

Application Number 19/00357/FUL

Proposal	Variation of conditions 1 (approved plans) of planning permission 18/00015/REM to allow a variation to the height and external appearance of some of the originally approved units and alterations to the finished floor levels within the development.
Site	Land bounded by Ashworth Lane, Stockport Road and Chain Bar Lane, Hatterlsey
Applicant	C/o Indigo Planning (agent)
Recommendation	Grant planning permission subject to conditions
Reason for report	A Speakers Panel decision is required because the application constitutes major development.

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks planning permission to vary condition 1 of planning permission 18/00015/REM which granted approval for the reserved matters for the erection of a new district centre comprising class A1 foodstore, retail units (Class A1-A5), Drive-Through Cafe/Restaurant (Class A3/A5) with associated means of access (granted under outline planning permission 14/00903/OUT), in order to change the levels across part of the site, decrease the size of unit 3, subdivide unit 4 and increase the floor space within unit 5.
- 1.2 As a result of the land level changes, the proposal would increase the floor levels and ridge heights of the units as follows:

Unit 1 – by 280mm higher than the extant scheme
Units 7-10 by 556mm higher than the extant scheme
Unit 11 by 522mm higher than the extant scheme
The finished floor level of the food store would be 280mm higher than the extant scheme
- 1.3 The floor levels and overall height of units 2 – 6 as previously approved would remain unchanged. However, the gross external floor area of those units would increase by 26 square metres, as part of the revisions of to the size of the units and the introduction of an additional unit via the subdivision of unit 4 of the extant permission. There are proposed alterations to the exterior of those units to reflect the fact that there would be 6 units in this row in the revised scheme, as opposed to 5 in the approved scheme.
- 1.4 Minor alterations are also proposed to the hard landscaping scheme. The stepped access to the development through the public realm within the north western corner of the site in the originally approved scheme (to both the north and west of unit 11) would be replaced with a graduated walkway, with a retaining wall included as part of this feature.
- 1.5 The proposed amendments would not result in a development that would exceed the limits imposed on the outline permission in relation to the total gross external floor area (6935 square metres following the granting of an amendment to the original outline planning permission)
- 1.6 Land levels within the car parking area would also change in some areas. At the eastern end of the main access road into the development, the finished land level would be 280mm higher than the extant scheme. The levels within the northern part of the car park (adjacent to units 7-10 would increase by 367 mm over the extant scheme.

2. SITE & SURROUNDINGS

- 2.1 The application site comprises land bounded by Stockport Road, Ashworth Lane and Chain Bar Lane, in Hattersley and is the site of the approved town centre to serve the wider estate. The site is located at the junction of Stockport Road and Ashworth Lane and extends to 3.99 hectares. Land levels with the western part of the site are relatively flat before falling away considerably from west to east. The topography of the site is made more irregular by previous deposition of clearance material / spoil associated with re-development of other residential areas of the wider Hattersley estate.
- 2.2 The site was formerly a residential estate which is now predominantly cleared (demolition took place in c.2006) apart from one dwelling which fronts on to Stockport Road (A560) close to the junction with Ashworth Lane. Existing vehicular access is obtained via Chain Bar Lane to the rear. Chain Bar Lane forms a large loop running from its junction from Ashworth Lane (opposite the new Hub facility) through the application site and back to Ashworth Lane via a separate residential estate further to the east.

3. RELEVANT PLANNING HISTORY

- 3.1 18/00961/FUL - Full planning permission for variation of condition 18 (hours of operation of the units) of planning permission 14/00903/OUT to units 1 (foodstore), 2-6 (larger A1-A5 units) and 7-10 (smaller A1-A5 units) - approved.
- 3.2 18/00015/REM - Approval of reserved matters (appearance, landscaping, layout and scale) for a retail development on the site following grant of outline planning permission 14/00903/OUT – approved
- 3.3 17/00668/MATCH - Non material amendment in relation to planning application no. 14/00903/OUT to increase the gross external area of the foodstore to 1,867 square metres – approved.
- 3.4 14/00903/OUT - Comprehensive redevelopment for a new district centre comprising class A1 foodstore, retail units (Class A1-A5), Drive-Through Cafe/Restaurant (Class A3/A5) with associated means of access (All other matters reserved), including the demolition of existing buildings and structures – approved

4. RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation**
Unallocated
- 4.4 **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.
1.12: Ensuring an Accessible and Safe Environment.

4.5 **Part 2 Policies**

S1: Town Centre Improvement
S3 New Retail Developments Outside Town Centres.
S9: Detailed Design of Retail and Leisure Developments.
T1: Highway Improvement and Traffic Management.
T10: Parking.
MW11: Contaminated Land
MW12: Control of Pollution
MW14 Air Quality
N3: Nature Conservation Factors
N4 Trees and Woodland
N5: Trees Within Development Sites
U3: Water Services for Developments
U4: Flood Prevention.
U5: Energy Efficiency

4.6 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Hattersley and Mottram Supplementary Planning Guidance (April 2004)
Hattersley Development and Delivery Strategy (November 2005)
Tameside Retail Study (May 2010)

4.7 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development
Section 6: Building a strong competitive economy
Section 7: Ensuring the vitality of town centres

Planning Practice Guidance (PPG)

4.8 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 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. This is in addition to a site notice and press notice.

6. **RESPONSES FROM CONSULTEES**

6.1 Borough Environmental Health Officer (EHO) – no objections to the proposed amendments to the originally approved scheme.
6.2 Local Highway Authority – no objections to the proposals.

6.3 Stockport MBC as neighbouring Authority – no objections to the proposals.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 No comments 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 is not being revisited in this application, nor are the planning merits (including the principle of development in this location, the impact on the vitality and viability of neighbouring town centres and the highway safety of the scheme as a whole) of the already approved scheme.

8.4 The issues to be assessed in the determination of this planning application are the impact of the revisions to the levels within the development and the increase in height of some of the buildings on:

- the residential amenity of neighbouring properties
- the character of the surrounding area;

9. RESIDENTIAL AMENITY

9.1 The proposed increase in the height of units 7 to 10 and 11 would be marginally over 0.5 metres over and above the extant scheme, with unit 1 increasing in height by approximately half that amount. Given that the separation distance to be retained to the properties on the western side of Stockport Road and units 1 and 11 would exceed 30 metres (with the position of the units within the site remaining the same as the extant scheme), it is considered that the proposed height increase of those units and units 7-10 would not result in unreasonable overshadowing of or overlooking into those neighbouring properties.

9.2 The separation distance to be retained to the properties to the east of the site is in excess of 60 metres (to the neighbouring dwellings on Green Way/ Chain Bar Lane/Stringer Avenue.) It is therefore considered that the proposed height increase of those units would not result in unreasonable overshadowing of or overlooking into those neighbouring properties.

9.3 It is considered that the modest increase in levels within the car parking area over the extant scheme would not result in any material impact on the residential amenity of the properties to the east, due to the siting of units 2-6 along the eastern boundary of the development, the height of which would remain unchanged from the extant scheme.

- 9.4 The modest increase in the external floor area of units 2-6 would equate to less than 1% of the approved floorspace of those units in the extant scheme. The increase in the width of these units would therefore not result in a detrimental impact on the residential amenity of any neighbouring properties given the separation distances to be retained.
- 9.5 Following the above assessment, it is considered that the proposed amendments to the extant scheme would not result in a detrimental impact on the residential amenity of any neighbouring properties over and above the impact of the development previously approved.

10. CHARACTER AND APPEARANCE

- 10.1 The proposed revisions to the heights of units 1, 7-10 and 11 and the levels within the car parking area of the development are considered not to be of a scale that would result in a detrimental impact on the character of the surrounding area, within the context of the previously approved scheme.
- 10.2 The alterations to the elevations of units 2-6 would facilitate the inclusion of an additional unit and reflect the revisions to the floor plans in relation to the size of those units. The treatments would retain the coloured cladding features around the front entrances to the units and the canopies to define the access into each of the units. The proposals would therefore continue to relate to the design of the units and 7-10 and the alterations would maintain the design standards achieved by the extant permission. The modest increase in the width of units 2-6 over and above the extant scheme would not be of a scale that would be detrimental to the character of the surrounding area.
- 10.3 Despite being located close to public views from the western boundary of the site, the increase in the height of units 1 and 11 would be relatively modest in relation to the extant scheme (limited just over 0.5 metres on unit 11, 0.28 metres on unit 1) and would therefore not result in an overbearing impact on the character of the area from these views, in which the units would be viewed within the context of the development as a whole.
- 10.4 Subject to a condition requiring details of the retaining structures to be installed as part of the revision to the landscaping works, it is considered that the proposed amendments to the public realm in the north western corner of the site would not result in an adverse impact on the character of the surrounding area.

11. OTHER MATTERS

- 11.1 The proposals would not result in any alterations to the layout or quantum of car parking to serve the development when compared to the extant scheme. Given that the total floorspace of the development would remain within the parameters defined by the conditions attached to the outline planning permission and that the changes in the levels within the car parking area would not require significant alterations to gradient of the access arrangements to the extant scheme, it is considered that the proposals would not result in an adverse impact on highway safety. This assessment is corroborated by the lack of objection from the Local Highway Authority to the proposals.
- 11.2 The Borough EHO has raised no objections to the revised scheme and it is considered that the changes proposed would not result in a material change to the amenity of neighbouring properties in relation to noise and light pollution over and above the impact of the previously approved scheme.

12. CONCLUSION

- 12.1 Following the assessment in the main body of this report, it is considered that the proposed amendments to the extant planning permission would not result in an adverse impact on the residential amenity of any of the neighbouring properties, the character of the area or highway safety.
- 12.2 The proposals are therefore considered to comply with the national and local planning policies quoted earlier in this report.

13. RECOMMENDATION

Grant planning permission, subject to the following conditions:

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

1:1250 Site location plan

Proposed site plan (drawing no. 003 Rev. Y)

Proposed connectivity and access plan (drawing no. P9200)002)

North west gateway entrance plan (drawing no. MR17-112/105 Rev. D)

Soft landscaping proposals (north) plan (drawing no. MR17-112/103 Rev. G)

Soft landscaping proposals (south) plan (drawing no. MR17-112/104 Rev. G)

Hard landscaping proposals (north) plan (drawing no. MR17-112/101 Rev. G)

Hard landscaping proposals (south) plan (drawing no. MR17-112/102 Rev. G)

Proposed site boundary treatments plan (drawing no. 018 Rev. E)

Proposed Latitudinal Sections plan (drawing no. 017 Rev. E)

Proposed Longitudinal Sections plan (drawing no. 016 Rev. G)

Proposed Street Scenes plan (Stockport Road/Ashworth Lane) (drawing no. 014 Rev. G)

Proposed floor plans units 7-10 plan (drawing no. 008 Rev. E)

Proposed elevations plans units 7-10 plan (drawing no. 012 Rev. D)

Proposed elevations - unit 1 plan (drawing no. 010 Rev. D)

Proposed first floor plans - unit 1 (drawing no. 004 Rev. A)

Proposed roof plans - unit 1 (drawing no. 005)

Proposed elevations - units 2-6 (drawing no. 011 Rev. E)

Proposed floor plans - units 2-6 (drawing no. 006 Rev. D)

Proposed roof plans - units 2-6 (drawing no. 007 Rev. A)

Proposed floor/roof plan unit 11 (drawing no. 009 Rev. B)

Proposed elevations plan unit 11 (drawing no. 013 Rev. B)

Proposed section through access ramp off Stockport Road plan (drawing no. 019 Rev. B)

2. The external surfaces of the development hereby approved shall be constructed from the following materials (as submitted as part of discharge of condition application 18/00087/PLCOND):

Hard landscaping:

Car parking and roadways – black tarmac

Bollards (1 metre in height) – semi domed Sheffield steel (stainless finish)

Footpaths and walkways – Marshalls block paving (light granite finish)

Footpaths and walkways border – Marshalls block paving (grey granite finish)

Primary walkways and building entrances - Marshalls block paving (anthracite basalt finish) and natural concrete tactile paving

Gateway feature entrance – Tegular set paving (Pennant Grey finish)

Gateway feature entrance – Angled conservation kerb (Silver Grey finish)

Secondary footpaths – natural stone paving
Boundary treatment – low level timber post barrier – treated timber and 2.1 metre high galvanised steel service yard fencing (in the location identified on the approved plans)

Units 2-10:

External walls – low level brick walling – blue/grey brick, gull grey composite panels, metallic copper composite panels feature external cladding and Merlin grey aluminium trim to cladding panels

Doors and glazing – frames and panels PPC Aluminium (Merlin Grey finish)

Unit 11:

External walls – White (RAL 9100) through colour render with horizontally laid British western red cedar and aluminium backed panels (powder coated Pantone 2020)

Roof fascia boards/cappings – aluminium flashings (anthracite grey (RAL 7016) Doors and glazing – PPC aluminium (anthracite grey (RAL 7016)

Food store (Unit 1):

External walls – low level walling with through render finish (grey – RAL 7038) with pure white render (RAL 9010) above. High level wall finish – insulated metal cladding - grey (RAL 9006 finish)

Doors and glazing – double glazed curtain walling - graphite grey (RAL 7024)

The development shall be retained as such thereafter.

3. The hard and soft landscaping to be incorporated within the development hereby approved shall be installed in accordance with the details as shown on the following approved plans:

Soft landscaping proposals (north) plan (drawing no. MR17-112/103 Rev. B)
Soft landscaping proposals (south) plan (drawing no. MR17-112/104 Rev. A)
Hard landscaping proposals (north) plan (drawing no. MR17-112/101 Rev. B)
Hard landscaping proposals (south) plan (drawing no. MR17-112/102 Rev. A)
Proposed site boundary treatments plan (drawing no. 018 Rev. C)

prior to the first operation of any of the units hereby approved.

4. Prior to the installation of any retaining walls and guarding within the site, details of the structures (including scaled plans of the elevations and identifying their location within the development and details of the construction material) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
5. 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.
6. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved Proposed site plan (drawing no. 003 Rev. Y), prior to first operation of any of the units hereby approved and shall be retained free from obstruction for their intended use at all times thereafter.

7. The measures to be adopted to prevent obstruction of the Trans Pennine as detailed in the document entitled Trail Trans Pennine Trail, produced by Eric Wright Construction (Rev. 3, dated 16 January 2019) (submitted as part of discharge of condition application 18/00087/PLCOND) shall be implemented in accordance with the approved details, on the commencement of construction works and shall remain in place until the completion of the construction phase of the development.
8. Prior to the first operation of any of the units hereby approved, details of bird boxes to be installed within the development (including scaled plans indicating their location within the development and a specification of the items to be installed) shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with the approved details prior to the first operation of any of the units hereby approved and shall be retained as such thereafter.
9. The tree protection measures detailed on Drawing no. 027 Rev. A submitted with discharge of conditions ref. 18/00087/PLCOND shall be implemented in accordance with the approved details, on the commencement of construction works and shall remain in place until the completion of the construction phase of the development.
10. No part of the development hereby approved shall operate or become open to members of the public until details of the provision of secured storage for bicycles within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided prior to the first operation of the units and the development becoming open to members of the public, in accordance with the approved details and shall be retained as such thereafter.