

<b>Application Number:</b>	21/01093/FUL
<b>Proposal:</b>	Erection of two storey building for indoor recreation (Use Class E(d)), including demolition of existing building; reconfiguration of existing car park; new substation; and associated works.
<b>Site:</b>	Eat Inn Chinese Restaurant, Fold Way, Ashton-under-Lyne
<b>Applicant:</b>	Legal and General Linked Pension Ex PTY Fund
<b>Recommendation:</b>	Members resolve to grant planning permission.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The site relates to an existing restaurant, located within the Ashton Moss Leisure Park, situated outside of Ashton-Under-Lyne town centre. Initial outline planning permission for the leisure park was granted in 1999, followed by a reserved matters consent in 2001. An application in 2004 extended the time limit for the outline application. The leisure park has expanded since that time, primarily with additional restaurant and drive-through facilities.
- 1.2 Having been occupied previously by market gardens, Ashton Moss now constitutes a regionally important development site to the west of Ashton town centre. An outline planning permission covering all of Ashton Moss was granted, by the Secretary of State following a Public Inquiry, in March 1993 and again in June 1999 (ref. 97/P/1110/OL). The permission allowed for a comprehensive development to form strategic employment site for B1 (c), B2 and B8 uses, fast food complex (inc multiplex cinema), retail (A1), hotel and conference centre and petrol filling station and envisaged the site being divided into four main development zones which straddle the M60 motorway corridor and extend from the Snipe in the west to Wellington Road on the edge of the town centre in the east. A Master Planning Statement designated the area on the eastern side of the M60, which is bounded by Lord Sheldon Way (the Ashton northern bypass), Richmond Street and the railway line to the south, referred to as Plot 2000, for a mix of leisure uses. The Leisure Park (Plot 2000) now comprises a Cineworld multiplex cinema, Hollywood bowl, a hotel and a number of restaurants, including Frankie and Benny's, Nandos, Chiquito and Miller and Carter. A standalone unit scheme comprises Five Guys and Bella Italia restaurants. In addition, a KFC, McDonald's and Costa Coffee drive-through units are located at the western end of the Park.
- 1.3 The site and its immediate surrounding area (Ashton Moss) is allocated under Policy E1 of the UDP. Policy E1 states that, subject to the considerations explained within the policy, the site will be provided and maintained as a Regional Investment Site / Strategic Regional Site for high quality employment development, with particular attention given to the design of buildings, external areas and landscaping. Part (1) of Policy E1 states that D2 assembly and leisure uses are acceptable in the area to the east of the M60, and south of the line of the Ashton Northern Bypass.
- 1.4 The site is accessed by vehicles off Lord Sheldon Way, and benefits from a large car park. A Metrolink tram stop is also within close proximity, and bus services stop at the wider site.

- 1.5 The nearest residential properties are those located on Thornway Drive to the south, and Richmond Street to the east, each over 200m from the proposed development.

## **2 PROPOSAL**

- 2.1 This full application seeks planning permission for the demolition of the existing single storey restaurant building, and erection of a two storey building for indoor recreation use (Use Class E(d)), with reconfiguration of the existing car park, and a new substation and associated works. Specifically, the intended operator is proposing an indoor crazy golf leisure facility, to be branded 'Puttstars'.
- 2.2 The building would have a sloping roof design, and is to be primarily metal clad to its external elevations, with primarily glazing at the ground floor to the front and one side. The entrance area would include a metal clad exterior surrounding, and the fenestration would include aluminium frames. The building would measure 14.3m to its highest point.
- 2.3 The proposed building would have a total Gross Internal Area (GIA) of 1,963sqm, and a Gross External Area (GEA) of 2.076sqm. Considering the existing unit which is to be demolished, this would result in a net increase of 1,218sqm GIA of floorspace at the site.
- 2.4 The ground floor area would cover the entire section of the building, however the first floor would be reduced, with an external plant area to the rear of the building, enclosed by a perforated metal panel.
- 2.5 Servicing would take place to the rear, and a substation is also proposed to the side of the building.
- 2.6 The reconfiguration to the existing car park would result in the loss of 11 no. spaces.

## **3 PLANNING HISTORY**

- 3.1 97/P/1110/OL - Outline planning permission for the "comprehensive development to form strategic employment site for B1 (c), B2 and B8 uses, fast food complex (inc multiplex cinema), retail (A1), hotel and conference centre and petrol filling station" - Approved June 1999
- 3.2 01/01058/REM - Leisure development comprising multiplex cinema, bowl complex, two drive thru restaurants, three A3 use restaurant units, and a leisure unit - RESERVED MATTERS – Approved November 2001
- 3.3 03/00029/FUL - Erection of restaurant, together with associated car parking, landscaping and access work – Approved March 2003
- 3.4 03/01752/FUL - Variation of condition attached to outline planning permission 97/P/1110/OL to allow for an extension of time for submission of reserved matters – Approved February 2004
- 3.5 04/01189/FUL - Single storey Chinese Restaurant Unit including mezzanine floor accommodation – Approved September 2004
- 3.6 13/01018/FUL - Single building comprising 3 x restaurant/cafe (Class A3) units and reconfiguration of car park – Approved February 2014
- 3.7 16/00357/FUL - Erection of Class A3 Use building including external seating, reconfiguration of car parking and associated servicing and landscaping – Approved June 2016

- 3.8 17/01070/FUL - Erection of Class A3 Use (cafe/restaurant) building, including external seat areas, reconfiguration of car park and associated works – Approved March 2018
- 3.9 18/00058/FUL - Provision of a new car parking area – Approved March 2018

## **4 PLANNING POLICY**

### **National Planning Policy Framework**

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

### **Development Plan**

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

#### Tameside Unitary Development Plan (2004)

### **4.5 Part 1 Policies**

- 1.1: Capturing Quality Jobs for Tameside People;
- 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;
- 1.9: Maintaining Local Access to Employment and Services;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

### **4.6 Part 2 Policies**

- E1: Regional Investment Site / Strategic Regional Site
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- T11: Travel Plans
- C1: Townscape and Urban Form
- N7: Protected Species
- MW11: Contaminated Land

- S8: Built Recreation, Leisure and Tourism Developments
- S9: Detailed Design of Retail and Leisure Developments
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

### **Places for Everyone**

- 4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.
- 4.8 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.9 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

### **Other Considerations**

- 4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.11 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development by neighbour notification letters, display of site notice; and advertisement in the local press

## **6. SUMMARY OF THIRD PARTY RESPONSES**

- 6.1 None received.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Local Highway Authority – No objections, subject to conditions requiring a scheme for highway construction; car parking and servicing to be implemented; a demolition and

construction management plan; a scheme for electric vehicle charging points; a scheme for secured cycle storage; details of a street lighting design scheme.

- 7.2 Network Rail – No objections, subject to a Risk Assessment and Method Statement, and a Basic Asset Protection Agreement being submitted to Network Rail prior to any works commencing.
- 7.3 Lead Local Flood Authority – No objections, following the submission of additional information, subject to a condition requiring a surface water drainage scheme.
- 7.4 Greater Manchester Ecology Unit – No objections.
- 7.5 Environmental Health – No objections, subject to conditions requiring acoustic properties of plant and machinery to be submitted; and restrictions on construction working hours.
- 7.6 Contaminated Land – No objections, subject to conditions requiring a phase 1 and a full site investigation strategy to be undertaken, followed by an options appraisal/remediation strategy and verification plan; and that recommended remedial measures be implemented prior to use.
- 7.7 United Utilities – No objections, subject to a condition requiring a surface water drainage scheme. No objections regarding the presence of a water main in the vicinity of the site, however states that this would need to be diverted at the responsibility of the applicant, and recommends a condition requiring evidence of this approval and works undertaken, and any necessary measures to protect the main from damage during and post construction.
- 7.8 Transport for Greater Manchester – No objections, subject to conditions requiring a construction traffic management plan; cycle parking and storage facilities; and development, monitoring and implementation of the submitted travel plan. Recommends upgrades to highway and footways to ensure adequate access for future users.

## **8. ANALYSIS**

- 8.1 Section 7 of the NPPF is entitled “Ensuring the vitality of town centres”. Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 8.2 Paragraph 88 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scalar, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 8.3 Paragraph 90 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sqm of gross floorspace). This should include assessment of:
  - a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

- 8.4 Paragraph 91 states that where the application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90 (explained above), it should be refused.
- 8.5 The site and its immediate surrounding area (Ashton Moss) is allocated under Policy E1 of the UDP. Policy E1 states that, subject to the considerations explained within the policy, the site will be provided and maintained as a Regional Investment Site / Strategic Regional Site for high quality employment development, with particular attention given to the design of buildings, external areas and landscaping.
- 8.6 Part (1) of Policy E1 states that D2 assembly and leisure uses are acceptable in the area to the east of the M60, and south of the line of the Ashton Northern Bypass. Although noted that the Town and Country Planning (Use Classes) Order 1987 (as amended) was itself amended in 2020 (resulting in a replacement of Use Class D2 with Use Class E(d), F2(c-d) and some Sui Generis uses), the thrust of the policy accepting assembly and leisure uses in this particular area remains.
- 8.7 Policy S8 of the UDP states that leisure proposals which are expected to attract large numbers of visitors will be permitted within the Borough's town centres. Such proposals not within town centres will be required to demonstrate firstly that a need exists for the additional facilities and if so that a sequential approach has been applied, in which first preference is for in-centre locations, where suitable viable sites are available, followed by edge-of-centre sites, district and local centres, and then by out-of-centre locations accessible by a range of modes of transport including public transport. The Council will permit proposals for all other new, replacement, improved or extended facilities for indoor sport, recreation, leisure or tourism, provided any scheme will not lead to an unacceptable loss of amenity in surrounding residential areas or lead to traffic problems on adjacent highways.
- 8.8 The proposed building would have a total GIA of 1,963sqm, and a GEA of 2.076sqm. Considering the existing unit which is to be demolished, this would result in a net increase of 1,218sqm GIA of floorspace at the site.
- 8.9 The sequential test process, as outlined above, requires an assessment to be undertaken for planning applications for main town centre uses, which are not in an existing centre or in accordance with an up-to-date development plan. The process is intended to focus new development within town centres, or failing that, on well located sites on the edge of existing centres. Only if in-centre or edge-of-centre sites are not available will out-of-centre locations be appropriate.
- 8.10 The applicant notes that the site is an established leisure destination in an accessible location, and therefore they consider it to be an appropriate location for the proposed use. They note that the scale of the development has been driven by the requirements of the proposed operator, and it has been designed in the particular manner to accommodate the business model of the operator. They also note that the complementary leisure uses already located at the site would support the business model of the proposed operator.
- 8.11 As noted above, the proposals involve a single unit with a total floor space of 1,963sqm (GIA). Notwithstanding this, the applicant has applied a 10% tolerance in the size of the unit for the purposes of this assessment, so the sequential test considers units between 2,159sqm and 1,767sqm in size. The sequential assessment focuses on Ashton-Under-Lyne town centre only.
- 8.12 The applicant has assessed the most recent Goad plan for Ashton town centre, which are utilised to outline retail centres and vacant units within those centres. This was undertaken in December 2020, and the applicant used online resources to identify any units which may have become available since that date. Each of the vacant units identified falls below the

minimum threshold for the sequential test, of 1,767sqm, with the largest units being the former church on Old Street (1,730sqm) and Unity 16 of the Arcades Shopping Centre (1,730sqm).

- 8.13 The applicant understands that the former church has subsequently been divided into two individual units – one as use as an archive centre, and the other partly as offices and as an art gallery space. As such, it is considered that this should be discounted. Although Unit 16 of the Arcades Shopping Centre also measures 1,730sqm, it appears that this unit is not being actively marketed. Furthermore, the applicant has stated that this unit is enclosed within the shopping centre on the first floor, and is considered it has little presence in terms of the wider area and does not allow for the specific design requirements of the operator. It is also considered that there may be less opportunity for linked trips for complementary leisure uses in this location, with mostly comparison and convenience retail uses situated within this area. Notwithstanding the question of whether the unit is available given the lack of marketing material available, considering the unit falls below the threshold for the sequential test and does not meet the requirements of the business model for the proposed operator, it can be discounted from this assessment.
- 8.14 On the basis of the above, there are no sequentially preferable sites for the development situated in Ashton town centre, capable of accommodating the proposed development.
- 8.15 In addition to vacant units within the town centre, the applicant has also considered the availability of potential development sites identified through the UDP Proposals Map, and the Retail and Leisure Study:  
UDP Policy E2 Site 1 – Cavendish Street/Old Street/Henry Square;  
UDP Policy E2 Site 1 – Portland Basin surrounds/Cavendish Street;  
Land west of Warrington Street, South of Wellington Road;  
Land west of Gas Street, north of Katherine Street;  
Land north of Williamson Street;  
Land between Wood Street and Old Street;  
Triangle north of Wellington Street;  
Tameside One site, south of Wellington Street;  
Car park, land west of Henrietta Street and north of Camp Street; and  
Land at Penny Meadow/Old Cross Street, inc. Swan Street Car Park.
- 8.16 Of the above, the applicant considers that the following are large enough to accommodate the proposed development, taking account of the proposed unit in addition to the associated car parking, servicing and access arrangements. Those sites are assessed in further detail:

UDP Policy E2 Site 1 – Cavendish Street/Old Street/Henry Square

Although allocated through the UDP, the site has since been built out, with much of the site occupied by health and education facilities. The site is not considered available for the proposed development.

UDP Policy E2 Site 1 – Portland Basin surrounds/Cavendish Street

The site has been partly developed. Leisure uses, comprising the Portland Basin Museum, and a small number of nearby café uses, are situated in this area. The surrounding uses comprise convenience retail including a large supermarket, bulky goods retail and a large number of industrial uses. Further, a proposal for a major redevelopment, including 50 new dwellings, was approved in 2019. The site is not considered available for the proposed development.

Land west of Warrington Street, South of Wellington Road

The site comprises an area of approximately 5,000sqm. However, the site is currently in active use, occupied by the Ashton Interchange Bus Station. The site is not considered available for the new development.

Land west of Gas Street, north of Katherine Street

The site comprises an area of approximately 9,000sqm. However, there are a number of occupiers in operation on the site, including the active leisure facility, offices and a public house. The site also incorporates an area of hardstanding which is used to service the Arcades Shopping Centre. As such, given the multiple active uses and no known redevelopment of the site in the near future, the site is unlikely to become available for development in a reasonable timeframe for the proposed development.

Land between Wood Street and Old Street

The site comprises an area of approximately 7,000 sqm between Wood Street and Old Street. The site accommodates a number of existing buildings, including the former Metro Cinema (accommodating the majority of the site), as well as a small car park. Permission was refused (and dismissed at appeal) for demolition of the former cinema building, on the basis that it would result in the loss of a prominent and significant building which makes a positive contribution to the character and appearance of the Conservation Area. As such, it is likely that any proposal would need to retain the former cinema building, but given its size and layout, it is not considered a suitable or viable option for the proposed development. The adjacent building is currently in use as a bank, and is therefore not available for redevelopment in any event. As such, it is considered that the site can be discounted for the proposed use.

Land at Penny Meadow/Old Cross Street, including Swan Street Car Park

The site is large, comprising a site area of approximately 30,000sqm. Considering the size of the site, the applicant has stated they expect the site to come forward through a comprehensive masterplan, rather than on an individual site by site basis. Further, much of the site is currently occupied by residential uses, in addition to a mix of retail and a small number of restaurant/takeaway uses, and the applicant is not aware of current plans to redevelop the site. As such, notwithstanding the associated costs, it is considered that the site is unlikely to come forward within a reasonable timeframe for the proposed development.

- 8.17 In light of the above, it is considered that there are no suitable locations for the development, which are located more centrally within Ashton-Under-Lyne and which are capable of accommodating the proposed development. The application site is therefore considered the most sequentially preferable development for the proposal.
- 8.18 There is no locally set floor space threshold identified within the Council's UDP for requiring an impact assessment of new retail and leisure developments outside town centres, and therefore the threshold of 2,500sqm applies, are directed within paragraph 90 of the NPPF referenced above.
- 8.19 The development proposals relate to 1,951sqm of floor space, below the threshold set out above, and therefore there is no requirement to assess impact.
- 8.20 A condition is recommended restricting the proposed use to that applied for. An alternative use would require assessment through a planning application, in order to ensure the continued vitality and viability of the town centre.
- 8.21 The proposed development would deliver an additional leisure use on an existing and established leisure park destination. The leisure park is situated in a sustainable location, with good public transport links to Ashton town centre, and access to motorway and other major roads. The development is thereby considered to be acceptable in principle, not causing undue harm to the vitality and viability of the town centre.

**9. DESIGN & LAYOUT**



- 9.1 Policy S9 'Detailed Design of Retail and Leisure Developments' sets out a number of design based criteria to be applied in the consideration of new retail and leisure developments. Policy C1 promotes that new development responds positively to and with understanding of its local context.
- 9.2 The site currently consists of a single storey building, constructed in primarily a buff brick, with red coloured cladding along the eaves line, and a red coloured tiled roof. The building is visible from the adjacent highway Lord Sheldon Way, but is primarily viewed from within the Ashton Moss leisure park site. Other buildings within the leisure park include a two storey cinema and bowling alley, a number of single storey restaurant and drive-through buildings backing onto Lord Sheldon Way, which all consist of differing elevational designs, and two brick built public houses.
- 9.3 The application proposes a two storey building, which is primarily clad to its external elevations, with a sloping roof design. The front elevation and south western side elevation initially proposed little fenestration to its upper floors, which would feature a large expanse of grey cladding. The entrance doorway would be surrounded with glazing at ground floor, and would include a metal clad exterior surround. Remaining glazing to the front floor of the front elevation was to be coloured, and to the side elevation little glazing was proposed at this level. Officers raised initial concerns with the applicant, noting that other two storey buildings within the leisure park benefitted from larger amounts of glazing at upper floors, with varied use of brickwork and cladding to their front elevations. It was noted that the side elevation would appear prominent upon entrance to the leisure park, with concerns raised at the lack of an active frontage. It was furthermore noted that the coloured glazing proposed should be simplified, given its overly stark appearance when viewed alongside the existing relatively simple elevations throughout the leisure park.
- 9.4 The revised scheme includes use of clear glazing along the majority of the frontage of the building, ensuring an active frontage which is welcoming to users of the facility, and which gives a sense of security and warm lighting across the frontage during hours of darkness. The upper floor of the front elevation includes a nominal addition of slim windows, however it is appreciated that the internal use of the building (as a leisure golf facility) does not require extensive use of light and glazing. The windows at the upper floor are positioned more regularly and evenly spaces than previously, which helps to provide rhythm and structure to the front of the building.
- 9.5 To the side elevation, an originally proposed slim window to the upper floor has been replaced by a larger window toward the front of the building. The extent of glazing to the ground floor has been extended from the front of the building to its centre along this elevation. These improvements in tandem ensure the side elevation benefits from an active frontage and ensures future users of the building are directed to its frontage. The other elevations facing the rear of the site and toward the bowling alley building are not of a concern, being primarily used for servicing purposes and not within wide view of public vantage points.
- 9.6 The scale of the building would complement the existing cinema and bowling alley buildings, being of a two storey design. The prominence of the building would however appear significantly reduced against the bowling alley, set back from its front elevation, ensuring the latter retains dominance within this part of the leisure park.
- 9.7 The upper floor elevations of the building would consist of fibre cement cladding, surrounded by metal coping, with clear glass panels to the fenestration areas. This use of materials would complement the primarily clad elevations of the two adjacent buildings, with their significant use of cladding material and glazing. A condition is recommended ensuring the proposed materials are agreed prior to their use, to ensure they are appropriate.

- 9.8 A parking area is proposed to the front elevation of the building, which would be an expansion of the existing such areas within the leisure park, and some areas of landscaping have been reduced to accommodate the servicing area to the rear. Use of landscaping within the leisure park is extensive around the entrance areas adjacent to Lord Sheldon Way, and some soft landscaping is also in place separating the car parking areas opposite the bowling alley and proposed building. Use of significant additional landscaping is not considered to be necessary given the building would not be widely visible from outside of the site, however a condition is recommended requiring details of a hard and soft landscaping scheme to be submitted, in order to soften the edges of the development.
- 9.9 In light of the above, the design and scale of the building is appropriate in this location. The design of the building has been improved upon since initial submission, ensuring active frontages to key elevations, and the scale and positioning of the building does not seek to replace the adjacent bowling alley and cinema building in terms of prominence, but is similar in height.

## **10. RESIDENTIAL AMENITY**

- 10.1 The nearest residential properties are those located on Thornway Drive to the south, and Richmond Street to the east, each over 200m from the proposed development. In addition to the considerable distance between the development and the residential properties is the Kayley Industrial Estate and the railway line, which substantially screen the development from those properties.
- 10.2 The proposed use would not be considered to generate significant levels of noise and disturbance, given its operations would take place internally. Use of the existing car park to its boundary edges would continue as at present, not affecting surrounding uses further than the existing situation.
- 10.3 The Council's Environmental Health officers have recommended conditions restricting the hours of construction of the proposed development to daytime hours, and preventing installation of plant or machinery until their acoustic properties have been approved by the Council. For the reasons sets out above, it is not considered that such conditions are necessary to protect the amenities of residential properties.
- 10.4 In light of the above, the development is considered to be acceptable in this regard, not causing undue noise and disturbance to residential uses.

## **11. HIGHWAY SAFETY & ACCESSIBILITY**

- 11.1. The proposed access into the site would utilise the existing access point off Lord Sheldon Way.
- 11.2 The applicant has submitted a Transport Assessment with the planning application. The assessment predicts only minimal additional vehicular trips to be generated by the development, and it is assumed that this is due to most of the trips to the facility being linked trips, with users of the facility already utilising the other leisure facilities within the park. TFGM initially queried whether the trip generation assessment was correct, and the applicant subsequently provided further detail in response. The LHA is satisfied with the trip generation assessment outlined within the Transport Assessment, following the additional detail, and is satisfied that the proposed development would not create a severe cumulative impact upon the highway network.
- 11.3 The development proposes the overall loss of 11no. car parking spaces from within the leisure park, in order to incorporate the development, and including the spaces to be provided

to the front of the proposed building. The LHA concurs with the contents of the Transport Assessment, which concludes that the car park is not at full capacity on any day of the week, and is particularly under utilised during weekday peaks. It is noted that good public transport links in the form of the Metrolink and bus services are provided between Ashton town centre and the site, and to wider areas.

- 11.4 In terms of other parking provision, the LHA considers that 6no. spaces should be provided for use by cycles, and 4no. spaces with electric vehicle charging provision. These are important matters to promoting sustainable travel and can be addressed by way of a condition.
- 11.5 TfGM initially recommended that the application should be accompanied by a staff travel plan, to encourage sustainable travel choices, with use of incentives and a clear monitoring regime with agreed targets. They recommended that a travel plan should include tailored measures to overcome specific barriers or take advantage of opportunities presented by the site to encourage staff to use sustainable modes of travel for appropriate journeys. In response, the applicant submitted a full travel plan, which has been reviewed by TFGM. It is recommended that further development, implementation and monitoring of such should take place, and a relevant condition is recommended.
- 11.6 The LHA is satisfied that the access/egress from the development is satisfactory and meets requirements for maximum gradients/minimum 10m from existing junctions, and all vehicles can manoeuvre within the site and leave in a forward gear. A condition is recommended to ensure the proposed works to the car park and alterations to highway access are submitted prior to them commencing.
- 11.7 It is considered reasonable to impose conditions requiring the laying out of the vehicle car parking spaces as indicated on the submitted plans prior to the operation of any part of the development plot and that details of an external lighting scheme are submitted and approved. It is also considered reasonable to condition the submission and approval of a management plan relating to the construction phase of the development.
- 11.8 A condition is recommended restricting the proposed use to that applied for. An alternative use would require a further assessment of highway conditions, access and parking capacity, to ensure the development did not unduly impact upon highway safety.
- 11.9 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, the safety of the access arrangements or car parking capacity, subject to the recommended conditions. The proposals would not result in a detrimental impact on highway safety.

## **12. DRAINAGE AND FLOOD RISK**

- 12.1 The applicant has submitted a Flood Risk Assessment (FRA) with the planning application. The site is primarily located in Flood Zone 1. As noted earlier, the site is a previously developed site.
- 12.2 The Lead Local Flood Authority (LLFA) have reviewed the submitted FRA, and following the submission of additional information raise no objections to the application, subject to a drainage scheme to be agreed and implemented as per the agreed details. Therefore, a condition requiring a full sustainable drainage scheme to be submitted is recommended.
- 12.3 United Utilities, similarly to the LLFA, consider that the details within the submitted FRA are acceptable, and recommend that a sustainable drainage scheme is agreed. The condition recommended as a result of the LLFA response is therefore considered to satisfy both consultees.

- 12.4 United Utilities initially objected to the application, noting that a water main is situated beneath the site, and state that they would not permit building over or in close proximity to such. That stated it is the responsibility of the developer to demonstrate the relationship between this and the development, prior to works commencing. In response, the applicant submitted additional information to correctly pinpoint the location of the water main, and proposals for its diversion should this be necessary. United Utilities in response removed their objection, and recommended an additional condition which would require the applicant to demonstrate how the main would be diverted, and how it would be protected during construction.
- 12.5 Subject to imposition of conditions as set out above, it is considered that the proposals have demonstrated they can be implemented without undue flood risks, and to ensure that an appropriate amount of attenuation can be achieved to account for climate change.
- 12.6 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

### **13. GROUND CONDITIONS**

- 13.1 The site falls outside of the Coal Authority's defined Development High Risk Area. As such, a Coal Mining Risk Assessment is not required.
- 13.2 The Environmental Protection Unit (EPU) have reviewed the submitted phase 1 contamination report. The EPU noted that this report provided a useful context, although it didn't relate to the site in question but to an adjacent site, and it was noted that further investigations were to be undertaken at the host site. The EPU considered that potential sources of contamination at the site could be associated with the past infilling of the site with made ground. This could have introduced contaminants such as metals, polycyclic aromatic hydrocarbons and asbestos. They note that if any residual soils are located on the site from the former market garden/allotment end use, it is possible that this may contain chemicals associated with farming. It is also noted that the made ground depths could exceed 3-4m thick in places and this could present a ground gas/vapour risk to the development. Off site, it is possible that volatile contamination may have migrated from the works located on the opposite side of the railway line.
- 13.3 The EPU raise no objections to the application, and recommend that a condition is attached to any approval which would require a full site investigation strategy to be undertaken, followed by an options appraisal/remediation strategy and a verification plan, in order to address any unacceptable risks posed by contamination. The condition would ensure any recommended remedial works and measures be implemented prior to first use.
- 13.4 The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable in this regard.

### **14. ECOLOGY**

- 14.1 Greater Manchester Ecology Unit have reviewed the application. They note that the site is situated within the middle of the existing leisure park, with limited semi-natural habitat nearby, being very busy and well lit. They consider that the existing building is single storey, well maintained and sealed, with no obvious places where protected species – particularly bats – could gain access. Furthermore, the building was until recently utilised as a restaurant, and well used. On these basis, the site is considered to have a negligible potential for bats and other protected species, and no concerns are raised on ecology grounds.

14.2 The application is thereby considered acceptable in these regards.

## **15. OTHER MATTERS**

15.1 The site lies within close proximity to a railway line to the east.

15.2 Network Rail has reviewed the application, and given the close proximity to their asset they consider that it should be ensured that there is no undue impact upon the safe operation and integrity of the operational railway – both during construction works and following. Network Rail thereby advise that the applicant should contact their Asset Protection team prior to any works commencing, and require that the applicant complete a Risk Assessment and Method Statement (RAMS) and Basic Asset Protection Agreement (BAPA), to be submitted directly to Network Rail. An informative is recommended advising the applicant of their responsibility regarding the railway line infrastructure.

## **16. CONCLUSION**

16.1 The application proposes the demolition of an existing restaurant building, and replacement with a two storey building which would be utilised for indoor leisure golf. The site sits on an existing established leisure park, with an adjacent bowling alley, cinema and a number of restaurants and drive-through facilities.

16.2 The applicant has carried out a sequential assessment, focused on the nearest town centre, Ashton-under-Lyne. It has concluded that there are no sequentially preferable sites within Ashton which could accommodate the proposed development.

16.3 The use is acceptable in this location, on an established leisure park in a sustainable location, which benefits from good public transport and parking provision. It is considered that many of the future users would include linked trips, making use of the other facilities within the leisure park during their visit. Subject to a condition restricting other uses within the proposed building without an application for planning permission, the proposed use would not unduly harm the vitality and viability of the town centre.

16.4 It is considered that, following amendments to the design of the development, it would be of an appropriate scale, not competing with the prominence of the adjacent bowling alley and cinema buildings but respecting their character given the siting of the building. The external design of the building is acceptable, with active frontages provided at ground floor level and use of contemporary materials which complement other material use within the leisure park.

16.5 The proposal would not be detrimental to residential amenity, given the nature of the proposed use and the considerable distance and intervening uses between residential uses.

16.6 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.

16.7 There are no objections to the proposals from the statutory consultees in relation to the proposals which is considered to be an efficient use of an existing site.

16.8 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

## **RECOMMENDATION**

Grant permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.1

- 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
  - Proposed roof plan. Dwg no. 0042-G2.
  - Proposed Section B-B. Dwg no. 0061-G1.
  - Location plan. Dwg no. 0001-G2.
  - Proposed 1<sup>st</sup> floor plan. Dwg no. 0041-G3.
  - Proposed ground floor plan. Dwg no. 0040-G4.
  - Proposed north east elevation. Dwg no. 0053-G3.
  - Proposed north west elevation. Dwg no. 0050-G3.
  - Proposed Section A-A. Dwg no. 0060-G2.
  - Proposed site plan. Dwg no. 0010-G4.
  - Proposed south east elevation. Dwg no. 0052-G3.
  - Proposed south west elevation. Dwg no. 0051-G3.

Reason: In the interests of the visual amenities of the locality and in accordance with polices of the adopted TMBC UDP.

- 3) Notwithstanding any description of materials in the application form and shown within the Design & access Statement no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the building; in the construction of all boundary walls, fences and railings; 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.

Reason: In the interests of the visual amenities of the locality, in accordance with polices OL10: Landscape Quality and Character and C1: Townscape and Urban Form

- 4) Prior to bringing the development into use the car parking, servicing and turning facilities indicated on the approved plans shall be provided to the full satisfaction of the LPA and thereafter kept unobstructed and shall be retained as such thereafter. Vehicles must be able to enter and leave the site in forward gear at all times.

Reason: In the interests of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 5) Prior to the commencement of the development hereby approved, a scheme relevant to highway construction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:
  - a. Phasing plan of highway works;
  - b. Surface and drainage details of all carriageways and footways;
  - c. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase;

- d. Details of the areas of the highway network within the Ashton Moss Leisure Park site to be constructed to adoptable standards and the specification of the construction of these areas;
- e. Details of carriageway markings and signage;
- f. Details of a lighting scheme to provide street lighting (to an adoptable standard), to include details of how the lighting will be funded for both electricity supply and future maintenance.

The approved scheme of highway works shall be constructed and completed prior to the first occupation of any part of the development.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 6) Prior to the first use of the development hereby approved, details of Electric Vehicle Charging Point(s) shall be submitted to and approved in writing by the Local Planning Authority which complies with the requirements listed below.  
The specification of the charging points installed shall:
  - i) be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);
  - ii) have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
  - iii) be fitted with a universal socket (known as an untethered electric vehicle charge point);
  - iv) be fitted with a charging equipment status indicator using lights, LEDs or display;
  - v) a minimum of Mode 3 or equivalent.

The Electric Vehicle Charging Point(s) shall be installed in accordance with the approved details prior to the first use of the development, and shall be retained and maintained as such thereafter.

Reason: In the interest of promoting sustainable forms of transport, in accordance with UDP Policy T1 and the NPPF.

- 7) No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of:-

- Wheel wash facilities for construction vehicles;
- Arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases;
- Details of on-site storage facilities.

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 8) Prior to the first use of the development hereby approved, details of secured cycle storage to be installed to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage shall be installed in accordance with the approved details prior to the first occupation of the apartments and shall be retained as such thereafter.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 9) Notwithstanding the submitted details within 3 months of the commencement of development full details of both hard and soft landscaping works, shall be submitted for approval in writing to the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building and the soft landscaping details in accordance with approved schedule.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the use of the building or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with policies OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

- 10) The development hereby approved shall be carried in accordance with the measures listed in the submitted Travel Plan Statement (undertaken by Vectos, dated August 2021). Upon appointment of a Travel Plan Coordinator a further Travel Plan shall be submitted to the local planning authority for approval in writing. The approved travel plan shall be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the approved plan to be submitted by the appointed travel plan coordinator. The travel plan and all updates shall be produced in accordance with current national and local best practice guidance and shall include details on the method of operation, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan.

Reason: In the interest of promoting use of public transport and reducing environmental impact, in accordance with UDP Policies T1: Highway Improvement and Traffic Management and T11 Travel Plans.

- 11) The development hereby approved shall be used for the purposes of indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink) and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The use of the development other than in accordance with the approved use would require further consideration by the Local Planning Authority and may not be appropriate in this locality, for reasons of impact upon the vitality and viability of town centres, and highway safety, in accordance with Policies S2 and T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 12) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall be implemented and verified as



approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

1. A preliminary risk assessment, which has identified: all previous and current uses of the site and surrounding area; all potential contaminants associated with those uses; and a conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
2. A site investigation strategy, based on the preliminary risk assessment referred to in point (1), detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
3. The findings of the site investigation and detailed risk assessment referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in point (4) have been fully implemented including any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 13) Prior to first occupation of the development hereby approved, a verification / completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to, and approved in writing by the Local Planning Authority (LPA). If during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed with the LPA), shall be undertaken until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 14) With exception of site clearance and demolition, and notwithstanding the submitted plans / information, no further development shall commence until a detailed surface water drainage scheme and associated strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include:
- Investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof), to include evidence of an

assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- A restricted rate of discharge of surface water, if infiltration is discounted by the investigations;
- Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- Be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards;
- Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
- Demonstrate that foul and surface water shall drain on separate systems;
- Shall include details of ongoing maintenance and management. The development shall be completed and maintained in full accordance with the approved details.

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The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure proper drainage of the area, in accordance with Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 15) Prior to the commencement of the development hereby approved, a scheme detailing means of ensuring the water main situated within the site is protected from damage shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include:

- Evidence that a diversion of the water main has been agreed within the relevant statutory undertaker, and that the agreed works have been subsequently undertaken;
- Details of the means of ensuring the water main is protected from damage as a result of the approved development. This shall include the potential impacts upon the water main from construction activities and the impacts post completion, including landscaping, upon the water main infrastructure, and any mitigation measures necessary to protect and prevent any damage to the water main both during construction and post development completion.

The development shall thereafter be undertaken in accordance with the approved scheme.

Reason: To ensure proper drainage of the area, in accordance with Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.