

APPLICATION REPORT - PA/056682/09

Planning Committee, 2 September, 2009

Registration Date: 02/07/2009
Ward: Failsworth West

Application Reference: PA/056682/09
Type of Application: Full Planning Permission

Proposal: Mixed use development comprising demolition of existing buildings and development of a foodstore (1621.4 sq mtr gross) and 7 no. retail units (1 No. Class A2 Financial and Professional Services and 6 No. Class A1 Shops).

Change of use of Failsworth Town Hall from offices to D1 (non-residential institution), partial demolition and extension at ground floor and first floor levels, and building alterations with associated car parking and landscaping.

Location: Failsworth Town Hall and adjacent Land, Oldham Road, Failsworth, M35 0FJ

Case Officer: Mark Caine

Applicant Agent : Oldham Property Partnerships

BACKGROUND

The site is located within Failsworth District Centre between Oldham Road and the Rochdale Canal, on the opposite bank to the new Tesco store. There is terraced housing on the other side of Oldham Road to the north and relatively new residential apartment blocks on the other side of the canal at Ben Brierley Wharf to the east. Regent Mill, a Grade II listed building, is located on the other side of Sisson Street to the south-west of the site. The former Failsworth Town Hall (which lies within the Failsworth Pole Conservation Area) and an electricity substation are located adjacent to the north-east boundary of the site. The site is currently occupied by active retail/leisure units, a community centre and a car park.

Members will be aware that the area has long been recognised as requiring intervention and redevelopment in order to rejuvenate the vitality and viability of the District Centre, which has over the years experienced a marked decline in terms of its function as a district centre and in its physical appearance. In terms of a brief history, the site was acquired by the Council in 1997 following a Compulsory Purchase Order Inquiry. Following the acquisition of the land a number of indicative masterplans were produced with the main concentrations focusing on the development and opening up of the canal. This element has been completed and now forms an important feature of the District Centre.

The applicants design and access statement stipulates that the proposals form part of the regeneration of Failsworth District Centre. The application proposals will provide replacement facilities (approximately 1500 sq metre) for the existing community centre, currently located in the adjoining commercialised area of Failsworth District Centre and now redundant White Kirk Hall. It is also stated that the proposed replacement retail facilities will provide additional choice and an enhanced shopping environment to people visiting the district centre.

THE PROPOSAL

The application comprises the redevelopment of the District Centre through the provision of a new foodstore, and a shopping parade containing 7 no. units (1 No. Class A2 Financial and Professional Services and 6 No. Class A1 Shops), with associated landscaping and car parking. This proposed development also includes the change of use of Failsworth Town Hall from offices to a community facility (D1 non-residential institution), with partial demolition and the erection of a two storey extension.

The submitted layout plans show the proposed food store to be of a rectangular footprint, positioned to run adjacent to Oldham Road with a car parking area providing a total of 79 parking spaces also being provided along this frontage. Vehicular access/egress to the car park would be created via an existing roundabout off Sisson Street, with the servicing area situated to the rear of the store. A landscape scheme has also been submitted which proposes a number of new trees and shrubs to be planted along the perimeter of the site and within the car parking area.

The proposed shopping parade is to be situated adjacent to the north bank of the canal. It is to be also to be of an elongated rectangular footprint and is to contain a mixture of A1 Retail and A2 Financial and Professional uses. Given its position opposite to the canal and the proposed food store it has been designed to have a shopfront in both front and rear elevations in order to create 'active frontages' in both directions. Amended plans now also show pedestrian linkages around both retail buildings, landscaped public realm areas that abut the canal and a reconfigured car parking area containing 32 spaces.

In order to replace the existing community centre it is also proposed to change the use of the existing attractive vacant Town Hall building from offices to community facilities. A two storey extension is also to be constructed to maximise the square footage of this building and will result in a number of varying community uses being provided. The proposed extension is to be of a simple, lightweight glazed design, projecting out approximately 16.2 metres from the original building and spanning approximately 11.6 metres in length.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING OPINION

In accordance with Regulation 5 of the Environmental Impact Assessment Regulations 1999 the Council conducted a screening opinion in order to establish whether the proposed development was likely to have significant effects on the environment to warrant the carrying out an Environmental Impact Assessment and the submission of an Environmental Statement by the developer. Following consultation with the Environment Agency, the Greater Manchester Ecology Unit, Natural England, United Utilities, British Waterways and the Councils Contaminated Land Section the Local Planning Authority confirmed that it was not necessary to submit an Environmental Impact Assessment with this planning application.

RELEVANT HISTORY OF THE SITE:

PA/054539/08 - Outline application for proposed mixed use development comprising (1) 150 no. apartments (Class C3) with residents gym, communal garden, and waterside viewing deck (2) 5 no. retail units- 700 sq.m (Class A1) and (3) 1 no. cafe/restaurant use - 425 sq.m (Class A3 or A4) leisure space and 162 parking spaces. Access, appearance, layout and scale to be considered. Landscaping to be reserved - Granted permission, subject to legal agreement.

PA/54309/07 - Resubmission of PA/053298/07 for 1,657 sq metre gross floorspace (17,836 sq. ft) extension to existing retail store - Granted permission.

PA/053298/07 - Proposed extension (1,657 sq. metres - 17,836 sq. feet gross floorspace) to existing retail store - Withdrawn.

PA/052585/06 - Variation of condition no. 6 on PA/51443/06 to increase the store area of 8,175sqm to 8,397sqm. - Granted permission.

PA/052584/06 - 1) Alteration to existing retail store comprising relocation of store entrance

The scheme would result in the existing community centre building fronting onto Oldham Road being replaced by a new community facility at Failsworth Town Hall. Policy CF1.3 of the Unitary Development Plan relates to proposals involving the change of use from a community facility and states that these will only be permitted where the facility is either genuinely redundant and surplus to future requirements, or where appropriate alternative provision is proposed. I am satisfied that as replacement facility is more than double the amount of community floorspace would easily equate to appropriate alternative provision. In order to ensure that the new community centre is brought into use before the existing centre is demolished, I would recommend that a condition be imposed to this effect. I am therefore satisfied that the proposal would accord with Policy CF1.3.

Site context and design

PPS 1 makes it clear that good design helps create attractive, sustainable, usable and adaptable places and that this is inherently linked to good planning. In addition, UDP Policy D1.1 requires development to achieve good standards of architectural quality in terms of building positioning, grouping, massing, scale, materials, architectural detailing and elevational design that makes a positive contribution to the public realm and is sensitive to immediate context. In a similar vein, Policy D1.13 stipulates that development adjoining main transport corridors and at gateway locations, must enhance general visual amenity.

The immediate context to the site is varied in terms of different uses and building types and is located within Failsworth Conservation Area. Building types range from large scale industrial buildings such as the adjacent mill and the Tesco superstore to the south-west, to four storey apartment blocks at Ben Brierley Wharf, traditional two storey terraced housing on the other side of Oldham Road, and the ornate former Town Hall and attached Carnegie Library. Due to its prominent location the site is highly visible from a number of key vistas and approaches, particularly the Oldham Road frontage. In addition, the Rochdale Canal provides a unique backdrop and presents a key opportunity for a landmark development. As such, it is important that any new buildings fronting Oldham Road and the canal are of high quality design.

To this end, amended plans now show the proposed buildings to be of a modern contemporary design that introduce a mixture of building materials into the surrounding area. The amended landscape scheme also enhances the appearance of the development and improves pedestrian permeability and areas of public realm within the site. As such I am also satisfied that proposal complies with Policy D1.13 of the AUDP as it enhances the general amenity of the transport corridor (canal). However, I do have concerns regarding the double fronted design of the proposed shopping parade. Given the uses that are likely to occupy these properties, and the need for storage areas within them, I am concerned that at least one end of shopfront will inevitably be used and covered up by stock. This would result in a series of unattractive blank 'dead frontages' that would have a detrimental effect on the character and appearance of the whole scheme. Therefore in order to ensure that both frontages remain as active shop frontages and for display purposes it is considered that an appropriately worded condition is imposed.

Notwithstanding this, concerns have also been raised regarding the design and size of the window and door openings in the two storey rear extension of the former Town Hall. It is considered that this element of the extension does not comfortably lend itself to the historical features of the original building and alterations have therefore been requested. Amended plans are being prepared and will be reported at the Planning Committee meeting.

Ecological Issues

Whilst I am awaiting comments from the Greater Manchester Ecological Unit, I am mindful that the application site lies adjacent to Rochdale Canal which is designated as both a Site of Special Scientific Interest (SSSI) and a European designated Special Area of Conservation (SAC). However, Natural England (statutory agency charged with the responsibility to ensure England's unique natural environment is conserved, enhanced, and managed for the benefit of present and future generations) have provided a consultation response and do not object to the principle of the development, subject to a number of

conditions. These conditions mostly relate to the movement of spoil/sediment/soil during the building phase of the development and the possible impact and contamination on the canal if material is allowed to enter it.

Noise

Planning Policy Guidance Note 24 'Planning and Noise' (PPG 24) specifically states that noise can be a material consideration in the determination of planning applications. Policies NR1.1 and NR1.4 of the UDP also aim to ensure that new developments do not result in significant problems for neighbouring properties in terms of residential amenity and noise and disturbance.

However, the application site is located in Failsworth District Centre where a certain degree of noise is to be expected. Furthermore, the submitted planning application forms state that the hours of operation of the retail units are from 08.00 - 20.00 Monday to Friday inclusively, 08.00 to 20.00 on a Saturday and 10.00 to 17.00 on a Sunday. I am of the opinion that these hours of operation are not excessive and are unlikely to generate such a significant level of activity, whether it be from people visiting the site by foot or by car as to cause significant levels of disturbance to nearby dwellings. Equally, notwithstanding the comments above, the Council's Environmental Protection Section have been consulted and have not raised any objections to the proposal, subject to conditions restricting the hours of operation, hours that service vehicles shall enter and leave the site, and requesting a detailed scheme for any floodlighting or security lights to be submitted to and approved in writing by the LPA.

Traffic

In support of this application, the applicant has submitted a Transport Assessment (TA), prepared by traffic/transportation consultants JMP. The TA has been produced to study the impact of the traffic generated by the development within the highway network at the peak traffic hours, together with an assessment of the accessibility of the site by walking, cycling and public transport. JMP have also produced TA's for the development of the nearby Tesco supermarket and the recently approved extension to that store. Information gathered for that assessment has also been utilised in the preparation of the TA for this development.

Access to the development is to be gained from Oldham Road, via the new traffic signal junction at Sisson Street, installed as part of the Tesco development. A new mini roundabout has already been provided which forms the entrance into the site. Traffic counts at key junctions, including the Oldham Road/ Ashton Road West traffic signal junction, undertaken in September 2007 to assess the Tesco extension application, for evening and Saturday afternoon peak traffic. This traffic information has been used, together with an assessment of the traffic flows that are likely to be generated by development traffic (utilising the TRICS national database), to analyse the effect of this development on the highway network. An allowance has also been made for the additional traffic that will be generated by two approved Tesco extensions and the recently approved fast food drive through development on the opposite side of Sisson Street. For analysis purposes, it has been assumed that all traffic from the development will access via the Sisson Street/ Oldham Road junction. However, it is acknowledged that some traffic may utilise the Ashton Road West access and sensitivity tests have also been carried out on the Lord Lane/ Ashton Road West junction. I am, therefore, satisfied that the analysis represents a robust assessment of the junction capacities and likely queue lengths that will result from the development.

The assessment shows that all junctions will continue to operate, for the majority of occasions, within their operational capacities and without excessive additional queuing. In terms of accessibility, the Traffic Engineer is satisfied that, with the development being located within the Failsworth District Centre, it is readily accessible by all modes of transport and is compliant with key objectives contained in national policies. There are a number of sustainable transport choices for the potential employees, shoppers and residents, to reduce the need for people travelling by private car.

The development proposals include a provision of 117 car parking spaces, including 8

disabled parking bays. This provision is split with a larger area containing 79 spaces being provided to the west of the main store and the other 32 spaces located to the south of the main store. Servicing provision is made at the rear of the store, but access will be gained via the single access point off the mini roundabout. A slight amendment has been made to the originally submitted plan to improve the access arrangements to the larger car park. This along with the car parking area adjacent to the Tesco store will form the basis of the District Centre parking.

The Traffic Engineer has therefore recommended that any planning permission should include conditions requiring the approved development to be constructed, hard surfaced, drained and marked out to enable vehicles to enter and leave the application site in forward gear in accordance with the approved plans. He also requires a detailed scheme for the provision of secure cycle storage facilities, and a detailed scheme for pedestrian routes within the site to be submitted to and approved in writing by the Local Planning Authority.

Conclusion

It is therefore considered that subject to the submission of acceptable amended plans, and positive consultation responses from the Greater Manchester Ecology Unit, and English Heritage the proposal would comply with Policies D1.1, D1.13, C1.1, CF1.3, NR2 and S1.6 of Oldham's Adopted Unitary Development Plan and it is recommended that Committee Members be minded to approve the application

RECOMMENDATION

Approve, subject to the following conditions:

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. No development shall take place unless and until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

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.

3. No development shall commence unless and until a detailed scheme for the design and provision of display windows for the sale of goods or services offered within the individual shop frontages is submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the units, and shall be retained at all times thereafter 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

4. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority (such assessment include any subsequent amendments as required by the Authority). Written approval from the Local Planning Authority will be required for any necessary programmed remedial

measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, because the site is located within 250 metres of a former landfill site.

5. No development shall take place unless and until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved (such scheme to include any subsequent amendments as required by the Authority). The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

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.

6. No development shall take place unless and until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved (such scheme to include any subsequent amendments as required by the Authority). The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials for the footpaths and car parking areas and street furniture, where relevant.

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.

7. All hard and soft landscape works for the site to comply with condition 5 shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance the programme agreed 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.

8. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected (such scheme to include any subsequent amendments as required by the Authority). The boundary treatment shall be completed before the use hereby permitted is commenced or before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority (delete as required). Development shall be carried out in accordance with the approved details.

Reason - To ensure an acceptable form of development is achieved in the interests of amenity as such details were not submitted with the application.

9. No floodlights/security lights or security cameras shall be attached to the building or erected within the car park unless and until a scheme indicating their height, position, level and intensity of illumination and hours of operation has been submitted to and

approved in writing by the Local Planning Authority. Thereafter any floodlights/security lights and security cameras shall be erected entirely in accordance with the approved scheme.

Reason - To protect the amenities of occupiers of nearby residential properties.

10. No service vehicles shall enter, leave, be loaded or unloaded within the site outside the hours of 06.30 - 21.30 Monday to Saturday and 09.00 - 18.00 Sundays or Bank Holidays and Public Holidays.

Reason - To protect the amenities of occupiers of nearby premises.

11. The development hereby approved shall not be brought into use unless and until the access and the servicing and parking areas have been constructed, hard-surfaced, drained and marked out to enable all vehicles to enter and leave the application site in forward gear in accordance with the approved plan and specifications received on 11 August 2009 (Ref: Dwg No.NWT 7118-028) and thereafter the servicing and parking areas shall not be used for any purpose other than the parking, loading and unloading and manoeuvring of vehicles.

Reason - To ensure that adequate servicing and off-street parking facilities are provided for the development and that servicing and parking does not take place on the highway to the detriment of highway safety.

12. No development shall take place unless and until a detailed scheme for the provision of adequate secure cycle storage facilities have been submitted to and approved by the Local Planning Authority. Thereafter, the development hereby approved shall not be brought into use unless and until the secure cycle storage facilities have been provided in accordance with the approved scheme and shall always remain available to users of the development.

Reason; To ensure adequate cycle storage facilities are available to users of the development.

13. No development shall take place unless and until a detailed scheme of pedestrian routes within the site has been submitted to and approved in writing by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.

Reason - To facilitate the safe movement of pedestrians in the vicinity of the development.

14. No development shall take place unless and until full details of the arrangements to ensure the continuity of activities and facilities currently available at the community centre shall be submitted to and agreed in writing by the Local Planning Authority. These arrangements shall then be implemented entirely in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the continued provision of community centre activities and facilities, in the interests of the general amenities of the area and the vitality and viability of the District Centre.

15. No development should be undertaken until the applicant has secured the implementation of a programme of historic building survey in accordance with a written scheme of investigation approved by Oldham Planning Authority.

Reason - to make a record of the former Town Hall and Offices for archive and research purposes.

16. No development shall take place unless and until a detailed scheme and phasing

arrangements to ensure the provision of a replacement community centre facility within Failsworth District Centre that is available to members of the public shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken entirely in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the community facility is replaced at the site in the interests of protecting the vitality and viability of the District Centre.

17. All operations, including those during the construction process, on the site shall be controlled in accordance with a scheme agreed beforehand with the Local Planning Authority to prevent windblown soil or other airborne materials to enter the adjoining Rochdale Canal.

Reason - In the interests of protecting the ecology and wildlife present within the Rochdale Canal Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

18. No development approved by this permission shall be commenced unless and until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason - To ensure a satisfactory means of drainage and in the interest of protecting the ecology and wildlife present within the Rochdale Canal Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

19. No machinery, vehicles or materials shall encroach or be stored within 5 metres of the Rochdale Canal either during the construction period or after the development is completed unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason - In the interests of protecting the ecology and wildlife present within the Rochdale Canal Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

20. Prior to the commencement of development details of appropriate mitigation measures to prevent pollution of the waterway during and after construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage at the site in accordance with policy NR2 'Water Resources and Infrastructure' of the Oldham Unitary Development Plan.

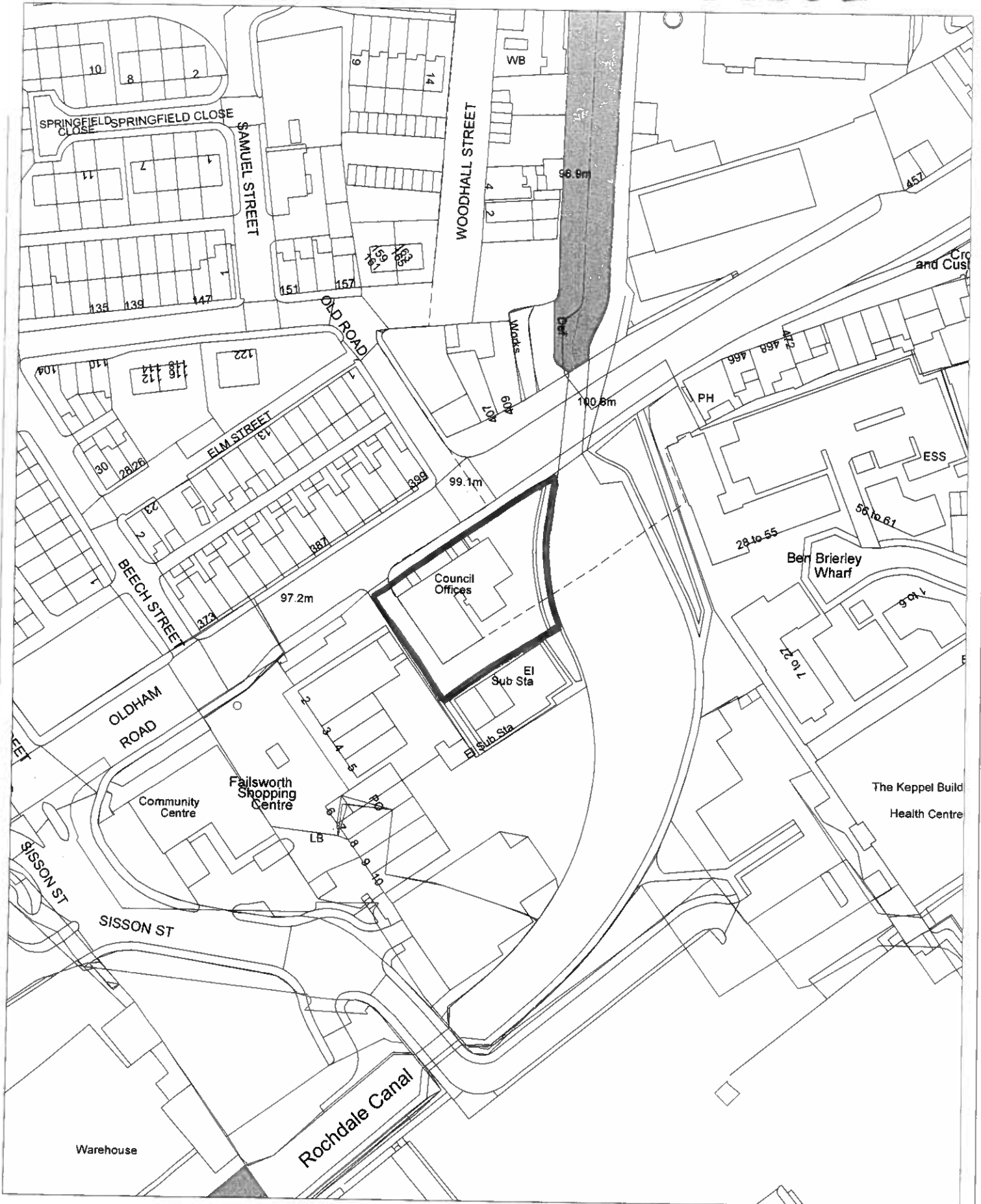
21. Prior to the commencement of development, details of a litter management plan for the area adjacent to the boundary of the canal shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To prevent pollution of the waterway corridor and ground water from litter in accordance with policy NR2 'Water Resources and Infrastructure' of the Oldham Unitary Development Plan.

22. Prior to the commencement of development a scheme for the management of supermarket trolleys, including the provision of trolley traps, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the proper management of supermarket trolleys in the interests of protecting the amenity of the adjacent canal corridor and safety of users of the canal infrastructure including boaters in accordance with Policy NR2 'Water Resources and Infrastructure' of Oldham's Unitary Development Plan.

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