

APPLICATION REPORT - PA/052417/06

Planning Committee, 7 March, 2007

Registration Date: 21/12/2006
Ward: Shaw

Application Reference: PA/052417/06
Type of Application: Full Planning Permission

Proposal: (1) Formation of car park on site of former dwellinghouses fronting onto Eastway (2) Reconfiguration of car park and service area approved under PA/51048/06 for supermarket

Location: Land at Dawn Mill, Eastway, Shaw
Case Officer: Stephen J Hughes

Applicant: Asda Stores Ltd
Agent: Drivers Jonas

UPDATE REPORT 26/02/07

Members requested that the application be deferred following concerns raised in respect of the access arrangements to the store and to allow the applicant to consider reverting back to the original access arrangements off Eastway.

A meeting has taken place with the applicant's agents to raise Committee's concerns. Following this meeting, the agents have provided further information following a review of the matters raised and have requested that members have regard to the fact that the proposed access arrangements off Greenfield Lane have been approved on two separate occasions (Ref: PA/048578/04 and PA/051048/06) by Planning Committee and as a result they find it difficult to understand why the current arrangements are now considered inappropriate. In addition, the applicant has now commenced development on site in accordance with the previously approved scheme, which includes the access arrangements being taken from Greenfield Lane.

Nevertheless, to aid in the determination of the current application, the applicant's development team has undertaken a thorough review of the proposed access arrangements to the new store, particularly in light of the suggestions made by Committee to revert back to an access off Eastway, which are outlined below: -

Access from Eastway

Whilst the original scheme proposed an access to the car park from Eastway itself, there were some concerns about the potential for vehicles to exit the site towards Beal Lane, which at the time of that application it was accepted that it was subject to significant levels of queuing at certain times of the day. In order to avoid any further impact on this junction, the scheme proposed a number of traffic measures to encourage drivers to approach and leave the store along Greenfield Lane. The Agent also points out that there were other disadvantages of the Eastway access in terms of its relationship with the pedestrian crossing facilities along Eastway.

Furthermore, Asda have confirmed that the original layout did not provide optimal operation for the new store as the access arrangements required a roundabout within the middle of the car park, which is not a suitable layout for the operator. Similar arrangements have been removed from other Asda stores recently.

Access from Greenfield Lane

The agent has confirmed that they have fully reappraised the access arrangements off Greenfield Lane and do not consider that it will be problematic for existing traffic movements or Asda traffic.

The agent goes onto comment that the number of service vehicles anticipated to access Dawson's Precision Engineers and other businesses off Greenfield Lane is limited and given this frequency it is unlikely to conflict with ASDA's car park movements. A full and detailed assessment of peak traffic movements was submitted and approved with the two previous approved planning applications. This did not uncover any conflict and no issue was raised in this respect.

ASDA have however requested a further survey to be commissioned which will be completed during week beginning 26 February 2007 to provide members with further empirical information in this respect. This information will be submitted to the LPA in advance of the committee meeting and an update will be provided to members.

The response goes on to state that the width of Greenfield Lane is more than sufficient to cope with the normal two-way traffic moving along its length. It is therefore considered unnecessary to amend the width or access arrangements in any way. The agent has submitted a plan to illustrate the dimensions of the road along Greenfield Lane. The agent also confirms that there are statutory provisions within the pavement along the northern side of Greenfield Lane (water, electricity and telecoms equipment) which cannot be relocated without significant financial outlay and further delay to the implementation of the ASDA store, which as outlined earlier has commenced on site in accordance with the previously approved permission.

The agent comments that the outcome of a refusal of this application would result in the area formerly occupied by terraced properties being left vacant, with the risk of uncontrolled parking and other undesirable uses. This would not provide a suitable or appropriate frontage/entrance to a major regeneration initiative for Shaw town centre.

However, without prejudice to the previously approved applications, the agent has confirmed that Asda are willing to investigate further traffic restrictions along Greenfield Lane to try and further alleviate some of the concerns about on-street parking causing problems for traffic movements along this road. ASDA are willing to provide funding towards an application for the implementation of a Traffic Regulation Order (TRO) to enable double yellow lines to be provided along the full length of the northern side Greenfield Lane if the LPA/Highways Authority see this as appropriate. This funding is likely to be provided as part of a Section 106/S278 contribution. The agent understands that this is unlikely to exceed £1,000.

I have had regard to the additional information put forward in respect of Committee's concerns. It is important to reiterate that the current application essentially seeks consent to provide additional parking space on land that was formerly excluded from the application site and does not propose to alter the previously approved access arrangements. I do not consider that the application itself raises any new material considerations in respect of the previously approved access arrangements and this view is supported by the Council's Traffic Section. In addition to the work already carried out to inform the development proposal, the applicants are instructing a further survey in respect of HGV movements along Greenfield Lane. It is not anticipated that the findings of this survey will alter the recommendation in respect of this application and will hopefully provide members with further information in order to overcome the concerns that have been raised. The applicants are also prepared to support the cost of promoting an application for a TRO along Greenfield Lane to investigate the possibility of introducing parking controls along this road.

Therefore, with all of the above points in mind, I would recommend that members be

mind to approve the application subject to conditions and a deed of variation to the original Section 106 planning obligation to provide for dual use of the car park and secure a commuted payment towards the promotion of an application for a Traffic Regulation Order (TRO) along Greenfield Lane.

THE SITE

This application relates to the site of the former Dawn Mill and adjacent land located off Eastway in Shaw. The mill and the former terraced properties located along the Eastway frontage have recently been demolished in preparation for the development of a new Asda foodstore.

THE PROPOSAL

As members will be aware, there is a long history associated with this site relating to the proposed development of a new foodstore.

By way of a background to the current application, outline planning consent was granted for the siting of, and means of access to a new Asda foodstore on 17th November 2005 (PA/048578/04). The properties along Eastway were originally included within the red line site area and were to be demolished with the remaining land being laid out as part of the car park for the new store. However, due to delays in securing ownership of these properties, the scheme was amended to omit them from the scheme and the car park being laid out around them.

Asda have now purchased these properties and have subsequently demolished them under permitted development rights (Ref: DM/052335/06). This application now seeks consent to lay out additional parking spaces on this part of the site and a subsequent re-configuration of the car park approved under the application reference PA/51048/06 for the new supermarket (which sought to vary a number of condition attached to the original outline permission).

A new site layout plan has been submitted which shows that the area once occupied by the dwellings would be laid out with a series of parking bays fronting onto Eastway. The landscaping buffer around the perimeter of the site which was approved as part of the reserved matters application (Ref: PA/051070/06) would be continued along this frontage. The internal configuration of the parking and circulation spaces would also be altered from the original proposal, with the overall number of parking spaces increasing from 299 to 335. The proposal would also involve a minor alteration to the line of the service yard wall on the car park side of the site. The plan also shows a minor alteration to the location of the proposed pedestrian crossing point on Eastway, moving it further to the south clear of Newtown Street to accord with the proposals covered by the Section 278 agreement for highway works associated with the new store. The plan also shows that the carriageway between the island and the footway at the junction of Eastway with Greenfield Lane has been widened to allow free vehicular movement along this carriageway.

RELEVANT HISTORY OF THE SITE:

See above and report for PA/052416/06.

SITE SPECIFIC UDP POLICIES

PEZ	Primary Employment Zone
NONE	No site specific policy applies.

CONSULTATIONS

Pollution Control	No objections.
Regeneration Department	Comments to be reported.

Shaw & Crompton Parish Council	No objections.
Traffic Section	No objections, recommend conditions.
Environment Agency	No objections in principle subject to conditions. Require confirmation from the applicant that there will be a stone surfaced vehicular access route down the side of the building.
Greater Manchester Police Architectural Liaison Unit	No objections.
Neighbour Notifications	The application has been advertised by way of individual letter, site and press notices. No written representations have been received.

PLANNING CONSIDERATIONS

This application seeks consent to form additional parking spaces associated with the new Asda foodstore and re-configure the layout of this area. The application will therefore need to be assessed on its own merits against the relevant policies of the adopted Unitary Development Plan for Oldham (UDP) and any other material planning considerations.

Policy D1.1 of the UDP outlines the general design criteria applicable to new developments and requires proposals to meet certain criteria, as applicable to the type and scale of development, the characteristics of the development and its context. This policy requires new developments to, amongst other things, complement any positive and distinctive attributes of the local context, achieve good standards of architectural quality in terms of building positioning, scale, massing materials, contributes to urban greening, makes adequate provision for safe and convenient vehicular access and parking and would not result in a significant loss of amenity as a consequence of the new development.

The parking layout that was approved for the new foodstore as part of the original outline application showed that the properties along Eastway would remain and the car park formed around these buildings. However, the original intention was to include these properties as part and parcel of the redevelopment, with the first layout plan showing this area of the site being laid out as parking spaces behind a landscaped buffer. This original layout actually received a resolution from the Planning Committee to approve the layout on 29th June 2005, however this was not taken forward by the applicant due to the ownership issues referred to earlier in this report. As such, the principle of using this part of the site as part of the car park has already been considered to be acceptable.

Turning to the current proposal, the new parking layout would, in my view, significantly improve the appearance of the site along Eastway. The previous terraced properties (which have now been demolished) were vacant and in a state of disrepair. The current proposal will replace them with a new parking area which would tie in with the design of the wider car park, which would be set behind a landscaped buffer, helping to soften the edges of the development when viewed along this prominent frontage. Therefore in terms of its design and visual impact, I am satisfied that the proposal would have a beneficial impact on the character and appearance of the site and the wider area. Although details of the landscaping scheme have been approved as part of the reserved matters application, as this did not include the part of the site occupied by the terraces, I would recommend that a condition be imposed requiring full details of the landscaping scheme to be submitted for approval.

In terms of the parking layout itself, the Council's Traffic Section are making an assessment of the scheme and their recommendation will be reported to Committee. In terms of the number of parking spaces to be provided I recognise that there has been an increase in the number of spaces, however this would still accord with the maximum parking standards contained in the UDP. I am also mindful of the fact that as part of the outline approval for the new foodstore, the applicant agreed to enter into a Section 106 planning obligation to

ensure, amongst other things, that the car park would be provided on a dual use basis, to allow for short stay parking for people visiting the District Centre. A deed of variation to the original planning obligation will therefore be required to ensure that the car park is made available on this basis.

Finally, in terms of amenity, the area surrounding the proposed car park, and in particular the area formerly occupied by the terraced properties consists primarily of commercial/shop units and a car park on the opposite side of Eastway. I am therefore satisfied that the proposal would not result in a loss amenity.

Therefore, with all the above points in mind I am satisfied that the proposal would accord with Policy D1.1 of the UDP and would recommend that members be minded to approve the application subject to conditions and a deed of variation to the original Section 106 planning obligation.

RECOMMENDATION

Recommend that members be minded to approve the application subject to conditions and a deed of variation to the original Section 106 planning obligation.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, received on 2nd February 2007, which are referenced as follows; Drawing No.6251 [90] 01 C unless otherwise agreed in writing by the Local Planning Authority.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. No development shall take place unless and until a colour scheme for all external surfaces of the car park hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until it is coloured in accordance with the approved scheme and thereafter shall be kept so coloured unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. No development shall take place unless and until a detailed scheme for treating all open areas of the site has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall specify: the position, size, numbers and species of all trees and shrubs to be planted, the area(s) to be top-soiled, cultivated and grass seeded and/or turfed, the height, shape and quantity and type of materials to be used in earth mounding, and the materials to be used, the design, height and construction details of walls, fences and hard-surfaces.

Reason - To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings.

5. The landscaping scheme to be approved for the site to comply with Condition 4 of this permission shall be fully implemented in the first planting season after the commencement of the development or in accordance with a phasing scheme to be agreed in writing with the Local Planning Authority. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area.

6. No development shall take place until the details of the alteration of the traffic island at the junction of Greenfield Lane with Eastway in accordance with the plan received on 2 February 2007 (Ref: 6251 [90] 01 Rev C), has been submitted to, and approved in writing by, the Local Planning Authority; and no part of the development shall be brought into use until the works have been implemented in accordance with the approved plans.

Reason - To ensure that the means access to the application site is acceptable to the Highway Authority in the interests of highway safety.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the development shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with, the site being drained. Roof water shall not pass through the interceptor.

Reason - To prevent pollution of any watercourse.

PLANNING COMMITTEE INFORMATION ABOUT BACKGROUND PAPERS

REPORT OF THE EXECUTIVE DIRECTOR ENVIRONMENTAL SERVICES - PLANNING AND ADVERTISEMENT APPLICATIONS

WHAT ARE THE 'BACKGROUND PAPERS'?

The Local Government Act 1972 provides that the public are entitled to the agendas, minutes and papers of meetings of the Council which are held in public and some access to the "background papers" relating to reports. Papers, agendas and minutes of meetings must generally be available five clear days prior to the date of the meeting. The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information defined by that Act.

THE BACKGROUND PAPERS

- 1. The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - A list of consultees and replies to and from statutory and other consultees and bodies
 - Letters and documents from interested parties
 - A list of OMBC Departments consulted and their replies.
- 2. Any planning or advertisement applications:** this will include the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - The Executive Director, Environmental Services' report to the Planning Committee
 - The decision notice
- 3. Background papers additional to those specified in 1 or 2 above or set out below.**

ADDITIONAL BACKGROUND PAPERS

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Environmental Services Department, Level 12, Civic Centre, West Street, Oldham during normal office hours, i.e. 8.40 am to 5.00 pm or on the Council's internet at www.oldham.gov.uk/decision_recording.htm

Any person wishing to inspect copies of background papers should contact Mrs Barbara Hodgson, Planning Administration Manager or Mrs Nicola Robinson, Senior Planning Administrator, telephone no. 0161 911 4171 or by email planning@oldham.gov.uk