

APPLICATION REPORT - PA/340499/17

Planning Committee, 5 June, 2019

Registration Date: 23/10/2017
Ward: Chadderton North

Application Reference: PA/340499/17
Type of Application: Full Planning Permission

Proposal: 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.

Location: Land between Burnley Lane and Chadderton Way, on the site formerly occupied by Constellation Mill

Case Officer: Graham Dickman

Applicant Inchcape Estates Ltd.
Agent : SRA Architects

THE SITE

This application relates to a presently vacant, naturally vegetated site located at the junction of Burnley Lane and Chadderton Way, formerly occupied by Constellation Mill. Established residential properties on Burnley Lane, and the Rifle Range public house, adjoin the site to the south/south-west, from which they are separated by a rear access track. To the south-east are the rear gardens of residential properties on a modern development on Bronville Close.

The site is generally level, but with a significant rise to a plateau in the north-east corner. A culverted watercourse crosses the site. Past uses of part of the site include a mill, tennis club and some houses.

THE PROPOSAL

It is proposed to erect a new Volkswagen motor dealership, which it is intended to relocate from an existing constrained site at Manchester Road, Chadderton. The main showroom and workshop building will be located in the north-east corner of the site close to the Chadderton Way frontage. The showroom will be located at the northern end of the building, and include vehicle displays at ground level. There will be full-height glazing to the three exposed elevations, with the use of obscured glazing at first floor level on the elevation facing towards Bronville Close.

The workshop will be attached to the southern side of the showroom and will be faced in a mix of light and dark grey composite cladding. The showroom will have a height of 9.5 metres, with the workshop being slightly lower.

A valeting bay building will be constructed to the south of the showroom/workshop, close to the eastern boundary. This will have a height of approximately 3.5 metres.

Both buildings will be situated approximately 15 metres from the boundary, the intervening space being occupied by vehicle parking spaces and access and a landscaping strip. The remainder of the site will be laid out for customer, used car, and workshop/servicing parking. Boundary treatments will comprise a mix of 2.4m high powder-coated, vertical rail fencing to the northern and western boundaries of the secure parking areas, with 2.4m powder-coated palisade fencing where the site adjoins the access passageway to the south and alongside

the boundary with Bronville Close, from where it will be screened by the existing timber fencing which marks the garden boundaries.

Vehicular access and egress to the site has been subject to amendment following discussions with the Council's Highway Engineers. This will now comprise a single, in-bound access direct from Chadderton Way, retaining the exiting lay-by on this frontage, and a separate egress taken onto Farm Street, which then links onto Chadderton Way.

RELEVANT HISTORY OF THE SITE:

None relevant

CONSULTATIONS

Pollution Control	No objections subject to implementation of gas protection measures, details of waste storage, and lighting.
Highways England Highway Officer	No objections. No objections subject to conditions to ensure satisfactory access and egress construction in relation to the adjacent highway.
LLFA/ Drainage Greater Manchester Police Architectural Liaison Unit	No objections. The proposed development should be designed and constructed in accordance with the recommendations contained within the submitted Crime Impact Statement.
The Ramblers Association	Express concern at the loss of the public right of way which crosses the site, and suggest that an alternative route be created within the landscaped areas fronting the site.

REPRESENTATIONS

The application has been advertised in the press and by site notice. In addition, 43 notification letters have been sent to the occupiers of neighbouring residential properties.

2 letters of objection have been received on the following grounds:

- the need for clarity on where construction access will be taken (following damage to the adjacent access track during site clearance);
- that the height of building/fence will block light;
- there will be noise from the workshop, light intrusion from floodlights, a loss of privacy through overlooking;
- a loss of property value; and,
- a restriction of previously available access from the rear gardens onto the land due to the erection of the boundary fence.

PLANNING CONSIDERATIONS

- Principle of Development
- Traffic Impacts
- Impact on Public Footpath
- Design, Layout and Landscaping
- Impacts on Residential Amenity
- Impact on public right of way
- Flooding and contamination
- Air Quality and Energy

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material to an application for planning permission,

the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'development plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

Policy 1 - Climate Change and Sustainable Development
Policy 4 - Promoting Sustainable Regeneration and Prosperity
Policy 5 - Promoting Accessibility and Sustainable Transport Choices
Policy 6 - Green Infrastructure
Policy 9 - Local environment
Policy 14 - Supporting Oldham's Economy
Policy 17 - Gateways and Corridors
Policy 19 - Water and Flooding
Policy 20 - Design
Policy 22 - Protecting open land

The National Planning Policy Framework is also a material consideration in the assessment of the application.

Land use and principle of development

DPD Policy 1, in the context of this application, seeks the effective and efficient use of land, prioritising development on previously developed land. Annex 2 of the NPPF defines "previously developed land" as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Although presently cleared, the site has historically been used for industrial purposes.

Despite its former industrial use, the site is not specifically allocated for replacement employment use, however, its location provides an opportunity, in accordance with DPD Policy 14, whereby sufficient land will be made available for existing firms to expand and new firms to locate in the Borough.

The proposed development will allow an existing business located within the Borough to remain and expand, in an area adjacent to Chadderton Way, on which a number of motor retail franchises have become established, and there is ready access to the surrounding highway network.

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

Traffic Impacts

DPS Policy 9 states that development should ensure it minimises traffic levels and does not harm the safety of road users. NPPF paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A Transport Assessment has been submitted with the application. In addition, the proposed arrangements for vehicular access and egress have been discussed in detail with the Council's Highway Engineers, who have suggested a suitable solution to ensure no adverse impacts on Chadderton Way and the adjacent highways.

Concerns have been expressed by a local resident regarding use of the access track to the rear of Burnley Lane properties during construction, and in this context, it would be recommended that use of this access is prevented to the new development, both during construction and subsequently, both in terms of highway safety and the general amenity of

neighbouring residents. This is addressed by a condition restricting access off Burnley Lane.

Impact on public footpath

With regard to the objection received from the Ramblers Association, it is noted that Public Footpath Chadderton 26 presently crosses the site, and 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 would severely limit the site's development potential, and whilst an alternative around the edge of the site has been considered, this would merely duplicate the retained route along Chadderton Way and be of limited benefit. Nevertheless, should planning permission be granted it will be necessary for a formal footpath closure to be sought separately.

Design, Layout and Landscaping

DPD Policy 9 requires that development does not adversely affect the environment or human health caused by air quality, odour, noise, vibration or light pollution, or cause significant harm to the amenity of existing and future occupants through impacts on privacy, safety, security, noise, pollution, visual appearance of an area, access to daylight, and other nuisances, an approach also reflected in Policy 20.

Part 12 of the NPPF requires that development should function well and add to the overall quality of an area, be visually attractive as a result of good architecture, layout and landscaping, be sympathetic to local character and history, establish or maintain a strong sense of place, to optimise the potential of a site, and to create places that are safe, inclusive and accessible.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, and that whilst great weight should be given to outstanding or innovative designs, they should fit in with the overall form and layout of their surroundings.

The nature of the development will ensue that the large majority of the site will have an open aspect, with occupation solely to vehicle parking and storage, and small scale ancillary street furniture. The 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. Furthermore, 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 site devoid of attractive vegetation. Enhanced replacement planting will be required alongside the prominent external site boundaries, particularly along Farm Street, although 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

DPD Policy 20 requires that new development should reflect local characteristics, whilst not resulting in a significant adverse impact on the visual amenity of the surrounding area. NPPF paragraph 127 requires that development secures a high standard of amenity for existing and future users.

A Noise Impact Assessment accompanies the application. The assessment concludes that, in the context of the existing acoustic environment which is dominated by traffic noise, the development will result in a low impact. This view is shared by the Council's Environmental

Health team which is satisfied that amenity impacts associated with activity from the site can be satisfactorily managed. Any subsequent nuisance which may occur from on-site activities can be readily controlled under Environmental Protection legislation. The concerns in relation to construction traffic have been noted earlier, and controls over the location of the access will be subject to a condition of approval.

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.

In respect of the physical impact of the development, this will largely be limited to the relationship with the neighbouring properties on Bronville Close. The main showroom/workshop building attains a height of approximately 9.5 metres at a distance of 15 metres from the adjacent garden boundaries, and 25 metres from the rear of the houses themselves. In this context there will be no issues associated with overshadowing of the neighbouring residents, particularly towards the southern end of the site where the gardens are at a slightly higher level. The valeting building has been re-sited since the initial submission, to ensure a similar degree of separation.

With respect to concerns in relation to loss of access to the land, the site is privately owned and, other than the public right of way, there are no known access rights and the owner would be able to enclose the land as necessary. With regard to loss of value, there is no evidence to demonstrate this would occur, and this is therefore not a material planning consideration.

Flooding and contamination

DPD 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 allowable discharge rates must be agreed with the council for all developments, which must where possible be achieved through the implementation of SUDS.

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. Detailed drainage proposals have been submitted and the Council's Drainage team has raised no objections to those proposals.

DPD 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 taking into account 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.

Air Quality and Energy

Policy 9 requires that development should not result in unacceptable levels of pollution or exposure of people in the locality.

The site is outside an Air Quality Management Area. Nevertheless, an Air Quality Assessment has been submitted indicating that predicted concentrations of Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) are well below the respective air quality objectives as

required by the Greater Manchester Air Quality Action Plan 2016-2021.

DPD Policy 18 requires measures to be incorporated to secure energy efficiency in new development proposals. The submitted Energy & Sustainability Statement indicates that energy efficient lighting will be installed throughout the development controlled by PIR and microwave sensors, whilst external lighting will incorporate smart sensors to vary output according to daylight levels. A high efficiency VRV heat recovery air source heat pump system will provide part of the renewable energy element of the development.

CONCLUSION

The proposed development 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, and is therefore recommended for approval, subject to the following conditions.

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. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications received on 1 May 2019 which are referenced as:

3387/A1/001-P1 - Proposed Site Plan
3387/A2/001 - Ground Floor Plan
3387/A2/002 P1 - First Floor Plan
3387/A4/001 P1 - Showroom Elevations
3387/A2/010 - Valet Building
3387/A6/001 - External Details
3387/A6/002 - Refuse Area Details

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 comprising the erection of any external walls shall take place unless and until samples of the materials to be used in the construction of the external surfaces of that building 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.

4. 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.

5. No vehicular access to the development site shall be obtained, either during the construction period or subsequently, from the adjacent access track located to the rear of the neighbouring properties on Burnley Lane.

Reason - To protect the amenity of the occupiers of the neighbouring residential properties.

6. The proposed development should be designed and constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement (CIS) dated 09/10/2017 (URN:2017/0692/CIS/02), including the security specification listed within section 4 of the appendices within the submitted CIS.

Reason - To ensure the site is designed to minimise the threat from crime.

7. 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 received on 23rd April 2019 (Ref: Dwg No. 3387/A1/001-P1). 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. 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.

8. No development of the site 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. The works that form the approved scheme shall be completed prior to the first use of the development commencing. The details to be submitted shall include:

- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations,
- Full signing and lighting details,
- Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- 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.

9. No development of the site 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.

10. 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.

11. 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 Council's sustainable transport policies.

12. The development shall be implemented in accordance with the Drainage Management document 9010-SWF-XX-XX-RP-D-0201 dated April 2019, and the associated drainage documents submitted on 1 May 2019.

Reason - To secure a satisfactory system of drainage.

