

**Application Number** 19/00156/FUL

**Proposal** Variation of condition 2 (approved plans) of planning permission 18/00444/FUL to make alterations to the approved elevation plans.

**Site** North western portion of former Oldham batteries site (on junction of Lance Corporal Andrew Breeze Way and Ashton Road) Denton

**Applicant** Network Space, Newton-le-Willows

**Recommendation** Approve, subject to conditions

**Reason for report** A Speakers Panel decision is required because the application constitutes a major development.

## **REPORT**

### **1. APPLICATION DESCRIPTION**

- 1.1 The applicant seeks full planning permission for vary condition 2 of planning permission ref. 18/00444/FUL which granted [planning permission for the erection of a new Wellness Centre (use class D2) (total floor area 5,598 square metres), 123 associated car parking spaces and landscaping.
- 1.2 Condition 2 of that planning permission detailed the approved plans and documents. This scheme seeks to vary the elevation plans to alter the treatment of the façade of the building. The height, overall form and footprint of the building and associated facilities would remain as approved. Alterations are also proposed to the design of the screening to be applied to the external plant equipment to be installed on the rear portion of the building and to the design of the aluminium cladding system to be attached to the exterior of the full height glazed elements on the north western corner of the building.

### **2. SITE & SURROUNDINGS**

- 2.1 This application relates to land bound by Lance Corporal Andrew Breeze Way, Ashton Road and Annan Street in Denton. The site covers approximately 0.86 hectares and is the north western corner of the land formerly occupied by the Oldham Batteries factory, which closed in 2002. All buildings have been demolished with only hard standings remaining on site.
- 2.2 The site is located to the east of the commercial element of Denton town centre and is allocated in the UDP as a Development Opportunity Area, emphasising its strategic importance as a regeneration site. Planning permission has recently been granted for the remainder of the former Oldham Batteries site to be redeveloped for residential use.

### **3. PLANNING HISTORY**

- 3.1 18/00444/FUL - Full planning application for the erection of a new Wellness Centre (use class D2) (total floor area 5,598 square metres), 123 associated car parking spaces and landscaping – approved.
- 3.2 18/00541/ENV - Construction of a new Wellness Centre with 8 lane x 25m swimming pool and 17x7m learner pool and associated changing village, spa area spectator seating and plant space, community room, meeting rooms, social interactive space, soft play, ten-pin bowling, fitness suite, dry change facilities and three multi-use studio spaces – not EIA development.
- 3.3 13/00340/OUT – Renewal of planning consent 04/01274/OUT for the demolition of existing buildings and redevelopment for retail use (A1 non-food), garden centre, pub restaurant (A3, A4), light/general industrial and warehouse (B1 B2 and B8), residential (C3) new link road, car parking, landscaping and associated works – approved.
- 3.4 08/00430/REM - Retail park comprising non-food retail (A1 non-food) and food and drink uses (A3/A4), management suite, new public right of way, car parking, landscaping and associated works – approved.
- 3.5 04/01274/OUT - Demolition of existing buildings and redevelopment for Retail Use (A1 non-food), Garden Centre, Pub/Restaurant (A3/A4), Light/General Industrial and Warehouse (B1, B2 and B8), Residential (C3), New Link Road, Car Parking, Landscaping and Associated Works – approved.

### **4. RELEVANT PLANNING POLICIES**

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation**  
Allocated under policy E2 (11) as a Development Opportunity Area
- 4.2 **Part 1 Policies**
  - 1.3: Creating a Cleaner and Greener Environment.
  - 1.5: Following the Principles of Sustainable Development
  - 1.6 Securing Urban Regeneration
  - 1.7 Supporting the role of town centres
  - 1.8 Retaining and Improving Opportunities for Sport, Recreation and Leisure
  - 1.12: Ensuring an Accessible, Safe and Healthy Environment
- 4.3 **Part 2 Policies**
  - E2: Development Opportunity Area (this site being no. 11 of the sites identified in that policy).
  - S1 Town Centre Improvements
  - S8 Built Recreation, Leisure and Tourism Developments
  - S9 Detailed Design of Retail and Leisure Developments.
  - C1 Town Scape and Urban Form.
  - T1 Highway Improvements and Traffic Management.
  - T6 Facilities for Buses
  - T7 Cycling
  - T10: Parking
  - T11: Travel Plans.
  - C1: Townscape and Urban Form

N5: Trees Within Development Sites  
N7: Protected Species  
MW11: Contaminated Land  
MW12: Control of Pollution  
MW14: Air Quality  
U3: Water Services for Developments  
U4 Flood Prevention  
U5 Energy Efficiency

#### **4.4 Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016  
Residential Design Supplementary Planning Document

#### **4.5 National Planning Policy Framework (NPPF)**

Section 1 Delivering sustainable development  
Section 2: Ensuring the vitality of town centres  
Section 7: Requiring good design  
Section 8: Promoting healthy communities

#### **Planning Practice Guidance (PPG)**

- 4.6 This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

### **5. PUBLICITY CARRIED OUT**

- 5.1 Neighbour notification letters were issued, notices displayed on site and an advert published in the press, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **6. RESPONSES FROM CONSULTEES**

- 6.1 Local Highway Authority – no objections to the proposed amendments as the parking and access arrangements would remain unaffected by the proposals.
- 6.2 Borough Environment Health Officer (EHO) – no objections to the proposed amendments

### **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 No representations received.

### **8. ANALYSIS**

- 8.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for

applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.

- 8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application.' The original planning permission will continue to exist.
- 8.3 The principle of development was established through the granting of full planning permission for the development under application ref. 18/00444/FUL and determined the scale, layout and means of access of the development. Those matters are not affected by the amendments proposed variation of condition and are not therefore being revisited in this application.
- 8.4 The issues to be assessed in the determination of this planning application are:
- The impact of the revisions to the previously approved design on the character of the surrounding area.
  - The impact of the revisions to the previously approved design on the residential amenity of neighbouring properties

## **9. CHARACTER AND APPEARANCE**

- 9.1 In relation to the revisions to the aluminium cladding system, the fins within the cladding would project a shorter distance from the main elevation of the building than the fins proposed in the originally approved scheme. The replacement system would however still provide a feature of visual interest to the upper sections of the north western corner of the building and would maintain a contrast with the larger unscreened glazing panels at ground floor level.
- 9.2 The cladding system would still sit visibly proud of the main elevation on the prominent corner of Lance Corporal Andrew Breeze Way and Ashton Road and would therefore make a positive design statement. This factor ensures that the revised scheme would still achieve the objectives of high quality design required by policy E2 and allow the development to contribute positively to the regeneration of the wider area.
- 9.3 In relation to the alteration to the screening to the plant equipment to be installed in the rear portion of the roofplane, the height of the timber cladding required has been reduced following a rationalisation of the plant equipment required to support the operation. This has allowed the height of the fencing required on the southern elevation to reduce significantly and still screen the vast majority of the equipment. This alteration is considered to be an improvement in the design quality of this elevation of the building from public views on Annan Street.
- 9.4 Following the above assessment, it is considered that the proposed revisions to the previously approved scheme would not result in a reduction in the quality of the extant permission in terms of design. The amended proposals would therefore continue to contribute positively to the regeneration of the site and this part of Denton.

## **10. RESIDENTIAL AMENITY**

- 10.1 The proposed alterations to the elevations of the development would not increase the size of building or the glazing on the elevations in comparison with the extant permission. The proposals would therefore not introduce opportunities for overlooking that would have an adverse impact on the residential amenity of any neighbouring properties and no additional overshadowing would occur given that the height would remain the same as per the extant permission.
- 10.2 The proposal would retain substantial screening of the plant equipment to be installed on the rear portion of the roofplane and would not result in any additional impact in terms of noise over and above the extant scheme. The revisions would not therefore result in a materially different impact on the residential amenity of neighbouring properties in this regard. This assessment is corroborated by the lack of objection from the Borough EHO to the proposals.

## **11. OTHER MATTERS**

- 11.1 Conditions 3 (acoustic fence), 5 (contaminated land), 7 (Cycle Storage), 14 (archaeological investigation), 12 (Sensory Garden landscaping), 15 (surface water drainage), 20 (construction environment management plan) and 21 (foul water drainage) of planning permission 18/00444/FUL have already been discharged and are therefore amended to reflect that situation in the recommendation.

## **12. CONCLUSION**

- 12.1 It is considered that the proposed amendments to the previously approved scheme would be relatively minor in nature and would not result in an adverse impact on the character of the surrounding area or the residential amenity of neighbouring properties, highway safety or any other material consideration.
- 12.2 There are no objections to the proposals from the statutory consultees in relation to the revisions to the extant scheme.
- 12.3 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

## **13. RECOMMENDATION**

Grant planning permission, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans/details:

1:1250 site location plan

Amended proposed site plan (P4897-2010 Rev. 12)

Amended proposed ground floor plan (P4897-2000 Rev. 18)

Amended proposed first floor plan (P4897-2001 Rev. 14)

Amended proposed roof plan (P4897-2002 Rev. 11)

Amended proposed elevations plan (P4897-3000 Rev. C05)

Proposed sections plan (P4897-3500 Rev. 8)

3. The acoustic fencing to be installed along the eastern boundary of the main part of the site and the southern boundary of the 28 space car park (as identified on the approved plans) shall be installed in accordance with the details shown on plan ref. P4897\_03800 (submitted as part of discharge of conditions application ref. 18/00104/PLCOND) prior to the first operation of the development and shall be retained as such thereafter.
4. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; in the construction of the cladding to the external plant equipment and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.
5. The development shall be carried out in accordance with the following details:

WYG Phase 1 Geo-Environmental Desk Top Study Report, Wellness Centre, Denton (ref. A103356) (dated October 2017)

WYG Factual and Interpretative Ground Investigation Report, Wellness Centre, Denton (ref. A103356) (dated January 2018)

WYG Remediation Strategy, Wellness Centre, Denton (ref. A103356) (dated September 2018)

Tier Consult Supplementary Risk Assessment Letter Report, Tier Consult (dated 17 October 2018) (ref. TE1147SRAL01 V1.0)
6. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site layout plan (drawing no. amended proposed site plan (P4897-2010 Rev. 12) prior to the first operation of any part of the development and shall be retained free from obstruction for their intended use at all times thereafter.
7. The secured cycle storage provision to be installed to serve the development hereby approved shall be implemented as detailed on plan ref. P4897\_SK051 Rev. C04 (submitted as part of discharge of conditions application ref. 18/00104/PLCOND) prior to the first operation of the development and shall be retained as such thereafter.
8. No above ground development shall commence until full details of a scheme of hard and soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:
  - A plan showing the location of all trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting
  - A plan showing the location and construction material of all hard surfacing.

The landscaping scheme shall be implemented in accordance with the approved details prior to the first operation of any part of the development hereby approved.

9. The approved scheme of landscaping scheme shall be implemented before the first occupation of any part of the development or in accordance with a programme agreed previously with the local planning authority. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.
10. Prior to the occupation of any part of the development hereby approved, a scheme detailing the measures to be incorporated in an application to obtain Secured by Design accreditation to Greater Manchester Police shall be submitted to and approved in writing by the Local Planning Authority. Written confirmation that the accreditation has been achieved shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented prior to the first operation of any part of the development. The development shall be retained as such thereafter.
11. Notwithstanding the details indicated on the approved plans, no part of the development hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and the means of enclosure. The bin storage arrangements shall be implemented in accordance with the approved details prior to the first operation of the development and shall be retained as such thereafter.
12. The sensory garden that forms part of the development hereby approved shall be implemented in accordance with the species mix, density and location of planting as shown on plan ref. TWCD-TEP-XX-00-DR-L-72623 (submitted as part of discharge of conditions application ref. 18/00104/PLCOND) prior to the first operation of the development and shall be maintained in accordance with pages 9-12 of the document entitled Landscape Management Plan (also produced by The Environment Partnership) (also submitted as part of discharge of conditions application ref. 18/00104/PLCOND) thereafter.
13. Prior to the first operation of any part of the development hereby approved, details of a scheme for external lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the location of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures. The external lighting scheme shall be implemented in accordance with the approved details prior to the first operation of any part of the development and shall be retained as such thereafter.
14. The construction phase of the development shall be carried out in accordance with the following details:
  - Archaeological Written Scheme of Investigation produced by TEP (submitted with discharge of condition application ref. 18/00062/PLCOND)
  - Document entitled Tameside Wellness Centre Archaeological Evaluation and Excavation Report produced by Oxford Archaeology dated January 2018 (sic)

(Issue No. 2018-19/1970) (submitted with discharge of condition application ref. 19/00011/PLCOND)

15. The access road to serve the development to hereby approved shall be constructed on a level that shall prevent the displacement of material and surface water onto the highway. The development shall be retained as such thereafter.
16. Prior to the occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the site access where it meets the footway. The visibility splays shall measure 2.4 metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above ground level. The visibility splays shall be retained as such thereafter.
17. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
18. No development above ground level shall commence until details of renewable energy generation measures to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include the specifications of the measures to be installed and information demonstrating the extent of the energy requirements of the development that will be provided by renewable sources. The renewable energy generation measures shall be installed in accordance with the approved details prior to the first occupation of any part of the development and shall be retained as such thereafter.
19. The surface water drainage infrastructure to serve the development hereby approved shall be installed in accordance with the details included within the drainage strategy produced by WYG dated 26 September 2018 (indicating that an attenuation tank is to be installed beneath the car park in the main part of the site, with the eastern car park is to be drained by channel drains) (submitted discharge of conditions application ref. 18/00062/PLCOND) prior to the first use of the development and shall be retained as such thereafter.
20. The construction phase of the development shall be carried out in accordance with the measures included within the Construction Environment Management Plan (submitted discharge of conditions application ref. 18/00062/PLCOND). All of the measures within the Plan shall be implemented on the commencement of construction work and shall be retained in force as such for the duration of the construction phase of the development.
21. The foul water drainage infrastructure to serve the development hereby approved shall be installed in accordance with the details included on plan ref. 00500 Rev. T4 (submitted discharge of conditions application ref. 18/00062/PLCOND) prior to the first use of the development and shall be retained as such thereafter.
22. No deliveries shall be made to or taken from the site, shall be permitted on Sundays and Bank Holidays and outside the hours of 07:30 to 20:00 hours Monday to Saturday.
23. No development above ground level shall commence until details of a scheme to soundproof the building has been submitted to, and approved in writing by, the



Local Planning Authority. The details shall include a specification of the insulating material to be installed and a noise assessment to demonstrate that existing background noise levels on the site would not be exceeded once the building is in operation. The scheme shall be implemented in accordance with the approved details prior to the first operation of any part of the development hereby approved and shall be retained as such thereafter.

24. No development above ground level shall commence until details of a scheme to soundproof the building has been submitted to, and approved in writing by, the Local Planning Authority. The details shall include a specification of the insulating material to be installed and a noise assessment to demonstrate that existing background noise levels on the site would not be exceeded once the building is in operation. The scheme shall be implemented in accordance with the approved details prior to the first operation of any part of the development hereby approved and shall be retained as such thereafter.
25. The development shall be carried out in accordance with the mitigation measures detailed on the Air Quality Assessment submitted with the planning application.
26. The development shall be carried out in accordance with the measures detailed in the Site Waste Management Plan produced by Willmott Dixon submitted with the planning application.
27. Prior to the first operation of the development hereby approved, a scheme detailing the measures to be put in place to ensure that the use does not result in an adverse impact on the residential amenity of neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include the following:
  - Details of the hours during which amplified music is played
  - Details of the hours during which the sensory garden area will be accessible to customers
  - Details of the content and location of signage to be installed advising customers and staff of the close proximity of neighbouring residents

The approved measures shall be put in place on the first operation of the development and shall be retained as such thereafter.