptable for a limited temporary period. Further extensions will be considered to be unacceptable and the principle of extending the time is only being considered to be acceptable to allow the applicant to proceed with a formal planning application to provide a permanent solution to the site.

For the avoidance of doubt, this Decision Notice relates to the following drawings :-

- Location Plan
- As Existing Site Plan
- Existing Plan - Drawing no. dwg-tjba-CRP-littleborough-040518.dwg, revp1
- Proposed Plan and Elevations - Drawing no. dwg-tjba-CRP-littleborough-040518.dwg - revp1