

APPLICATION NUMBER: 22/01284/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01284/FUL	Rosalind Gralton	30 May 2023

Address: Mitchell Hey Mills College Road Rochdale OL12 6AE

Proposal: Change of use of lower ground floor and part of ground floor from mixed Use Class B2 and B8 to Use Class B2 (industrial) including new external staircase and new first floor window to south west elevation

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	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?	N

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

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

RECOMMENDATION	APPROVE SUBJECT TO CONDITIONS
----------------	-------------------------------

CHECKED AND SIGNED OFF BY: LA

DATE: 20.07.23

SITE AND SURROUNDINGS

The application site relates to Mitchell Hey Mills, a late 19th century cotton mill complex, which lies on College Road to the north of the River Spodden.

The surviving buildings consist of spinning mill buildings and an early 20th century office block. The buildings are currently vacant. They have undergone a number of changes, some of which are unsympathetic, including the blocking up of windows, and the replacement of many of the original timber windows with UPVC.

As 19th century industrial buildings, the site has been included on the Council's list of non-designated heritage assets, due to their architectural and historic interest

The site is not a listed building nor located within a Conservation Area. It is identified as part of the defined urban area (G/D/1), a mixed employment zone (E/C/3), and an area of physical regeneration (G/R/1). The site is located within Flood Risk Zone 2.

It is noted some recent works to the property, including render to the southern elevation, are not included within this planning permission. The applicant has confirmed these works are completed through permitted development rights. These are not to be considered through this application.

PROPOSAL

Full planning permission is sought for the change of use of the lower ground floor and part of ground floor from Use Class B2 and B8 to Use Class B2, including new external staircase and new first floor window to south western elevation.

The windows relating to this application are on the south western corner of the building, which is a key vista from the development

It is noted some works to the windows have already been completed and are retrospective.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E2	Increasing jobs and prosperity
E3	Focusing on economic growth corridors and areas
SO2	Creating successful and healthy communities
C6	Improving health and well being
SO3	Improving design, image and quality of place
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
SO4	Promoting a greener environment
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

DM1 General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

EC/3 Mixed Employment Zones

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

10/D52941 - Change Of Use Of Part Of Industrial Unit To Retail Use – Withdrawn
22/04/2010

CONSULTATION RESPONSES

Environment Agency

The Environmental Agency were consulted on their application and raise no objection, however do raise the following comments, which are also attached as an informative.

'Environment Agency position

Flood Risk

We have reviewed the flood risk assessment ref: Job number 127-WM by William Morris. The FRA states that there could be a risk of flooding to the development. The Environment Agency's data provided and reproduced in appendix C indicates that there are records of flooding to the site. Although the site is shown within flood zone 2 it appears that the existing building has a lower ground level. The FRA has not confirmed the existing floor levels of the building, which could be compared against the likely fluvial flood levels for the rivers Spodden and Roch. It may be the case that the lower ground levels are at higher fluvial risk than the flood zone 2 zoning suggests.

Section 8 of the FRA states "In the event of extreme emergency the local authority and other emergency services have contingency plans for dealing with the consequences of flooding". The developer is responsible for showing that any development would be "safe" without relying on emergency services. Any users of the development, especially those at lower levels, could potentially be reliant on a flood warning and evacuation plan for their safety.

Advice to the applicant

We recommend the applicant produces a flood warning plan for the occupiers and users of the proposed development. Advice is available in the ADEPT/EA Flood Risk Emergency Plans for New Development guidance: - <https://www.adeptnet.org.uk/floodriskemergencyplan>

Contaminated Land

The proposed development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters.

We have not undertaken a detailed review of the risk posed to controlled waters from land contamination and would therefore advise that you refer to our published Guiding Principles for Land Contamination which outlines the approach we would wish to see adopted to managing risks to the water environment from this site.

We also recommend that you consult with your Environmental Health / Environmental Protection Department for further advice on generic aspects of land contamination management. Where planning controls are considered necessary, we would recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

Advice to the applicant

The development could have the potential to be regulated under the Control of Major Accident (COMAH) Regulations and may require Planning (Hazardous Substances) Regulations 2015. Details can be obtained from the Health and Safety Executive who should also be consulted on the proposals. HSE: Control of Major Accident Hazards (COMAH). The COMAH Regulations are enforced by the Competent Authority (CA) which comprises the Health and Safety Executive (HSE) and the relevant environmental regulator: the Environment Agency (EA) in England, acting jointly. The nature of these activities should be considered in terms of potential risk and in relation to other activities alleged to be operating on this site too. The activities could have the potential to be permitted by the Environment Agency (or Local Authority) under the Environmental Permitting Regulations and the applicant should seek advice accordingly Environment Agency - GOV.UK (www.gov.uk)

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the bank of the River Spodden which, is designated a 'main river'. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Storage of materials/chemicals/oil likely to cause pollution

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

We advise that polluting materials and chemicals are stored in an area with sealed drainage.

We recommend that all pesticide sale and supply/distribution stores meet the recommendations of the Code of Practice for suppliers of pesticides to agriculture, horticulture and forestry and where appropriate membership of the BASIS government recognised inspection scheme.

Please contact our National Customer Call Centre (Tel: 03708 506 506) for further information and guidance.

Highways And Engineering

The Council's Highway's Engineers were consulted on the application and their response is provided as below:

'The site has a long established industrial use with a direct entrance onto College Road. In terms of use the existing use is likely to produce more HGV movements than the proposed use whilst the latter is likely to produce more employee vehicle movements. On balance we would say that there should be no highway capacity issues should the development be approved.

The access into the development, the servicing arrangements and the internal turning arrangements are adequate for the proposed development.

The proposed parking provision and layout are appropriate for the type of use and the gross floor area applied for.

We do not envisage that there would be any detrimental impact on road safety as a result of development.

In conclusion we raise no objection to this application and request no specific planning conditions.'

Env Health - Noise/Odours

No objections

Conservation And Design

The Council's Conservation Officer was consulted and their response is provided below:

'The application site relates to Mitchell Hey Mills, a late 19th century cotton mill complex, which lies on College Road to the north of the River Spodden. The surviving buildings consist of spinning mill buildings and an early 20th century office block. The design and access statement confirms that the buildings are currently vacant. They have undergone a number of changes, some of which are unsympathetic, including the blocking up of windows, and the replacement of many of the original timber windows with UPVC. Nevertheless, the buildings retain some original features. As 19th century industrial buildings, the site has been included on the Council's list of non-designated heritage assets, due to their architectural and historic interest ([Rochdale non-designated heritage assets | Non-designated heritage assets | Rochdale Borough Council](#)).

As the proposal relates to a non-designated heritage asset, the provisions of NPPF paragraph 194 apply and a heritage statement should be provided. This should describe the significance of the asset, including any contribution made by its setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

The impact of a proposal on the significance of a non-designated heritage asset is a material planning consideration (NPPF paragraph 203). A balanced judgement should be had, having regard to the scale of any harm or loss and the significance of the heritage asset. Mills are also key heritage assets for the purposes of Rochdale CS policy P2. This policy seeks to conserve, enhance and promote the borough's key heritage assets.

In principle, the proposed industrial use is considered to be compatible with the historic function of the building. Furthermore it is noted that the site is currently vacant. Without a use in the longer term, the buildings and any remaining historic

fabric is at risk of being lost. The reuse of the site is therefore considered to be a heritage benefit.

The installation of additional UPVC windows would result in some harm to the significance of the heritage asset, through the removal of historic fabric. Due to the thickness of the frames, UPVC windows are unable to replicate the more slender proportions of the original timber windows, altering the appearance of a building's elevations. That being said, many of the windows on the building have already been changed to UPVC, including the upper floor windows on the College Road elevation and those on the Spodden River elevation. It would be preferable for either timber or aluminium windows to be installed rather than UPVC as currently proposed. In any case, a condition should be imposed requiring details of the windows, so that an appropriate design can be secured.

The proposal also includes the installation of a new external staircase along the southern elevation, facing onto the River Spodden. This external staircase would serve an existing blocked up first floor opening, which likely originally functioned as a 'taking in' door. There would be some harm from the installation of the staircase in this location. However, this harm could be partially mitigated by appropriate detailing for both the reinstated door and features and the new staircase.

Overall the proposed development would result in some harm to the significance of the mill, which is a non-designated heritage asset. However, it would also provide a new use for this vacant asset, and this is considered to be a considerable heritage benefit.

Conditions relating to windows and the external staircase should be imposed by condition.'

Lead Local Flood Authority/Drainage

The Council's Drainage Engineer was consulted and their response is provided below:

'As this is an existing building and parking area with Low Risk of flooding, I see no need to apply and Drainage Conditions.'

Environmental Control (Landfill Gas)

No comments to make

GM Fire Service

Standard response. Proposals should meet requirements.

Health And Safety Executive - (Haz Sub Consents)

No comments received to date

HSE (Hazardous Substances Appns)

No comments received to date

United Utilities

No comments received to date

Waste And Recycling Manager

No comments received to date

REPRESENTATIONS

The application was publicised by way of neighbour notification. No responses were received.

ANALYSIS

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("the UCO Amendment Regulations"), amending the Town and Country Planning (Use Classes) Order 1987 ("the UCO"), came into force on 1 September 2020. This introduced a new Commercial, Business and Service Use Class E which, as the Explanatory Memorandum to the UCO Amendment Regulations notes, is intended to better reflect the diversity of uses found on high streets and in town centres, to provide flexibility for businesses to adapt and diversify to meet changing demands, and to support the viability of these areas now and in the future.

The application seeks permission for a change of use from Class B2 and B8 to Class B2.

Saved Policy EC/3 'Mixed Employment Zones seeks to ensure development and change of use is only permitted for business use, general industry, warehousing and distribution. Including suppliers depots and other outlets providing service to trade, sui generis relating to motor trade, and retail trade which complies with S/O 'Shops in industrial premises'. It is stated change of use and development would not be permitted unless it is shown they are ancillary and complementary to the industrial and business nature of the employment area, or form a part of a wider regeneration site supported by the Council. This saved policy should be read in conjunction with Policy E2 and E3 of the Rochdale Core Strategy, and seek to ensure employment development which office high quality sites with good access to motorway network and public transport facilities. Ensure development proposals support the needs of residents in east central Rochdale, in particular in terms of access to jobs.

Given the proposal seeks to maintain the existing B2 use, it is considered the principle of the change of use, would be acceptable.

Heritage and design

Paragraph 195 of the NPPF states 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'

Relating directly to non-designated heritage assets, paragraph 203 states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Rochdale CS policy P2 deals with '*protecting and enhancing character, landscape and heritage*'. Paragraph 2a states that the borough's heritage will be protected by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory.

The Council's Conservation Officer has provided a consultation response on the application, which confirms the proposed industrial use would be compatible with the

historic function of the building. The reuse of the site is considered a heritage benefit. A condition imposing details of window materials for the three windows this application relates to is secured to the decision notice.

It is noted a lawful development certificate hasn't been applied for the works to the render of the southern elevation – and this is not considered within this application.

The case officer concurs with the concerns raised regarding the proposed external staircase to the southern elevation, and a condition is attached ensuring appropriate detailing is shown for the reinstated door and the proposed staircase. While the Conservation Officer acknowledges the proposal would result in some harm to the significance of the mill, it would reuse the vacant asset and would be of considerable heritage benefit.

As such, the proposal would not result in an unacceptable impact on the visual amenity of the streetscene, and would accord with the requirements of Policy P2, P3, and DM1 of the adopted Core Strategy, and policies contained within the National Planning Policy Framework.

Residential Amenity

Policy DM1 of the Adopted Core Strategy sets out a number of basic planning considerations that apply to all developments. Further to this, Paragraph 130 of the National Planning Policy Framework seeks to ensure a high standard of amenity for all existing and future users.

The proposed change of use would maintain the existing use. The Council's Environmental Health (Noise/Odour) Officer has been consulted and no objections were raised. The proposed windows to be inserted and reinstated as part of this application would not result in an unacceptable overlooking impact on adjacent residential or commercial properties.

The proposed external staircase is not considered to result in an unacceptable residential amenity impact.

As such, the proposal would have an acceptable impact on the residential amenity of surrounding occupiers and would accord with the requirements of Policy DM1 of the adopted Core Strategy and the National Planning Policy Framework.

Flood risk

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 (whether existing or future).). The application site abuts the northern bank of the River Spodden, which is recognised as a main river by the Environment Agency. A small portion of the site falls into Flood Zone 2, and therefore is considered as a high risk of flooding. Notwithstanding, Policy G8 of the adopted Core Strategy reflects the provisions of the National Planning Policy Framework as both indicate that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. A sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The application is supported by a Flood Risk Assessment based on a desktop review of the site and layout of the proposals site in addition to Environment Agency comments provided for the application. No additional hardstanding, or extension is proposed to the building. The Environment Agency raise no objections, however

comments have been provided which are attached as an informative to the decision notice.

Highways

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Council's Highways Engineers were consulted on the application and raised no objection, the access into the development, the servicing arrangements, internal turning arrangements, proposed parking provision and layout are acceptable, and no planning conditions are requested. As such, it is considered that the proposed relocation application is considered to accord with the requirements of Policy DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This consent relates to the following plans and documents

- Location Plan
- Proposed Site Plan
- Car Park Site Plan
- Existing and Proposed Lower Ground Floor Plans
- Existing and Proposed Ground Floor Plans
- Existing and Proposed First Floor Plans
- Existing and Proposed Second Floor Plans
- Proposed Elevations
- ‘Flood Risk Assessment for Mitchell Mill’ prepared by William Morris Legal & Corporate Communications, received by the Council 17/11/2022
- ‘Flood Risk Exception Test’ prepared by William Morris Legal & Corporate Communications, received by the Council 17/11/2022

and the works shall be carried out in complete accordance with these plans and documents hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of works in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application, no insertion or installation of windows and doors shall take place until full specification of windows and doors to be used externally on the buildings have been

submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour, opening method details and specification of windows and doors. The windows on the south west elevation shall consist of either timber or aluminium. The development shall be carried out in accordance with the approved details prior to the first occupation of the development.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework, and the Planning (Listed Building and Conservation Areas Act) 1990 (as amended).

4. Notwithstanding any details submitted as part of the application, no part of the development shall be occupied until full details of the staircase have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the proposed staircase shall be painted black. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving the historical significance of the designated heritage asset and in accordance with Policies DM1, P1, P2 and P3 of the adopted Core Strategy, the National Planning Policy Framework, and the Planning (Listed Building and Conservation Areas Act) 1990 (as amended).

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Notes for Applicant:

1. Informative from EA

'Environment Agency position

Flood Risk

We have reviewed the flood risk assessment ref: Job number 127-WM by William Morris. The FRA states that there could be a risk of flooding to the development. The Environment Agency's data provided and reproduced in appendix C indicates that there are records of flooding to the site. Although the site is shown within flood zone 2 it appears that the existing building has a lower ground level. The FRA has not confirmed the existing floor levels of the building, which could be compared against the likely fluvial flood levels for the rivers Spodden and Roch. It may be the case that the lower ground levels are at higher fluvial risk than the flood zone 2 zoning suggests.

Section 8 of the FRA states "In the event of extreme emergency the local authority and other emergency services have contingency plans for dealing with the consequences of flooding". The developer is responsible for showing that any development would be "safe" without relying on emergency services. Any users of the development, especially those at lower levels, could potentially be reliant on a flood warning and evacuation plan for their safety.

Advice to the applicant

We recommend the applicant produces a flood warning plan for the occupiers and users of the proposed development. Advice is available in the ADEPT/EA Flood Risk

Contaminated Land

The proposed development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters.

We have not undertaken a detailed review of the risk posed to controlled waters from land contamination and would therefore advise that you refer to our published Guiding Principles for Land Contamination which outlines the approach we would wish to see adopted to managing risks to the water environment from this site.

We also recommend that you consult with your Environmental Health / Environmental Protection Department for further advice on generic aspects of land contamination management. Where planning controls are considered necessary, we would recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

Advice to the applicant

The development could have the potential to be regulated under the Control of Major Accident (COMAH) Regulations and may require Planning (Hazardous Substances) Regulations 2015. Details can be obtained from the Health and Safety Executive who should also be consulted on the proposals. HSE: Control of Major Accident Hazards (COMAH). The COMAH Regulations are enforced by the Competent Authority (CA) which comprises the Health and Safety Executive (HSE) and the relevant environmental regulator: the Environment Agency (EA) in England, acting jointly. The nature of these activities should be considered in terms of potential risk and in relation to other activities alleged to be operating on this site too. The activities could have the potential to be permitted by the Environment Agency (or Local Authority) under the Environmental Permitting Regulations and the applicant should seek advice accordingly Environment Agency - GOV.UK (www.gov.uk)

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the bank of the River Spodden which, is designated a 'main river'. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Storage of materials/chemicals/oil likely to cause pollution

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations. We advise that polluting materials and chemicals are stored in an area with sealed drainage.

*We recommend that all pesticide sale and supply/distribution stores meet the recommendations of the Code of Practice for suppliers of pesticides to agriculture, horticulture and forestry and where appropriate membership of the BASIS government recognised inspection scheme.
Please contact our National Customer Call Centre (Tel: 03708 506 506) for further information and guidance.'*

Report Author Rosalind Galton