

APPLICATION REPORT - PA/341476/18

Planning Committee, 19 September, 2018

Registration Date: 27/03/2018
Ward: Chadderton Central

Application Reference: PA/341476/18
Type of Application: Full Planning Permission

Proposal: Proposed drive-through café/restaurant (Use Class A3), public house/restaurant (Use Class A4), 3 industrial units (Use Classes B1, B2 or B8), associated parking, landscaping & infrastructure.

Location: Land to the west of Greengate, Oldham

Case Officer: Hannah Lucitt

Applicant Agent : Royal London Mutual Insurance Society Ltd
Hourigan Connolly

THE SITE

The application site covers 3.34 hectares (8.25 acres). The site access forms part of a traffic light controlled junction with Greengate (B6393) with pedestrian and cycle crossing provision. Greengate is a main vehicular arterial route linking the areas of Middleton and Chadderton with the City of Manchester to the south.

There is currently access to the site via an under bridge, accessed from an unnamed service road, however this is height restricted and effectively limits its use to cars and small vans.

Boundaries to the site are generally a combination of palisade and weld mesh security fencing.

The site predominantly comprises hard landscaping and is relatively flat. There are a number of lighting columns on the site together with an electricity pylon.

To the north of the site is an area of open land, beyond which are a number of commercial and employment units. To the east of the site are further commercial premises. To the south of the site is the M60 and to the west is Blackley Golf Club.

The site is located in an area allocated for predominantly employment uses.

The surrounding area therefore comprises various commercial, industrial and trade units. Beyond the M60 to the south is the residential area of Moston, and to the north and west beyond the employment units are residential areas of Middleton and Alkrington.

THE PROPOSAL

This application proposes the erection of a drive-through café/restaurant (Use Class A3), a public house/restaurant (Use Class A4), the erection of three industrial units (Use Classes B1, B2 or B8), and associated parking, landscaping & infrastructure.

The proposed drive-through café/restaurant would be of a broadly rectangular shape, and would measure 16m in length, 1.5m in width, and would feature a lean-to roof design, reaching a maximum of 5.3m in height. This unit would be externally faced in timber cladding, and white render.

The proposed public house/restaurant would be of a broadly rectangular shape, and would measure 33m in length, 15m in width, and would feature a pitched roof design, reaching a maximum of 9.4m in height. This unit would be externally faced in roof tiles, red brick, and render.

The proposed industrial units are designed as follows:

Unit A

Unit A would run parallel to the highway at Greengate and would measure 130m in length, 20m in width and would feature a low pitched roof design, reaching a maximum of 10.4m in height. This unit would be externally faced in profiled wall cladding in grey.

Unit B

Unit B would measure 87m in length, 63m in width and would feature a low pitched roof design, reaching a maximum of 12.4m in height. This unit would be externally faced in profiled wall cladding in grey.

Unit C

Unit B would measure 38m in length, 17.5m in width and would feature a low pitched roof design, reaching a maximum of 10.4m in height. This unit would be externally faced in profiled wall cladding in grey.

Staff and visitor parking within the site for a total of 199 vehicles is proposed, including 20 dedicated disabled persons' spaces, together with 9 motorcycle spaces and provision for 21 secure cycle parking spaces.

RELEVANT HISTORY OF THE SITE:

No relevant planning history.

CONSULTATIONS

Environmental Health	No objection, subject to the inclusion of conditions addressing landfill gas and contaminated land. They also comment on the need for reference in the travel plan to ensure that the fleets used in the proposed B8 uses are sustainable and low emission vehicles or at least there is an ambition/plan to move towards this.
Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of car parking spaces, the full design and construction details of the required improvements to the Greengate access arrangements, cycle storage, and the provision of a Travel Plan
Highways England	No objection, subject to the inclusion of a condition restricting development on land owned by Highways England.
Environment Agency	No objection, subject to the inclusion of a condition addressing contamination.
LLFA and Drainage	No comment.
Greater Manchester Ecology Unit	No comment.
Greater Manchester Police	No objection.
Architectural Liaison Unit	
Rochdale MBC	No comment.
Manchester City Council	No comment.
National Grid Company PLC	No objection.
Transport for Greater Manchester	No objection, subject to the inclusion of a condition

addressing the needs for a Travel Plan.

REPRESENTATIONS

This application has been publicised by way of a site notice, press notice and neighbour notification letters. No neighbour responses have been received by virtue of this publication process.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. Land Use;
2. Parking and highway safety;
3. Amenity and design;
4. Contaminated land, landfill gas, and drainage.

Land Use

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 2 within the National Planning Policy Framework (NPPF) reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

The application is located within a 'Business Employment Area' as allocated by the Proposals Map associated with this document. Therefore, the following policies are considered relevant:

Policy 1 - Climate Change and Sustainable Development;
Policy 9 - Local Environment;
Policy 13 - Employment Areas;
Policy 14 - Supporting Oldham's Economy; and,
Policy 20 - Design.

The guidance within the National Planning Policy Framework (NPPF) is also a material planning consideration.

Policy 1, in the context of this application, seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings and development on 'previously developed land' prior to the use of greenfield sites.

The application site is previously developed land, evident by the hard landscaping and existing use.

Supporting Oldham's Economy

DPD Policy 14 states that it is important Oldham has a range of sites to support the local economy. Employment areas are spread across the borough. They provide land for existing firms to expand and for new firms to locate here, so providing for job opportunities. Development proposals which would result in the loss of a site currently or most recently used for employment purposes to other uses should include measures to outweigh the loss of the site and support Oldham's economy and the regeneration plans of the borough.

As the application site proposes a mixed use A3/A4/B1/B2/B8 facility, the proposed development complies with Policy 14 and the principle of the proposal is therefore satisfactory. The industrial units provide a wide mix of sizes to accommodate the needs of a variety of businesses. The benefit of the anticipated 210 full time job roles that would be created by virtue of the proposed development is acknowledged.

Parking and highway safety

Access to the proposed development will be taken from the existing traffic signal controlled junction with Greengate which also serves the industrial premises to the east. A highway improvement will be carried out to the junction to facilitate movement into and out of the site for vehicles, cyclists and pedestrians.

The site is in a sustainable location with excellent links to public transport and opportunities for walking and cycling. Conditions are attached to the recommendation to ensure that more sustainable modes of travel are promoted in the form of the provision of cycle storage facilities and the provision of a Travel Plan.

A Transport Assessment was submitted with this application which examined the existing conditions and the effect the development would have on the local highway network. The expected levels of traffic generated by uses previously granted planning permission and the current proposal were compared. It was found that the amount of traffic likely to be generated by the current proposal will be less than that of previously approved schemes.

Traffic Modelling of the existing traffic signal controlled junction was also undertaken, and after the addition and clarification of some information, Transport for Greater Manchester is satisfied that the junction will continue to operate within capacity, and that the traffic generated by the proposed development will have no significant or adverse impact on the local highway network.

The proposed development has been assessed by the Council's Highway Engineer. Given that the expected trip generation and operation of the highway network will not have a significant or adverse effect on highway safety, no objection has been raised.

Therefore, the proposed development is considered to be in compliance with DPD Policy 9 in this regard.

Amenity and Design

DPD Policy 9 seeks to ensure development does not result in unacceptable adverse impact on amenity, whilst Policies 9 and 20 recognise the contribution that high quality design can make to regeneration and sustainable development.

There are no nearby dwellings within close proximity to the application site. Therefore, the proposal will have no significant impact on amenity.

The design of the industrial units is typical of the industrial sites within the area. Whilst this is not of particularly high architectural merit, it would be screened by a landscaping buffer, and is both functional and appropriate to its setting.

The proposed public house would be externally faced in red brick and black roof tiles, which would broadly reflect the Oldham centre vernacular. The design is considered both functional and acceptable.

The proposed drive-through cafe/restaurant is of modern design. The proposed unit is relatively modest in scale and is screened by landscaping. It is considered acceptable in this context.

The proposed landscaping scheme provides a more verdant character to the site, which is currently hard landscaped.

The proposed development is considered to have a positive impact on the streetscene and the character of the wider area.

Given the above, the impact on residential amenity and design is considered acceptable, in accordance with DPD Policies 9 and 20.

Contaminated land, landfill gas, and drainage

The Environmental Health Team have requested the inclusion of contaminated land and landfill gas, pre-commencement conditions.

The application site lies in an area susceptible to water surface flooding. A condition has also been included within the recommendation to address surface water drainage on site. The Drainage team have been consulted in regard to this application, and raise no objection on this basis.

Section 100ZA of the Town and Country Planning Act 1990, inserted by section 14 of the Neighbourhood Planning Act 2017, provides that planning permission for the development of land may not be granted subject to a pre-commencement conditions without the written agreement of the applicant to the terms of the condition. Regulation 2 provides that planning permission may be granted subject to a pre-commencement condition without the applicant's written agreement. The applicant has confirmed that they are happy for the pre-commencement conditions to be included within the report.

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:

Site Plans

- Drawing no. 17022_PL02 revision D received 09th July 2018
- Drawing no. 17022_PL15 revision A received 26th February 2018

Public House

- Drawing no. 17022_PL12 received 26th February 2018
- Drawing no. 17022_PL13 revision A received 26th February 2018
- Drawing no. 17022_PL14 received 26th February 2018

Unit A

- Drawing no. 17022_PL03 received 26th February 2018
- Drawing no. 17022_PL04 received 26th February 2018

Unit B

- Drawing no. 17022_PL05 received 26th February 2018
- Drawing no. 17022_PL06 received 26th February 2018
- Drawing no. 17022_PL07 received 26th February 2018

Unit C

- Drawing no. 17022_PL08 received 26th February 2018
- Drawing no. 17022_PL09 received 26th February 2018
- Drawing no. 17022_PL10 received 26th February 2018

Drive-through

- Drawing no. 17022_PL11 received 26th February 2018

Landscaping Plans

- Drawing no. 101 received 26th February 2018
- Drawing no. 201 received 26th February 2018
- Drawing no. 202 received 26th February 2018
- Drawing no. 203 received 26th February 2018

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 construction of external walls or roofs shall take place unless and until samples of the materials to be used 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 development shall be undertaken on or adjacent to any motorway embankment or retaining wall which shall put any such embankment, retaining wall or earthworks at risk. Prior to the commencement of the use of any part of the development hereby approved, a close boarded fence or similar barrier not less than 2 metres high shall be erected along the frontage of the site with the M60 motorway in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The fence shall be erected behind the existing motorway boundary fence, be on the developer's land and be independent of any existing motorway boundary fence.

Reason - To prevent any direct vehicular or pedestrian access between the site and the M60 motorway in the interests of highway safety.

5. All hard and soft landscape works for the site shall be carried out in accordance with the approved details:
 - Drawing no. 101 received 26th February 2018
 - Drawing no. 201 received 26th February 2018
 - Drawing no. 202 received 26th February 2018
 - Drawing no. 203 received 26th February 2018

The works shall be carried out prior to the occupation of any part of the development. 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.

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

6. Prior to the commencement of any development, details of arrangements for the disposal of foul waste, and a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance, with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

No drainage from the proposed development shall run off into the motorway drainage system, nor shall any such new development adversely affect any motorway drainage.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

7. 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 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

8. Within three months of the first occupation of any individual part of the development hereby approved, a Travel Plan for that part shall be submitted for the written approval of the local planning authority. The approved Travel Plans for each part shall be implemented within six months of occupation of that part of the development. The Travel Plans shall be maintained and kept up to date at all times, and shall take into account any change in circumstances, such as a change to the occupier of the site.

Reason - To ensure the development accords with the Council's sustainable transport policies

9. No development hereby approved shall be brought into use unless and until the access and car parking spaces associated with that part of the development have been provided in accordance with the approved plan received on 9th July 2018 (Ref: Dwg No. 17022_PL02 Rev D). 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 such 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.

10. 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 Greengate Access Arrangements, such details to be agreed in writing by the Local Planning Authority.

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

The details to be submitted shall include:

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

11. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning 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 250m of a former landfill site.

12. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning 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 and the environment.

13. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.



PLANNING COMMITTEE - BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

PLANNING AND ADVERTISEMENT APPLICATIONS

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information defined by that Act.

THE BACKGROUND PAPERS

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

ADDITIONAL BACKGROUND PAPERS

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

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.