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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Date: Thursday, 8 April 2021

Time: 6.30 pm

Place: Virtual Meeting

AGENDA

ITEM

5. ADDITIONAL INFORMATION REPORT

To consider the attached report of the Head of Planning and Development.

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SARA TODD
Chief Executive

Membership of the Committee

Councillors A.J. Williams (Chair), B. Hartley (Vice-Chair), Dr. K. Barclay, D. Bunting, T. Carey, M. Cordingley, D. Jerrome, M. Minnis, D. Morgan, K. Procter, E.W. Stennett, S. Thomas and B.G. Winstanley.

Further Information

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Agenda Item 5

AGENDA ITEM 5

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 8th April 2021

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

1.1 This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

1.2 Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chair.

2.0 ITEM 4 – APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against	For
99561	432 Flixton Road Flixton Manchester M41 6QT	Flixton	1	✓	✓
103414	Unit 1 Altrincham Retail Park George Richards Way Altrincham WA14 5GR	Broadheath	13	✓	✓

Page 1 99561/COU/20: 432 Flixton Road Flixton Manchester M41 6QT

SPEAKER(S) AGAINST: Alex Briody-Koch
(Neighbour)
Statement read out only

FOR: David Leape
(Applicant)

FURTHER COMMENTS FROM APPLICANT

The applicant states that two of the objectors have withdrawn their letters of objection following the works which have taken place to the property, which have reduced its noise impact, and that these are significant as these letters were from the objector who lives above and one who lives next door.

However, Officers note that, whilst letters from these two objectors stating that their objections have been withdrawn have been forwarded by the applicant, no letters confirming withdrawal of objections have been received directly by the Planning Authority to date. Therefore these objections cannot be considered to be withdrawn.

The applicant also makes the additional comments on the letters of objection: -

- Two of the objectors have now moved out of the local area therefore their objections are no longer relevant.
- The works which have been carried out through the installation of an acoustic ceiling as well as the subsequent Noise Impact Assessment and Noise Management Plan address the grounds of objection relating to unacceptable noise impacts.
- The objector who claims the noise/disturbance caused by the bar is making their property hard to let is incorrect as there are no vacant dwellings in the vicinity.
- Objectors are incorrect in their allegation that there is currently an outdoor drinking area which has caused disturbance. The applicant doesn't currently have permission (a street café licence) for outside seating and drinking.
- Two of the letters of objection appear very similar and these objectors could have been asked to provide these by a third party.
- Most of the bar patrons do not smoke.
- The bar is a positive addition to the local area.
- There have been four live music events since the bar opened all of which have been at the weekend and between 1600 and 2030, which complies with the music license.
- The previous café closed down due to lack of use. The new bar is used by the local community.

The applicant has also attached a letter from his landlord who also owns the flat above and is a frequent user of the bar, stating that the tenant of the flat above no longer has concerns about noise and that the bar is a welcome addition to the community, and a letter from Davyhulme Park Football Club stating that the bar has become a focal point of their match days. The applicant states that these highlight that the bar has become an established part of the Flixton community since it opened in November 2019. The applicant also makes the following additional comments: -

- The applicant has worked with the planning case officer to try to overcome concerns but the recommendation of refusal has caused him stress and anxiety at what is already a very difficult time for the hospitality industry.
- The bar has been trading for 15 months and is an integral part of the Flixton community. It would have been preferable if planning officers' concerns about the location of the bar could have been addressed at the outset of the process before large sums of money and time were invested.
- A community needs a focal point and a meeting place and that is what the bar has provided for local people prior to lockdown.

The applicant has also subsequently stated that one of the objectors has tried to hand deliver a letter withdrawing their objection at the Council offices but there was no-one there from the Planning Department to accept it.

FURTHER NEIGHBOUR COMMENT

A further letter of objection has been received from a neighbour who previously objected, which states the following:

- The applicant's decision to subsequently install bi-folding doors undermines the previously submitted Noise Impact Assessment.

- The external seating area being used past the previously approved time of 1800 for the café has resulted in a noise disturbance to the occupants of the first floor apartments.
- The objector lost a tenant once they discovered the unit was going to be used as a bar.
- Other tenants have expressed concerns about how long they will remain in place due to the bar.
- The bar is detrimental to the surrounding businesses due to the presence of people smoking and drinking on the pavement.

FURTHER COMMENT FROM LHA

The LHA has provided a further comment noting that the Committee Report has registered the LHA's objection to the seating area to the front of the plot being included within the red edge location plan, with the LHA also noting the red edge plan has not been changed to accommodate the LHA's request through removing this area from the plan.

Notwithstanding this the LHA has requested that, should planning permission be granted, the permission should include an informative advising the applicant of their need to obtain a street café license for the placing of tables and chairs on the pavement to the front of the property, which properly forms part of the adopted highway.

ADDITIONAL OBSERVATIONS

Applicant Comments

Officers note the applicant's comments on the neighbour objections.

The applicant has cast doubt on the veracity of some of the objection letters and also states that some objections have been withdrawn. The Council must take representations on face value unless there is specific evidence that would suggest otherwise, which has not been provided, and an objection is only considered withdrawn if a request is made directly to the planning authority by the person making that representation. The applicant has been advised of the need for each of the objectors to contact the Planning Department directly to confirm their withdrawal of objection. Similarly, the fact that the applicant states that some objectors have moved out of the local area is not grounds for discounting their letters of objection. It is noted that none of these have been withdrawn.

Whilst the bar has a license for live music events, licensing and planning are separate systems of control. It is also noted that the submitted Noise Management Plan states "No live music."

Notwithstanding the applicant's statement that the premises does not currently have consent for an outdoor seating and drinking area, the bar use has included outside drinking in the past since it commenced operating as such.

The other points raised by the applicant are noted.

Neighbour Comments

The Noise Impact Assessment has been updated to account for the new shop front.

The other points raised by the neighbour are noted and have been referred to in the body of the report.

LHA Request

Should Members be minded to grant the application, a pavement license informative would be included as requested by the LHA.

- The air condition and chiller units would add to the noise;
- Late night deliveries would be disruptive;
- Our quality of life would be impaired; and
- There would be a negative impact on wildlife and on vegetation in the area.

It is considered that the original officer report adequately responds to all these points. In addition, a further letter of objection has been received from a food retailer (Tesco Stores Ltd). The total number of objectors is now 10. The key issues raised can be summarised as:

- There is a continued fundamental breach of the sequential test;
- There would be significant adverse impact to town centre investment;
- There would be harm to a town centre which is in a precarious state;
- There is a continuing risk to highway safety;
- There would be significant harm to an important heritage asset;
- The proposed design is of poor quality;
- There would be harm to residential amenity through delivery noise;
- The proposed boundary fence to the service yard would be overbearing;
- There are no meaningful material considerations that might be supportive of this development and which would carry weight in decision-making; and
- In these circumstances planning permission should be refused.

It is considered that the officer report responds to all of these points. However, some further clarity is provided below on the matter of the principle of the development and also the conclusions and planning balance.

OBSERVATIONS

The Principle of the Development

The original officer report identified that the application proposal has been found to fail the sequential test at paragraph 86 of the NPPF (thus contrary to development plan policies W2 and S11 as well as the NPPF). However, the unusual situation in respect of this proposal is reiterated in that the applicant (Lidl) also has an interest in the sequentially preferable Altair site. From the information that has been offered, officers have sufficient confidence at this stage that Lidl is contractually committed to Altair and would deliver both stores in practice. The three to four year delivery timeframe (minimum) for a foodstore at Altair (as put forward by the applicant) is considered, by officers, to be reflective of a reasonable period. A more protracted programme, if that were to occur at a future date, may impact on conclusions surrounding the availability of the Altair site as a sequentially preferable location in any event. However, this is not the case on the basis of the information before officers, it is emphasised.

Whilst the sequential test is failed, no 'significant adverse impact' – on town centre investment or on town centre vitality and viability – as referred to in paragraph 89 of the NPPF has been found. The fact that the developers behind the delivery of Altair (Nikal) have not objected to the application proposal on the grounds that it would prejudice this town centre scheme is considered to be helpful in informing any sensible judgement about whether 'significant adverse impacts' on planned town centre investment would arise. Accordingly, it is maintained that there is no compelling evidence that a grant of planning permission for the application proposal would prejudice Altair. With regard to the impact on wider town centre health, the original officer report

does indeed identify that Altrincham town centre's vitality and viability is 'more precarious than was envisaged two years ago' (at the time that the Trafford Retail Study found the centre to be 'highly vital and viable'). However, this wording is reflective of the uncertainty surrounding the national pandemic and it is maintained that Altrincham is, fundamentally, a centre in good health with a strong and solid catchment population. Altrincham continues to attract developer interest. This is exemplified by the recent masterplan proposals for the Stamford Quarter, which are to be advanced by the joint venture partnership between the Council and Bruntwood. Furthermore, it is emphasised that the proposal, it has been found, would chiefly impact upon the grocery retail sector, but with relatively modest impacts on foodstores within and adjacent to the town centre, and with no evidence (including via representations) that any such retailer would close.

Flooding and Drainage

It was reported in the original officer report that there were some outstanding issues surrounding surface water drainage at that time, and that final consultation responses from the Lead Local Flood Authority (LLFA) and United Utilities (UU) were still outstanding as the consultees reviewed additional information. The situation is now confirmed.

As with the last application, the preliminary drainage strategy indicates that the site may be suitable for infiltrating surface water into the ground, although before being confirmed this would need to be subject to some further testing. The applicant's two option strategy (if infiltration was found not to be wholly suitable) also allows for some storage attenuation on site. The LLFA is, again, satisfied that the applicant has in place an outline scheme for effectively managing surface water which accords with the principles of the drainage hierarchy and which would ensure that, whichever option is selected, it would limit the run-off likely to be generated such that it would not increase the risk of surface water flooding. The site layout would not be affected if either scenario were selected, it is understood. A condition is recommended in order that the necessary ground testing work is carried out, and that the appropriate scheme is implemented, maintained and managed.

It is placed on record, however, that the consultation response from UU continues to raise some outstanding queries. However, officers have been principally guided by the LLFA as statutory consultee on issues of surface water drainage, and with the LLFA now raising no objection following the provision of additional information. The LLFA has since advised that its recommended condition as referred to above would address some of UU's requirements, whilst others are deemed unnecessary when having regard to the specifics of this proposal. In any event, a separate, new condition is put forward to cover UU's request for foul and surface water to be drained on separate systems, and an informative is also suggested to cover the fact that UU has assets/infrastructure within and close to the site boundary which would need to be protected.

Overall, it is concluded that the proposal is compliant with the NPPF on the matter of flood risk and also meets the terms of Policy L5.

Other Environmental Health Matters

It was commented in the original officer report that consultation with the Council's Pollution and Licencing team on the subject of air quality had identified that the submitted plans had made no allowance for low emission vehicle charging infrastructure. In order to remedy this, a condition was suggested to request the submission of a scheme which made such provision, and its subsequent implementation. In the interim, amended plans have been submitted which allocate

two spaces for low emission vehicles to park to be charged outside of the Homebase store. Whilst the applicant's commitment to providing such infrastructure is welcomed, it is still considered necessary to impose a condition (with an amended wording) to request full details of the type of infrastructure to be installed, to allow for continued discussions (including with Pollution and Licencing) regarding the quantity of provision, and to secure a timetable for installation.

PLANNING BALANCE AND CONCLUSION

In the interests of clarity, some commentary is provided within this report regarding whether the proposed development would be contrary to the development plan when taken as a whole.

The original officer report drew conclusions chiefly on the subject of whether there were breaches with individual policies; indeed, conflict was found in relation to Policy W2 of the Core Strategy and saved Policy S11 of the Revised Trafford Unitary Development Plan (on the subject of the sequential test). Some conflict with Core Strategy Policy R1 was also identified given the acknowledged harm to a heritage asset, although with lesser weight afforded to this policy given its inconsistency with the NPPF. The key thrust of policies W2 and S11 is to reinforce the 'town centre first' approach in the siting of main town centre uses in order that town centres remain the focus of retail, commercial and leisure activity. Policy W2 follows on from Strategic Objective SO4 of the Core Strategy which seeks to 'revitalise town centres' and to maintain a clear hierarchy of vibrant, diverse and distinct shopping centres across the Borough. Policy R1 is also preceded by a Strategic Objective (SO8) which seeks to 'protect the historic built environment.'

The presumption in favour of new retail development (and other main town centre uses) in town centre locations reflects a long-standing policy approach and one which is central to the development plan in relation to such uses. The application proposal for out-of-centre retail development is, by its very nature, at odds with this locational objective. As a proposal which fails the sequential test, and thus is contrary to policies W2 and S11 (and does not support SO4), it is only reasonable to conclude that the proposed development would be contrary to the development plan when taken as a whole. This conclusion is reinforced given the position regarding Policy R1 and SO8. That being the case, there are no additional development plan policies, not previously considered, which would be individually breached, and the harm remains one which is focussed on the lack of compliance with the sequential test. On the issue of Policy R1 and SO8, it is reiterated that one of their principle objectives is out of step with the NPPF which infers that heritage harm may possibly be outweighed by public benefits (and with this found to be the case in respect of this application).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding the clarity provided above regarding the development plan as a whole, it is maintained that this conflict and the conflict with the individual policies would be outweighed by the material considerations as identified in the original officer report. This refers to the likely outcome of the application of the sequential test specific to this case, and also the collection of benefits which are considered sufficient to outweigh the scheme's harms.

Finally, in responding to some commentary within the representation submitted on behalf of Tesco Stores Ltd regarding the planning balance contained within the original officer report, it is noted that the representation seeks to criticise the conclusions of officers by suggesting that certain levels of weight should or shouldn't be assigned to certain considerations. However, Members are reminded that the weight to be afforded to such considerations is a matter for the decision-taker

(subject to no irrationality). The original officer report and this report – it is considered – adequately set out the relevant considerations applicable to this proposal and draw a rational conclusion as reflected in the recommendation.

RECOMMENDATION: GRANT subject to the following conditions:

The recommendation is unchanged from the original report but some altered wording is provided for some previous conditions to: reflect the provision of some information regarding electric vehicle charging points (which has necessitated a number of plan revisions); and to provide a net floorspace figure for the reconfigured Homebase store. In addition, two new conditions are recommended to account for the consultation responses of the LLFA and UU.

Condition 2

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans:

- Site location plan (ref. 14366-99 D)
- Proposed site layout plan (ref. 14366-105 K)
- Proposed ground floor plan (ref. 14366-106 F)
- Proposed first floor plan (ref. 14366-107 B)
- Proposed roof plan (ref. 14366-108 B)
- Proposed section plan (ref. 14366-111 A)
- Proposed elevations (ref. 14366-109 E)
- Proposed elevations large format (ref. 14366-112 A)
- Existing and proposed elevations comparison (ref. 14366-113 A)
- Proposed hard landscaping (ref. 14366-116 F)
- Proposed boundary treatments (ref. 14366-115 J)
- Proposed street scene (ref. 14366-114 C)
- Proposed street scene 2 (ref. 14366-117 C)
- Proposed CGI 1 (ref. 14366 Altrincham CGI 01A)
- Proposed CGI 2 (ref. 14366 Altrincham CGI 02)
- Proposed soft landscaping (ref. V14366 L01 M)

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 5

No above-ground construction works shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. The submitted details (which shall be based upon the details shown on landscape plan ref. V14366 L01 M) shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities (which shall be based on the provision of at least 17 new trees in addition to shrubs)); measures to protect those trees identified to be retained during the construction works; planting and soil conditions; a planting implementation programme; and details of landscape maintenance. The approved details shall be implemented in full and in accordance with the approved implementation programme and maintenance strategy.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 8

The unit identified as Unit 1 hereby approved shall be used as a non-food DIY unit (Use Class E(a)) and for no other purpose (including any other purpose in Use Class E). The gross internal floor area of the DIY unit shall be limited to 4,843 square metres of which 1,231 square metres shall be used as an ancillary garden centre. The net retail sales floorspace of Unit 1, including the garden centre, shall be limited to 4,394 square metres. Thereafter there shall be:

- i. No internal subdivision of the unit;
- ii. No formation of additional mezzanine floors (other than that shown on plan ref. 14366-107 B); and
- iii. No further enclosure of the garden centre through the provision of a roof structure (other than that shown on plan ref. 14366-106 F).

Unit 1 shall be used for the sale of the following product ranges only: DIY goods and builders' merchants' products; paint and decorating equipment; plants, gardening equipment, and garden and outdoor products; kitchens and bathrooms; lighting and electrical products; floor coverings; and homewares and home furnishings. The condition is drafted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended but it shall apply to any equivalent uses/Classes in any statutory instrument revoking and re-acting that Order with or without modification.

Reason: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 12

The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until the car parking spaces, cycle parking facilities and service routes shown on plan ref. 14366-105 K, intended to serve that unit, have been laid out and are available for use. The approved parking spaces/facilities and service routes shall be retained at all times thereafter.

Reason: To ensure that an adequate level of car and cycle parking is provided and that the site can be satisfactorily serviced, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 17

The development hereby approved shall be constructed in accordance with the mitigation measures contained within the submitted Noise Impact Assessment (prepared by REC Ltd, dated 29.05.20, ref. AC106976-1R4) including, but not limited to, the provision of an acoustic barrier at a height of 4.1m in the location shown on the approved boundary treatment plan (ref. 14366-115 J). Prior to the development being first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that the recommendations of the Noise Impact Assessment have been implemented in full. Thereafter the development shall be maintained in full accordance with the approved details.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 22

Notwithstanding the approved plans, no above ground construction works shall take place unless and until a scheme for the provision of electric vehicle charging infrastructure (including charging points and dedicated parking bays, and a timetable for its provision) within the approved development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details (including the timetable), and the infrastructure shall be retained thereafter.

Reason: In the interests of sustainability and reducing air pollution, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

New condition - 29

The development hereby permitted shall be designed, constructed and operated in accordance with the submitted Flood Risk Assessment and Outline Drainage Strategy (prepared by LK Group on behalf of Bell Munro Consulting Ltd, dated November 2020, ref. FRA 19 1049 R2) as superseded, in part, by one of the following submitted drainage plans (prepared by Bell Munro Consulting Ltd, refs. J6377/SK001 160321 A (Option A) and J6377/SK001 160321 B (Option B)) which shall be tested, selected and implemented in accordance with the drainage hierarchy (as set out in the National Planning Practice Guidance or any subsequent equivalent guidance). The development shall also include the following mitigation measures as detailed within the submitted Flood Risk Assessment and Outline Drainage Strategy and the drainage plans as referenced above:

- i Provision of 239.4m³ of soakaway or 58.52m³ attenuation flood storage (subject to onsite BRE365 tests) on the site to a 1 in 100 flood event plus climate change (standard); and
- ii The limiting of surface water run-off generated by a 1 in 100 flood event plus climate change (critical storm) in order that surface water run-off shall not exceed 76.85l/s and shall not increase the risk of flooding off site.

Reason: To secure a satisfactory and safe system of drainage and to prevent the risk of flooding, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

New Condition - 30

The development hereby approved shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory and safe system of drainage and to prevent pollution of the water environment, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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