

## APPLICATION REPORT - FUL/346827/21

### Planning Committee – 2<sup>nd</sup> 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

