

PLANNING COMMITTEE
Regulatory Committee
Agenda

- Date Thursday 2 September 2021
- Time 6.00 pm
- Venue Council Chamber, Civic Centre, Oldham, West Street, Oldham, OL1 1NL
- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 27 August 2021.
 4. PUBLIC SPEAKING – Any applicant or objector wishing to speak at this meeting must register to do so by email to constitutional.services@oldham.gov.uk by no later than 12.00 noon on Friday, 27 August 2021.
 5. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council’s website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed. Recording and reporting the Council’s meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.
 6. PLANNING CONSIDERATIONS - In determining each planning application, the Council has taken due regard of all material planning considerations, including national and local planning policies and legislation, and all representations received during the processing of the application.

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:
Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair), Dean (Chair),
H. Gloster, Hobin, F Hussain, Ibrahim, Iqbal, Lancaster, K Phythian, Surjan,
Toor and Woodvine

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meetings (Pages 1 - 8)
The Minutes of the meetings of the Planning Committee held on 7th July 2021 and 22nd July 2021 are attached for the Committee's approval.
- 6 Planning Applications
Planning applications for the Committee to consider
 - a RES/346214/21 - St Cuthbert's Church, Tanners Fold, Oldham, OL8 2NN (Pages 9 - 16)
Committee to consider an application for approval of reserved matters including appearance, landscaping, layout and scale following outline planning permission ref PA/344067/19 for 24 dwellings.
 - b FUL/346827/21 - Vacant land, Chadderton Way/Farm Street, Chadderton, Oldham (Pages 17 - 24)
Committee to consider an application for the Erection of a motor dealership, incorporating showroom, workshop, and offices, valet building, vehicle access, associated parking, and landscaping (Revision to approved application No. PA/340499/17).



PLANNING COMMITTEE
07/07/2021 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair), Hobin, Ibrahim, Iqbal, Lancaster, Toor, Woodvine and Garry (Substitute)

Also in Attendance:

Simon Rowberry	Interim Head of Planning
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Kaidy McCann	Constitutional Services
Christine Wood	Constitutional Services
Mohammed Alyas	Councillor
Sahr Abid	Councillor

1 **APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Gloster, Hussain, Surjan and Phythian.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF THE PREVIOUS MEETING - WEDNESDAY, 9TH JUNE 2021**

RESOLVED - That the minutes of the meeting held on Wednesday, 9th June 2021 be approved as a correct record.

Councillor Hobin referred to planning application FUL/346233/21 as detailed on page 2 of the minutes at item 9. Councillor Hobin expressed concern that the application had been deferred at the previous meeting held on 21st April 2021 and the process for such applications to be processed.

The Chair advised the Committee that the process for applications that are deferred was currently under review.

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RES/345691/20 - LAND AT BROADWAY/FOXDETON LANE, CHADDERTON, OL9 9QR

APPLICATION NUMBER: RES/345691/20

APPLICANT: Amanda Oakden

PROPOSAL: Details of reserved matters for Appearance, Landscaping, Layout and Scale for development of Linear Park at Zone L1 of the Broadway Green Masterplan

LOCATION: Land at Broadway/Foxderton Lane, Chadderton, OL9 9QR

It was MOVED by Councillor Dean and SECONDED by Councillor Iqbal that the application be APPROVED, subject to the conditions as set out in the report.

Ob being put to the vote the Committee was unanimously IN FAVOUR of the application.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report.

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FUL/346227/21 - 910 ASHTON ROAD, OLDHAM, OL8 3HT

APPLICATION NUMBER: FUL/346227/21

APPLICANT: Mr P Awan

PROPOSAL: Change of use from part fitness centre part beauty salon to 15 bed house in multiple occupation

LOCATION: 910 Ashton Road, Oldham, OL8 3HT

It was MOVED by Councillor Dean and SECONDED by Councillor Davis that the application be APPROVED, subject to the conditions as set out in the report.

On being put to the vote 5 VOTES were cast in FAVOUR OF the application and 4 VOTES were AGAINST, with 1 ABSTENSION.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report.

NOTES:

1. That an Objector and two Ward Councillors and the Agent attended the meeting and addressed the Committee on this application.

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HOU/346670/21 - 1A LOWER TUNSTEAD, TUNESTEAD LANE, GREENFIELD, OL3 7NT

APPLICATION NUMBER: HOU/346670/21

APPLICANT: Mr David Sheldon

PROPOSAL: Single and two storey rear extensions

LOCATION: 1A Lower Tunstead, Tunstead Lane, Greenfield,
OL3 7NT



It was **MOVED** by Councillor Dean and **SECONDED** by Councillor Davis that the application be **REFUSED** for the reasons as set out in the Planning Officer's report.

On being put to the vote 6 votes were in favour of **REFUSAL** of the application and 1 **VOTE** was against **REFUSAL**, WITH 3 **ABSTENSIONS**.

DECISION: That the application be **REFUSED** for the reasons as set out in the report.

NOTES:

1. The agent for the Applicant attended the meeting and addressed the Committee speaking in support of this application and to respond to questions from the Committee.

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LBC/346671/21 - 1A LOWER TUNSTEAD, TUNSTEAD LANE, GREENFIELD, OL3 7NT

APPLICATION NUMBER: LBC/346671/21

APPLICANT: Mr David Sheldon

PROPOSAL: Single and two storey rear extension

LOCATION: 1A Lower Tunstead, Tunstead Lane, Greenfield,
OL3 7NT

It was **MOVED** by Councillor Dean and **SECONDED** by Councillor Davis that the application be **REFUSED** for the reasons as set out in the Planning Officer's report.

On being put to the vote 6 votes were in favour of **REFUSAL** of the application and 1 **VOTE** was against **REFUSAL**, WITH 3 **ABSTENSIONS**.

DECISION: That the application be **REFUSED** for the reasons as set out in the report.

NOTES:

- 1 The agent for the Applicant attended the meeting and addressed the Committee speaking in support of this application and to respond to questions from the Committee.

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SPECIAL PLANNING COMMITTEE MEETING - 22ND JULY 2021

The Committee was advised of a special meeting of the Planning Committee that was scheduled for 6pm on 22nd July 2021.



The meeting started at 6.00 pm and ended at 7.50 pm

PLANNING COMMITTEE
22/07/2021 at 6.00 pm



Present: Councillor Dean (Chair)
Councillors Al-Hamdani, Brownridge, Davis (Vice-Chair),
H. Gloster, Hobin, F Hussain, Lancaster, Woodvine and Garry
(Substitute)

Also in Attendance:

Simon Rowberry	Interim Head of Planning
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Kaidy McCann	Constitutional Services
Stephen Gill	Planning Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors K
Phythian, Surjan and Toor.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **FUL/346561/21 - LAND AT BOOTH STREET, OLDHAM OL9
6DE**

APPLICATION NUMBER: FUL/346561/21

APPLICANT: Mr Paul Davidson

PROPOSAL: Construction of a new academy (secondary level)
school including multi-use game areas (MUGA), sports pitches,
hard and soft landscaping, car/cycle parking, alterations to site
access; and boundary treatments.

LOCATION: Land at Booth Street, Oldham OL9 6DE

It was **MOVED** by Councillor Davis and **SECONDED** by
Councillor Brownridge that the application be **APPROVED**.

On being put to the vote the Committee decided unanimously **IN
FAVOUR OF** the application.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report.



Oldham
Council

NOTES:

1. That the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 7.

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OUT/345898/20 - SHAW DISTRIBUTION CENTRE, LINNEY LANE, SHAW, OLDHAM, OL2 8HF

APPLICATION NUMBER: OUT/345898/20

APPLICANT: Mr R Maung

PROPOSAL: Outline planning permission (with all matters reserved except for access) is sought for 'Residential development (use class C3) together with new publicly accessible open space; landscaping; de-culverting of the River Beal, surface water drainage infrastructure, car parking and other necessary works with access from Linney Lane and Beal Lane following the demolition of existing buildings and structures'

LOCATION: Shaw Distribution Centre, Linney Lane, Shaw, Oldham, OL2 8HF

It was MOVED by Councillor Dean and SECONDED by Councillor F Hussain that the application be APPROVED.

On being put to the vote 8 VOTES were cast IN FAVOUR OF APPROVAL and 0 VOTES were cast AGAINST with 2 ABSTENTIONS.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and the completion of a section 106 agreement in respect of affordable housing, off site highway works, public open space provision and management and health contributions as detailed in the report.

NOTES:

1. That the Applicant and a Ward Councillor attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 7.

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LATE LIST

RESOLVED that the information contained in the Late List be noted.



The meeting started at 6.00 pm and ended at 7.08 pm

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APPLICATION REPORT - RES/346214/21 Planning Committee – 2nd September 2021 2021

Registration Date: 1st February 2021
Ward: Medlock Vale

Application Reference: RES/346214/21
Type of Application: Reserved Matters

Proposal: Application for approval of reserved matters including appearance, landscaping, layout and scale following outline planning permission ref PA/344067/19 for 24 dwellings.

Location: St Cuthberts Church, Tanners Fold, Oldham, OL8 2NN,
Case Officer: Stephen Gill
Applicant: Mr Walker
Agent : Mr Steven Winterbottom

RECOMMENDATION

It is recommended that the application is approved subject to the conditions set out below.

THE SITE

The proposal relates to a 1.23-hectare site, roughly square in shape and occupied by a modern style church with associated two storey vicarage, which have been vacant for several years and are presently in the process of demolition. Vehicular access to the site is from Tanners Fold.

The site occupies a raised position relative to surrounding land to the west, north and east and is surrounded on those sides by residential development. The site contains sporadic largely self-seeded trees and hedgerows and is enclosed by a mixture of chainlink and concrete panel fencing.

THE PROPOSAL

The proposal is for approval of the matters reserved as part of outline planning permission PA/344067/19 for 24 dwellings, which include appearance, landscaping, layout and scale.

The dwellings will be two-storey, three-bedroom, predominantly semi-detached, with two small blocks of three properties. Other than four pairs fronting Tanners Fold, the development will be served via a single new cul-de-sac access including a turning head. In curtilage parking of one or two spaces will be provided. Landscaping will be provided within the private gardens and include new tree planting.

RELEVANT PLANNING HISTORY :

PA/344067/19 - Outline application for the re-development of the St Cuthbert Church site (to include the demolition of all existing buildings) and erection of up to 24 dwellings. Access to be considered all other matters reserved. Approved 30 March 2021

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The site is unallocated within the urban area.

The following policies are relevant to the determination of this application.

Policy 5 - Promoting Accessibility and Sustainable Transport
Policy 9 - Local Environment
Policy 20 - Design
Policy 21 - Protecting Natural Environmental Assets

Saved UDP Policy D1.5 – Protection of Trees on Development Sites

CONSULTATIONS

Highways Engineer - No objection subject to provision of the approved access and parking spaces.

Environmental Health - No objections subject to conditions in respect of landfill gas and ground contamination.

United Utilities - No objections subject to submission of a satisfactory drainage scheme.

LLFA/ Drainage - No comments received.

G M Archaeological Advisory Services - No objections.

Greater Manchester Police Design for Security - No objections subject to the measures set out in the Crime Impact Statement.

Greater Manchester Ecology Unit - No objections as ecological matters were covered by the outline conditions.

Tree Consultations - No objections subject to the proposed planting plan.

REPRESENTATIONS

The application was publicised by neighbour notification, press notice, and site notice. 4 objections were received on the following grounds:

- Concerns in relation to the proposed height of the properties.
- Concerns on the proposed drainage of the site.
- Questions on whether one access point is enough to serve a development of this size.
- Concerns in respect of the proposed levels of the development.
- The plans don't show the re-laying and adaptations of the public footpath and grass verge on Tanners Fold.
- Concerns in respect of the replanting on site.
- No details on plan to demonstrate the measurements of the public footpaths and roads

- within the site.
- No parking provision has been given to Plot 5 and not enough parking provision is proposed overall.
- Potential noise and overlooking implications.

PLANNING CONSIDERATIONS

Principle of development

In terms of the principle of development, including site access details and any impacts on local services, this has been established by the outline permission (PA/344067/19). Therefore, the main considerations in determining this Reserved Matters application, relate to whether the proposed Appearance, Landscaping, Layout and Scale of the development are acceptable.

The applicant will also need to submit a separate discharge of condition application to consider the following conditions attached to the outline planning permission PA/344067/19:

- Condition 5 - Drainage
- Condition 6 – Contaminated Land
- Condition 7 – Contaminated Land
- Condition 8 – Contaminated Land
- Condition 9 – Biodiversity
- Condition 11 – Biodiversity
- Condition 12 – Energy

Design and Appearance

As stated above, outline planning permission has been granted for 24 dwellings. The reserved matters application also proposes 24 dwellings and therefore, the scale of development sits inside that approved in principle as part of the outline planning permission. The proposed properties are very similar in size, height, and scale to those in the immediate surroundings and therefore would not look out of character in the area. Therefore, in terms of scale, the application is considered to be acceptable.

In terms of appearance, the properties are of a red brick, traditional nature. The existing stock in the area contains a mixture in terms of styling and materials. Therefore, the proposed appearance is not considered to be out of character or unacceptable in this instance. The development includes some contrasting brick coursing through the properties, cills and headers, and this adds some interest in the design. The stock will also include a mixture of pitched and hipped roof designs, which adds further interest.

The development proposes a mixture of hard and soft landscaping proposals. The boundaries of the properties will be contained by a mixture of 1.8m and 1.5m close boarded timber fencing and at the frontage 0.9m hoop top powder coated fencing, which is a common boundary treatment for this type of developments.

The soft landscaping proposals include a mixture of large tree species and shrubbery. Shrubby planting is proposed on the western, eastern and northern boundaries and also within the site fronting the new properties, mixed with tree species. The soft landscaping proposals are supported on the boundaries, as this would soften the appearance of the hard landscaping and will also help to break up the appearance of the level changes between the

existing and proposed residential properties.

The proposed planting is supported by the Arboricultural Officer. The application proposes 25 new trees, which is considered acceptable, and will improve the appearance of the development and the immediate area.

Therefore, on the basis of the above, the appearance of the development is considered acceptable and complies with Policies 20 and 21, and saved UDP Policy D1.5.

Impact on Amenity

The layout is considered acceptable in this instance. The proposal offers the following separation distances:

- Distance from the gable of 29 Hough Close to the rear of plot 16 = 11.5m
- Distance from the rear of Plot 9 to the rear of no 40 Hough Close = 21m
- Distance from rear of No 2 Chestnut Crescent to gable of plot 1 = 17.7m
- Distance from Plot 23 to no 19 Tanners Fold public street side = 21.4m

Acceptable separation distances are also demonstrated within the development, for example the distance between plot 5 and plot 20 is 22.2m and the distance between the rear of plot 3 to the gable of plot 5 is 10.2m. The area is characterised by dense residential development in an urban area and these distances are not uncommon and therefore it is not considered to be unacceptable and out of character with the area.

The layout addresses the frontage of Tanners Fold, by introducing properties facing towards the public street scene, which significantly improves the outlook of the site. General separation distances of 21-22m to the facing properties on the south side of Tanners Fold will be achieved.

In terms of levels, the site will rise gently from south to north, with levels differing by 1m. The levels for the most will remain the same as currently on site on the north, south, east, and west boundaries. The proposed properties will sit higher than those that adjoin the site on Chestnut Crescent, Hough Close & Tanners Fold and this is demonstrated on the proposed sections drawing (M4750.P.06 Rev A). The north-east, south-east section shows how the properties will relate at the frontage of the development and demonstrates that the level difference between 2 Chestnut Crescent and Plot 1 is 2.8m and on the other side plot 24 would sit approximately 1m higher than 20 Tanners Fold.

However, given the separation distances between plot 1 and 2 Chestnut Crescent, and the orientation (discussed above), and given that the orientation between plot 24 and 20 Tanners Fold would be gable to gable, the level differences are considered acceptable in this instance.

The level difference between 29 Hough Close and plot 16 is approximately 3m and as discussed above, the distance between them is 11.5m. If the orientation of both dwellings were rear facing, this distance would be considered unacceptable, however, the orientation of 29 Hough Close is gable facing and this minimises the potential overlooking and privacy implications. Notwithstanding the change in levels, given the orientation of the dwellings, this relationship is deemed acceptable.

Nevertheless, whilst the present layout would ensure a satisfactory relationship, extensions or

outbuildings to the rear of the new properties would be capable of being added under permitted development rights. For this reason, it is recommended that those rights are removed from the plots facing Hough Close.

The submitted floor plans confirm that the proposed dwellings will meet Nationally Described Spacing Standards (NDSS) and this ensures that future residents will have appropriate levels of internal amenity.

The relationships between existing properties as demonstrated in the proposed layout means that there may be impacts on neighbouring residents during the construction period, and therefore, a condition to require a Construction Management Plan is recommended in line with the previous decision of Planning Committee.

Highway issues

The Highways Engineer has reviewed the application and does not object to the scheme. The access detail and its suitability to serve 24 dwellings has been assessed and agreed as part of the outline planning permission. The parking provision has also been assessed and no objections are raised by the Highways Engineer. In addition, the internal road and footways will be built to an adoptable standard, meaning the properties can be serviced effectively from the internal road.

A concern has been raised in relation to the fact that the plans do not show what adaptations may be required to the public footpath / grass verge that fronts the site. Inevitably, there will be alterations to the public footpath and grass verge, given the proposed new access arrangement and driveways. It should be noted that the applicant will be required to enter into a Section 278 Agreement with the Highway Authority, and these details will be considered as part of that process. Therefore, no objections are raised to the layout on highways grounds and the development complies with Policy 5.

Considering all those factors together, the layout of the development is considered to be acceptable, and the development complies with Local Plan Policies 5, 9 & 20.

CONCLUSION

In conclusion, the proposed development is acceptable. Despite the proposal's proximity and siting, neighbours' amenity would not be impacted to unacceptable levels and highway and pedestrian safety will be maintained. The development will make productive use of a site within a sustainable location and assist in meeting the Council's housing land supply. Therefore, the proposal accords with both national and local planning policies.

RECOMMENDED CONDITIONS

- 1 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.

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

- 2 No development comprising the erection of any external walls shall take place until a

specification for the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The 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 details.

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan

- 3 No dwelling shall be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Ref:M4750.P.01 Rev B and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

REASON - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

- 4 All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref: M4750.P.10 Rev B) prior to the occupation of any part of the development or in accordance with a programme to be approved in writing by 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 having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

- 5 Prior to commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the access arrangements for construction traffic, and for the methods to be employed to control and monitor noise, dust, and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works

REASON - In the interests of the amenity of the area having regard to Policy 9 of the

Oldham Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, AA, B or E of Part 1 of Schedule 2 shall be carried out within Plots 8 to 17 inclusive unless written permission is granted by the Local Planning Authority.

REASON - The excluded types of development would not be appropriate without full assessment due to the relative levels between existing and proposed dwellings having regard to Policies 9 and 20 of the Oldham Local Plan.

7. The development hereby approved shall be carried out in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version A: 26th March 2021 - Ref: 2019/0947/CIS/01.

REASON - To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

Location Plan



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APPLICATION REPORT - FUL/346827/21

Planning Committee – 2nd September 2021

Registration Date: 5th May 2021
Ward: Chadderton North

Application Reference: FUL/346827/21
Type of Application: Full Application

Proposal: Erection of a motor dealership, incorporating showroom, workshop, and offices, valet building, vehicle access, associated parking, and landscaping (Revision to approved application No. PA/340499/17).
Location: Vacant land, Chadderton Way/Farm Street, Chadderton, Oldham,
Case Officer: Matthew Taylor
Applicant: Mr David Smyth
Agent : Mr Peter Czajkowskyj

RECOMMENDATION

It is recommended that the application is approved subject to the conditions set out below.

THE SITE

This application relates to a vacant site approximately 2.5 hectares in area at the junction of Burnley Lane and Chadderton Way, and formerly occupied by Constellation Mill.

The site is bounded by the residential properties on Burnley Lane and the Rifle Range public house to the south west, to the south-east are residential properties on Bronville Close and Fernhurst Street. To the north east/ west boundaries are Chadderton Way and Burnley Lane.

The site is undulating with a significant rise to a plateau in the north-east corner. A culverted watercourse and a public right of way cross the site. Past uses of part of the site include a mill, tennis club and some houses.

THE PROPOSAL

Planning permission is sought for the re-development the site as a motor dealership, which includes the following

- ☐ Erection of a showroom, workshop and offices building,
- ☐ Erection of a valet building,
- ☐ Creation of vehicle access and egress,
- ☐ Hard surfacing and laying out of associated vehicle parking; and
- ☐ Landscaping works.

The scheme is a revision to a previously approved scheme Ref: PA/340499/17, as the Volkswagen motor dealership are intending to relocate from their existing constrained site at Manchester Road, Chadderton. The revisions are sought to allow for the expansion of the commercial vehicle provision by the dealership.

As a result, the showroom building is proposed to be increased in length to allow for a separate commercial showroom area and dedicated commercial vehicle repair bays within the workshop.

The previously approved design/general appearance is retained by using the same palette of materials. Both the showroom and valet building reflect the previously approved heights. Given the increased length of the main building, the proposed valet building has been re-positioning closer to the south-west.

The previously approved layout of vehicle access from Chadderton Way and egress from Burnley Lane remains as approved with only the internal layout of associated vehicle parking being altered.

RELEVANT PLANNING HISTORY

PA/340499/17 - Erection of a motor dealership (Sui Generis), incorporating showroom, workshop, offices, storage/spare parts and 4 MOT bays with separate valeting bays, to include associated parking, landscaping, and vehicle access arrangements. Approved 6 June 2019

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The site is unallocated within the urban area.

The following policies are relevant to the determination of this application.

Policy 1 - Climate change and sustainable development
Policy 5 - Promoting Accessibility and Sustainable Transport Choices
Policy 9 - Local environment
Policy 14 – Supporting Oldham's Economy
Policy 18 – Energy
Policy 19 – Flooding
Policy 20 – Design

CONSULTATIONS

Highway Engineer – No objections subject to conditions in relation to approval of full details of the new site access from Chadderton Way, provision of car and cycle parking, and a green travel plan.

Highways England – No objections

CADENT Gas – Recommend an informative in respect of gas apparatus on the site.

G M Archaeological Advisory Unit – No objections

United Utilities – No objections subject to conditions in relation to the provision and management of a sustainable drainage scheme.

Environmental Health – Final comments to be included on the Late List.

REPRESENTATIONS

The application has been advertised by site and press notice and by direct neighbour notification. No written representations have been received.

The Ramblers note the public right of way across the site and object unless a suitable diversion is agreed.

PLANNING CONSIDERATIONS

Principle of Development

The principle of the proposed re-development has been established by the previous approval. Assessment in this instance is therefore limited to the impact of the proposed changes.

Although previously cleared and vacant for a number of years, the site has historically been used for industrial purposes. Moreover, the proposal allows an existing business located within the Borough to remain and expand, in an area which contains other large motor dealerships.

In this context, the proposal will represent a positive contribution to the Council's regeneration objectives and accord with relevant local and national planning policies.

Traffic Impacts

Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

A Transport Assessment was submitted with the previous application for the same use which took account of the existing conditions and the effect the proposed development will have on the surrounding highway network. The detailed analysis was carried out and showed that the proposed development would be likely to result in a maximum of 63 two-way vehicular movements during the peak periods.

Discussions are presently on-going with the applicant to ensure that an access that is acceptable in principle to the Local Highway Authority is constructed. This would require alteration to existing infrastructure within the adopted highway. Those discussions, which will require separate agreement under Section 278 of the Highways Act 1980, are on-going.

To this end, it is not anticipated that the development will result in a significant impact on the local highway network and therefore the Council's Highway Engineer has no objection to planning permission being granted subject to conditions.

Impact on public footpath

It is noted that Public Footpath Chadderton 26 presently crosses the site. This is a legacy of the historical use of the site. Although continuing to provide a 'cut-through', this is across undulating, unmade ground.

Due to its route cutting across the site, retention in the present position would severely limit the site's development potential. A separate approval will be required to divert the existing footpath route. The Council's Rights of Way Officer is in on-going discussion with the applicant regarding the incorporation of a suitable alternative which is hoped can be achieved.

Notwithstanding the concerns of the Ramblers, the loss of the footpath must nevertheless be weighed alongside the wider regeneration benefits of the proposal.

Design, Layout and Landscaping

Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. Policy 9 requires that development does not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape, nor

should it cause significant harm to the amenity of neighbouring occupants. Policy 20 is also relevant, as it seeks to promote high quality design.

As previously approved, the site design and layout results in the large majority of the site having an open aspect, as these areas would be solely occupied by vehicle parking/storage, and small-scale ancillary street furniture/fencing. The proposed main building will reflect the functional design of similar buildings in the locality, with large areas of glazing to the frontage portion of the main building. Its orientation will limit the prominence of its physical presence on the street scene.

Other than a group of trees along the Chadderton Way frontage, which will largely require removal to facilitate the new access to the development, the site is otherwise largely devoid of attractive vegetation. Some replacements are proposed on the Chadderton Way and Farm street elevations. However, these are minimal as it is recognised that given the retail nature of the use, screen planting would inevitably be restricted on the Chadderton Way frontage.

Nevertheless, it is considered that the development would ensure an appropriate visual presence in the locality reflecting nearby commercial developments.

Impacts on Residential Amenity

Policy 9 of the Local Plan requires that new development does not result in a significant, adverse impact on the visual amenity of the surrounding area or significantly harm the amenities of occupiers of existing or future neighbouring properties, whilst Policy 20 includes the requirement that development proposals should reflect local character.

Outlook/light

Whilst the proposed main building has been increased in length, the impact on the neighbouring properties on Bronville Close would not be significantly greater than the previously approved scheme.

Whilst the re-siting of the valet building is closer to neighbouring properties to the south of the site. Given it is of a lower overall height and set at a similar distance off the common boundaries as the main building. It is considered there will be no issues associated with overshadowing of the neighbouring residents.

Noise impacts

A Noise Impact Assessment accompanied the original application, which outlined that given the context of the existing acoustic environment, which is dominated by traffic noise, the development will result in a low impact.

The Council's Environmental Health team has raised no objection. To this end, it is considered that any subsequent nuisance which may occur from on-site activities can be readily controlled under Environmental Protection legislation.

Lighting

Details of on-site operational and security lighting have been submitted to demonstrate that any lighting can be suitably sited and designed to ensure there are no adverse impacts on adjacent residential properties. The final specification will also be subject to condition. Similarly, the submitted plans show that any security cameras will be sited to ensure no direct views into neighbouring properties.

Flooding and drainage

Policy 19 seeks to direct development away from areas at risk of flooding and encourages the use of sustainable drainage systems (SUDS) in new development. Criterion (b) of the policy states that developments must minimise the impact of development on surface water run-off.

The site is located within Flood Zone 1 with no record of flooding affecting the site. Ground conditions are anticipated to be unsuitable for the design of infiltration structures for surface water disposal. A condition will nevertheless be required with respect to final approval of those drainage details.

Contamination:

Policy 9 requires that development is not located where a source of potential hazard exists, whilst NPPF paragraph 178 requires planning policies and decisions to ensure that a site is suitable for its proposed use having regard to ground conditions and any risks arising from natural hazards or former activities such as mining.

A Geo-environmental Report has been submitted. No objections have been raised by the Environmental Health team subject to a condition to ensure the investigation of potential landfill gas ingress on the site. Following further investigation, additional details have been submitted and are presently under consideration. Any resultant amendments to the recommended conditions will be reported on the late list.

CONCLUSION

With the above in mind, the proposal would represent an appropriate land use on this prominent site which it will bring back into productive use. The development is capable of being implemented without any significant harm to traffic, environmental, and amenity issues, on a previously developed site, and accords with relevant national and local planning policies accordingly.

RECOMMENDED CONDITIONS

Granted, 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.

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

- 3 The development hereby approved shall not be brought into use unless and until the access and car parking spaces have been provided broadly in accordance with the approved plan M20-33-P-01. The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development other than levelling works using existing site materials. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

REASON - To ensure that adequate off-street parking facilities are provided and

remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

- 4 No development of the site, other than levelling works using existing site materials, shall commence unless and until the developer has submitted the following full design and construction details of the required improvements to the Chadderton Way Access Arrangements, such details to be approved in writing by the Local Planning Authority.

Such works that form the approved scheme shall complete before any of the elements of the proposal are brought into use.

The details to be submitted shall include:

- o How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations,
- o Full signing and lighting details,
- o Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- o An independent Stage Two Road Safety Audit (taking account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.

REASON - To ensure that the means of access to the application site is acceptable to the Local Highway Authority in terms of highway safety and the continued efficient operation of the local highway network having regard to Policies 5 and 9 of the Oldham Local Plan.

- 5 No development of the site, other than levelling works using existing site materials, shall commence unless and until details of the embankments and structures on the boundary of the site have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before the development is brought into use.

REASON - To ensure that the development is acceptable to the Local Highway Authority in terms of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

- 6 Secure cycle parking facilities shall be provided within the site prior to the first occupation of the development hereby permitted, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter remain available for users of the development.

REASON - To ensure adequate cycle storage facilities are available to users of the development having regard to Policies 5 and 9 of the Oldham Local Plan.

- 7 Prior to the first occupation of the development hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan the occupier shall submit their travel plan to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of occupation of the development.

REASON - To ensure the development accords with the Councils sustainable transport policies having regard to Policies 5 and 9 of the Oldham Local Plan.

8. No development, other than levelling works using existing site materials, shall commence until a sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water.
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.
- The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON - To secure a satisfactory system of drainage having regard to Policies 9 and 19 of the Oldham Local Plan.

9. All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref: OLD2103 PP01.00) prior to the occupation of any part of the development or in accordance with a programme to be approved in writing by 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 having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

10. No window openings shall be installed in the eastern elevation of the showroom building at first floor level unless permanently fitted with obscured glazing panels to a minimum of level 3 on the Pilkington scale.

REASON - To prevent overlooking of neighbouring property having regard to Policy 9 of the Oldham Local Plan.

11. No external operational lighting, or security lighting/cameras, shall be installed unless the prior written approval of the Local Planning Authority has been received for the specification of the equipment, including the size and siting of any supporting columns and the angle and luminance of the equipment.

REASON - In order to protect the amenity of the occupiers of the adjacent residential properties having regard to Policy 9 of the Oldham Local Plan.

Location Plan

