

Application Number 20/00092/FUL

Proposal	To vary condition 21 (specifying approved plans) of planning permission ref. 14/00935/FUL - Temple and Community Centre with associated parking and landscaping - to allow for amendments to the appearance of the building.
Site	(Formerly) vacant site Lees Road, Ashton-Under-Lyne
Applicant	Mr Sanjay Kara
Recommendation	Approve subject to conditions.
Reason for Report	A Speakers Panel decision is required because, in accordance Panel's terms of reference, the authorisation of the Panel will be required for the making of any Traffic Regulation Order that may be required to enable development to take place and because this is a major application as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.0 APPLICATION DESCRIPTION

- 1.1 Planning permission (ref. 14/00935/FUL), granted with conditions in December 2014, allows for the development of a Temple and Community Centre with associated parking and landscaping on the former site of Hurst Methodist School, Lees Road, Ashton-Under-Lyne A condition (no. 21) of that permission specifies the approved drawings in accordance with which the development shall be carried out.
- 1.2 Work is now well underway on the construction of the Temple and Community Centre and issues have arisen after planning permission was granted that require amendments to be made to 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. In this instance the condition would be varied so that it specifies different drawings, showing the proposed amendments.
- 1.4 The proposed amendments that the variation of the condition would allow are:-
 - Due to the omission of first-floor accommodation, whilst the overall height of the building would remain the same;
 - on the southern side, facing towards houses in School Avenue, the upper level of the building, rather than being flush with the wall below, would be stepped back,
 - on the eastern side, facing towards Lees Road, the upper level of the building would be stepped back further from the site frontage than was proposed initially; and,
 - on the northern side, facing towards Broadoak Clough, rather than being stepped back, the upper level would be flush with the wall below.
 - The in-filling of recessed areas in the rear wall of the building, facing towards the playing fields at the New Charter Academy, so that the footprint of the building is squared-off.
 - Instead of there being five domes over the entrance portico there would be three domes and one, larger shikhar (spire).
 - Six chhatris (dome-shaped pavilions, or canopies) would be added to the roof of the upper level.

- Inclusion of artwork banding to parapet edges at the entrance portico and upper level roof.
- Alterations to the fenestration to suit the internal layout changes.

2.0 SITE & SURROUNDINGS

2.1 The application site is that of the former Hurst Methodist School. The site is situated on the western side of Lees Road, which is one of the two main roads between Ashton and Oldham, before a break in the built-up area to the north of Broadoak Clough, which is immediately to the north. The southern part of the site wraps around the rear of neighbouring semi-detached houses in Lees Road to adjoin the end of School Avenue which is a cul-de-sac containing detached and semi-detached bungalows. On its western side the site adjoins the playing fields at the New Charter Academy. The land is relatively flat although there is a rise from south to north.

3.0 RELEVANT PLANNING POLICIES

3.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated

3.2 Part 1 Policies

1.3 Creating a Cleaner Greener Environment
 1.5 Following the Principles of Sustainable Development
 1.11: Conserving Built Heritage and Retaining Local Identity.
 1.12 Ensuring an Accessible, Safe and Healthy Environment
 1.13: Meeting Obligations on Minerals, Waste and Energy

3.3 Part 2 Policies

T1: Highway Improvement and Traffic Management
 T8: Walking
 T10: Parking
 C1: Townscape and Urban Form
 N3: Nature Conservation Factors
 MW11 Contaminated Land

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

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.

4.0 PUBLICITY CARRIED OUT

4.1 As part of the planning application process notification letters were sent out to 51 neighbouring properties on 9 February 2020, a notice posted at the site on 25 February 2020 and was published in a local newspaper on 27 February 2020.

5.0 RESPONSES FROM CONSULTEES

5.1 No responses have been received.

6.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

6.1 Representations have been received from four neighbours. Two of the representations are explicitly objections on the grounds that:

- the number of rooftop domes now proposed is excessive and unnecessary for worship;
- the rooftop domes are too ornate;
- the colour of the bricks used in the construction of the building is inappropriate; and,
- the absence of any consultation before the changes were made.

6.2 Concerns are expressed also about the surface water from the site draining in to Lees Road while construction work is taking place.

6.3 Another representation contends that previously misleading information has been provided in respect of the development, that:

- rather than 120 car parking spaces being provided there will be only 50;
- that the building would be no taller than nearby houses;
- that the main entrance was to be in the north facing elevation of the building; and,
- there was to be only one dome.

6.4 The other representation contends that there is no point in making an objection because no attention will be paid.

7.0 ANALYSIS

7.1 The principle of the development having been established by the grant of planning permission, the proposed amendments being considered, in context, of a minor nature, and 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.

8.0 RESIDENTIAL AMENITIES

8.1 As a result of the proposed amendments the general mass and scale of the building would remain the same. The upper level of the building would now however be stepped back from nearby houses in School Avenue and Lees Road. On the northern side, where it is proposed that the upper level be extended outwards, the building faces towards the Clough with the nearest houses being another 160m beyond. On the western side, where it is

proposed that recessed areas in the building would be filled-in, the building faces towards the New Charter Academy and the proposed in-filling would be at ground-floor only. Resulting from the stepping back of the upper level on the southern and eastern sides of the building it is considered that the impact on existing residential amenities, in terms of the scale and mass of the building, would be reduced and that the proposed amendments are acceptable and compliant with policy 1.12 of the UDP and Section 12 of the NPPF.

9.0 DESIGN AND APPEARANCE

- 9.1 It is proposed that the number of domes over the entrance portico be reduced from five to three. The size and appearance of the domes would be largely unchanged. The other two domes that were included in the proposals originally would be replaced by a single, larger shikhar (spire). A shikhar is the main temple tower or spire and is a common feature in Hindu temple architecture. Whilst the shikhar would be taller than the domes and rise above the parapet of the roof of the upper level of the building its location would be more than 50m from the nearest house in Lees Road and approximately 80m from the nearest house in School Lane, and from School Lane, due to orientation, only the top of the shikhar would be visible above the parapet.
- 9.2 Again common in Hindu architecture, a chhatris is a small pavilion that marks the corners and roof of the entrance of a major building. These pavilions are purely decorative. The chhatris would also rise above the parapet of the roof of the upper level of the building but again would be more than 50m between the closest of the chhatris and the nearest house in Lees Road and approximately 80m to the nearest house in School Lane.
- 9.3 Together with the inclusion of artwork banding to parapet edges, it is considered that the introduction of the shikhar and chhatris would ornament the building, adding interest and recognisable characteristics associated with a building of this type, with there being sufficient distance to any residential properties to prevent these becoming overbearing features. In these respects, the design and appearance of the building as now proposed is considered acceptable and compliant with policies 1.3 and C1 of the UDP and Section 12 of the NPPF.

10.0 OTHER ISSUES

- 10.1 With regard to the other issues raised in the representations from third parties it should be noted that the type of brick used in the construction of the building is not a matter for consideration in this application. It was however always intended that light, sand-colour facing bricks would be used, and this was reported to the Panel when the original application was being considered. The light coloured bricks that have been used fit this description.
- 10.2 There is no compunction for a developer to consult with neighbours ahead of seeking amendments to a planning permission, although early, and continued, engagement with neighbours is usually advantageous to all parties concerned.
- 10.3 As is the issue regarding the bricks used in the construction, the issue of surface water from the site draining in to Lees Road while construction work is taking place is not a matter for consideration in this application. It should however be noted that the Council and the developer are aware of the problems this has caused and measures have been taken to address these, and the developer has expressed the desire to provide the hard-surfaces, in accordance with the planning permission, so as to avoid reoccurrence.
- 10.4 When the original application was considered by the Panel it was reported that the main car park would provide 56 car parking bays and there would be another 29 in front of the

building, including 4 disabled spaces closest to the building's main entrance. This arrangement, and including access to the site, would not be changed.

- 10.5 The overall height of the building is approximately 8m, excluding the parapet. This aspect of the proposal, as does the provision of the main entrance on the eastern side of the building, facing towards Lees Road, remains unchanged. It can however be noted that the new house being constructed on the opposite side of Lees Road, at the former site of Hartshead High School, rise typically to a height of just short of 8m.

11.0 CONCLUSION

- 11.1 The proposed amendments being considered acceptable and, in context, as being of a minor nature, 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 condition 21 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.

RECOMMENDATION

That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to:

- (i) authorising of the making of any Traffic Regulation Order that may be required to enable development to take place; and,
(ii) the following conditions:

1. Samples of materials.
2. The planting proposals illustrated and described on the approved Landscape Planting Plan, dated Oct' 16, ref 446.1, by Philip Cave shall be carried out prior to the development hereby approved being first brought in to use, 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 by the developer unless the local planning authority gives written consent to any variation.
3. The development hereby approved shall be implemented in accordance with the measures included in the approved Energy Statement by Ensource Limited dated 03/11/16. This condition will be discharged upon submission of a Verification Report following completion of the development including verifiable evidence that the measures included have been incorporated.
4. Prior to the first occupation of the development hereby approved 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:-
 - The findings of a watching brief maintained throughout the course of the works (e.g. were the ground conditions encountered during the works consistent with those identified during the previous ground investigations?).

- Full details of any evidence of contamination / suspected contamination (including evidence of hydrocarbons) or unusual ground conditions encountered during the works and how this was appropriately dealt with.
- Information relating to the excavation and removal of soils from the area of TP01 including photographic evidence and copies of waste transfer notes. A plan showing the extent / depth of the excavation and confirmation of the total volume of soils removed from site must also be provided.
- Appropriate waste management documentation for all soils / materials removed off site including, where required, a copy of the Materials Management Plan, signed qualified person declaration and declaration receipt from CL:aire.
- A copy of the United Utilities Potable Water Risk Assessment and full details of any required upgrades to water supplies and pipelines.
- Full details of any additional soils brought onto site (e.g. topsoil for soft landscaping etc) including source details, confirmation of the total quantity of soils imported onto site and the results of appropriate validity analysis to demonstrate suitability. The validity sampling rate and analysis suite must be agreed with the EPU prior to being undertaken. Please be advised that the EPU does not generally accept the results of analysis included on soil supplier certificates.

A final written confirmation that the development is complete and suitable for its intended use.

The discharge of this condition will be given in writing by the LPA on completion of the development and once all information specified in this condition has been provided. The development shall not be first occupied until written discharge of the condition is issued.

- 5 Prior to the development hereby approved being first brought in to use the boundary walls shall be provided in accordance with the details included in approval ref. 20/00011/PLCOND.
6. There shall at no time, either during the period of construction and thereafter, be any access to, or egress from, School Avenue to the development hereby approved.
7. The development hereby approved shall be drained in accordance with the details illustrated and specified in the approved drawings:

1192 – 1002 C4 Drainage General Arrangement
 1192 – 1004 C3 Drainage Construction Details Sheet 1 of 2
 1192 – 1005 C2 Drainage Construction Details Sheet 2 of 2
 1192 – 1006 P1 Overland Flow Routes
 1192 – 1007 P1 Catchment Plan
 1192 – Topo Survey

and reports

1192 – DR002 P1 Drainage Technical Note
 1192 – DR001 SudS Maintenance & Management Plan

8. Prior to the development hereby approved being first brought in to use the car parking, servicing and turning facilities indicated on the approved plan, ref. 2002 (90) 01 rev. 2, shall be provided and thereafter kept unobstructed and available for their intended purposes. Vehicles must be able to enter and leave the site in forward gear at all times.

9. At all times throughout the period of construction the temporary fence that has been erected along the boundary with Broadoak Clough, and is illustrated in the photographs received on 02.03.2020, shall be maintained.
10. Any external illumination, including of the car parking areas, which shall be by means of downlighters, shall be provided in accordance with a scheme having previously been agreed in writing with the local planning authority.
11. During construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place on Sundays and Bank Holidays and outside the hours of 07.30 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays.
12. The refuse storage area, indicated on the approved plans, ref. 2002 (90) 01 rev. 2, shall be provided prior to the occupation of any part of the development and thereafter maintained for the intended purpose at all times.
13. No hot food preparation equipment shall be brought into use unless and until a scheme for the effective deodorising and degreasing and dispersal of emissions has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented to the satisfaction of the local planning authority and properly maintained and used thereafter.
14. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

2002 (E) 01 rev. 7 East & West Elevations
2002 (E) 02 rev. 6 North & South Elevations
2002 (--) L0 rev. 16 Proposed Plan Level 0
2002 (--) L1R rev. 9 Proposed Plan Level Lower Roof
2002 (--) L2R rev.10 Proposed Plan Level Roof
2002 (90) 01 rev. 2 Hard Landscaping Plan

Landscape Planting Plan, dated Oct' 16, ref 446.1, by Philip Cave
Energy Statement by Ensource Limited dated 03/11/16

1192 – 1002 C4 Drainage General Arrangement
1192 – 1004 C3 Drainage Construction Details Sheet 1 of 2
1192 – 1005 C2 Drainage Construction Details Sheet 2 of 2
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Photographs illustrating temporary fence, received on 02.02.2020.