

**Application Number** 19/00133/FUL

<b>Proposal</b>	To vary conditions 2 (specifying approved plans) and 4 (provision of noise mitigation boundary fence) of planning permission ref. 15/01052/FUL - Demolition of existing bus station and probation building and construction of a new Tameside Interchange - to allow for change of shared boundary from gabions to timber fence and alterations to planting
<b>Site</b>	Ashton Bus Station, Albion Way, Ashton.
<b>Applicant</b>	Transport for Greater Manchester
<b>Recommendation</b>	Grant planning permission subject to conditions.
<b>Reason for report</b>	A Speakers Panel decision is required in accordance with the Council's Constitution because this is a major application as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015

**1. APPLICATION DESCRIPTION**

1.1 Planning permission (ref. 15/01052/FUL), granted with conditions in February 2016, allows for the demolition of the existing bus station and probation building and for the construction of a new Tameside Transport Interchange. Conditions of that permission:

(condition 2) specify the approved drawings in accordance with which the development shall be carried out; and,

(condition 4) require that a noise mitigation boundary fence adjacent to the existing residential properties, as illustrated and referenced on the approved drawings, shall be constructed before the development is brought in to use.

1.2 Work is now well underway on the construction of the new Transport Interchange and issues have arisen after planning permission was granted, which require modification of the approved proposals.

1.3 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek what is often called a minor material amendment, where there is a relevant condition that can be varied.

1.4 The proposed amendments are:-

- A revised boundary treatment at part of the site.

The original planning permission included there being a maintenance walkway between the rear gardens of the houses in Assheton Close and continuing alongside the northern side of the car park at Assheton House. On the northern side of this walkway there was to be a 2.4m high, stone gabion wall. The section of this wall to the north of the car park was to include timber panels between sections of stone gabions.

- Revisions to the location of planters to the south of the site,
- Revisions to the areas along Wellington Road where trees were to be planted, and,

- The inclusion of a cut-out to one of the northern planting beds to allow for the installation of an artwork.

1.5 In order to facilitate the proposed amendments to the approved development this application seeks to vary:

- condition 2, so that it would specify that the development must be carried out in accordance with the drawings that illustrate the modifications; and,
- condition 4, so that it references the drawings that illustrate the modifications.

## **2. SITE & SURROUNDINGS**

2.1 The application site includes the existing bus station and what were the adjacent Probation Service offices. Situated in the heart of the town centre, the application site is bounded by Wellington Road to the north, the Tameside One complex to the east, the Arcades shopping centre to the south, and houses in Assheton Close and the car park serving a multi-storey apartment building (Assheton House) to the west.

## **3. RELEVANT PLANNING POLICIES**

### **3.1 Tameside Unitary Development Plan (UDP) Allocation**

Unallocated within town centre boundary

### **3.2 Part 1 Policies**

- 1.2 Maintaining an Integrated Transportation Strategy
- 1.3 Creating a Cleaner Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.6 Securing Urban Regeneration
- 1.7 Supporting the Role of Town Centres
- 1.12 Ensuring an Accessible, Safe and Healthy Environment

### **3.3 Part 2 Policies**

- S1 Town Centre Improvements
- T1 Highway Improvements and Traffic Management
- T7 Cycling
- T6 Facilities for Buses
- T7 Cycling
- T8 Walking
- T14 Transport Assessments
- C1 Townscape and Urban Form
- MW11 Contaminated Land
- MW12 Control of Pollution
- MW14 Air Quality
- U2 Energy Efficiency.

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

- Section 2. Achieving sustainable development
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed places

### **3.5 Other Policies**

Ashton Town Centre Strategy Supplementary Planning Document

It is not considered there are any local finance considerations that are material to the application.

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

3.7 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.

## **4. PUBLICITY CARRIED OUT**

4.1 As part of the planning application process a notice was posted at the site on 23<sup>rd</sup> April 2019 and was published in a local newspaper on 2<sup>nd</sup> May 2019, and notification letters were sent out to 127 neighbouring properties site on 9<sup>th</sup> May 2019.

## **5. RESPONSES FROM CONSULTEES**

5.1 The Head of Environmental Services (Environmental Protection) has raised no objection to the proposal.

5.2 The Head of Environmental Services (Highways) has raised no objection to the proposal.

5.3 The Council's Arboricultural Officer has raised no objection to the proposal.

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

6.1 A representation has been from a neighbour. The representation does not comprise an objection to the application but raises issues of on-going noise disturbance from the construction site and likely noise disturbance from buses once the development is complete.

## **7. ANALYSIS**

7.1 The principle of the development having been established by the previous grant of planning permission and, the proposed amendments being considered of a minor nature, the general arrangement remaining the same, the issues to be assessed in the determination of this planning application are the impacts on:

residential amenities; and,

design and appearance of the development.

7.2 The purpose of the wall, where the amendment is proposed, was twofold:

to attenuate noise from buses that would enter the site from Oldham Road before passing behind the houses in Assheton Close; and,

to provide a secure barrier at the interface with the neighbouring residential properties.

## **8. RESIDENTIAL AMENITIES**

- 8.1 The timber fence now proposed would increase noise attenuation, particularly along the section where timber panels were included previously and gaps might have opened up. The amendment is designed to ensure that the acoustic integrity of the boundary treatment remains at a consistent level along the perimeter of the residential/Interchange interface. Having been consulted on the application the Head of Environmental Services (Public protection) has confirmed that the fence would provide adequate noise attenuation. Being less easy to climb, the timber fence would also improve security at the neighbouring residential properties. In terms of the impact on residential amenities the proposed amendments are considered acceptable and compliant with policy 1.12 of the UDP and Section 12 of the NPPF.

## **9. DESIGN AND APPEARANCE**

- 9.1 In respect of the impact on the neighbouring houses, the fence now proposed would have a more domestic appearance (rear garden boundary fences are typically 1.8m tall), and so be more in-keeping with a residential environment in respect of the impact on the neighbouring houses. When viewed from the public highway, generally Wellington Road and the section of Oldham Road to the north, the fence would be seen behind landscaping, including trees, to the north of the Metrolink terminus, the terminus itself, and then the new bus entry road before another area of landscaping, including trees. Whilst perhaps less decorative than the gabion wall proposed originally, in this location the design and appearance of the fence now proposed is considered acceptable and compliant with policies 1.3 and C1 of the UDP and Section 12 of the NPPF.
- 9.2 The proposed amendments include also revisions to the location of planters to the south of the site that are not within the Interchange boundary and which the neighbouring Arcades shopping centre do not want as these are considered a hindrance to the free-flow of pedestrians. Proposed also are the omission of a number of trees that were to be planted along the northern boundary with Wellington Road, due to buried service restrictions, and the change to the shape of a planting bed to allow for the installation of an artwork.
- 9.3 The proposed amended planter locations and the cut out to the northern planter would have little impact on the overall scheme and are therefore considered to be acceptable. Despite the omission of three trees from the scheme of landscaping it is considered that the overall planting scheme would remain satisfactory so that the development is compliant with policy 1.3 of the UDP and section 12 of the NPPF.

## **10. CONCLUSION**

- 10.1 The proposed amendments being considered minor and acceptable, according to Planning Practice Guidance the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. Where an application under section 73 is granted, the effect is the issue of a new planning permission and that may be subject to conditions differing from those to which the original permission was subject. It is therefore recommended that the approval be subject not only to conditions 2 and 4 at variance to which the original permission was subject, as proposed in the application, but also, in certain instances, to conditions differing from those to which the original permission was subject where additional information has been included in the current application and found to be acceptable.

## 11. RECOMMENDATION

Grant planning permission, subject the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Location Plan (Red Line Boundary - MMD-348124-C-DR-00-XX-0003

L(--)-200 Rev B - Proposed Site Layout  
L(--)-201 Rev. E – Proposed Ground Floor  
L(--)-202 Rev. B - Proposed First Floor & Canopy Level Plan  
L(--)-205 Rev. A - Proposed Site & Building Sections A-A & B  
L(--)-206 Rev. A - Proposed Site Section to Wellington Road & Water Street  
L(--)-207 Rev. B - Proposed Site Sections to East & West Carriageways  
L(--)-208 Rev. A - Proposed North and South Building Elevations  
L(--)-209 Rev A - Proposed East & West Building Elevation  
L(--)-212 - Proposed Satellite Bus Shelter Stands

MMD355026-E-DR-00-XX-5001 - External Lighting Layout (& CCTV Layout

14111-IDP-ZZ-00-DR-L-0100\_C17 - Landscape Overview Site Plan

14111-IDP-ZZ-00-DR-L-0101\_C14 Sheet 1 of 5.- Landscape General Arrangement  
Plan

14111-IDP-ZZ-00-DR-L-0102\_C14 Sheet 2 of 5 - Landscape General Arrangement  
Plan

14111-IDP-ZZ-00-DR-L-0103\_C15 Sheet 3 of 5 - Landscape General Arrangement  
Plan

14111-IDP-ZZ-00-DR-L-0104\_C12 Sheet 4 of 5 - Landscape General Arrangement  
Plan

14111-IDP-ZZ-00-DR-L-0105\_C13 Sheet 5 of 5 - Landscape General Arrangement  
Plan

14111-IDP-01-00-DR-L-0402\_C01 - Guard Railing & Gates

14111-IDP-01-00-DR-L-0401\_C06 - Boundary Wall Retaining Details

14111-01-00-L-IDP-DR-00-00201 - Planting Plan Sheet 2 of 4

14111-01-00-L-IDP-DR-00-00202 - Planting Plan Sheet 3 of 4

Environmental Management Plan Rev. 1 August 2018 by Vinci Construction

Mechanical Services Acoustics Report August 2019 by 24-7 Group

Noise Impact Assessment September 2015 by Mott MacDonald

Energy Statement 348124-ME-SP-00-XX-6001 July 2015 by Mott MacDonald

2015/0658/CIS01 Version A. – Crime Impact Statement

50093 Demolition Method Statement

2. Prior to the development hereby approved being first brought into use the boundary wall, illustrated on drawing ref. 14111-IDP-01-00-DR-L-0401\_C06 - Boundary Wall Retaining Details, shall be provided in full.
3. Prior to the development hereby approved being first brought into use a maintenance management plan for the boundary wall, illustrated on drawing ref. 14111-IDP-01-00-DR-L-0401\_C06 - Boundary Wall Retaining Details, shall be submitted to, and

approved in writing by, the local planning authority. Thereafter, the approved management plan shall be implemented in full.

4. All external plant and equipment shall be installed and maintained in accordance with the specifications included in the approved Mechanical Services Acoustics Report August 2019 by 24-7 Group
5. Prior to the development hereby approved being first brought into use a Validation/Completion Report shall be submitted to, and approved in writing by, the local planning authority (LPA). As a minimum, the report shall include all information detailed in the Councils Environmental Protection Units (EPU) letter dated 23rd August 2019 (Ref:1900133FUL/JG/230819) and include full details of the ground gas protection measures installed in the development in accordance with the recommendations contained in Mott MacDonalds Ground Investigation Report for TFGM Tameside Interchange dated October 2015 Ref: 348124/WTD/MCH/002/A) or a robust risk assessment to confidently demonstrate such measures are not required.

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

6. The hard and soft landscaping of the development hereby approved shall be completed in the first planting season (November – March) following the development having been brought in to use and out in accordance with the approved plans:  
Landscape Overview Site Plan, 14111-IDP-ZZ-00-DR-L-0100\_C16;  
Landscape General Arrangement Plans,  
14111-IDP-ZZ-00-DR-L-0101\_C13,  
14111-IDP-ZZ-00-DR-L-0102\_C12,  
14111-IDP-ZZ-00-DR-L-0103\_C13,  
14111-IDP-ZZ-00-DR-L-0104\_C10,  
14111-IDP-ZZ-00-DR-L-0105\_C11; and,  
Planting Plans,  
14111-01-00-L-IDP-DR-00-00201, and,  
14111-01-00-L-IDP-DR-00-00202

Any newly planted trees or plants forming part of the approved landscaping 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 by the developer unless the local planning authority gives written consent to any variation.

7. Prior to the development hereby approved being first brought into use the boundary treatment, illustrated on the approved plan ref. 14111-IDP-01-00-DR-L-0402\_C01 - Guard Railing & Gates, to the remaining cleared bus station site, referred to as Development Site on plan ref. L(--)-200 Rev B - Proposed Site Layout, shall be completed in full and thereafter maintained until such time as the site is re-developed.
8. The development hereby approved shall incorporate the physical security specifications included in Section 4 of the approve Crime Impact Statement 2015/0658/CIS01 Version A.

9. Within one month of the date of this permission a scheme of surface water drainage shall be submitted for approval to the local planning authority for approval in writing. Any such approved scheme shall be implemented in full within one month of the approval.
  
10. 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 and no work shall take place on Sundays and Bank Holidays, unless with the prior notification and consent of the local planning authority.