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## TRAFFORD COUNCIL

### AGENDA PAPERS FOR PLANNING DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday, 12 March 2014

Time: 6.30 pm

Place: Committee Suite, Trafford Town Hall, Talbot Road, Stretford, Manchester  
M32 0TH

AGENDA	PART I	ITEM
1. ATTENDANCES		
To note attendances, including Officers and any apologies for absence.		
2. MINUTES		
To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 13 <sup>th</sup> February, 2014.		
		2
3. ADDITIONAL INFORMATION REPORT		
To consider a report of the Head of Planning Services, to be tabled at the meeting.		
4. APPLICATIONS FOR PERMISSION TO DEVELOP ETC.		
To consider the attached reports of the Head of Planning Services.		
		4
5. URGENT BUSINESS (IF ANY)		
Any other item or items which by reason of special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.		

**THERESA GRANT**  
Chief Executive

## Planning Development Control Committee - Wednesday, 12 March 2014

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### Membership of the Committee

Councillors Mrs. V. Ward (Chairman), D. Bunting (Vice-Chairman), R. Chilton, T. Fishwick, P. Gratrix, E.H. Malik, P. Myers, D. O'Sullivan, B. Sharp, B. Shaw, J. Smith, L. Walsh and M. Whetton

### Further Information

For help, advice and information about this meeting please contact:

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This agenda was issued on **Tuesday, 4 March 2014** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

# Agenda Item 2

## **PLANNING DEVELOPMENT CONTROL COMMITTEE**

**13<sup>th</sup> FEBRUARY, 2014**

### **PRESENT:**

Councillor Bunting (In the Chair),  
Councillors Chilton, Fishwick, Gratrix, Myers, Sharp, Shaw, Smith, Stennett  
(Substitute), Walsh and Whetton.

In attendance: Head of Planning Services (Mr. R. Haslam),  
Development Control Manager (Mr. D. Pearson),  
Senior Planning Officer (Mr. C. McGowan),  
Transport Strategy and Road Safety Manager (Mr. D. Smith),  
Traffic Manager (Mr. G. Williamson),  
Solicitor (Mrs. C. Kefford),  
Democratic Services Officer (Miss M. Cody).

Also present: Councillor Holden.

### **APOLOGIES**

Apologies for absence were received from Councillors Malik, O'Sullivan and Mrs. Ward.

### **MARCH COMMITTEE MEETING – CHANGE OF DATE**

The Chairman advised the Committee that the meeting to be held in March had been rescheduled for Wednesday 12<sup>th</sup> March 2014 commencing at 6:30pm.

### **MR. GEOFFREY WILLIAMSON, TRAFFIC MANAGER**

The Chairman announced to the Committee that this meeting could possibly be the final meeting for Mr. Williamson as he was due to retire shortly.

The Chairman on behalf of the Committee thanked Geoff for his many years of service and the contributions he had made throughout that time and wished Geoff well in his retirement.

### **83. MINUTES**

RESOLVED: That the Minutes of the meeting held on 9<sup>th</sup> January, 2014, be approved as a correct record and signed by the Chairman.

### **84. ADDITIONAL INFORMATION REPORT**

The Head of Planning Services submitted a report informing Members of additional information received regarding applications for planning permission to be determined by the Committee.

**Planning Development Control Committee**  
**13<sup>th</sup> February, 2014**

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RESOLVED: That the report be received and noted.

**85. APPLICATIONS FOR PERMISSION TO DEVELOP ETC.**

- (a) Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined

<u>Application No., Name of Applicant, Address or Site</u>	<u>Description</u>
81878/FULL/2013 – Acre Hall Primary – Acre Hall Primary School, Irlam Road, Flixton.	Demolition of existing school buildings with the exception of kitchen and dining hall, and construction of new 315 place school with nursery and additional teaching support facilities. Improvement of existing road junctions onto Irlam Road and Woodsend Crescent Road and adaptation of existing external areas to form new car park and minibus drop off.
[Note: Councillor Shaw declared a Personal and Prejudicial Interest in Application 81878/FULL/2013, being a Governor at the school, he remained in the meeting but did not take part in the debate or cast a vote on the Application.]	
81879/FULL/2013 – Trafford Council – Gorse Hill Youth Centre, Cavendish Road, Stretford.	Erection of extension to the north-east elevation to form a disabled access platform lift.
82033/FULL/2013 – Mr. P. Donnelly – 101 Moss Lane, Sale.	Change of use of open land to form private garden area associated with dwellinghouse, and erection of 2m high fencing and vehicular access gates.

**86. APPLICATION FOR PLANNING PERMISSION H/69449 – KEMPTON HOMES – PETROL STATION AND ADJACENT LAND 499 CHESTER ROAD, OLD TRAFFORD**

The Head of Planning Services submitted a report concerning an application for planning permission for the erection of 1 x seven storey building and 1 x part five, part six storey building for mixed use development comprising 95 apartments, 806 square metres of commercial office space (Use Class B1) and 130 square metres of retail space (Use Class A1) together with 143 car parking spaces.

RESOLVED –

- (A) That the application will propose a satisfactory form of development for the site upon the completion of an appropriate Legal Agreement and that such Legal Agreement be entered into to secure a maximum financial contribution of £472,643.11 comprising:

**Planning Development Control Committee**  
**13<sup>th</sup> February, 2014**

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- £7,024.00 towards Highway and Active Travel infrastructure.
- £21,607.00 towards Public Transport Schemes.
- £37,820.00 towards Specific Green Infrastructure (to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme).
- £202,554.31 towards Spatial Green Infrastructure, Sports and Recreation; and £203,637.79 towards Education Facilities.
- Subject to an overage clause to ensure that, should the market have returned to “normal” conditions (for the purposes of policy L2 of the Trafford Core Strategy) at the time of the implementation of the development, the developer will provide an appropriate level of affordable housing (5% of the proposed units) / pay an equivalent commuted sum in accordance with the Council’s adopted SPD, Planning Obligations.

(B) In the circumstances where the S106 Agreement has not been completed within three months of this resolution, the final determination of the application shall be delegated to the Head of Planning Services.

(C) That upon the satisfactory completion of the above Legal Agreement, planning permission be granted subject to the conditions now determined.

**87. APPLICATION FOR PLANNING PERMISSION 81212/FULL/2013 – PROSPECT (GB) LIMITED – LAND AT DEANSGATE LANE AND CANAL ROAD, TIMPERLEY**

The Head of Planning Services submitted a report concerning an application for planning permission for the erection of 32 no. two and three storey dwellings with associated landscaping, access and car parking provision following demolition of existing industrial buildings.

RESOLVED –

(A) That the application will propose a satisfactory form of development for the site upon the completion of an appropriate Legal Agreement (to include claw-back provisions) to secure:

- (1) A maximum financial contribution of £369,047.93 plus a maximum provision of 13 affordable housing units (or financial sum in lieu thereof) pursuant to SPD1 payable in the event that the developer realises a profit in excess of that predicted in the current viability appraisal.
- (2) That on the basis of the Applicant’s current viability appraisal (and subject to the claw- back provisions referred to above) the maximum contribution referred to in (1) above be reduced to the provision of:-

**Planning Development Control Committee**  
**13<sup>th</sup> February, 2014**

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4 no. affordable housing units on site and the sum of £150,000 split between:

£70,000 towards Highway and Active Travel Infrastructure and Public Transport Schemes or in lieu of such sum a transfer of land to the Council at the junction of Deansgate Lane and Canal Road as shown on Plan No: 12052 04 – LAND TRANSFER for highway improvement purposes provided that the Council is agreeable to accepting such a transfer and on such terms and conditions which are acceptable to the Council;

£2,320 towards Specific Green Infrastructure (to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme);

£22,880 towards Spatial Green Infrastructure, Sports and Recreation; and

£54,800 towards Education Facilities.

- (B) In the circumstances where the s106 Agreement has not been completed within 3 months of this resolution, the final determination of the application shall be delegated to the Head of Planning Services.
- (C) That upon the satisfactory completion of the above Legal Agreement, planning permission be granted subject to the conditions now determined.

**88. APPLICATION FOR PLANNING PERMISSION 81926/FULL/2013 – LSP DEVELOPMENTS LTD – WOODSEND CIRCLE, URMSTON**

[Note: Councillor Shaw declared a Personal and Prejudicial Interest in Application 81926/FULL/2013, due to his involvement with the scheme, after making his representation to the Committee he remained in the meeting but did not take part in the debate or cast a vote on the item.

All Members of the Planning Development Control Committee declared a Personal Interest in Application 81926/FULL/2013, as the speaker was known to the Committee.]

The Head of Planning Services submitted a report concerning an application for planning permission for the demolition of existing buildings on site and erection of 6 no. 2-bed, and 19 no. 3-bed dwellinghouses. Erection of three-storey building to provide 4 no. retail units (Use Classes A1, A2 & A5), with medical centre (Use Class D1) above and 10 no. 1-bed and 2 no. 2-bed apartments on upper floor. Provision of new access roads within site, and surface car parking and landscaping works throughout.

RESOLVED –

- (A) That the application will propose a satisfactory form of development for the site upon the completion of an appropriate Legal Agreement which would require:

**Planning Development Control Committee**  
**13<sup>th</sup> February, 2014**

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- A nil contribution but subject to an overage clause to ensure that a contribution up to the value of £237,740.38 could be secured should the developer's assumption about the viability of the development prove to be incorrect upon the development's completion.
  - Local Labour Agreement.
- (B) In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of this resolution, the final determination of the application shall be delegated to the Head of Planning Services.
- (C) That upon the satisfactory completion of the above Legal Agreement, planning permission be granted subject to the conditions now determined

**89. TRAFFORD LOCAL PLAN: LAND ALLOCATIONS – CONSULTATION DRAFT**

The Head of Planning Services submitted a report presenting the Trafford Local Plan: Land Allocations Consultation Draft document. The Land Allocations Plan has been developed to support the delivery of the Trafford Local Plan: Core Strategy. Upon adoption it will set out new site allocations for a variety of land uses including housing, employment and open spaces.

RESOLVED: That the report be received and noted.

**90. ALTRINCHAM TOWN CENTRE CONSERVATION AREA APPRAISALS: CONSULTATION DRAFT SUPPLEMENTARY PLANNING DOCUMENTS**

[Note: Councillor Myers declared a Personal Interest in this item as he has a building within the Conservation Area.]

The Head of Planning Services submitted a report presenting the five consultation draft Conservation Area Appraisals, for Altrincham Town Centre. The Appraisals have been developed to support the delivery of Policy R1 of the Trafford Local Plan: Core Strategy and to assist in development management decisions in these Conservation Areas.

RESOLVED: That the report be received and noted.

**91. CORNBROOK HUB STRATEGIC REGENERATION FRAMEWORK**

The Head of Planning Services submitted a report concerning the Strategic Regeneration Framework (SRF) for the Cornbrook Hub area of Old Trafford. The SRF would provide the context for future development at the site and allow its full economic, social and environmental potential to be achieved.

**Planning Development Control Committee**  
**13<sup>th</sup> February, 2014**

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RESOLVED –

- (1) That the Planning Development Control Committee endorse, in principle, the new Strategic Regeneration Framework for The Cornbrook Hub site.
- (2) Request that the Chief Executive undertake a public consultation exercise on the SRF with local residents, businesses and stakeholders, and report back to the Planning Development Control Committee on the outcome of the consultation.

**92. PROPOSED STOPPING UP OF HIGHWAY AT WOODSEND CIRCLE, FLIXTON**

The Head of Highways, Transportation, Greenspace and Sustainability submitted a report advising Members of an application made to the Secretary of State for Transport under S247 of the Town & Country Planning Act 1990 to stop up an area of highway in Flixton, in order to enable development to take place.

RESOLVED: That no objection be raised to the proposed Order.

The meeting commenced at 6.30 p.m. and concluded at 7.31 p.m.





## **PLANNING DEVELOPMENT CONTROL COMMITTEE – 12<sup>th</sup> MARCH 2014**

### **REPORT OF THE HEAD OF PLANNING SERVICES**

#### **APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.**

##### **PURPOSE**

To consider applications for planning permission and related matters to be determined by the Committee.

##### **RECOMMENDATIONS**

As set out in the individual reports attached.

##### **FINANCIAL IMPLICATIONS**

None unless specified in an individual report.

##### **STAFFING IMPLICATIONS**

None unless specified in an individual report.

##### **PROPERTY IMPLICATIONS**

None unless specified in an individual report.

Further information from: Mr. Rob Haslam, Head of Planning Services

Proper Officer for the purposes of the L.G.A. 1972, s.100D (Background papers): Mr. Rob Haslam, Head of Planning Services

##### **Background Papers:**

In preparing the reports on this agenda the following documents have been used:

1. The Trafford Local Plan: Core Strategy.
2. The GM Joint Waste Development Plan Document.
3. The GM Joint Minerals Development Plan Document.
4. The Revised Trafford Unitary Development Plan (2006).
5. Supplementary Planning Documents specifically referred to in the reports.
6. Government advice (National Planning Policy Framework, Circulars, practice guidance etc.).
7. The application file (as per the number at the head of each report).
8. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
9. Any additional information specifically referred to in each report.

These Background Documents are available for inspection at Planning and Building Control, Waterside House, Sale Waterside, Sale, M33 7ZF.

TRAFFORD BOROUGH COUNCIL

PLANNING DEVELOPMENT CONTROL COMMITTEE - 12<sup>th</sup> March 2014

Report of the Head of Planning Services

INDEX OF APPLICATIONS FOR PERMISSION TO DEVELOPMENT etc. PLACED ON THE AGENDA FOR DECISION BY THE COMMITTEE

Applications for Planning Permission				
Application	Site Address/Location of Development	Ward	Page	Recommendation
<a href="#">76054</a>	Land at Cross Street, Sale	Ashton on Mersey	1	Minded to Grant
<a href="#">81446</a>	Land Adjacent to the M60 High Level Bridge & Davyhulme Waste Water Treatment Works & to the South of Trafford Soccer Dome, Urmston	Davyhulme East & West	15	Grant
<a href="#">81464</a>	Land adjacent to 5 James Street, Sale	Sale Moor	41	Minded to Grant
<a href="#">81794</a>	Vacant Land on Garden Lane to rear of 7-11 Springfield Road, Altrincham	Altrincham	48	Minded to Grant
<a href="#">81973</a>	Clay Lane Nurseries, Clay Lane/Thorley Lane, Timperley, WA15 7AF	Hale Barns	67	Refuse
<a href="#">82046</a>	Former Kratos site, Mercury Way, Davyhulme, M41 7BZ	Davyhulme East	74	Minded to Grant
<a href="#">82098</a>	The Square, Hale Barns, WA15 8ST	Hale Barns	85	Minded to Grant

**OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS; ERECTION OF A PART THREE, PART FOUR STOREY BUILDING TO PROVIDE 940 SQUARE METRES OF RETAIL/COMMERCIAL FLOORSPACE (USE CLASSES A1, A2, A5, B1, D1 AND/OR D2) AND 34 NO. RESIDENTIAL APARTMENTS WITH ASSOCIATED CAR PARKING, CYCLE STORAGE AND LANDSCAPING. ERECTION OF 5NO. TWO STOREY DETACHED DWELLINGHOUSES WITH ASSOCIATED CAR PARKING AND LANDSCAPING AND ACCESS OFF GORDON AVENUE (DETAILS OF ACCESS, LAYOUT AND SCALE SUBMITTED FOR APPROVAL WITH ALL OTHER MATTERS RESERVED).**

Land at Cross Street, Sale

**APPLICANT:** Excelsior Properties

**AGENT:** LRW Architects

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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## **SITE**

The application site is situated on the north western side of Cross Street, which forms part of the A56 and is a principal transportation route through the Borough. The site is approximately 0.75 hectares in size and comprises of the former Wagon and Horses public house (No.137) which is a part single, part two storey building, garage workshops (No.'s 139 and 143), which are long single storey brick and concrete buildings set back from the highway and commercial premises (No.'s 145, 145A, 147 and 149), which are two storey brick built buildings. No.147 and 149 are situated at the end of a terrace of commercial premises. All the buildings are currently vacant and in an uninhabitable semi-derelict state.

The side and rear of the site is bound by residential properties on Doveston Road, Denmark Road and Gordon Avenue. There are no listed buildings or tree preservation orders within or immediately adjacent to the boundary of the site.

## **PROPOSAL**

The application seeks outline planning permission for erection of a part three, part four storey building to provide 940m<sup>2</sup> of retail / commercial floor space (seeking consent for uses A1: Shops, A2: Financial and Professional Services, A5: Hot Food Takeaway, B1: Office, D1: Non Residential Institutions and/or D2: Assembly and Leisure) at ground floor level and 34no. residential apartments above, including 9no. x one-bedroom apartments and 25no. x two bedroom apartments. The proposed building would have a maximum height of 13m and a minimum height of 9.8m, with a maximum depth of 17m.

The proposal also includes the erection of 5no. two storey detached dwellinghouses to the north of the site with the creation of a vehicular access off Gordon Avenue. The proposed

dwellingings would have a maximum eaves height of 5.5m and a maximum ridge height of 8.2m.

The proposal includes associated car parking, cycle storage and areas for landscaping to serve the proposed commercial and residential development. The development would occur following the demolition of all the existing buildings within the site.

The application seeks consent in regards to access, layout and scale with all other matters reserved.

## **DEVELOPMENT PLAN**

### **The Development Plan in Trafford Comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Greater Manchester Joint Waste Plan**, adopted 01 April 2012. On 25th January 2012 the Council resolved to adopt and bring into force the GM Joint Waste Plan on 1 April 2012. The GM Joint Waste Plan therefore now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.
- The **Greater Manchester Joint Minerals Plan**, adopted 26<sup>th</sup> April 2012. On the 13th March 2013, the Council resolved that the Minerals Plan, together with consequential changes to the Trafford Policies Map, be adopted and it came into force on the 26th April 2013. The GM Joint Minerals Plan therefore now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

### **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes

L2 – Meeting Housing Needs

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility

L7 – Design

L8 – Planning Obligations

W1 – Economy

W2 – Town Centre and Retail

## **PROPOSALS MAP NOTATION**

Large Sites Released for Housing Development

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

H3 – Land Release for New Housing Development

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. With immediate effect the NPPF replaces 44 documents including Planning Policy Statements; Planning Policy Guidance; Minerals Policy Statements; Minerals Policy Guidance; Circular 05/2005: Planning Obligations; and various letters to Chief Planning Officers. The NPPF will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

There are various historical planning applications and advertisement applications relating to minor alterations of the buildings within the site that are proposed to be demolished. The most recent and relevant applications are: -

139-143 Cross Street - H42128 - Renewal of planning permission H/34898 to allow continued use of premises as car storage with vehicle repair workshop and ancillary office accommodation – Approved with conditions 08/05/1996.

139-143 Cross Street - H34898 – Change of use of vacant property previously in use for wholesale distribution with ancillary office accommodation to car storage with vehicle repair workshop & ancillary office accommodation – Approved with conditions 01/04/1992.

149 Cross Street - H23567 - Retention of open staircase to rear of building – Approved 11/07/1986.

149 Cross Street - H17666 - Change of use of ground floor from shop to take-away hot food shop – Refused 07/04/1983.

## **APPLICANT'S SUBMISSION**

The applicant has submitted a Design and Access Statement, an Urban Context Statement, a Transport Assessment, a Residential Travel Plan, Planning and Retail Statement and Viability Assessment. The information provided within these statements is referred to where relevant within this report.

## **CONSULTATIONS**

**LHA** – No objections. Conditions regarding a parking and servicing management plan, the prevention of the amalgamation of the commercial units and the submission of a travel plan are recommended. Full comments are discussed in the Observations section of this report.

**Pollution & Licensing** – No objections in principle, request that suitable noise mitigation measures are agreed prior to the commencement of development, including hours of construction. The application area has a history as an engineering works use and therefore the land may be contaminated. A contaminated land condition is therefore recommended.

**Drainage** – No objections.

**Greater Manchester Ecology Unit** – There are a number of ecological constraints associated with the site including bat roosting potential, potential for presence of schedule 9 part 2 species such as Japanese knotweed and nesting birds. Conditions are recommended accordingly in regards to these matters.

**Greater Manchester Police: Design for Security** – Raise concerns about a large communal car park and recommend that the residential and commercial parking areas are defined separately to avoid confusion and opportunities for criminals. The main entrance to the apartments should front Cross Street to maximise surveillance with a secure lobby arrangement. A secondary resident's only entrance should be taken off the rear residents car park. The sides and rears of the dwellinghouses should be defined and enclosed as private spaces and there should be defensible space to the front. Lighting should be provided to the front and rear. Further comments are discussed where relevant in the Observations section of this report.

**Greater Manchester Archaeological Unit** – No objections. Recommend a condition requiring a programme of archaeological work be undertaken.

**Transport for Greater Manchester** – The proposed vehicular access off Cross Street would enable the existing bus stop and shelter to be retained in their current location and therefore have no objections.

**Electricity North West** – The development could have an impact on their infrastructure and have provided standing advice accordingly.

**United Utilities** – No objections.

## **REPRESENTATIONS**

11 letters were received from neighbouring residents in regards to the original plans, prior to the applicant submitting amendments to address concerns raised by the Council. 6 letters of objection were received from residents of Gordon Avenue, 3 letters of objection were received from residents of Doveston Road, 1 letter of objection was received from a resident of Windsor Avenue and 1 letter providing mixed comments was received from a resident of Doveston Road. These representations raised the following comments and concerns: -

- Existing car parking pressures on Gordon Avenue, including from workers from the industrial estate on Glebelands Road; the proposal will add to this.
- It is not feasible to use Gordon Avenue; refuse vehicles stopped coming into Gordon Avenue about 6 years ago and there is no room for two-way traffic.
- Overlooking and loss of privacy from the three/four storey building.
- Would not like to see the green on Gordon Avenue turned into parking spaces as it would be a magnet for car vandals.

- The new houses on Gordon Avenue will adversely alter the view from certain properties which border the proposed development, and result in overlooking. This could be reduced by ensuring that the existing mature trees are not removed
- The use of hedging to define a shared boundary would be a significant reduction in amenity, consideration should be given to retaining the existing Cheshire brick walls where possible and elsewhere the replacement and extension with a similar construction.
- Existing mature trees within the boundary of existing Doveston Road properties currently provide privacy, a habitat for wildlife and generally enhance the environment. The loss of these trees would significantly reduce amenity, minimal disruption should occur to the root systems.
- A four storey building does not match other properties in the area and suggest a maximum of three storeys would be more in keeping and limit the impact on the housing to the rear of the site.
- Bats are seen regularly in gardens adjoining the site, a bat survey should therefore be carried out before any demolition works is approved.
- Would strongly oppose any plans to make our road a through access to Cross Street.
- Concerned about the economy and want assurance that the developer has financial backing and security so the development is completed and they are not left with a building site.
- The wagon and horses building is an eye-sore and its removal would be appreciated.
- Generally approve of and support the proposed development which has the potential to significantly enhance both the immediate and wider environment.

4 letters of objection have been received following a re-consultation of neighbouring residents and businesses in regards to revised plans that the applicant submitted to address the Council's concerns. 2 of these letters are from residents of Doveston Road, 1 letter is from a neighbouring business on Doveston Road and 1 letter is on behalf of 3 residents (2 properties) on Gordon Avenue, which raise the following concerns: -

- Would like to be informed of the proposed use of the commercial buildings as they do not wish it to affect their business.
- One of the buildings forms a boundary wall to the rear of their property, forming an integral secure boundary that they wish to be retained.
- They believe bats are living in one of the buildings.
- The proposed building to the rear of their property should be a lower height, their house will be overlooked and result in a loss of light and privacy.
- Do not want Gordon Avenue to become a through road. There are children who play on the street and would not be happy with an increase in traffic.
- Construction traffic should gain access from the main road not Gordon Avenue as this would cause server disruption to residents as residents have to park at angles.
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A letter of support has been received from Councillor Whetton in regards to the revised plans. He states that he is keen to see the site re-developed and that the proposed would be a good use of the site, bringing houses, apartments and commercial properties.



## **OBSERVATIONS**

### PRINCIPLE OF PROPOSAL

1. The development site comprises a former public house, a large garage with multiple workshops for vehicle repair and two commercial units. All of the units are vacant and in a poor state of repair, with some being vacant for over 10 years. This has resulted in the site being detrimental to nearby residential amenity leading to a substantial number of complaints.
2. The application site is allocated as a 'Large site released for housing development' on the Proposals Map. The site is not within a town centre or local centre and is located on the A56.
3. Policy W2 states that outside of defined centres, there will be a presumption against the development of retail, leisure and other town centre type uses except where it can be demonstrated that they satisfy the tests outlined in current Government guidance. In accordance with Policy W2 and paragraph 24 of the NPPF, a sequential test has been undertaken based on the Council's annual health check of Sale Town Centre. The sequential test looked at the following sites which are comparable in size: 102 School and 9a, 9b, 11 and 13 Washway Road. Neither of these sites is available at present – one is due to be tenanted imminently and the other is still in occupation. The Council therefore accepts that there are no sequentially preferable sites in Sale Town Centre suitable for the proposed retail/commercial uses.
4. The application site is identified as edge-of-centre and the development brief for Land at Cross Street acknowledges the existing uses (residential, retail, leisure and offices/workshops) and makes provision for a mixed-use scheme, given its sustainable location and that it can be easily accessed from Sale Town Centre. It is also considered that the qualitative benefits that would come forward from the provision of retail/commercial floor space at the Cross Street site would outweigh the limited harm on the vitality and viability of Sale Town Centre that would result from the provision of these uses at this site.
5. The site is currently allocated for housing (HOU10 of Proposal H3) in the Revised Trafford UDP. Policy L2 of the Trafford Core Strategy states that the proposed mix of dwelling type and size should contribute to meeting the housing needs of the Borough, as set out in the Council's Housing Strategy and Housing Market Assessment (HMA). The HMA shows a need for family housing across the Borough, particularly in the north. It advises that the broad definition of family housing will include larger properties (three bedroom and above) as well as smaller two bedroom houses to meet a range of family circumstances. One bed, general needs accommodation will normally only be acceptable for schemes that support the regeneration of Trafford's town centres and the Regional Centre. In all circumstances the delivery of one bedroom accommodation will need to be specifically justified in terms of a clearly identified need.
6. Paragraph 51 of the NPPF details how local planning authorities should approve planning applications that seek to bring vacant buildings back into active residential use if there is an identified need for additional housing in the area. The Office of National Statistics has recently released figures detailing the Housing Interim Projections for 2011 to 2021. The housing levels for Trafford are expected to



increase to 103,000 households by 2012, which represents an increase of 9% since 2011. This will add pressure to an already fluctuated housing market. It is accepted that the proposed mix of dwelling size and tenure would contribute to the creation of a mixed and sustainable local community. The proposed range of accommodation provides for a variety of local needs including larger and smaller family homes and residential units suited to first time buyers or the elderly. In regards to the proposed one bedroom accommodation, it is acknowledged that there is market demand for one bedroom properties in and on the edge of Sale Town Centre. Correspondence from a local estate agent has been provided in support of this for other applications within the vicinity.

7. It is therefore considered that on balance, taking into account the site's close proximity to the town centre, its location on a Quality Bus Corridor and the substantial regeneration benefits the development would bring about, that the proposal is acceptable in principle.

## RESIDENTIAL AMENITY

8. Residential dwellinghouses on Gordon Avenue and Doveston Road bound the site to the north, south and west. Residential flats situated above commercial premises on Cross Street are situated to the north-east of the site.
9. The application is seeking outline consent for the access, layout and scale, with all other matters reserved. The applicant has submitted full details of the layout, including access and parameter plans showing the scale of the proposed development. Details of elevational treatment, including key features such as window positions have been submitted for indicative purposes in order to show that a development of this size could be achieved within the site.
10. A part three, part four storey building is proposed to the south-east of the site, fronting Cross Street, comprising of commercial premises at ground floor and residential apartments above. A minimum distance of 14m would lie between this proposed building and neighbouring boundaries with dwellings on Dovestone Road. A minimum distance of 25m would also lie between this building and the rear elevation of these properties. A minimum distance of 3.5m would lie between the building and the common boundary with nearest property on Denmark Road, No.1. This distance would increase to a minimum of approximately 29.5m to the rear elevations of these neighbouring properties. It is considered that the proposed part three, part four storey building would not have an overbearing impact or result in a loss of light or privacy to neighbouring residents.
11. Car parking, motorcycle parking spaces and cycle storage to serve the proposed commercial units and residential apartments would be situated adjacent to the common boundaries with No.'s 9 – 21 (odds) Doveston Road and No.'s 1 – 5 (odds) Denmark Road and to the rear of the proposed building, adjacent to the rear boundaries of the proposed detached dwellinghouses. A landscaping buffer is proposed around the boundaries with these parking spaces. Many of the neighbouring properties also have existing mature tree planting along the common boundary, which would act as an additional buffer between the proposed development and the neighbouring dwellinghouses. Full details of planting and boundary treatment are reserved, however it is considered that adequate provision could be provided within the site to further to protect the amenity of neighbouring residents and soften the appearance of the development.

12. Five two-storey detached dwellinghouses are proposed to the north of the site and would form an extension to Gordon Avenue. The proposed houses would be situated in a line, facing north-west. One dwelling would be situated adjacent to the north-eastern boundary with No.'s 21, 23 and 25 Denmark Road. The proposed dwelling would measure 9.9m in length and a minimum distance of 1m would lie between the property and the common boundary with No.'s 23 and 25 Denmark Road. The applicant has confirmed that no habitable room windows will be proposed to the north-eastern elevation of the property facing neighbouring houses on Denmark Road. A minimum distance of 17.5m would remain between this property and the rear elevations of these neighbouring houses.
13. One of the proposed dwellinghouses would be situated adjacent to the north-eastern boundary of the site which forms the rear boundaries of No.'s 7, 9 and 11 Doveston Road. A distance of 1.5m would lie between the proposed dwelling and the common boundary. This distance would increase to approximately 16m to the rear elevations of these neighbouring houses. The applicant has confirmed that no habitable room windows will be proposed to the western elevation of the property facing neighbouring houses on Doveston Road.
14. It is recognised that the proposed dwellings would replace existing large brick workshops, which have been vacant and derelict for many years and currently lie along the rear boundaries of these neighbouring properties on Denmark Road and Doveston Road. It is therefore considered that the proposed dwellinghouses would provide a significant improvement to the amenity of the residents of Denmark Road and would not have an overbearing impact or result in a loss of light or privacy to neighbouring residents. Concern raised by a neighbouring resident on Doveston Road in regards to the loss of the brick wall along the common boundary are noted, however this is the side elevation of a derelict building which contributes poorly to the surrounding area. It is considered that secure and attractive replacement boundary treatment can be provided around the site. Boundary treatment will however be dealt with at the reserved matters stage.
15. Private rear gardens measuring at least 105m<sup>2</sup> in area would serve the proposed dwellinghouses. The applicant has indicated that balconies could be provided to serve the proposed residential apartments. A minimum distance of 46.5m would also lie between the rear elevations of the proposed dwellinghouses and the rear elevation of the proposed part three, part four storey building. It is therefore considered that sufficient amenity space could be provided to serve the proposed development.
16. It is therefore considered that the proposed layout and scale of the development would not adversely impact on the amenity of surrounding neighbouring residents and future occupants of the proposed development. As such it is considered that the proposal complies with Policy L7 of the Trafford Core Strategy and the Trafford Council's Guidelines: New Residential Development.

## VISUAL IMPACT

17. The existing buildings within the site are in a very poor condition and adversely impact on the existing street scene and the character of the surrounding area. It is recognised and enforced by the Council's development brief for the site, that the redevelopment of this site would have a significantly positive impact on the street scene and surrounding area.

18. The proposed part three, part four storey building would front Cross Street and be situated in line with the existing adjacent terraced properties. It is considered that the erection of a building of this size to the front boundary of the site, would respect the scale and form of the surrounding environment, taking note of the adjacent three storey buildings and nearby offices of Dalton House (which is four stories high) and Corner House (which is three and a half stories high) to the north of the site. The commercial units at ground floor level would provide an active frontage to the road and surface car parking would be predominantly located to the rear of the building, thus comply with the guidance set out in the Cross Street Design Brief and the A56 Corridor Guidelines.
19. The proposed part three, part four storey building would screen views of the proposed dwellinghouses from Cross Street. The proposed dwellinghouses would be two storeys high, which is in keeping with the character of the surrounding properties. It is also considered that the line of five closely spaced properties is reflective of the existing terraced properties on Gordon Avenue.
20. The development would result in the loss existing trees and overgrown shrubbery within the site. The trees that would be lost are not protected. The applicant has indicated that new trees and landscaping would be provided within the site, particularly around the boundaries with neighbouring properties. The removal of the existing trees and shrubbery is therefore considered acceptable. The applicant is not seeking approval of landscaping works as part of this outline application; however it is considered that an acceptable landscaping scheme can be provided to enhance the appearance of the development. Details of landscaping are to be considered under a reserved matters application.

#### HIGHWAY SAFETY AND PARKING PROVISION

21. The vehicular entrance off Cross Street would remain as existing and is thus considered acceptable. The Council's car parking standards require the provision of 59 car parking spaces to serve the proposed 34 residential apartments. The proposed development would provide a total of 70 car parking spaces to serve the proposed apartments and retail/commercial units. The Local Highways Authority (LHA) considers that it is appropriate for the residential car parking to be provided separately to the retail/commercial car parking, ensuring that provision is maintained for the apartments whilst also providing a secure area for residents to park.
22. It is recognised that the application site is located on a bus corridor, with a well serviced bus stop immediately outside of the site. The application includes the provision of 36 secure lockable long stay and 4 secure lockable short stay cycle parking spaces and 6 secure motorcycle parking spaces, which complies with the Council's standards for cycle and motorcycle parking. The site is also situated adjacent to a residential area and therefore many customers will be attracted to the retail and commercial units on foot. It is also considered that as the site is situated on an arterial route through the Borough, a significant proportion of trade will be generated from passing traffic and therefore would not result in a significant increase in trip generation on Cross Street or surrounding roads and is likely to result in a high turnover of car parking spaces. In light of these alternative modes of transport and the predicted patterns of trade, the LHA considers that the provision of 34 car parking spaces would be acceptable to serve the apartments with the remaining 36 spaces to serving the retail / commercial units and that the shortfall in car parking spaces would not exacerbate existing parking problems in the surrounding area to a level that would justify the refusal of the application.

23. Conditions are recommended requiring the submission of a residential and commercial car parking strategy, including the provision of barriers to separate the residential and commercial car parking spaces and the submission of a servicing management strategy. A condition is also recommended preventing the amalgamation of the retail / commercial units to ensure that a large store (particularly A1 food) is not created as such a store could result in an undue high level of trip generation to the site, a greater demand for car parking and the need to be serviced regularly by larger vehicles.
24. Vehicular access to the proposed dwellinghouses would be formed through an extension of Gordon Avenue. The Council's car parking standards require two car parking spaces are provided for each of the proposed dwellinghouses. The proposed development includes a private driveway for each dwellinghouse that would accommodate two off road car parking spaces. It is recognised that there are existing car parking pressures on Gordon Avenue, therefore the proposal includes the provision of four additional car parking spaces opposite the proposed dwellings to provide visitor parking. It is therefore considered that the proposal would not exacerbate existing car parking pressures on Gordon Avenue.

## ECOLOGY

25. Greater Manchester Ecology Unit (GMEU) have identified that nearly all of the existing buildings within the site have the potential for bat roosting and as such a bat assessment is required prior to any works being carried out. A condition is therefore recommended requiring a bat survey to be carried out prior to the demolition of the buildings.
26. GMEU have also identified that the site could have an infestation of Japanese knotweed or other protected species and a condition is recommended accordingly requiring a survey for Japanese knotweed and Himalayan Balsam prior to the commencement of the development.
27. The buildings and trees within the site also have bird nesting potential. GMEU recommend that due to the scale of the site that a bird survey is conditioned in case mitigation measures are required to avoid the loss of biodiversity.
28. It is considered that through the application of appropriate conditions, the proposed development would not adversely impact on the natural environment.

## DEVELOPER CONTRIBUTIONS

29. The application seeks consent for 940m<sup>2</sup> of retail / commercial floor space for solely A1, A2, A5, B1, D1 or D2, or any combination of these uses and the proposed residential apartments and dwellinghouses are intended for the open market. The proposal is therefore subject to developer contributions as set out in SPD 1: Planning Obligations.
30. The maximum Trafford Developer Contributions (TDC) required by SPD1 Planning Obligations based upon the retail / commercial floor space being solely A1 'food retail', are set out in the table below:

<b>TDC category.</b>	<b>Gross TDC required for proposed development.</b>	<b>Contribution to be offset for existing building/use.</b>	<b>Net TDC required for proposed development.</b>
Affordable Housing	8 Units	N/A	8 Units
Highways and Active Travel infrastructure (including highway, pedestrian and cycle schemes)	£37,020.00	N/A	£37,020.00
Public transport schemes (including bus, tram and rail, schemes)	£82,798.00	N/A	£82,798.00
Specific Green Infrastructure (including tree planting)	£21,080.00	N/A	£21,080.00
Spatial Green Infrastructure, Sports and Recreation (including local open space, equipped play areas; indoor and outdoor sports facilities).	£80,046.89	N/A	£80,046.89
Education facilities.	£100,384.83	N/A	£100,384.83
<b>Total contribution required.</b>			<b>£321,329.72 and 8 affordable units</b>

31. The applicant has submitted a viability appraisal and supporting information such as details of extensive remediation works for the site, which demonstrate that the proposed development can only support a financial contribution of £100,000.00 and no on-site affordable housing provision. After due consideration, the viability appraisal has been considered acceptable by the Council's surveyors and as such a financial contribution of £100,000.00 will be secure through a S106 legal agreement, which includes an overage clause should the development be more profitable than expected. The contribution of £100,000.00 shall be split pro-rata across the contributions outlined in the table above.

## CONCLUSION

32. The demolition of the existing buildings and the erection of a part three, part four storey providing 940m<sup>2</sup> of retail/commercial floor space and 34no. residential apartments and the erection of 5no. two storey detached dwellinghouses is considered acceptable in this location. It is considered that the proposed development would significantly improve the visual appearance of the derelict site which would also improve the visual amenity of neighbouring residents and enhance the character of this area of the A56.

33. Whilst the proposed development would provide less car parking to serve the retail/commercial units and residential apartments than the maximum standards recommended within the Core Strategy, it is considered that due to the nature of the proposed development and its location, the proposal would not exacerbate existing car parking pressures on surrounding roads.
34. It is therefore considered that the proposal would result in a sustainable form of development, in accordance with the NPPF and in compliance with all relevant Policies in the Core Strategy and related Supplementary Planning Guidance. The application is therefore recommended for approval subject to the necessary S106 agreement.

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

- (A) That the application will propose a satisfactory form of development for the site upon completion of an appropriate legal agreement to secure a financial contribution of £100,00.00 split pro-rata between: Highway and Active Travel infrastructure; Public Transport Schemes; Specific Green Infrastructure; Spatial Green Infrastructure, Sports and Recreation; Education Facilities; and Affordable Housing.
- (B) In the circumstances where the S106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Head of Planning Services;
- (C) That upon satisfactory completion of the above legal agreement, planning permission be GRANTED subject to the following conditions: -
1. Submission of Reserved Matters Time Limit
  2. Submission of Reserved Matters details: appearance and landscaping
  3. Approved plans including amended plans
  4. All areas for the maneuvering and parking of vehicles shall be made available for such and retained at all times.
  5. Submission of residential and commercial car parking strategy.
  6. Submission of a servicing management strategy.
  7. Cycle and motorcycle parking to be provided and retained in accordance with the approved plan.
  8. Contaminated Land
  9. Samples of materials to be submitted and agreed
  10. Bat survey
  11. Nesting bird survey
  12. Japanese knotweed and Himalayan Balsam survey
  13. Notwithstanding the General Permitted Development Order, the A1, A2, A5, D1, D1 and D2 units hereby approved shall not be amalgamated without a further grant of planning permission.
  14. Travel Plan
  15. Submission of an archaeological assessment
  16. Submission of a noise assessment in regards to the residential properties.
  17. Submission of a construction management plan including details of construction hours and wheel wash facilities.
  18. Permeable surfacing.
  19. Submission of a Sustainable Urban Drainage system / surface water run off

20. Submission of a Crime Prevent Plan taking into account the comments from Greater Manchester Police Design for Security.

VW

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**LOCATION PLAN FOR APPLICATION No: - 76054/O/2010**

Scale 1:1250 for identification purposes only

Head of Planning Services PO Box 96, Waterside House, Sale Waterside, Tatton Road, Sale M33 7ZF

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**APPLICATION TO EXTEND THE TIME LIMIT OF PLANNING PERMISSION 74681/FULL/2010 (CONSTRUCTION OF SITE FOR EXPLORATION, PRODUCTION TESTING AND EXTRACTION OF COAL BED METHANE, TRANSMISSION OF GAS AND GENERATION OF ELECTRICITY INCLUDING COMBINED HEAT AND POWER FACILITY, ERECTION OF TEMPORARY 34M HIGH DRILLING RIG, FORMATION OF TWO EXPLORATORY BOREHOLES, INSTALLATION OF WELLS, ERECTION OF PORTACABINS, STORAGE CONTAINERS AND ANCILLARY PLANT AND EQUIPMENT, CREATION OF A NEW VEHICULAR ACCESS ROAD, ERECTION OF 2.4M HIGH PERIMETER FENCING AND RESTORATION OF SITE FOLLOWING CESSATION OF USE).**

Land Adjacent to the M60 High Level Bridge and Davyhulme Waste Water Treatment Works and to the South of Trafford Soccer Dome, Urmston.

**APPLICANT:** Island Gas Limited

**AGENT:** Jones Lang Lasalle

**RECOMMENDATION: GRANT**

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## **SITE**

The application site measures approximately 1.2ha in area. The main part of the site (where the coal bed methane extraction is proposed) is located to the west of the M60 Barton Bridge, between the motorway and the Davyhulme Waste Water Treatment Works. This land is currently undeveloped and there are a number of small self-seeded trees and other vegetation on the land.

The site is served by an existing access track leading from the public highway to the north-east of the Trafford Soccerdome and under the Barton Bridge to link with the main part of the site. It also forms part of the access to the Davyhulme Wastewater Treatment Works site.

To the north of the site, beyond the motorway, is the Trafford Soccerdome. To the south and west, lies Davyhulme Waste Water Sewage Works, including the site of the new advanced sludge treatment works (permitted under H/70123). The area identified for the lateral drilling would span underneath the Biomass energy plant site which is located to the north west of the site between the sewage works and the motorway, extending to the Manchester Ship Canal (this land is currently undeveloped).

The Manchester Ship Canal is located approximately 300m to the north and forms the boundary with the Salford City Council administrative area.

## **PROPOSAL**

### **Procedural Matters**

A valid planning application was submitted to Trafford Council on 2<sup>nd</sup> February 2010. Planning permission was subsequently granted by the Council on 15<sup>th</sup> September 2010 for the same works outlined under this current proposal. This application therefore seeks to extend the period of time within which the planning permission can be implemented by a further three years. Details of the application and processes are unchanged, but have been set out below for completeness.

National guidance on applications to extend the time limits for implementing planning permission states LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in such an application will by definition have been judged to be acceptable in principle at an earlier date. It states LPAs should focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

### The Scheme

The application proposes the development of a facility for the exploration, production testing and extraction of coal bed methane and the installation of an associated electricity generator. The development would involve the drilling of boreholes for coal bed methane appraisal and production, the installation of wells, production and power generating facilities, the extraction of coal bed methane and the subsequent restoration of the site. It is intended that the full production phase would operate for a 25 year period.

The proposed below ground lateral drilling zone would extend approximately 600m to the north west of the site underneath the Ship Canal and into the administrative area of Salford City Council.

Coal bed methane is an 'unconventional gas' resource. This term refers to natural gas which is trapped in deep underground rocks ('conventional gas' reserves are usually sited in easier to reach layers of rock). Coal contains a natural system of interconnected fractures called 'cleats.' If conditions prove favourable, CBM can be extracted from the coal seam and used for power generation or transfer to the mains gas supply or to individual domestic or commercial consumers. Wellbores are drilled into the coal seam. Extraction occurs by pumping out the water that occurs naturally in the coal seams or 'cleats' to reduce the underground pressure on the coal so the gas can be collected. The cleats provide the pathways that enable the water to be drained out of the coal seam to release the gas. No fracturing of the rock structure (or 'fracking') is therefore required and the applicant has confirmed that this is not part of the application.

The development would involve: -

- Use of a recently constructed access road leading from the public highway to the north-west of the Soccerdome (approximately 420m to the north-east of the main site) and under the Barton Bridge. The access road will be required for the duration of the extraction operations or until such time as it is replaced by a new access for the Highways Agency, iGas and United Utilities as part of the Western Gateway Infrastructure Scheme proposals.

- The construction of a surface operations site.
- Coal bed methane appraisal drilling operations.
- Coal bed methane extraction drilling (lateral drilling within the defined drilling zone) operations.
- Production testing of the coal bed methane.
- The installation of equipment to process the coal bed methane and, where appropriate, to utilise the gas as a fuel source for on-site electricity generation and / or combined heat and power (CHP) generation and / or export the gas from the site.

### Site Construction/Preparation Phase and Exploration

The site construction and preparation phase is expected to take 20 working days. Access will be taken off the access road constructed to the United Utilities development. The main part of the application site would have the shape of an irregular quadrilateral and would measure very approximately 50m x 100m in area. A 34m high drilling rig and ancillary equipment would be erected for a temporary period. A 2m high temporary “Heras” type fence would be erected around the perimeter of the site during construction. This would be replaced by a “Paladin” type security fence, prior to the commencement of production operations. Car parking for approximately 10 cars and a lorry turning area would be provided at the northern end of the site close to the access. Site cabins would be positioned adjacent to the north-west boundary and in the south-western part of the site. The extraction wells, the drilling rig and ancillary plant and equipment would be positioned in the central area of the site.

The exploratory phase of hydrocarbon extraction seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys and exploratory drilling to establish the location of the coal seam.

Appraisal Drilling Phase – The appraisal phase takes place following exploration when the existence of oil or gas has been proven, but the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. This phase and the extraction drilling phase are the busiest part of the operation when the site would be fully utilised by the drilling rig and ancillary equipment. Typically the ancillary equipment would consist of 10 to 12 portable cabins, the rig itself with associated water and waste containers and the generators used to service the drilling operation. The operational drilling site is likely to be centrally located within the confines of the planning application area, but the detailed final layout would be subject to practicalities at the time of development.

The rig and ancillary equipment comprising some 30 HGV loads will be moved on to the pre-prepared drilling site approximately 50m x 50m in dimension. A well cellar will be installed during the site construction phase with the actual construction details designed to suit the drilling rig type.

A steel conductor pipe will be installed in the cellar through which the boreholes will be drilled. During the appraisal drilling phase, two vertical appraisal boreholes would be drilled to an estimated minimum depth of 1100m (3500’) Total Vertical Depth (TVD). The borehole would typically decrease in diameter from 500mm at the top section to 152mm at maximum depth in the coal seam. Steel pipe casing would be inserted into each borehole to prevent collapse and act as a conduit for drilling fluids in order to prevent the pollution of the aquifer

during the operation. Drilling and casing programmes will be designed in accordance with standard petroleum industry good practice. They will be subject to Health and Safety Executive (HSE) notification and DECC (formerly DBERR) approval prior to the commencement of the operations.

Approximately 200-300 tonnes (200-300m<sup>3</sup>) of water (the main constituent of the drilling fluids) would be brought to the site by road tanker and held in storage tanks. The 300m<sup>3</sup> would be phased over the drilling phase as the well progresses. Any waste water would be stored for a very short period prior to removal. Drilling fluid is pumped through the drill string to act as a lubricant during drilling operations. Measures will be taken to safeguard both ground waters and aquifers through the implementation of appropriate site and well design and drilling techniques. Casing is installed through the full depth of the aquifer and is subsequently sealed by grouting (cementing) in position.

Three types of waste will be generated on site during the drilling operations:

- Formation cuttings – these will be collected in purpose made tanks having passed over vibrating screens (“shakers”) where they are treated to further reduce their liquid content and make them easier to handle prior to being taken off site by a licensed contractor to a licensed disposal facility, this is classified as being inert.
- General waste – this will be segregated according to type for re-cycling and stored in separate skips and containers prior to being disposed of periodically by a licensed contractor;
- Sewage – Portaloo type facilities will be provided and maintained by an approved contractor.

For good practice and safety reasons, appraisal drilling operations would be conducted on a 24 hour/ 7 days per week basis and are expected to have a maximum duration of approximately 30 days but could be more or less depending on progress with the drilling and final total depth of the boreholes. The site would be floodlit during the hours of darkness using a self-powered lighting mast.

Extraction Drilling Phase - The extraction drilling phase would normally follow on immediately from the appraisal drilling phase. As with the appraisal drilling phase the site would be fully utilized by the drilling rig and ancillary equipment. Typically this would consist of 10 to 12 portable cabins, the rig itself with associated water and waste containers and the generators used to service the drilling operation. A drilling zone is indicated in the original planning application. The precise nature of depth and extent within this zone is regulated by the Coal Authority. During this phase, underground horizontal sections would be drilled away from the appraisal borehole and into the coal measures. The laterals would be approximately 152mm in diameter and would extend approximately 0.6km into the coal seam.

IGas require flexibility to undertake further drilling operations on the site throughout the production phase in relation to coal bed methane extraction. This may be undertaken to enhance production volumes and/or to carry out maintenance work on previously established boreholes. The frequency of such works will be determined by gaining operational experience at the site. In the event that IGas need to return to site to undertake further drilling, the rig and ancillary equipment will be moved back on to the site as per the previously described sequence.

Extraction drilling operations would be conducted on a 24 hour / 7 days per week basis and are expected to have a maximum duration of around 20 days.

Production Test Phase - Following the initial extraction and appraisal drilling phase, the potential resource would be tested for a period of between 30 and 180 days. Most of the drilling plant and equipment would no longer be required during this phase and would be taken off site. Site equipment would consist of one or two water storage tanks for water pumped from the coal seam, typically one or two portable cabins, a dewatering pump together with the flare stack, which would be fully enclosed. As soon as the flow rate is established the well would be shut in or the gas would be utilised to generate electricity.

Following completion of the production test programme, the well would be shut in and safely isolated. A decision would then be taken as to whether to continue with the full production phase of the development or to abandon the well.

Full Production Phase - The full production phase would last for up to 25 years. At this stage, the ultimate end use of the gas is not known. This will depend on gas quality, production volumes, local infrastructure and other factors, some of which will not be evident until the extended well test has been completed. The applicant's preferred option is to export the gas, either directly to an adjacent user or into the national transmission system. In the event that exporting the gas is not viable or feasible, it is proposed that electricity generating plant would be installed to allow electricity to be exported to the national grid or a local user. Where possible, a Combined Heat and Power (CHP) facility would be provided so as to maximise the efficiency of the plant. Water produced from the well bore would be held on site in a storage tank and would be tankered off site on a weekly basis.

The amount of equipment on site would be significantly reduced compared with the drilling phases. Nevertheless, the applicant requires the flexibility to undertake further drilling operations on the site throughout the production phase in relation to coal bed methane extraction. This may be undertaken to enhance production volumes and / or to carry out maintenance work on previously established boreholes. In the event that further drilling is required, the drilling rig and ancillary equipment would be moved back onto the site.

## DEVELOPMENT PLAN

### **The Development Plan in Trafford Comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Greater Manchester Joint Waste Plan**, adopted 01 April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

- The **Greater Manchester Joint Minerals Plan**, adopted 26<sup>th</sup> April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

R2 – Natural Environment

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

W3 – Minerals

## **PROPOSALS MAP NOTATION**

None

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. With immediate effect the NPPF replaces 44 documents including Planning Policy Statements; Planning Policy Guidance; Minerals Policy Statements; Minerals Policy Guidance; Circular 05/2005: Planning Obligations; and various letters to Chief Planning Officers. The NPPF will be referred to as appropriate in the report.

## **PLANNING PRACTICE GUIDANCE FOR ONSHORE OIL AND GAS**

Published by the DCLG in July 2013, this guidance provides advice on the planning issues associated with the three phases of extraction of hydrocarbons. It should be read alongside NPPF.

## **RELEVANT PLANNING HISTORY**

### **Application Site**

74681/FULL/2010 – Construction of site for exploration, production testing and extraction of coal bed methane, transmission of gas and generation of electricity including combined heat and power facility, erection of temporary 34m high drilling rig, formation of two exploratory boreholes, installation of wells, erection of portcabins, storage containers and ancillary plant and equipment, creation of new vehicular access, erection of 2.4m high perimeter fencing and restoration of site.

Approved 15<sup>th</sup> September 2010

H/71195 – Construction of temporary access road connecting the north east boundary of the site with Trafford Way to provide access to the site during the implementation of planning permission H/70123 (construction of an advanced sludge treatment facility at the waste water treatment works)

Approved 10<sup>th</sup> December 2009

H/70123 – Construction of an advanced sludge treatment facility to include a combined heat and power plant, gas holders, silos and other associated buildings, plant and hard and soft landscaping works

Approved – 5<sup>th</sup> April 2009

H/58904 – Construction of new canal road crossing and associated roads and improvements to existing roads as part of the western gateway infrastructure scheme (WGIS)

Approved 18<sup>th</sup> February 2009

### **Neighbouring Sites**

#### Biomass

76153/FULL/2010 – Erection of a 20 megawatt biomass fuelled renewable energy plant with associated access, car parking, internal roads, canal side mooring and landscaping.

Refused 14<sup>th</sup> August 2012 and subsequently allowed at appeal

#### United Utilities

74838/FULL/2010 – Erection of 5 no. control buildings associated with the provision of facilities to export biogas to the gas supply grid.

Approved 22<sup>nd</sup> November 2011

H/70123 – Construction of advanced sludge treatment facility to include a combined heat and power plant, gas holders, silos and other associated buildings, plant and hard and soft landscaping works.

Approved 16<sup>th</sup> January 2009

### **APPLICANT'S SUBMISSION**

On 15<sup>th</sup> September 2013 full planning permission was granted for the exploration, production testing and extraction of Coal Bed Methane on land adjacent to the M60 High Level Motorway Bridge.

At the time of determination of the planning application the Trafford Unitary Development Plan and the North West Regional Spatial Strategy were the Statutory Development Plan. Since then the Minerals policies/proposals in the Trafford UDP have been replaced by the Trafford Core Strategy and the Greater Manchester Minerals Plan. The National Planning Policy Framework was introduced in March 2012, which has replaced all PPG/PPS's that were in place in 2010. The NPPF directly supports the proposed development.



The applicant has submitted additional supporting information in the form of a Planning Statement, a Flood Risk Assessment, Noise Assessment Air Quality Assessment and a Habitat Survey together with report addendums providing updates since the original approval in 2010. The information provided within these statements will be referred to where relevant in the 'Observations' section of this report.

## **CONSULTATIONS**

**Strategic Planning and Development:** Comments have been incorporated into the main 'Observations' section of the report below.

**Highways Agency:** No objections to the extension of time limit for the above application.

**LHA:** There are no objections to the proposals subject to the same conditions as attached to the previous approval.

The highway in the vicinity of this site is planned to undergo some amendments through the implementation of the Western Gateway Infrastructure Scheme (WGIS), subject to these plans fitting in and not compromising those improvements then there are no objections to the proposals on highways grounds.

**Pollution and Licensing:** No objections received subject to recommended conditions. Full comments are included in the main 'Observations' section of the report below.

**Environment Agency:** No objections in principle subject to previously requested conditions still being applicable as set out below.

1. Submission of surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including details of how the scheme shall be maintained and managed after completion. Scheme to be implemented in accordance with the approved details.
2. The borehole must be drilled, operated and decommissioned in such a way as to prevent the transfer of fluids between different geological formations and to prevent uncontrolled discharge of groundwater to surface. (The proposed drillings site lies above the Sherwood sandstone principal aquifer).
3. Submission and implementation of scheme to prevent pollution of any watercourse or groundwater.
4. Submission and implementation of scheme to treat and remove suspended solids from surface water run-off during construction works.

**Greater Manchester Ecological Unit:** No objections to the proposal on nature conservation grounds subject to appropriate conditions.

**Greater Manchester Archaeological Advisory Service:** GMAAS is satisfied that the proposals do not threaten any areas of known or suspected archaeological interest.



**Greater Manchester Police Design for Security:** advises that care should be taken to ensure that the proposed 2400mm high welded-wire mesh fencing panels are fixed securely to the posts and that any level changes do not inadvertently facilitate climbing or leave large gaps underneath. The hinges/locking mechanism of the gates should not provide footholds and the gap at the bottom of the gates should be small enough to stop anyone crawling through.

It is recommended that the existing vehicular barrier at the entrance of the proposed access road remains in place and is secured when the site is unoccupied.

Any plant/equipment left on-site overnight should be robustly secured to prevent theft/misuse, particularly given the isolated nature of the site itself.

The temporary office/welfare unit should be covered by a monitored alarm system. It is preferred that no valuable equipment (such as computers/laptops, tools etc.) is stored in the temporary building overnight/when the site is unoccupied.

**Salford City Council:** No objections raised.

**United Utilities:** No objection to the proposal.

**Minerals and Waste Planning Unit** (formerly GMGU): Comments to the original application remain relevant to this application for an extension of time.

The exploration, appraisal and development of coal bed methane production is consistent with the aim of maximising the potential of the UK's oil and gas reserves.

The Planning Authority will need to assess the possible impacts of vehicle movements during the site construction and drilling phases and the requirements in terms of final restoration of the site. The Environment Agency will need to assess the impacts of the development on controlled waters. Noise is unlikely to be an issue at this site due to the levels of background noise from other sources. The 34m high rig would be in place for up to 30 days and this element would have the most significant visual impact. This could raise concerns in terms of highway safety on the motorway, particularly as the rig will be lit up at night.

However, since the original permission NPPF has been published as well as new guidance relating to onshore oil and gas. In addition, the Greater Manchester Minerals Plan was adopted on 26<sup>th</sup> April 2013. The relevant sections of these policy changes have been addressed in the main 'Observations' section of the report below.

**City Airport Manchester:** No comments received at the time of writing this report.

## **REPRESENTATIONS**

Cllr Jane Baugh has objected on the following grounds:

- Concerns re environmental impacts;
- Coal bed methane extraction involves the same principles as shale gas fracking;

Cllr Mike Freeman has objected on the following grounds:

- Concerns re environmental impacts;
- Extraction of yet another fossil fuel akin to fracking;
- Risk to air quality and health of residents in the locality.

Cllr David Acton has objected on the following grounds:

- Uncertainty about the process of CBM extraction;
- Risk of pollution;
- Danger of earth tremors.

A total of 77 objections have been received. The main points have been summarised below:

### Environmental Concerns

- No evidence is presented that the proposed drilling and casing is proven technology in protection from groundwater contamination;
- CBM exploration, production and extraction poses serious risk to groundwater and surface water. Water is given as the 'main constituent' of the drilling fluid but no detail is given regarding the additives and chemicals that will be used and quantities. Chemicals used in CBM drilling muds can be just as toxic as those used in hydraulic fracturing and because CBM is typically found at much shallower depths than shale gas the risks of groundwater contamination are increased;
- Extracting water from coal seams can lead to depletion of groundwater;
- Significant risks to health and safety of local people with the site being close to residential areas, a motorway bridge and industrial land;
- It is critical to environmental protection to ensure that baseline environmental quality and pollution levels are understood prior to the commencement of drilling or other exploratory activities, so that the environmental impact of the development can be assessed and monitored e.g. air quality, soils, water etc.
- The chemicals used in CBM can be extremely toxic and can include carcinogens and radioactive materials. Because the drilling is at shallow levels there is risk of groundwater contamination;
- It has been stated that the site is potentially subject to flooding in the event of a 1000-year rainfall event, and the site "is also reported to overlie a Major Aquifer (high leaching potential)." It is therefore necessary to ensure that the operations do not lead to the presence or displacement of environmental pollutants, which could either be flushed into local watercourses or deposited on the land as a result of flooding, or leach into (or out of) the aquifer;
- Concerns regarding the possibility of methane leaking into the atmosphere;
- The proposed development would present very serious immediate and longer term risks of air and water pollution, hazards (including radioactive substances) and associated harm to residents (both physical and psychological), property, wildlife and the environment;
- The air quality situation in and around the site is already unacceptable and has not been sufficiently improved to meet local/national/European/international standards and laws;
- Uncertainty about the process of Coal Bed Methane Extraction (CBME) causing local and national concern;
- In extracting the gas, drilling into the seams and pumping large volumes of water out will create environmental and social risks including methane migration, toxic water contamination, air pollution, increased carbon emissions and a generalized industrialization of residential areas and countryside which would include depletion of the water table;

### Requirement for Environmental Impact Assessment (EIA)

- Friends of the Earth argues that Schedule 3 criteria of the EIA regulations are relevant and the impacts significant for this application, including the cumulation with other development, the use of natural resources, the production of waste, pollution, the risk of accident and the location close to densely populated areas, and as such the application should be subject to EIA;
- The application involves processes that have the potential to give rise to pollution of water and land, and must therefore be subject to a full Environmental Impact Assessment;

### Health and Safety Concerns

- It is unacceptable for a development which poses both known and unknown site specific risks to be given the go ahead;
- Danger of drilling near the Pendleton Fault line;
- Cause of earth tremors;
- Notwithstanding the health risks of possible pollution the area is already heavily congested and it is suggested that the proposed site is too close to the Motorway and access roads and surrounding heavily populated areas;
- Proximity of the drilling to the Biomass Incineration Plant (underneath);
- Until such times that CBME process can be proven to be safe it cannot be supported;

### Ecological Concerns

- The Habitats survey report identifies protected species as 'potential constraint to development.'
- The habitat survey recommends that an updated survey be undertaken if more than 12 months have elapsed, which was passed on 20<sup>th</sup> October 2013;

### Contrary to local and national policy

- DCLG has set out in its onshore oil and gas guidance the need for separate planning applications for the different phases of the development;
- The proposal would contradict the Greater Manchester Climate Change Strategy (2011-2020). One of the key outcomes of this strategy is: "To have created market conditions which promote low and zero carbon energy generation and distribution opportunities across Greater Manchester;
- The proposal conflicts with Policy 2 Key Planning and Environmental Criteria of the Greater Manchester Joint Minerals Plan, particularly with respect to controlled waters;
- The proposal is in conflict with the Trafford Core Strategy, specifically L5.1 and L5.4 regarding climate change and reducing carbon emissions, L5.13 and L5.14 regarding air pollution, W3.3 regarding the environmental, social and economic impacts of minerals extraction, and R2.1 regarding the need to protect and enhance the natural environment;

### Ambiguity in submitted information

- The description of drilling, testing and production operations in the original planning application documents and the supporting planning statement to the renewal application is vague and lacking detail by which environmental risks and impacts can be adequately assessed;
- No information given regarding the de-watering process;

- The application appears to leave scope for fracking or other means by which the coal seam can be stimulated by stating in 3.3.2 of the supporting statement that “IGas requires flexibility to undertake further drilling operations on the site throughout the production phase. This may be undertaken to enhance production operations”;
- Given water has to be pumped from the coal bed, and then stored on site, there is risk of ground and surface water contamination from leakage and spillage of waste water, drilling fluids, harmful chemicals, and NORM. Large quantities of contaminated water must be treated and disposed of and the application documents are very vague in this respect;
- The application documents give no detail regarding proposed venting and flaring of gas, and no assessment of emissions, health or air quality impact;
- The full 3-dimensional extent of vertical and lateral drilling is not clear from the submitted planning documents;
- Ambiguity regarding drilling depths. The application states the developer intends to drill a ‘minimum depth of circa 1100m’. At the nearby Barton Moss site, IGas have permission to drill a 1300m CBM well yet intend to drill 3100m to test the shale gas layer;
- The possible cumulative impact of this development on the many other land uses in the area, including the biomass plant adjacent which has been approved since 2010, must be properly measured and assessed, particularly as these uses may be in conflict;

#### Other

- Any economic benefits of unconventional gas extraction are likely to be outweighed by the many disbenefits, such as environmental and health problems, decreased property prices and effects on existing industries;
- Impact on houses prices;
- There is now significantly more information and evidence available than was the case 3 years ago regarding the serious risks that may be caused by this development;
- The process will be akin to hydraulic fracturing of the coal layers;

### **OBSERVATIONS**

#### BACKGROUND

1. Coal bed methane (CBM) is a naturally occurring hydrocarbon gas that is trapped in the carbon structure of coal. Its extraction involves drilling down vertically and then horizontally in the coal seam. During drilling, a drilling fluid is pumped down the drill string and then back up again. The fluid is circulated for lubrication, cooling and the removal of drill cuttings. The fluid also ensures the hole is stable and prevents formation fluids entering the wellbore. As each section of the well is drilled, lengths of steel tubing (casing) are run into the hole and cemented in position to form a high-strength liner which seals the rock formation from the wellbore. Once drilled, the rock formation is evaluated to understand what it is made of and what it could potentially contain. Formation samples including cuttings and cores are obtained for analysis during the drilling phase to establish how much gas or oil may be present in the rock. In addition to physical samples, electronic images of the formations are acquired by running special tools into the wellbore to further build up an understanding of the area’s geology and its development potential. Should the samples prove attractive, the well may be further cased with cemented steel pipe, otherwise the well will be abandoned in accordance with guidance from the regulatory authorities. This

typically entails setting cement plugs in the wellbore and removing the near surface steel casing and wellhead before the site is returned to its original state.

2. Coal contains a natural system of interconnected fractures called 'cleats.' If conditions prove favourable, CBM extraction occurs by pumping out the water that occurs naturally in the coal seams or 'cleats' to reduce the underground pressure on the coal so the gas can be collected. The cleats provide the pathways that enable the water to be drained out of the coal seam to release the gas. No fracturing of the rock structure (or 'fracking') is therefore required. If dewatering stops, the coal seam and the well fill with water, which automatically prevents the gas from being released. The entire process is reversible and any gas left in the wellbore is re-adsorbed by the coal. The process of fracking is typically used for the extraction of shale gas which is generally located at lower levels. No fracking is proposed as part of this planning application and a further application would therefore be required for these processes.
3. In addition to the requirement for planning permission, gas exploration and development is regulated by a separate licensing regime under the Petroleum Act 1998. The applicant (IGas) has been awarded a time limited Petroleum Exploration Development Licence (PEDL) by the Department of Energy and Climate Change (DECC) for an area which includes the planning application site under a system designed to maximise successful exploration and exploitation of the UK's oil and gas reserves.

#### PRINCIPLE OF DEVELOPMENT

4. National and regional policy requires Trafford, as a Minerals Planning Authority, to make provision for future mineral supplies and infrastructure within its Local Development Framework. Greater Manchester as a whole possesses a range of primary minerals resources which may offer opportunities for extraction, together with a variety of opportunities for new infrastructure. Policy W3 of the Core Strategy advises that the Council will work with other Districts, landowners, developers, local communities and other stakeholders to ensure that minerals development takes place in appropriate locations and utilises sustainable modes of transport wherever possible.
5. National guidance on applications to extend the time limits for implementing planning permissions states LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in such an application will by definition have been judged to be acceptable in principle at an earlier date. It states LPAs should focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.
6. Since the previous planning permission, the Revised Trafford Unitary Development Plan (June 2006) has been replaced, in part, by the Trafford Core Strategy (January 2012) and Regional Spatial Strategy for the North West has been revoked. The Greater Manchester Joint Minerals Plan was approved in April 2013 and adopted by the ten Greater Manchester Authorities and should be read alongside the Core Strategy. The National Planning Policy Framework was issued by the Government in March 2012 which sets out the Government's planning policies for England and how these are expected to be applied.
7. The policies on Minerals have remained relatively consistent with the thrust of previous UDP policies and proposals and it is considered that there is nothing in the

recent Core Strategy which would mean that the development, carefully controlled through planning conditions, would not be acceptable now. As such, it is considered that the proposal is in accordance with the up to date development plan. The relevant changes in policy are looked at in more detail below.

#### National Planning Policy Framework

8. The exploration, appraisal and development of coal bed methane production is consistent with the aim of maximising the potential of the UK's oil and gas reserves as set out in national government guidance in National Planning Policy Framework (NPPF). Paragraphs 142 to 149 of the National Planning Policy Framework set out minerals planning policy. It makes clear that minerals planning authorities should identify and include policies for extraction of mineral resource of local and national importance in their area. This includes both conventional hydrocarbons and unconventional hydrocarbons such as shale gas and coal bed methane. Paragraph 144 advises that when determining planning applications, local planning authorities should:
- Give great weight to the benefits of the mineral extraction, including to the economy;
  - Ensure in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
  - Ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction from new or extended sites;
  - Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions;
  - Not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.

#### Trafford Core Strategy

9. The following policies are of particular relevance to this application.
10. Policy W3 (Minerals) of the Core Strategy covers the sustainable management of minerals resources and states that in determining applications for new minerals extraction, storage, recycling, processing and transfer within the Borough, the Council will have full regard to the environmental, social and economic impacts of such development, including the need, where necessary, to ensure effective restoration and aftercare of sites.
11. Policy L5 (Climate Change) requires that all new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximize its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralized energy generation.
12. With particular relevance to pollution, policy L5 advises that development that has potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.



13. Policy R2 (Natural Environment) requires that the protection and enhancement of the natural environment is demonstrated through a supporting statement setting out how the proposal will:

- Protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets having regard not only to its immediate location but its surroundings; and
- Protect the natural environment throughout the construction process.

#### Greater Manchester Minerals Plan

14. Policy 2 of the Greater Manchester Minerals Plan relates to Key Planning and Environmental Criteria. It states that all proposals for minerals working or the provision of minerals infrastructure will be permitted where any adverse impacts on the following criteria is avoided or can be appropriately mitigated:

- Controlled waters and flood risk management;
- Landscape and visual intrusion;
- Biological and geological conservation including European sites;
- Historic environment and built heritage;
- Best and most versatile agricultural land;
- Infrastructure;
- Traffic and access;
- Amenity e.g. noise, dust, vibration and odours;
- Air Quality;
- Land instability;
- Potential land use conflict;
- Design, phasing and operation details;
- Aviation safety;

Policy 6 of the Greater Manchester Minerals Plan relates to Unconventional Gas Resources, this includes coal bed methane. Policy 6 states that:

15. Applications for exploration and appraisal, and production wells for unconventional gas resources will be permitted where the applicant can demonstrate that the proposal:

- Is in accordance with the Key Planning and Environmental Criteria in Policy 2; and
- Includes options for the next stage of extraction, following exploration; and
- Includes detailed plans for removal of all equipment and restoration of the site in accordance with a scheme and to a standard approved by the Minerals Planning Authority.

#### Planning Practice Guidance for Onshore Oil and Gas

16. This guidance was published by DCLG in July 2013. This guidance provides advice on the planning issues associated with the three phases of extraction of hydrocarbons and usefully sets out the relationship between planning and other regulatory regimes. It advises that:

*“The Planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of land in the public interest and,*

*as stated in paragraphs 120 and 122 of the NPPF, this includes ensuring that new development is appropriate for its location taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution. In doing so the focus of the planning system should be on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. Minerals planning authorities should assume that these non-planning regimes will operate effectively.”*

17. The current application remains consistent with the general objectives of national and local minerals policy. There are no significant physical changes within the site since the previous approval which would lead to a different conclusion on the application. Notwithstanding this, there has been increased and significant controversy and publicity surrounding unconventional gas extraction since the approval of the original application in September 2010 with particular relation to health and environmental impacts. This report seeks to address these issues insofar as the planning system has responsibility whilst also acknowledging the involvement and role of other regulatory bodies. The exploratory, appraisal or production phase of hydrocarbon extraction can only take place in areas where the Department of Energy and Climate Change have issued a licence under the Petroleum Act 1998 (Petroleum Exploration Licence). The applicant (IGas) has been awarded a time limited Petroleum Exploration Development Licence (PEDL) for an area which includes the planning application site.

## ENVIRONMENTAL IMPACTS AND AMENITY

18. Planning Practice Guidance for Onshore Oil and Gas, published by DCLG in July 2013 sets out the principal environmental issues of hydrocarbon extraction that should be addressed by minerals planning authorities. There are a number of issues which are covered by other regulatory regimes (DECC, EA and HSE) and minerals planning authorities should assume that these regimes will operate effectively.

Those issues covered by other regulatory regimes include:

- Mitigation of seismic risks;
- Well design and construction;
- Well integrity during operation;
- Operation of surface equipment on the well pad;
- Mining waste;
- Chemical content of hydraulic fracturing fluid;
- Flaring or venting;
- Final off-site disposal of water;
- Well decommissioning/abandonment.

19. Whilst these issues may be put before minerals planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies. They should be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.

20. The issues relevant to this site and which are the responsibilities of the planning authority are dealt with in turn below. The potential amenity impacts will be greatest



during the site establishment and drilling phases but the majority of these works will be completed within about 50 days.

### Noise

21. A Noise Assessment was submitted with the original application which concluded that there are elevated background noise levels at the site due to the proximity of the motorway and that the proposed development would not give rise to nuisance to any residential property. Whilst the appraisal and extraction drilling phases would operate on a 24 hour basis, this would only be for a limited period of time comprising about 30 days. The nearest residential properties are approximately 450m to the south-east and are separated from the application site by the existing waste water treatment works.
22. The addendum submitted with this renewal application draws the same conclusions.
23. Under the original application the Council's Pollution and Licensing Section stated that it has assessed the Noise Assessment and has no comments to make on this. No additional comments have been raised in the consultation response for the renewal application. It is therefore considered that the proposed development would be acceptable in terms of noise impacts.

### Dust

24. It is not anticipated that the proposed operations would result in any significant production of gas, nevertheless a condition is recommended requiring the submission of a Dust Management Plan.

### Air Quality

25. Concerns have been raised regarding the emission of methane and other gases. The proposed development is designed to capture gas and the applicant states that, apart from initial venting and flaring that might be necessary to flow test a potential gas resource, all methane extracted from the site would be captured and utilised for commercial use. In any case, the operation is continually monitored by gas detectors so that, in the unlikely event of an escape of gas, the operation can be quickly shut in until rectified. Any impacts in terms of the emission of methane and other gases would be controlled by the Environment Agency through the Permit and the Waste Management Plan and venting and flaring would be regulated by DECC as part of the licence conditions.
26. The application site is located within an Air Quality Management Area. The proposed development has the potential to impact upon Air Quality through generators which will burn collected gas to generate electricity.
27. The Air Quality assessment that was provided for the original application has been updated. The update was required to reflect any changes to local air quality around the application site and to take into account the combined impact of other planning applications and proposed developments that have occurred in the area since 2010 (in particular the grant of planning permission for the Biomass Plant).
28. A further updated air quality assessment was required to respond to comments made by Pollution and Licensing dated 17<sup>th</sup> October 2013. In this memo the air quality impact of the proposed 'worst-case' scenario of this development, which is the use of two 2mw generators, was deemed to create a potentially significant contribution to

baseline levels of nitrogen dioxide at a residential location. The contribution was significant because nitrogen dioxide levels at the location are currently close to or above the air quality standards; and the contribution from this proposal was more than 1% of the air quality standard.

29. The update to address these comments is referred to as "Addendum to Air Quality Assessment, Nexen CBM Trafford Centre Site for Igas Energy Plc." The applicants have investigated methods of mitigating air quality impacts from the 'worst-case' scenario through improving emissions from the generators that are to be used on the site. The revised air quality assessment specifies that a catalytic converter will be incorporated in the generator plant. The use of this technology will reduce nitrogen dioxide emissions, the manufacturers indicate that 98% improvements may result. The applicants have conservatively used a figure of 80% in the calculations provided.
30. The calculations provided demonstrate that the impact on local nitrogen dioxide levels from this development (where the generators are installed with catalytic converters) will be below  $0.4 \mu\text{g}/\text{m}^3$  for annual average  $\text{NO}_2$ . In accordance with national air quality planning guidance (Environmental Protection UK's Planning for Air Quality document, 2010 update), this change at sensitive receptors is considered to be imperceptible and is not significant.
31. However, it should be ensured that the generators when commissioned meet the criteria used within the air quality assessment provided. A condition requiring information to be submitted to demonstrate the effectiveness of air quality improvement measures installed is recommended, should planning permission be granted.
32. Whilst the grant of planning permission for the Biomass Plant constitutes a material change in circumstance since the original approval, in this instance, taking into account the mitigation measures proposed, it is considered that such cumulative impact would not have significant effects on the environment. In any case, it is also noted that, at the time that the Biomass permission was granted, the coalbed methane permission was extant and the Inspector and the Secretary of State did not conclude that there were unacceptable cumulative air quality impacts.

### Lighting

33. During the drilling phases, the site would be floodlit during the hours of darkness using a self-powered lighting mast. It is considered that a condition will need to be attached requiring lighting details including siting, height, design and position of floodlights and details of impact in terms of light spread.

### Visual Intrusion

34. The applicant states that the production test and production phases are low key operations that utilise small scale equipment and are visually unobtrusive. Flaring takes place in a purpose made combustion chamber, which is designed so that no flame is visible while the gas is burning, and that the only visible sign that the plant is operating is the presence of a slight heat haze above the flare stack.
35. During the production test and production phases, the proposed development would only have a limited visual impact. During the appraisal and extraction drilling phases, there would be a greater visual impact, particularly due to the presence of the drilling rig, which would be up to 34m in height and would be on site for approximately 30

days. The rig would be positioned within the western part of the site, at least 51m from the motorway (which is itself elevated approximately 9m above adjacent ground levels at this point). The drilling phases will also require floodlighting to fulfill safety and security requirements. The applicant states that the lighting would be appropriately sited, kept to the lowest acceptable height and directed inwards and downwards to ensure that the potential for light spill is kept to a minimum.

36. It is therefore considered that, during the drilling phases, there would be significant visual impact with the drilling rig projecting approximately 25m higher than the motorway and the area being floodlit. Nevertheless, given the short-term temporary nature of this specific phase of the proposal and given the character of the surrounding area (which includes large scale structures such as the motorway viaduct, the water treatment works, the ship canal, the Soccerdome and the Chill Factor-e ski slope), it is considered that the visual impact of the development would be acceptable.
37. The proposed fencing, both temporary and permanent, is considered to be acceptable in this location subject to acceptable conditions.
38. The applicant has advised that IGas require flexibility to undertake further drilling operations on the site throughout the production phase in relation to coal bed methane extraction. This may be undertaken to enhance production volumes and/or to carry out maintenance work on previously established boreholes. It is considered appropriate to allow flexibility to the operator for the servicing and maintenance of the boreholes and wells or cases of emergency and therefore a condition requiring the submission of a scheme to cover these issues is recommended.

#### Landscape Character

39. The site is not designated as an area of any special landscape character.

#### Archaeological and Heritage Features

40. GMAAS is satisfied that the proposals do not threaten any areas of known or suspected archaeological interest.

#### Risk of Contamination to Land

41. Waste generated from the process consists of rock cuttings and produced water. The applicant states that rock cuttings from the drilling process might amount to 500m<sup>3</sup> as a maximum, depending on the extent of the drilling achieved. Such waste is collected in steel containers and removed from the site on a regular basis (every 3-5 days) during drilling, for disposal at an appropriately licensed facility. Produced water is inherent to and derived from the coal seam and the applicant states that the amount of water produced in this way is typically less than 20 m<sup>3</sup> per day and diminishes rapidly. The water is slightly saline and is disposed of at an appropriately licensed disposal facility. Davyhulme is used for disposal of produced water at Doe Green for example. The whole process is regulated by the EA. An environmental permit and waste management plan would be required by the EA in order to ensure that extractive wastes would not harm human health or the environment. The disposal of any "flow back" fluids would be controlled by the Environment Agency (including any Naturally Occurring Radioactive Materials (NORM) although the developer states that it does not anticipate encountering any such materials). A case specific radiological assessment is required for any application for a permit for the disposal of radioactive waste. The Environment Agency will only issue a permit if

satisfied with this assessment. It is the responsibility of the EA to ensure that the final treatment/disposal of water at suitable water treatment facilities is acceptable.

### Flood Risk and Drainage

42. A Flood Risk Assessment was submitted with the original application and an Addendum has been produced following the implementation of the NPPF and the updated Environment Agency flood data.
43. The Addendum concludes that the proposed development is suitable for Flood Zone 2 and passes the sequential and therefore the exception test. Based on the updated information available the flood risk to the proposed development is considered manageable and development should not be precluded on flood risk grounds.
44. The Environment Agency has raised no objections subject to conditions as per the original permission. Conditions can also be incorporated into the Environmental Permit to ensure that any flood risk is managed appropriately.

### Land Stability/Subsidence

45. The NPPF advises under paragraph 109 that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at unacceptable risk from land instability. Paragraph 120 continues that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.
46. Oil and gas extraction is regulated under a number of different regimes that are separate but complementary to planning.
47. The Health and Safety Executive are responsible for the enforcement of legislation concerning well design and construction. Before design and construction, operators must assess and take into account the geological strata, any fluids within those strata, as well as any hazards that the strata may contain. Under health and safety legislation the integrity of the well is subject to examination by independent qualified experts, from design through construction and until final plugging at the end of the operation.
48. Impacts in terms of land stability would be limited as the proposals would not involve the extraction of large quantities of rock from underground and the application does not seek permission for hydraulic fracturing. Paragraph 91 of Planning Practice Guidance for Onshore Oil and Gas states that "extraction of coalbed methane does not cause subsidence of the land surface."

### Ecology

49. A Phase 1 Habitat Survey has been submitted with the application. The report concludes that there are no statutory designated sites within the vicinity and that non-statutory sites will not be impacted upon due to the nature of the proposal and the distance and lack of connectivity to these sites. The report recommends that where possible, habitats of ecological value should be retained. Where key habitats cannot be retained, a habitat restoration plan is recommended to restore/enhance any impacted habitats within the site boundary.

50. The survey has confirmed that the site contains several habitat types suitable to support a range of bird species. Any removal of vegetation and/or site clearance works should be undertaken outside the breeding bird season from October to February inclusive. If development works are to be carried out between March and September a breeding bird survey is recommended which will aim to identify an overall species assemblage and distribution and confirm breeding where possible. It is recommended the survey be conducted in April, May and June and requires one survey visit per month.
51. Further surveys are recommended with regard to the presence/activity of protected species within the site.
52. The survey identified several stands of Himalayan balsam within the site boundary. An invasive species survey is recommended to locate all stands of invasive species within the site and to provide recommendations for mitigation.
53. The Greater Manchester Ecological Unit raise no objection to the proposal subject to the same conditions of the original application being attached to an approval.

#### Site Restoration and Aftercare

54. Policy 13 of the Minerals Plan requires proposals to include details of site restoration and aftercare. Condition 9 of the original consent requires the implementation of the site restoration scheme within six months of the cessation of on-site operations. The same condition is therefore required to ensure suitable restoration and site reinstatement.
55. It is not considered that this particular development will create any environmental concerns in line with the additional issues as set out by the DCLG, namely dust, soil resources, the impact on best and most versatile agricultural land and nationally protected geological and geomorphological sites and features.

#### Other Potential Environmental Impacts

##### Ground and Surface Water

56. Objections have been received with regard to the impact on ground and surface water. The applicant states that careful management and control measures will be used to overcome any potential risks to ground waters. This includes appropriate storage of chemicals, excavation materials, well arisings, potentially contaminated water and drilling muds at ground level to prevent their release to ground, surface waters or groundwater. It is proposed that on site buildings and equipment be installed at a level to avoid inundation by flooding in extreme weather conditions. The applicant states that the method of drilling proposed is the same as has been utilised throughout Great Britain for onshore and offshore for many years and is proven to be safe. The method is subject to approval by the Department of Energy and Climate Change (DECC) and the Health and Safety Executive (HSE). The borehole will be drilled, operated and decommissioned in such a way as to prevent the transfer of fluids between different geological formations and to prevent uncontrolled discharge of ground water to surface. Damage to aquifers is avoided by cementing steel casing in place within the borehole to ensure any aquifer is secure. The method of inserting steel casing, which isolates the aquifer from the drilling process, is described in section 9.3.7 of the original Planning Application Supporting Statement. The operation is subject to approval by the Environment Agency (EA) under the Water Resources Act 1991 which is specifically aimed at ground water

protection. The drilling operation is classed as a mining waste operation under the Environmental Permitting Regulations 2010, as amended, which controls and approves the use of any chemicals. The EA also approve and oversee the proposed drilling operation under s199 of the Water Resources Act 1991 which is entirely directed at water resource protection. Impacts on ground waters and surface waters can be controlled by planning conditions and through the Environment Agency Permit.

57. The applicant has confirmed that typically water based drilling fluid consists of water thickened with a clay such as bentonite. The purpose of thickening the water is to give it added viscosity which helps to lift the rock cuttings from the borehole. Barite can also be used as a weighting agent for the same purpose or a combination of both which makes up the main additives of the drilling fluid. Other chemicals such as Soda Ash, Caustic and XP Polymer may be used in much smaller quantities all of which are designed to refine the drilling mud and make it more efficient. Water based drilling muds are non-toxic and are regularly used to drill water extraction wells. The process and the makeup of the drilling fluid is regulated by the Environment Agency through the Environmental Permitting Regulations.

### Climate Change

58. Representations have been made suggesting that the proposal would have an adverse impact on climate change. However, the exploration, appraisal and development of coal bed methane production is consistent with the aim of maximising the potential of the UK's oil and gas reserves as set out in national government guidance in the NPPF. Paragraph 65 of "Planning Practice Guidance for Onshore Oil and Gas" states that "*Mineral planning authorities should not consider demand for, or consider alternatives to, oil and gas resources when determining planning applications. Government energy policy makes it clear that energy supplies should come from a variety of sources. This includes onshore oil and gas, as set out in the Government's Annual Energy Statement.*" It is considered that this development has sought to reduce and mitigate its impact on climate factors such as flooding and pollution.

### HIGHWAY SAFETY

59. The application proposes the use of an existing access road that was previously granted temporary permission in connection with the development of the advanced sludge treatment facility at the Waste Water Treatment Works (permission H/71195).
60. The application indicates that, during the construction phase there will be 4 HGV movements per day, during the appraisal drilling phase there will be a maximum of 10 HGVs per day and 20 car / LGV journeys per day and during the extraction drilling phase a maximum of 8 HGVs a day and 20 car / LGV journeys per day. Ten parking spaces are proposed on site. Impacts in terms of traffic generation would be limited and the traffic levels and parking provision are considered to be acceptable by the LHA who raise no objections to the proposed development.
61. The proposed drilling rig would be up to 34m in height and would be sited a minimum of 51m from the motorway (which itself is elevated approximately 9m higher than the adjacent ground levels at this point) which is considered to be a safe distance from the motorway. The drilling phases will also require floodlighting. The applicant states that this would be appropriately sited, kept to the lowest acceptable height and directed inwards and downwards to ensure the potential for light spill is kept to a minimum. The Highways Agency has raised no objections to the proposed



development subject to conditions and has stated that it is satisfied that the distance of the rig from the motorway boundary is sufficient and that a lesser distance could be considered, subject to appropriate design details. It is considered that a condition should be attached requiring details of the distance of the rig from the motorway prior to installation. On this basis, it is considered that the proposed development would be acceptable in terms of highway safety.

## ENVIRONMENTAL IMPACT ASSESSMENT

62. A screening opinion has been issued concluding that the proposals would not constitute EIA development. The proposal does not fall within the criteria set out in paragraph 33 of Circular 02/99 for Schedule 2 development and it was considered that the proposals would not result in environmental impacts of such a scale or complexity to justify the requirement for an EIA. A representation from Friends of the Earth states that Schedule 3 criteria of the EIA regulations are relevant. Schedule 3 sets out the selection criteria for screening Schedule 2 development. The Council agrees that these are relevant and has assessed the proposals against these.

## CONCLUSION

63. The proposed development has been accepted in this location with planning permission granted in September 2010. Whilst there have been changes to national and local policy since the original approval, the policies on Minerals have remained largely consistent with the thrust of previous policies. The current application remains consistent with their general objectives of Policy 2 of the Greater Manchester Minerals Plan, Trafford Core Strategy policies and Government guidance provided in NPPF and the DCLG Planning Practice Guidance for Onshore Oil and Gas in having regard to the environmental, social and economic impacts of such development. Through the use of conditions for control, impact mitigation and site restoration alongside those processes which are subject to approval under other regimes (e.g. PEDL licence, Health and Safety Executive and Environment Agency approval), it is considered that the proposal would not have any unacceptable environmental, ecological, or social impacts.

64. The cumulative impact of this proposal including the biomass plant (which was approved on a neighbouring site following the grant of the original permission) and the Barton Moss site has been taken into consideration with particular consideration given to air quality. A catalytic converter will be incorporated in the generator plant. In accordance with national air quality planning guidance (Environmental Protection UK's Planning for Air Quality document), the change in nitrogen dioxide levels at sensitive receptors is considered to be imperceptible and not significant.

65. The Office of Unconventional Gas and Oil promotes the safe, responsible and environmentally sound recovery of the UK's unconventional reserves of gas and oil and has the aim of ensuring that the UK makes the best use of our natural resources by encouraging the development of these reserves in a way that maximizes the benefits to the economy in terms of improving security of supply, creating jobs, growth and investment, and supporting the transition to a low carbon economy at the least cost. NPPF supports this and paragraph 144 states that great weight should be given to the economic benefits of minerals extraction.

66. There are no significant physical changes within the site since the original approval which would lead to a different conclusion on the application. It is therefore recommended that this renewal application to extend the time limit for

implementation is granted. Further conditions to those imposed on the original application have been recommended to reflect the introduction of Government guidance.

**RECOMMENDATION: GRANT**, subject to conditions: -

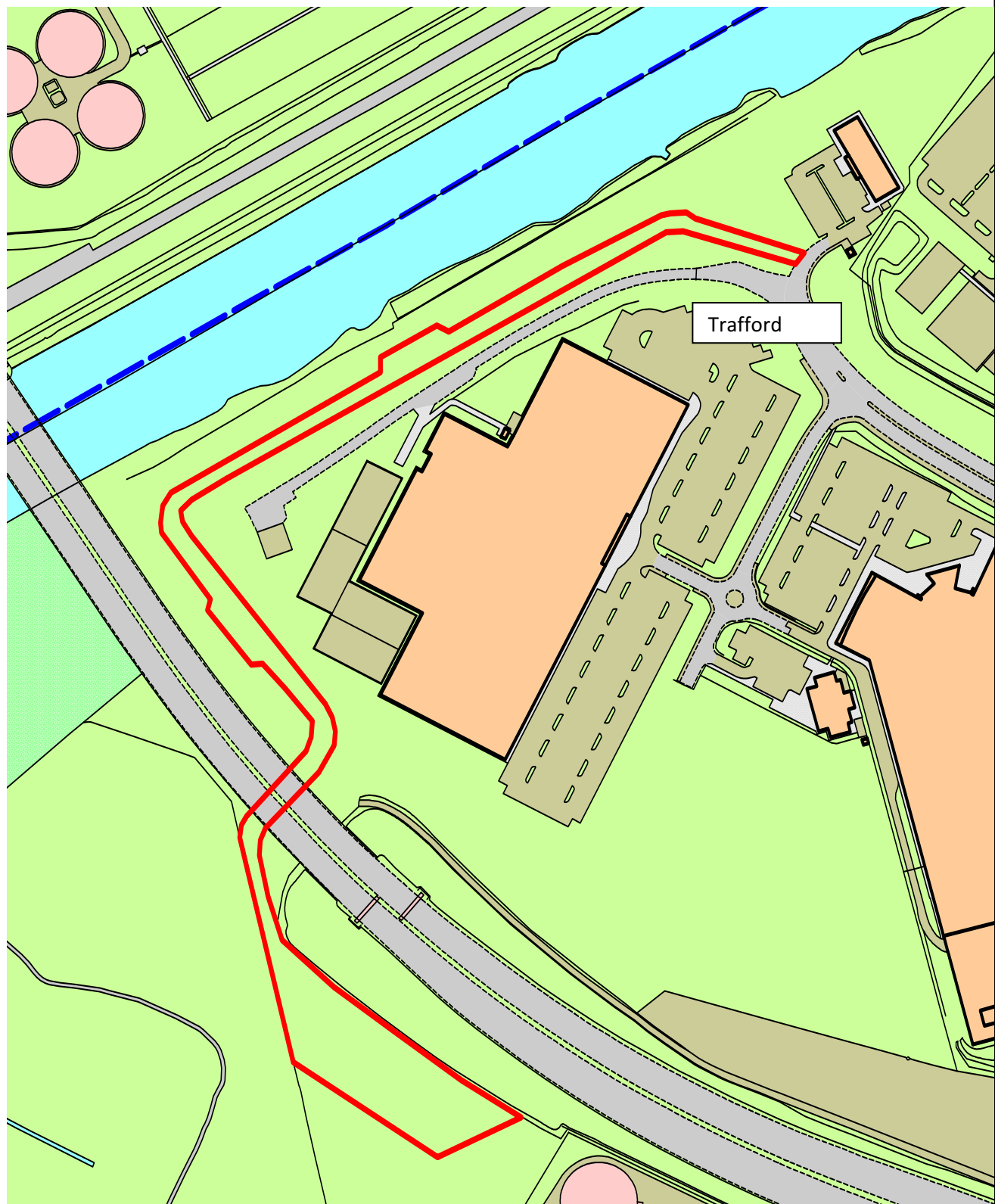
1. Standard Condition
2. List of approved plans including amended plans
3. Details of colour of site cabins
4. Landscaping
5. Boundary Treatment to be Paladin style fencing as shown on the approved plans. Details of colour of fencing.
6. Provision of access, parking, turning areas
7. Retention of parking, loading and turning areas
8. Lighting details including siting, height, design and position of floodlights (including details of impact in terms of light spread)
9. Within six months of cessation of on-site operations, Implementation of site restoration scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. Aftercare of site for a period of 5 years.
10. Submission of surface water drainage scheme based on sustainable drainage principles and as assessment of the hydrological and hydrogeological context of the development, including details of how the scheme shall be maintained and managed after completion.
11. Implementation of recommendations of submitted Habitat Survey in relation to amphibians and nesting birds.
12. A further survey of identified protected species to be carried out prior to the commencement of development and to include land outside the application site, including a method statement for their protection during works.
13. Vehicular access barrier at start of access road to remain in situ and be secured when site is not manned, unless agreed otherwise in writing by the Local Planning Authority.
14. Details of how the boreholes will be drilled, operated and decommissioned in such a way as to prevent the transfer of fluids between different geological formations and to prevent uncontrolled discharge of groundwater to surface. Implementation of scheme in accordance with approved measures.
15. Submission and implementation of scheme (including storage facilities) to prevent pollution of any watercourse or groundwater.
16. Submission and implementation of scheme to treat and remove suspended solids from surface water run-off during construction works.
17. There shall be no development on or adjacent to any motorway embankment that shall put any such embankment or earthworks at risk.
18. No drainage from the proposed development shall run off into the motorway drainage system nor shall any such new development adversely affect any motorway drainage.
19. Details of the distance of the rig from the motorway to be submitted and approved prior to installation and the development to be implemented in accordance with the approved details.
20. Implementation of approved air quality measures, submission of report demonstrating effectiveness of the air quality improvement measures installed following commissioning of the two generators, and associated catalytic convertors, in accordance with mitigation measures identified in "Addendum to Air Quality Assessment" and submission of verification report.
21. No hydraulic fracturing to take place.
22. Depth of boreholes to be restricted in accordance with scheme to be agreed in writing by the LPA.



23. Scheme for any further drilling at the site following the initial appraisal and extraction drilling phase with the exception of the servicing and maintenance of the boreholes and wells or cases of emergency involving situations that could be prejudicial to public health to be submitted and agreed in writing by the LPA.
24. Soil sampling surveys to be carried out prior to and throughout the operation including the production phase.
25. Submission of Crime Prevention Scheme to address concerns raised by Greater Manchester Police (Design for Security) 27<sup>th</sup> February 2014.
26. Dust Management Plan to be submitted to and approved in writing by the LPA.
27. Construction Environmental Management Plan (wheel washing) to be submitted to and approved in writing by the LPA.
28. The combined heat and power plant hereby permitted shall only utilise gas sourced from the application site.
29. Lighting scheme for the drilling rig to be agreed in writing by the LPA.

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**LOCATION PLAN FOR APPLICATION No: - 81446/RENEWAL/2013**  
Scale 1:3000 for identification purposes only.  
Head of Planning Services PO Box 96, Waterside House, Sale Waterside, Tatton Road,  
Sale M33 7ZF  
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**ERECTION OF TWO STOREY DETACHED DWELLING WITH ASSOCIATED ACCESS AND PARKING.**

Land adjacent to 5 James Street, Sale

**APPLICANT:** Ms Val Watterson

**AGENT:** M & A Design

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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**SITE**

The application site comprises a rectangular shaped plot on the north west side of James Street adjacent to number 5. The site is currently overgrown with a dilapidated greenhouse on the site. The property is surrounded on all aspects by gardens of neighbouring dwellings. The site is currently screened to the James Street elevation by a low wall and tall privet hedge and is accessed through the rear garden of number 4 Wilkinson Street.

**PROPOSAL**

Permission is sought for the erection of a two storey detached dwelling with associated access and parking. The dwelling would have a maximum height of 7.8 metres to the ridge height, a frontage width of 6.6 metres and an overall depth of 11 metres (including the front bay and single storey rear element). 2 no. off-street parking spaces are shown on the proposed site plan.

A garden store has been indicated on the site plan. No elevations have been provided with the application and this is not included on the development description submitted on the application form. It does not therefore form part of this application.

**DEVELOPMENT PLAN****The Development Plan in Trafford Comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

- The **Greater Manchester Joint Waste Plan**, adopted 01 April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.
- The **Greater Manchester Joint Minerals Plan**, adopted 26<sup>th</sup> April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes

L2 – Meeting Housing Needs

L4 – Sustainable Transport & Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

## **PROPOSALS MAP NOTATION**

None

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None relevant

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

79894/FULL/2012 – Erection of two storey detached dwelling with associated access and parking.

Withdrawn

## **APPLICANT'S SUBMISSION**

A Design and Access Statement has been submitted as part of the application. This is referred to where relevant in the main 'Observations' section of the report below.

## **CONSULTATIONS**

LHA – The proposals include two car parking spaces, which are required. The proposals include two car parking spaces, which are acceptable in principle and meet the Council's dimension standards.

The LHA is slightly concerned about the visibility from the access as it is located alongside a high boundary wall to a neighbouring property and would prefer the access to be amended away from the boundaries to improve visibility to drivers accessing and egressing the site.

The applicant must also ensure that adequate drainage facilities or permeable surfacing is used on the area of hard standing to ensure that localised flooding does not result from these proposals.

United Utilities – No objection raised subject to conditions requiring separate drainage system and no surface water to be discharge either directly or indirectly to the combined sewer network.

## **REPRESENTATIONS**

6 no. letters of objection have been received. The main points raised are summarised below:

- Loss of outlook;
- Higher than adjacent houses;
- Overly large and out of character with the surrounding area;
- Overlooking of properties on Wilkinson Street, Alice Street and Temple Road;
- Overshadowing of 5 James Street and gardens of Wilkinson Street;
- Insufficient private amenity space;
- Loss of mature shrubs and bushes from garden on 6 Wilkinson Street;
- Concerns regarding size of proposed garden store;
- Disruption during construction.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The application proposes the erection of a family dwelling on a currently vacant and overgrown site. The application site is unallocated within the UDP proposals map. One of the key objectives set out within the NPPF, is the priority on reusing previously developed land within urban areas.
2. Policy L2 of the Core Strategy (Meeting Housing Needs) seeks to support the delivery of a balanced “housing offer”, providing the right quality and type of housing in the right places in line with national guidance and taking account of the findings of the Trafford Housing Market Appraisal (2006), the Greater Manchester Strategic Housing Market Appraisal (2008), the Trafford Economic Viability Study (2009) and the Trafford Housing Strategy (2009). Policy L2 states that the Council is required to not only ensure that sufficient land is made available to maintain a rolling five-year supply of delivery of land for housing, but also to ensure that there is an adequate mix of housing types and sizes to meet the needs of the community. It further states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council’s Sustainable Community Strategy. Of relevance to this application it requires new development to be appropriately located in terms of access to existing community facilities and/or deliver complementary improvements to the Social Infrastructure, not harmful to the character or amenity of the

immediately surrounding area and in accordance with Policy L7 (Design) and other relevant policies within the Development Plan.

3. Having regard to the above policy it is considered that the provision of 1 no. new family dwelling in this location is considered acceptable in this location. The main areas for consideration are therefore the impact on residential and visual amenity and car parking.

## RESIDENTIAL AMENITY

### Impact on 5 James Street

4. 5 James Street is a two storey semi-detached dwelling situated to the north of the application site. The attached garage adjoins the boundary with the application site.
5. The proposed footprint would extend beyond the rear wall of no.5 by approximately 6.1 metres. The boundary is irregular with the widest distance from the proposed dwelling and the boundary being 1.2 metres and the closest distance being only 0.4 metres.
6. The rearmost 3.6 metres of the proposed dwelling would be single storey, reducing the two storey projection past the neighbouring property to 2.5 metres. Given that the two storey element would be adjacent to the garage of no.5, it is considered that there would be no undue impact in terms of loss of light or overshadowing. The single storey element has been designed with a flat roof with a maximum height of approximately 3.15 metres. The boundary treatment between the application site and no.5 James Street measures approximately 1.8 metres in height. Whilst the proposed building would be visible above this, given that it would be sited more than 4 metres from the main habitable part of this neighbouring dwelling, it is considered that there would be no unacceptable impact on habitable windows. Nevertheless, the design of the single storey element by virtue of its height and flat roof would result in any unduly overbearing impact on the garden to the rear of 5 James Street. The applicant has therefore been given opportunity to further amend the plans, replacing this with a lean-to roof. The applicant has undertaken to make these amendments and any amended plans received will be reported in the Additional Information Report.

### Impact on properties on Wilkinson Street

7. The separation distance between the side of the proposed dwelling and the rear of properties on Wilkinson Street is in excess of 15 metres. The window proposed in the first floor side elevation is to a bathroom and can therefore reasonably be conditioned to be fitted with obscure glazing and restricted opening to prevent overlooking and loss of privacy to neighbouring gardens and windows. The proposal would not result in any undue overshadowing of the rear of these properties.

### Impact on properties on Alice Street and Temple Road

8. The dwelling would be located on the James Street frontage. The separation distance between the rear first floor elevation and the rear site boundary measures approximately 18.5 metres. There would be no close overlooking of any garden to

the rear of the site on Temple Road and a privacy distance greater than 27 metres would be achieved between facing windows.

9. Occupants at no. 6 Alice Street have objected on the grounds of loss of privacy to their rear garden. Whilst the proposed first floor windows would be approximately 3.8 metres to the rear corner, this would be at an angle and is a relationship that is not considered to be unusual and not significantly worse than existing relationships between properties in the immediate vicinity. It is therefore considered that a refusal on these grounds could not be sustained.

## DESIGN AND VISUAL AMENITY

10. Whilst higher than no.5 James Street, the proposal is similar in height to properties on Wilkinson Street and the wider vicinity. Given the separation distance between no.5 James Street, it is considered that dwelling by virtue of its height is acceptable within the street scene and surrounding area more generally.
11. The proposed dwelling is of a traditional design and is appropriate to the site.

## HIGHWAY SAFETY AND PARKING PROVISION

12. Plans submitted demonstrate the 2 no. parking spaces can be accommodated within the site. Amended plans have been sought to address the LHA concern with regard to improving visibility. Any amendments received will be reported in the Additional Information Report.

## DEVELOPER CONTRIBUTIONS

The Trafford Developer Contributions (TDC) required by SPD1 Planning Obligations are set out in the table below:

<b>TDC category.</b>	<b>Gross TDC required for proposed development.</b>	<b>Contribution to be offset for existing building/use.</b>	<b>Net TDC required for proposed development.</b>
Affordable Housing	0	0	0
Highways and Active Travel infrastructure (including highway, pedestrian and cycle schemes)	£162.00	£0	£162.00
Public transport schemes (including bus, tram and rail, schemes)	£424.00	£0	£424.00
Specific Green Infrastructure (including tree planting)	£930.00	£0	£930.00

Spatial Green Infrastructure, Sports and Recreation (including local open space, equipped play areas; indoor and outdoor sports facilities).	£1,762.33	£0	£1,762.33
Education facilities.	£2,868.14	£0	£2,868.14
<b>Total contribution required.</b>			<b>£6,146.47</b>

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

- (A) That the application will propose a satisfactory form of development for the site upon completion of an appropriate legal agreement to secure a maximum financial contribution of £6,146.47 split between: £162.00 towards Highway and Active Travel infrastructure; £424.00 towards Public Transport Schemes; £930.00 towards Specific Green Infrastructure (to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme); £1,762.33 towards Spatial Green Infrastructure, Sports and Recreation; and £2,868.14 towards Education Facilities; and
- (B) That upon satisfactory completion of the above legal agreement, planning permission be GRANTED subject to the following conditions: -
1. Standard
  2. Details – compliance with all plans (listed)
  3. Materials to be submitted
  4. Removal of PD – extensions, new windows/openings, outbuildings
  5. Obscure glazing and top hung opening light above 1.7m
  6. Landscaping
  7. Landscaping Maintenance
  8. All areas for the manoeuvring and parking of vehicles shall be made available for such and retained at all times
  9. Sustainable drainage scheme
  10. Amended details of access and parking layout.

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**LOCATION PLAN FOR APPLICATION No: - 81464/FULL/2013**

Scale 1:1250 for identification purposes only.

Head of Planning Services PO Box 96, Waterside House, Sale Waterside, Tatton Road, Sale M33 7ZF

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**ERECTION OF 4 SEMI-DETACHED DWELLINGS (2 PAIRS OF 2 STOREY DWELLINGS) WITH ASSOCIATED CAR PARKING.**

Vacant Land on Garden Lane to rear of 7-11 Springfield Road, Altrincham.

**APPLICANT:** Aspect Developments

**AGENT:** Mr Ian Jones

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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**SITE**

This application relates to a 0.06 hectare site located at the northern end of Garden Lane in Altrincham. The site is currently used on an informal basis for car parking. Vehicular and pedestrian access to the site is via Garden Lane, a narrow, no through road, off Victoria Street.

The application site is located within a mixed use area comprising a range of residential and commercial uses. There are three storey residential properties located to the east on Springfield Lane and there are two bungalows located to the south on Garden Lane – Springfield and Gulmarg. The properties on Springfield Lane are set approximately 2metres lower than the application site. The six storey Charter House office block and its associated decked car park occupy the land to the north and there is a two storey commercial unit to the west, beyond which there are a series of parking courts and a range of commercial uses that front onto Church Street.

The application site is located outside the boundary of Altrincham town centre however it is located within the Main Office Development Area.

The Old Market Place Conservation Area is located to the west of the application site.

**PROPOSAL**

Planning permission is sought for the erection of four, two storey, dwellings in two pairs of semis. Each dwelling would have three bedrooms.

The dwellings would front onto Garden Lane being set back at least 5.2m from the southern boundary of the site. The pair of semis located at the western end of the site would be set in 1.2m from the western boundary, having a maximum footprint of 9.9m by 8.5m and measuring 5.1m in height at the eaves and 8m in height at the ridge with a hipped roof. The pair of semis located at the eastern end of the site, closest to the properties on Springfield road, would be set in at least 2m from the site's eastern boundary, having a maximum footprint of 9.9m by 10.5m and measuring 5.1m in height at the eaves and 8m in height at the ridge with a hipped roof. There would be a 1m wide access strip located in between the two pairs of semis in order to allow access to the rear.

The dwellings would be of a modern design, being constructed using a mixed palette of materials including brick, render, timber cladding and concrete roof tiles.

Each of the dwellings would be provided with an area of useable amenity space in the form of a rear garden, with the unit at the eastern end of the site also being provided with a side and front garden.

Vehicular and pedestrian access to the dwellings would be via Garden Lane. There would be 7 parking spaces provided within the site with the spaces being allocated so three of the dwellings would have 2 allocated spaces with the fourth having one space.

## **DEVELOPMENT PLAN**

### **The Development Plan in Trafford Comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Greater Manchester Joint Waste Plan**, adopted 01 April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.
- The **Greater Manchester Joint Minerals Plan**, adopted 26<sup>th</sup> April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes

L2 – Meeting Housing Needs

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R1 – Historic Environment

W1 - Economy

## **PROPOSALS MAP NOTATION**

Main Office Development Area

Adjacent to Old Market Place Conservation Area

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

77700/O/2011 – Outline application for the erection of a part three storey, part two storey office building and associated car parking (details of access, appearance, layout and scale submitted for approval). Approved at Committee on the 9<sup>th</sup> February 2012 subject to Section 106 Agreement which has yet to be completed – No decision issued.

76224/FULL/2010 - Demolition of nos. 7 and 9 Springfield Road, new gable to no. 11 Springfield Road and erection of 6 part two storey and part three storey semi-detached dwellings. Approved at Committee on 14 April 2011 subject to Section 106 Agreement which was never completed – Application finally disposed of 10/07/2013

H/70192 – Demolition of existing dwelling houses at 7-9 and 11 Springfield Road followed by erection of two office buildings - a four storey office building fronting Springfield Road with basement parking accessed from Springfield Road and a three storey office building to the rear with associated car parking and access from Garden Lane - Approved on 13 November 2008 subject to a Section 106 Agreement which has yet to be completed.

H/67450 - Demolition of existing dwelling houses at nos. 7-9 and 11 Springfield Road followed by erection of two office buildings, a four storey office building fronting Springfield Road and a one, two and three storey office building to the rear with access from Garden Lane and associated car parking; provision of basement car park (21 spaces) extending under both buildings accessed from Springfield Road - Approved 12/11/08

H/ARM/66304 - Erection of one pair of semi-detached houses on land at the northern end of Garden Lane with access from Garden Lane (application seeking approval of reserved matters (landscaping) pursuant to planning permission H/OUT/63531) - Approved 23/03/07

H/ARM/66303 - Demolition of existing dwellings at 4-12 Victoria Street and erection of four storey building to form Class B1 offices (application seeking approval of reserved matters (landscaping) pursuant to planning permission H/OUT/63531) - Approved 23/03/07.

H/ARM/66302 - Refurbishment and conversion of 7/9 Springfield Road from one dwelling to two dwellings with undercroft parking. (Application seeking approval of reserved matters (landscaping) pursuant to planning permission H/OUT/63531) - Approved 23/03/07

H/OUT/63531 - Demolition of existing dwellings at 4-12 Victoria Street, erection of four storey building to form Class B1 offices; provision of associated car parking; refurbishment and conversion of 7/9 Springfield Road from one dwelling to two dwellings with undercroft parking; erection of one pair of semi-detached houses on land at the northern end of Garden Lane with access from Garden Lane; (outline application seeking approval of siting, design, means of access and external appearance). Approved - 13/11/06.

H/OUT/62261 – Demolition of existing dwellings at 4 – 12 Victoria Street, erection of four and five storey building to form Class B1 offices; provision of associated car parking; refurbishment and conversion of 7/9 Springfield Road from one dwelling to two dwellings with undercroft parking; erection of three townhouses on land at the northern end of Garden

Lane with access from Garden Lane; relaying and resurfacing of garden lane (outline application seeking approval of siting, design, means of access and external appearance) - Refused 04/08/05

### **APPLICANT'S SUBMISSION**

The applicant has provided the following documents in support of their application –

- Planning statement
- Design and access statement
- Noise report
- Transport Statement
- Statement justifying the level of parking proposed
- Sections showing the relationship of the proposal and the office scheme proposed under application 77700/O/2011 (which has a minded to grant recommendation) to the residential properties at 7, 9 and 11 Springfield Road
- Visuals showing the scale and massing of the proposed dwellings in comparison to the office building proposed under application 77700/O/2011
- Visuals showing how the proposed development would appear from 9 Springfield Road - these have been prepared in response to a series of images produced by the owner of 9 Springfield Road which he contends demonstrate how the proposed development would appear from his property, illustrating the harm that the proposed development would cause him.

These documents will be referred to as necessary in the Observations section of the report.

### **CONSULTATIONS**

**Built Environment** – No comments received to date

**Pollution and Licensing (Contaminated land)** – Advise that they have no objections to the proposal subject to the attachment of a condition relating to ground contamination.

**Pollution and licensing (Nuisance)** – No comments received to date

**LHA** – Object to the application

Advise that the level of parking proposed falls short of the Council's parking standards and this, in combination with the lack of visitor parking, will encourage visitors to park on the neighbouring private road in close proximity of the site which could cause obstruction.

Express concerns over the site layout; state that the boundary walls and brick building that abut the car parking spaces will make access and egress to the three spaces along the boundary and the one space adjacent to the building very difficult. Note that car parking spaces that are 2.4m wide are designed so that car doors can be opened across and into the next car parking space, stating that the presence of boundary walls and a brick built building restricts the ability of those using parking spaces adjacent to the boundary walls and adjoining brick built building to do this.

Note that the access route to the site is substandard, advising that an access road with a 4.5m width should be provided to ensure simultaneous access and egress and this is not provided on the existing route. Accept that the access road is existing, advising that any



increase in the number of units accessed via this route needs to be considered carefully as more vehicular and pedestrian conflicts will occur.

**Greater Manchester Police** – No comments received to date

**GMAAS** – Advise that the site was subject to an archaeological evaluation in 2006, revealing evidence for a possible 19<sup>th</sup> century garden building and for the dumping of material to create level garden surfaces (HER ref. 16212.1.0).

State that the remains found are not deemed to be of sufficient archaeological interest to warrant further investigation and therefore confirm that the proposals do not threaten any significant elements of the archaeological resource

**Electricity North West** – Advise that the application would have no impact on their electricity distribution system infrastructure or other Electricity North West assets.

**United Utilities** – advise that they have no objections to the proposed development.

Advise that if possible the site should be drained on a separate system, with only four drainage connected into the four sewer and state that surface water should discharge to the soakaway/watercourse/surface water sewer, before advising that if surface water is to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate which they determine.

## **REPRESENTATIONS**

### **Councillors**

Councillor Matthew Colledge, Councillor Michael Young and Councillor Alex Williams have objected to the proposal on the following grounds:-

- The proposal represents an overdevelopment of the site – the development would lead to a housing density of 67 per hectare which is in excess of the 30-50 per hectare density recommended in the planning guidelines
- The proposed development will result in those at 7-9 Springfield Road experiencing a loss of privacy due to overlooking of the gardens – the application site is 2-3metres higher than the level of the gardens
- Visual intrusion due to the massing of the building

### **Neighbours**

7 letters of representation have been received in response to this application from 6 different addresses.

The following concerns have been raised –

- The amenities of the proposed dwellings will be compromised by the likelihood of overlooking from the offices at Charter House and from people using the upper deck of the associated car park
- The proposal represents an overdevelopment of the site – the development would lead to a housing density of 67 per hectare which is in excess of the 30-50 per hectare density recommended in the planning guidelines. The development footprint will leave very little open space at the site and result in overcrowding

- The development of a multi-storey development at the site is inappropriate – it would result in a development that is taller than the surrounding properties making it overbearing and out of place. The proposal does not therefore enhance the amenity and character of the surrounding area or the adjacent conservation area
- The development is, by virtue of the massing, overdevelopment, under provision of garden space and design, out of character with the residential aspects of the area
- The proposed development will result in the occupants of Springfield Road and Garden Lane experiencing a loss of privacy as future occupants overlook them from their windows and from within their garden areas
- The properties on Springfield Road will overlook the garden areas of the proposed dwellings
- The proposed dwellings will overshadow the properties on Springfield Road resulting in a loss of afternoon and evening sun – the impact of this is aggravated by the fact that the properties on Springfield Road are set approximately 2-3m lower than the application site, the fact that the proposed dwellings would be higher than the properties on Springfield Road and the fact that the level of separation that would be provided between the two sets of properties would be below the 15m recommended in the Council's Planning Guidelines
- The proposed dwellings will appear overbearing from the garden areas of and from within the properties at 7 to 11 Springfield Road as the level of separation that would be provided between the two sets of properties would be below the 15m recommended in the Council's Planning Guidelines
- The proposed dwellings have small rear gardens, the area of which is significantly below the recommended 80sqm with the level of separation to the boundary from the rear of the property being less than the 10.5m recommended

#### Amended plans

Councillor Michael Young - the amended plans do not overcome his concerns with the proposed development.

Six letters of representation have been received in response to the consultation on the amended plans, all from individuals that had previously objected to the proposals and reiterating previous concerns:-.

- Represent an overdevelopment of the site
- Be out of character with the surrounding area
- Have an unacceptable impact upon the residential amenity neighbouring residents can reasonably expect to enjoy by reason of overbearing, overshadowing, overlooking and visual intrusion.
- Be served by a substandard access, having a poor parking with insufficient resident and visitor parking being provided
- Increase demand for on street parking in the locality as a result of the lack on onsite parking and the fact that the proposal would develop an informal car park used by office workers.

The following additional comments have also been made:-

- Residential has previously been refused
- little weight should be attached to the details of planning application 77700/O/2011 as –
  - a) It was outline only for office development which is a different user and does not have to comply with the specific residential Planning Guidelines
  - b) It did not proceed to full grant even though it was minded to be granted.

- c) It has laid on the file for over three years and either should have been withdrawn or proceeded with but not used as a criteria against a subsequent application which must be judged on its own merit as a residential application.
  - d) At the time it was applied for the properties 7/9/11 Springfield Road were also subject to applications for conversion by the same developers and therefore no objections would have been received from these residential properties most affected by the application.
  - e) Although one part of the development is closer to the rear of number 11 Springfield Road than the current application the part facing numbers 7 and 9 is set back substantially from those properties than the current application.
- the development approved under application H/OUT/63531 would represent a better use of the site than that proposed under this application as it complies with the density requirements set out in the Planning Guidelines (unlike the present application) and it is set back substantially from the rear of the Springfield Road properties, having their gardens running down to them and as such it does not have the same impact on those properties as the proposal would.
  - the refusal of application H/OUT/62261 established that the erection of 3 dwellings at the application site was unacceptable.
  - It is important to have regard to the recommended development densities set out in the Planning Guideline for New Residential Development, stating that whilst PPG3 has been replaced the local Planning Guidelines are still adopted (having been adopted by Trafford in February 2012) and consequently the Local Planning Authority must have regard to the policies contained within this document unless they are inconsistent with the NPPF, which they are not
  - the Council is proposing to extend the boundary of the Old Market Place Conservation Area so it includes the application site, reiterating that they do not consider that the proposal would improve the desirability of the area or enhance the character of the area.

In addition to submitting written objections one of the objectors has submitted a photomontage which shows how the proposed dwellings would appear from their property, 9 Springfield Road.

## **OBSERVATIONS**

### Principle

1. Paragraph 14 of the NPPF advises that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development.
2. Paragraph 111 of the NPPF advises that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
3. Policy L1 of the Core Strategy, which relates to Land for New Homes, sets an indicative 80% target proportion of new housing provision to use brownfield land and buildings over the Plan period.



4. Policy L2 of the Core Strategy, which is entitled “Meeting Housing Needs”, states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council’s Sustainable Community Strategy. It requires new development to be (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents; (b) Appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development; (c) Not harmful to the character or amenity of the immediately surrounding area and; (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford.
5. The application site is located within in an area identified on the proposals map of the adopted UDP as the Main Office Development Area (policy E10). Policy E10 does not preclude other forms of development coming forward within the Main Office Development Area, relating specifically to how proposals for new office development and/or the redevelopment of office premises within the area will be considered. Consequently there are no in principle issues with the site being developed for a non-office use.
6. The application site is located on the edge of Altrincham Town Centre and as such it is considered to be well located in terms of its proximity to goods and services. It is also well served by public transport connections being located within walking distance of Altrincham Transport Interchange which provides bus, tram and train connections across the region and beyond.
7. Having regard to the accessibility of the site and given that residential development has been previously approved on the site under planning approvals H/OUT/63531 and H/ARM/66304 (approvals that have been partially implemented and hence are capable of being built out) it is considered that subject to the development being acceptable in terms of in terms of its impact upon the character of the area, neighbouring properties and highway safety the principle of developing the site for residential purposes is acceptable and in accordance with the NPPF and the Core Strategy.

#### Impact upon the character of the area

8. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment - good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.

10. The proposed dwellings would be two storeys in height, measuring a maximum of 8m in height with a hipped roof. Having regard to the varied building heights within the locality which include two bungalows on Garden Lane, a mix of two and three storey properties on Springfield Lane, predominantly 3 storey buildings on Church Street and a 6 storey office building it is considered that the scale and massing of the proposed dwellings is acceptable.
11. The application site has no frontage to Garden Lane, only having a narrow access point onto the Lane. Consequently it is not possible for the dwellings to front directly onto Garden lane and provide an active frontage to the street. The site layout has however been designed so the units would front onto the southern boundary of the site and this approach is supported as it would provide a presence to Garden Lane, albeit one that is set back within the site.
12. Having regard to the need to make an efficient and effective use of previously developed land and given the site constraints it is considered that the proposed site layout is acceptable as each of the dwellings would be provided a satisfactory plot layout and an area of useable amenity space. It is also considered that subject to the use of appropriate surface treatments an appropriate mix of hard and soft landscaping would be provided across the site, the details of which will be agreed via a landscaping condition.
13. The dwellings would be of a modern design, being constructed using a mixed palette of materials including brick, render, timber cladding and concrete roof tiles. The style of buildings in the immediate vicinity is varied and includes Victorian properties on Springfield Road and more modern developments nearby. In this context it is considered the proposed development is appropriate and compared to the existing use of the site as a car park the development would enhance the character of the area, as required by Policy L7 of the Core Strategy. For these reasons it is not considered that the proposal would have any adverse impact upon the setting of the Old Market Place Conservation Area which is located to the west. There are proposals to extend the Old Market Place Conservation Area to include this site, however the proposals are out to consultation and consequently the site does not have any conservation status at the present time. Notwithstanding this it is considered that the proposed development would be a preferable development than the previously proposed office scheme, being more reflective of the character and appearance of the area.
14. Overall it is considered that the proposal would be in keeping with the development it will be seen in context with and consequently, subject to the attachment of conditions to ensure the use of satisfactory materials and appropriate landscaping, the proposed development would make a positive contribution to the visual amenities of the area by bringing a vacant site into use. The proposal is therefore considered to be in accordance with the thrust of the NPPF and the design policy within the Core Strategy.

#### Impact upon residential amenity

15. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).
16. Policy L7 of the Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way

17. The Council's Guidelines for new residential development recommend that where there would be major facing windows, two storey dwellings should retain a minimum distance of 21m across public highways and 27 metres across private gardens. It goes on to advise that distances to rear garden boundaries from main windows should be at least 10.5 m for 2 storey houses before stating that where there is a main elevation facing a two storey blank gable a minimum distance of 15m should normally be provided.
18. The application site has an extensive history of approvals and minded to grant resolutions including application 77700/O/2011 which sought outline consent for the erection of for a part three storey, part two storey office building and associated car parking with details of access, appearance, layout and scale being submitted for approval. This application went to Committee in February 2012 recommended for approval and Members resolved to approve the scheme subject to the signing of a S106 agreement. A decision has never been issued as the S106 for the scheme has not been completed, however it is considered that the minded to grant resolution makes the details of this application a material planning consideration when determining whether the relationship that the proposed dwellings would have to the neighbouring properties is acceptable.

*Impact upon the commercial uses to the north and west -*

19. The land to the north and west of the application site is not used for residential purposes being occupied by a six storey office block and associated decked car park and a two storey commercial building. Commercial units are not considered to be sensitive uses and consequently when regard is given to the separation that would be provided to the office building to the north and the fact that the commercial unit to the west only has 3 tinted windows in the elevation facing the application site, all of which serve through rooms, it is not considered that the proposal would have any adverse impact upon the adjacent commercial uses.

*Impact upon the residential properties to the east on Springfield Road -*

20. The dwellings on Springfield Road are set approximately 2m lower than the application site. These properties have habitable windows contained within their main rear elevations and their rear outriggers.
21. The proposed dwellings have been sited so they would be located at least 2m from the common boundary with the properties on Springfield Road, a distance which increases to 3.6m at the southeast corner of plot 4, which would be single storey.
22. In terms of privacy the dwelling at plot 4 would contain 4 windows in the gable elevation facing the properties on Springfield Road, however these windows would be fitted with obscure glazing in order to prevent overlooking. The angle of view from the windows in the front and rear elevations of the proposed dwellings is considered to be so oblique that it would not result in direct overlooking to the properties on Springfield Road and it is considered that appropriate boundary treatments or planting can prevent overlooking from the garden areas of the proposed dwellings. Consequently, subject to the attachment of conditions to ensure that the proposed obscure glazing is retained and appropriate boundary treatments/screen planting installed it is not considered that the introduction of the proposed dwellings would result in the occupants of Springfield Lane experiencing a reduction in privacy.

23. The siting of the proposed dwellings is such that the outlook from the habitable rooms contained within the rear elevations of the properties at 7 and 11 Springfield Road would, in the main, be beyond the gable elevation of the proposed dwellings. Having regard to this and the fact that the closest two storey elements of the proposed dwellings would be located at least 15.6m and 14.6m from the properties at 7 and 11 Springfield Road it is not considered that the introduction of the proposed dwellings would have a significant adverse impact upon the level of light received by or the outlook provided from the habitable room windows in the rear elevations of the properties at 7 and 11 Springfield Road.
24. With regards impact upon the garden areas of 7 and 11 Springfield Road it is not considered that the proposed dwellings would be unduly prominent from the garden areas of these properties.
25. Consequently while it is acknowledged that the proposed development would have some impact upon the level of residential amenity the occupants of 7 and 11 Springfield Road currently enjoy it is not considered that the level of impact would be significant enough to warrant a refusal on amenity grounds, particularly given that if the office development proposed under application 77700/O/2011 was implemented the property at 11 Springfield Road would have a 10.5m high, flat roofed building located within 13.5m of the habitable room windows in their outrigger.
26. The proposed dwellings would span the rear boundary of 9 Springfield Road, being set in 2m from the rear boundary with 9 Springfield Road at their closest point.
27. The gable end of the dwelling at plot 4 would be located 18.2m from the main rear elevation of 9 Springfield Road which contains a kitchen/dining/sitting room window at ground floor level and a bedroom window at first floor level. Consequently it is considered that adequate separation is provided to these windows to ensure that there is no loss of light or overbearing impact.
28. The outrigger of 9 Springfield Road contains a set of patio doors serving a kitchen/dining/sitting room at ground floor level, a craft/bedroom window at first floor level and a bedroom window at first second floor level. There would be 13m separation between the northern corner of the outrigger at 9 Springfield Road and the closet two storey element of the dwelling proposed at plot 4. The level of separation would increase to 14.8m at the midpoint of the outrigger (where the windows are located).
29. Under application 77700/O/2011 Committee considered that the introduction of a three storey, 10.5m high, flat roofed office building within 1m of the common boundary with the properties on Springfield Road, in a position where it would span almost the entire length of the rear boundary with 11 Springfield Road was acceptable. The siting of a 10.5m high building within 13.5m of the habitable room windows in the outrigger of 11 Springfield Road was also deemed acceptable.
30. The text below is an extract from the Committee report for application 77700/O/2011 which sets out why this relationship was considered acceptable–

*“In relation to No. 11 Springfield Road the proposed building would be approximately 13.5m from its rear outrigger within which there are windows at ground floor, first floor and second floor. Only the windows on the ground floor and second floor are habitable rooms. A distance of 16m would be retained to the set back part of No. 11 within which there are windows to habitable rooms at ground floor and first floor. The*

*proposed building would be prominent from the rear windows and garden of No. 11 given the difference in levels and its height, however there are only two habitable room windows at a distance less than the 15m guideline and the shortfall isn't significant given that this is a high density/town centre environment where buildings are generally closer together than in residential areas. With regards to its impact from the garden, although the building would be prominent and some overshadowing may occur it is considered that this would be limited and not unduly harmful to the amenities of occupiers of that property".*

31. It is acknowledged that the proposed building would be prominent from the rear windows and garden of 9 Springfield Road, particularly given the difference in levels, however having regard to the relationships considered acceptable under previous applications to develop the site and given that the application site is located within a high density, edge of town centre environment where buildings are generally closer together than in solely residential areas the relationship between the proposed dwellings and 9 Springfield Road is considered to be acceptable.

*Impact upon the residential properties to the south – Gulmarg and Springfield*

32. The proposed two storey dwellings, which would have a maximum height of 8m, would be located at least 5.2m from the common boundary with Gulmarg with the level of separation provided increasing to 7.6m at the western end of the site.
33. The dwellings at plots 1, 2 and 3 would have both ground and first floor habitable room windows within their front elevations. These windows would be located at least 7.2m from the common boundary with Gulmarg. The property at plot 4 would only have ground floor habitable room windows located within their front elevation, which is located 5.2m from the common boundary with Gulmarg.
34. Gulmarg has a single storey garage running along the shared boundary. This provides screening and ensures that there is no overlooking/loss of privacy from the ground floor habitable room windows in the proposed dwellings.
35. In terms of the first floor windows the siting of plot 1 is such that the windows face onto the access road and the internal layout of plot 2 is such that the first floor habitable room windows also look towards the access road and hardstanding in front of the garage at Gulmarg. The first floor habitable room window in plot 3 has been designed so that the outlook from this room is away from the shared boundary with Gulmarg, over the car parking area at the application site.
36. Consequently it is not considered that the introduction of the proposed dwellings would result in the occupants of Gulmarg experiencing an undue loss of privacy.
37. In terms of loss of light and overbearing impact planning application 77700/O/2011 established the principle of having the two storey element of a part three storey, part two storey office building located within 5m of the common boundary with Gulmarg, and within 13m from the main side elevation of the property.
38. The text below is an extract from the Committee report for application 77700/O/2011 which sets out why this relationship was considered acceptable—

*"To the southern side of the site there are two single storey residential properties on Garden Lane, Gulmarg and Springfield. In relation to Gulmarg which is the nearest of these dwellings, the proposed building would be approximately 5m from the boundary and 13m from its main side elevation. In comparison to the previously*



*approved office building, the development would be the same distance from this boundary and the same height. The proposed building includes windows at ground, first floor and second floor level facing Gulmarg. Although the development would be at a distance less than the Council's guidelines, Gulmarg has a single storey garage on the boundary between the back of the house, which has a conservatory/porch attached (this appears to be used as a habitable room). This garage does itself restrict outlook from the kitchen/conservatory at the rear of the bungalow towards the development site and will to some extent mitigate the impact of the proposed development. Given the distance retained between the proposed building and Gulmarg and the intervening garage it is considered the proposed development would not be unduly prominent or overbearing. The proposed development would be to the north of Gulmarg and therefore there would be no overshadowing".*

39. Having regard to the presence of the garage at Gulmarg which reduces the level of light received by and the outlook from the habitable windows located within the side elevation of Gulmarg; the relationships considered acceptable under previous applications to develop the site; and given that the application site is located within a high density, edge of town centre environment where buildings are generally closer together than in areas only comprising residential units, it is considered that the relationship between the proposed dwellings and Gulmarg is acceptable – the introduction of the proposed dwellings does not raise any loss of light and/or overbearing impact issues for the occupants of Gulmarg.
40. In terms of the impact that the development will have on Springfield the proposed dwellings would be located 21.2m from the rear elevation of this property which abuts a parking court off Garden Lane and only contains obscurely glazed windows. Consequently it is not considered that the introduction of the proposed dwellings would result in the occupants of Springfield experiencing any issues with loss of light, privacy and/or overbearing impact.
41. The benefits that developing the site for residential purposes as opposed to via an office development should also be noted; for example it is considered that the proposed residential development would result in neighbouring residents experiencing less noise and disturbance from the comings and goings of those using the site than they would experience should the site be developed for office purposes and the introduction of a residential scheme would also introduce a use that would be occupied 24 hours a day, bringing additional activity and surveillance.

#### *Residential amenity of future occupants*

42. With regard to the level of residential amenity future occupants of the proposed dwellings would enjoy they would be provided with adequate light and outlook from their habitable room windows. They would also be provided with an area of useable amenity space in the form of a rear and or front/side and rear garden. It is acknowledged that the garden areas are small, having an area that is significantly lower than recommended by the Council's Guidelines for new residential development, however the space provided is of a sufficient size to be useable and consequently given the location of the site in an edge of town centre location the garden areas are considered adequate. It is therefore considered that future occupants of the proposed dwellings would be provided with a satisfactory standard of living.
43. The proposal is therefore considered to be in accordance with policy L7 of the Trafford Core Strategy and the thrust of the NPPF as it would not significantly adversely affect the level of residential amenity neighbouring residents can reasonably expect to enjoy

and the development would provide future occupants with a satisfactory standard of living.

#### Parking and access

44. Policy L4 of the Trafford Core Strategy, which relates to sustainable transport and accessibility, seeks to ensure that all new developments do not adversely affect highway safety, with each development being provided with adequate on-site parking in line with the maximum standards set out in appendix 3.
45. Access to the site is proposed from Garden Lane which is a narrow no-through road off Victoria Street, which does not permit simultaneous access and egress. The proposed site layout includes the provision of 7 car parking spaces which would be allocated so three of the dwellings would have 2 allocated spaces with the fourth having one space.
46. The applicant has submitted a supporting statement with their application which seeks to justify the level and layout of the proposed parking. The statement highlights the following –
  - All cars can enter and leave the site in a forward gear
  - The car parking spaces are a minimum of 2.4m by 4.8m and there is a 6m gap between the 2 rows of spaces giving room for manoeuvring
  - The tandem spaces will be allocated to the same home owner so spaces 5 and 7 and 4 and 8 go with the same houses as is common with domestic driveways
  - The site is located on the boundary of Altrincham Town Centre and is therefore well served with amenities such as shops, doctors, schools, hospitals and is almost on top of the metro/bus/rail interchange offering ample opportunities for walking to facilities and public transport
  - The NPPF is requiring a move away from reliance upon the car
  - There is no on street parking permitted in the vicinity of the application site and consequently there is no potential for on street parking to detrimentally affect the safety and convenience of other residents and occupiers
  - Permission has previously been given for the creation of a 4 bed house on Springfield Road with just one parking space
47. They have also submitted a transport assessment which highlights the accessible/sustainable nature of the site and sets out the level of traffic that is likely to be generated by a development of 4 houses. The TA shows that the predicted traffic generation during the weekday peak periods would be very low with just 3 vehicle movements taking place during the weekday morning peak and 2 vehicle movements taking place during the weekday afternoon peak period. It states that the daily traffic generation would also be low with 10 return trips per day, before concluding that the traffic flows associated with 4 dwellings would be less than that associated with the office development proposed and issued with a minded to grant resolution under application 77700/O/2011.
48. In addition the agent has also confirmed that when the neighbouring office buildings are not being used i.e. in the evenings and at weekends members of the public regularly park in the office car parks unchallenged.

## *Access*

49. In terms of the access to the site the Council's highway officers have noted that the access route to the site is substandard, advising that an access road with a 4.5m width should be provided to ensure simultaneous access and egress, advising that any increase in the number of units accessed via this route needs to be considered carefully as more vehicular and pedestrian conflicts will occur.
50. Garden Lane is a narrow, no through road, which provides access solely to the local buildings and their associated car parking areas; consequently the traffic flows along Garden Lane are low. The lower portion of Garden Lane which runs from its junction with Victoria Street to the point adjacent to the residential curtilage of Springfield has double yellow lines to prevent parking.
51. There is an extant permission to develop the site via the erection of 2 dwellings (application references H/67450 and H/ARM/66304) and another application with a minded to grant resolution on a scheme which would see the site being developed via the erection of a part two, part three storey office building with a gross floor area of 537.1sqm (application reference 77700/O/2011).
52. If successful the application would only result in a net increase of two dwellings on that which could be introduced if applications H/67450 and H/ARM/66304 were built out. Having regard to the information on traffic flows contained within the Transport Assessment it is not considered that the net gain would result in a significant increase in traffic flow to and from the site.
53. Furthermore, it is considered that the proposed development would result in significantly less traffic generation than that created should the scheme proposed under application 77700/O/2011 for the erection of a 537.1sqm office unit come forward.
54. Having regard to the traffic that would be generated by previous approvals to develop the site, given the limited number of units which Garden Lane serves, the short length and the relatively straight nature of the lane which allows views from the junction of Victoria Street to the curtilage of Springfield and given the parking restrictions along the majority of the lane it is considered that the proposed access arrangements are acceptable.

## *Parking*

55. According to the maximum car parking standards a development of four 3-bed dwellings in this location should be provided with 8 parking spaces – 2 per dwelling. The proposed parking layout would provide 7 spaces – 2 for three of the dwellings and 1 for the other dwelling.
56. The Council's highway officer has advised that the level of parking proposed falls short of the Council's parking standards commenting that this, in combination with the lack of visitor parking, will encourage visitors to park on the neighbouring private road in close proximity of the site which could cause obstruction.
57. The parking standards set out in appendix 3 of the Core Strategy set the maximum level of parking that should be provided – they are not minimum standards. Consequently the circumstances of each application and application site have to be considered when determining whether the proposed level of parking is appropriate.



The standards for residential developments, unlike the standards for other uses, do not require the provision of onsite visitor parking.

58. Having regard to this, the fact that three of the four units would have the maximum of two parking spaces recommended by the Parking Standards and given the sustainable location of the application site which is located on the edge of Altrincham Town Centre in a position where future occupants would have easy access to goods and services and public transport links via Altrincham Transport Interchange it is considered that the level of parking proposed is acceptable.
59. Those visiting the site will be responsible for parking in accordance with the Highway Code which would prevent them parking along the majority of the lane and causing an obstruction due to the presence of double yellow lines. There is on street pay and display parking on Victoria Street, Springfield Lane and other neighbouring streets and there are a number of car parks within the nearby Altrincham Town Centre which can be utilised by visitors to the site. Also the agent has confirmed that when the neighbouring office buildings are not being used i.e. in the evenings and at weekends members of the public regularly park in the office car parks unchallenged.
60. With regard to the layout of the parking the Council's Highway Officer has expressed concerns that the boundary walls and the adjacent commercial building that abut the car parking spaces will make access and egress to the three spaces along the boundary and the one space adjacent to the building very difficult, before noting that car parking spaces that are 2.4m wide are designed so that car doors can be opened across and into the next car parking space and the presence of boundary walls and a brick built building restricts this.
61. It is acknowledged that the boundary walls and the proximity of one of the spaces to the commercial unit running along the western boundary of the site would make it difficult for the future occupants to open their car doors fully and manoeuvre in and out of the spaces, however there is a precedent for approving car parking spaces adjacent to the boundary wall with such a relationship being considered appropriate under application 77700/O/2011.
62. Having regard to the site layout which was deemed acceptable under application 77700/O/2011 and given that when any car park is full to capacity it is not possible to open car doors fully it is not considered that a refusal on the basis of the site layout would be sustainable – future occupants of the proposed dwellings would be able to enter/exit their vehicles and the proposed parking spaces if they modify their behaviour to fit the circumstances.

### Trees

63. There are a number of trees adjacent to the site, primarily located top the north within the grounds of Charter House. None of the trees are protected by a tree preservation order. The proposed plans show the majority of the trees being retained. Given that the trees provide screening between the proposed development and the offices to the north the retention of the majority of the trees is welcomed and consequently in order to ensure their protection during construction it is recommended that a condition requiring a Tree Protection Scheme is attached.

## DEVELOPER CONTRIBUTIONS

64. The Trafford Developer Contributions (TDC) required by SPD1 Planning Obligations are set out in the table below:

TDC category.	Gross TDC required for proposed development.	Contribution to be offset for existing building/use.	Net TDC required for proposed development.
Affordable Housing	N/A	N/A	N/A
Highways and Active Travel infrastructure (including highway, pedestrian and cycle schemes)	£648	N/A	£648
Public transport schemes (including bus, tram and rail, schemes)	£1,356	N/A	£1,356
Specific Green Infrastructure (including tree planting)	£3,720	N/A	£3,720
Spatial Green Infrastructure, Sports and Recreation (including local open space, equipped play areas; indoor and outdoor sports facilities).	£12,393.43	N/A	£12,393.43
Education facilities.	£22,945.10	N/A	£22,945.10
<b>Total contribution required.</b>	<b>£41,062.53</b>	<b>N/A</b>	<b>£41,062.53</b>

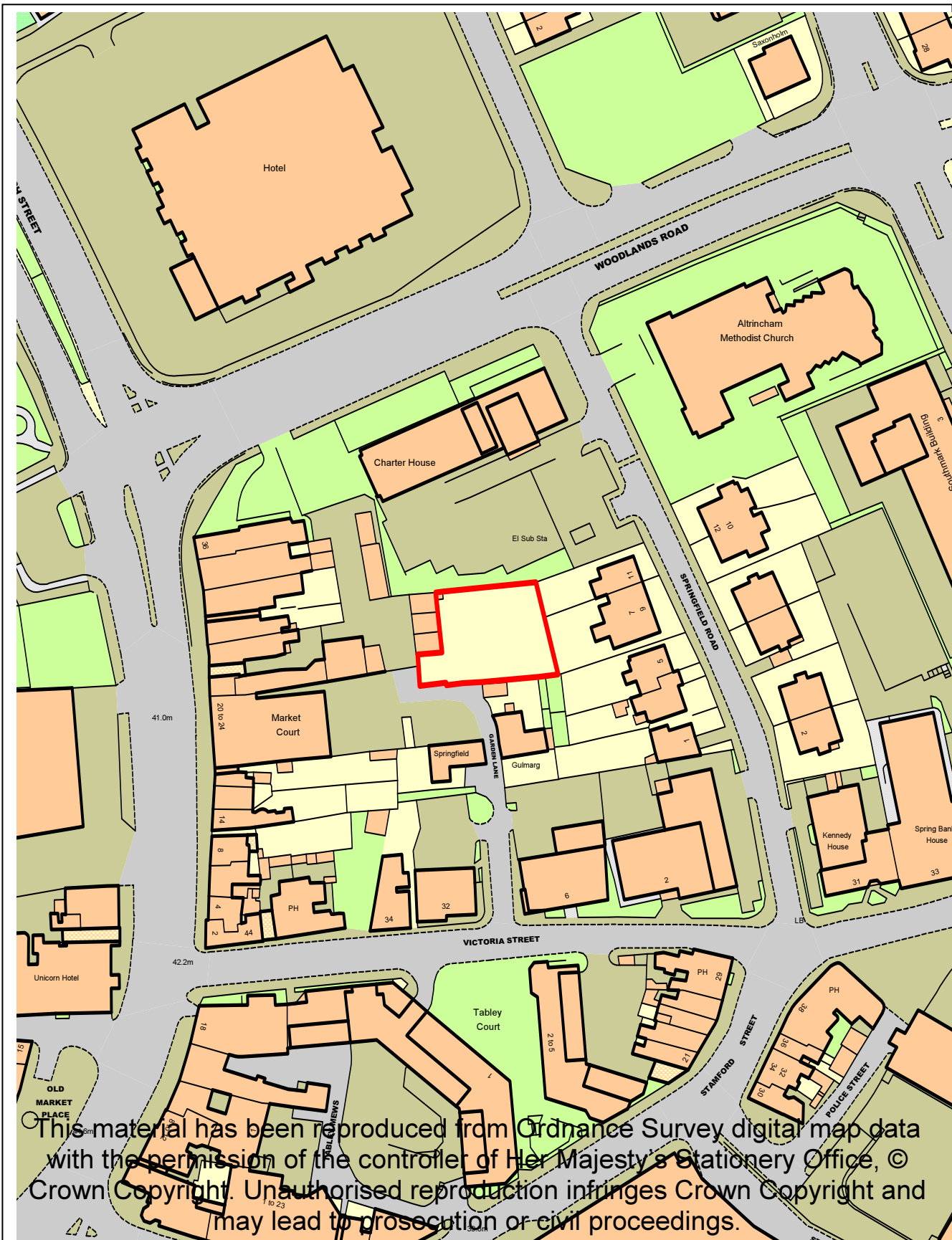
### **RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

- (A) That the application will propose a satisfactory form of development for the site upon completion of an appropriate legal agreement to secure a maximum financial contribution of £41,062.53 split between: £648 towards Highway and Active Travel infrastructure; £1,356 towards Public Transport Schemes; £3,720 towards Specific Green Infrastructure (to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme); £12,393.43 towards Spatial Green Infrastructure, Sports and Recreation; and £22,945.10 towards Education Facilities; and
- (B) In the circumstances where the S106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Head of Planning Services.
- (C) That upon satisfactory completion of the above legal agreement, planning permission be GRANTED subject to the following conditions: -
1. Time limit
  2. Approved plans
  3. Materials
  4. Landscaping

5. Obscure glazing retained.
6. Parking laid out and available prior to occupation. Retained thereafter
7. Ground contamination
8. Tree protection scheme
9. Drainage
10. Removal of permitted development rights

NT

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**LOCATION PLAN FOR APPLICATION No: - 81794/FULL/2013**

Scale 1:1250 for identification purposes only.

Head of Planning Services PO Box 96, Waterside House, Sale Waterside, Tatton Road, Sale M33 7ZF

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**CHANGE OF USE FROM GARDEN NURSERY TO AIRPORT CAR PARKING.**

Clay Lane Nurseries, Clay Lane/Thorley Lane, Timperley, WA15 7AF

**APPLICANT:** Day by Day Parking

**AGENT:** Urban Roots

**RECOMMENDATION: REFUSE**

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**SITE**

The application site is located on the south-east side of Thorley Lane and comprises two large detached glass house buildings used for the purposes of cultivating garden plants (agriculture). Glass House A is located to the north side of the site and Glass House B to the south-east side. The site is accessed from Thorley Lane and also by a second access from Clay Lane to the north. The site measures approximately 0.7ha in size and is located within the Green Belt.

To the east side of the site is Altrincham Masonic Hall, to the south is Thorley Lane Farm which is accessed through the application site, this particular site is used in association with a landscaping business. No. 2 Clay Lane is a bungalow which is immediately to the west side of the application site boundary. To the north side of the site are poly-tunnels. The site is located close to wider residential sites on Clay Lane; Wellfield Lane and Wood Lane.

**PROPOSAL**

This application seeks a temporary use of the site for a period of three years for airport car-parking. The unauthorised use of the site for airport car-parking commenced on site in May 2013; following initial letters requesting cessation of the unauthorised use, the Council issued an enforcement notice (dated 3<sup>rd</sup> December 2013) requiring the owner to cease the unauthorised use of the land and revert it back to its lawful use. The owner of the site proceeded to submit the current planning application to seek to regularise the planning status of the site. Whilst the enforcement notice took effect from the 3<sup>rd</sup> January 2014, enforcement proceedings have been temporarily suspended until such time that the current application is determined.

The operation of the business involves the staff of the company picking the clients car up at the airport and driving it to the site, the applicant has referred to this activity as 'meet and greet' parking, with the cars then returned to the airport by the company staff on the date of the clients return flight. The applicant also refers to the provision of a valeting service at the site within their supporting planning statement.

The cars are reversed into rows within the glass houses and it is suggested by the applicant that they are organised in such a manner that they can be taken out in date order to minimise any disruption. The submitted plans would suggest that 42 cars can be parked

within Glass House A and 46 cars in Glass House B. During the officers visit to site it was observed that the cars can park up to the doors of Glass House A as they have sliding doors, therefore it is feasible that a further 14 cars could be accommodated in addition to the 42 cars indicated for Glass House A

The applicant has suggested that they wish to only have a temporary use for a period of three years, and that the long term use of the site is to remain as a garden nursery (agriculture) use. The application proposes the use of the Thorley Lane access only. At the time of the officers visit to site in December only Glass House A was in use, the applicant had indicated that Glass House B will be used at times of greater demand.

## **DEVELOPMENT PLAN**

### **The Development Plan in Trafford Comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Greater Manchester Joint Waste Plan**, adopted 01 April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.
- The **Greater Manchester Joint Minerals Plan**, adopted 26<sup>th</sup> April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 Design

R2 – Natural Environment

R3 – Green Infrastructure

R4 – Green Belt, Countryside and Other Protected Open Land

## **PROPOSALS MAP NOTATION**

Green Belt

Area of Landscape Protection

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

C4 – Green Belt

ENV17 – Areas of Landscape Protection

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

H/52635 – Erection of a three span poly-tunnel greenhouse for production of bedding plants  
– Approved November 2001

## **APPLICANT'S SUBMISSION**

The applicant has provided a planning statement in support of the application, which is referred to as appropriate throughout this report.

## **CONSULTATIONS**

**Local Highway Authority** – No usage figures and trip generation details have been submitted as part of the application.

**Pollution & Licensing** - Whilst the number of car parking spaces would normally require an air quality assessment, as the spaces are going to be used for long term parking it is considered that the traffic flow in and out of the premises would be low. Therefore an air quality assessment is not required to be undertaken for this development.

## **REPRESENTATIONS**

**Councillor Butt** has objected to the proposal for the following reasons:-

- The mass storage, processing and movement of vehicles is inappropriate for this location and would have an adverse impact on the Green Belt.
- The site being covered with vehicles, equipment, containers and temporary buildings would be detrimental to the environmental amenity of residents and the public.
- Despite what the applicant has suggested, there is no significant level of anti-social behaviour at this site and this cannot be a justification for the business.
- Despite the closure of the nursery business, it is not for the local planning authority to facilitate income generation for the landowner to the detriment of the Green Belt and the local community.
- Unauthorised use by the owner
- The use of security lighting around the site will be inevitable for so many parked vehicles  
– This would cause light pollution
- The restricted access and narrow country lanes between the airport and the Clay Lane site are not suitable for ferrying cars back and forth on a 24/7 basis.

**Neighbours:** - 29 letters of objection have been received from local residents and members of the public (including one from Timperley Civic Society) citing the following reasons for objection:-

- Out of keeping with the surrounding area
- Too close to residential properties
- Cars coming and going at late hours



- Car park will be floodlit
- Increase in car movements on narrow roads – proximity to Thorley Lane/Clay Lane roundabout potential hazard to road users
- Will decrease property values
- Adverse impact on local wildlife
- Use not compatible with Green Belt
- Will result in noise and air pollution
- If approved would be a precedent for such development within the Green Belt
- Appropriate parking at the airport
- Applicant overstates the incidence of ant-social behaviour at the site.
- Potential for chemical pollution from the valeting service.
- Potential for criminal interest in the site
- Hardsurfacing will result in flooding issues

## **OBSERVATIONS**

### GREEN BELT

1. National Policy regarding Green Belt is contained within the NPPF. Para.87 of the NPPF states *that 'inappropriate development is, by definition harmful to the Green Belt and should not be approved except in special circumstances.'* The guidance goes onto list (para.90) certain forms of development that are not considered to be inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Of these exceptions of particular relevance to this application is the *'the re-use of buildings provided that the buildings are of permanent and substantial construction'*.
2. The current development plan for the Borough, The Trafford Core Strategy includes policy R4 *Green Belt, Countryside and Other Protected Open Land*, which is the relevant policy when considering development within the Green Belt. The contents of policy R4 reiterate what was previously included in policy C5 *Development in the Green Belt* of the UDP. Policy R4 states: - R4.1 - *The Council will continue to protect the Green Belt from inappropriate development. R4.2 New development, including buildings or uses for a temporary period will only be permitted within these areas where it is for one of the appropriate purposes specified in national guidance, where the proposal does not prejudice the primary purposes of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal.* Paragraph 24.2 within Policy R4 of the Core Strategy states *'Within the Green Belt, development will be restricted to those uses that are deemed appropriate in the context of national guidance and which maintain openness. For all other types of development it will be necessary for the applicant to demonstrate very special circumstances to warrant the granting of any planning permission for development.'*
3. The applicant's justification for this development within the Green Belt relies on the advice contained with the NPPF with regards promoting economic development and the re-use of existing buildings. The applicant suggests that the development will have no impact on the openness of the Green Belt with no new operational development being proposed. In addition the applicant states that the proposal does not conflict with the purposes of including land within the Green Belt and as the parking will be contained within the existing buildings there will be no encroachment on undeveloped land.

4. With regards the issue of using existing buildings, the crucial wording within the guidance relates to buildings being of a '*permanent and substantial construction*'. It is considered that the two glass house buildings that are to be used as part of the proposed development would not be considered to be of a permanent and substantial construction.
5. The glass houses are constructed in an aluminium frame with glazed panels to the elevations and roof structure, timber sliding doors have been erected to Glass house A. The buildings are light weight structures with no floor slab, erected to provide a convenient and economical structure to cover nursery plant stock from the elements. Such glass houses can be erected, altered and dismantled relatively easily given the nature of the materials used. On this basis the proposed use would not be considered to be compatible with national and local Green Belt Policy and would therefore be considered as an inappropriate form of development within the Green Belt, for which no special circumstances have been demonstrated.
6. Whilst the proposal includes the use of Glass House A and B, there is a high probability of the external area between both glasshouses being utilised for parking. When the unauthorised use commenced in May 2013, the external area was used for parking cars, parked bumper to bumper. Restriction of parking in the external area would be difficult to monitor and enforce on a regular basis. The provision of cars parking in this area would impact on the openness of the Green Belt. The application submission refers to the provision of a valeting service, therefore the use of the external area for car-washes and associated valeting works would be a possibility. The external surface between both Glass Houses is exposed earth which becomes churned up during the winter months. The access lane to the site comprises of numerous potholes and is clearly not sufficient for the purpose of cars on this level using it to access the site. Therefore there is the possibility that these areas may be resurfaced to facilitate the use which would have a detrimental impact on the openness of the Green Belt.

## RESIDENTIAL AMENITY

7. The nearest dwelling to the application site is 2 Clay Lane, a detached Bungalow which is positioned immediately adjacent to the application site. The front elevation of the bungalow faces towards the area of open space between both glass houses. The access lane from Thorley Lane to the application site is shared by the applicant and also 2 Clay Lane and the landscaping business to the south side of the site. Other nearby residential properties are located along Clay Lane to the north and north-east of the site.
8. The use of the external area created substantial disruption to the occupants at 2 Clay Lane with cars parked a number of metres away from the front elevation of the bungalow. The activity on the site resulted in cars arriving and leaving periodically, with associated noise and disturbance.
9. Notwithstanding that the cars are proposed to be stored within the two glass houses, the use of this site for car-parking on such an intense level is considered unacceptable with regards residential amenity. The activity which was observed during the officers site visit, does involve cars being manoeuvred in and out to ensure that they are in the correct sequence. As a result of seasonal demands this activity will intensify during summer and other holiday periods with approximately 100 plus cars on this small site. With regards the valeting element of the proposal, the

activities associated with valeting (i.e. hoovers, power hoses) would result in unacceptable disturbance to local residents.

10. The proposed use of the site for airport car-parking, even for a temporary period of three years, is unacceptable in this location due to the adverse impact on residential amenity arising from comings and goings to the site and activity within the site.

## HIGHWAYS

11. Insufficient information has been submitted at this stage to enable the Local Highway Authority to conclude whether or not the proposal would create any highways safety issues or not.

## DEVELOPER CONTRIBUTIONS

12. The proposed development may require contributions under the Council's SPD1: Planning Obligations; however due to the overwhelming reasons for refusal these have not been calculated at this particular time.

## **RECOMMENDATION: REFUSE, for the following reasons:-**

1. The proposed development is located within the Green Belt where there is a presumption against inappropriate development and where development will only be allowed if it is for an appropriate purpose or where very special circumstances can be demonstrated. The applicant has failed to demonstrate that there are any such special circumstances to permit the type, scale and form of development which would be inappropriate, out of character and have an adverse impact on the openness of the Green Belt. As such it is contrary to policy R4 of the Trafford Core Strategy; Policy C4 of the Revised Unitary Development Plan and advice contained within the National Planning Policy framework (NPPF).
2. The proposed airport car-parking by virtue of its proximity to neighbouring residences would be unduly detrimental to the amenity and quietude of their occupants as a result of the additional comings and goings and activity associated with manoeuvring of cars within the application site. As such the proposal is contrary to Policies L4 and L7 of the Trafford Core Strategy.
3. The applicant has failed to provide sufficient information to demonstrate that vehicles entering and leaving the site will not cause delays and congestion on Thorley Lane and Clay Lane and will not therefore prejudice the free and safe movement of traffic using the adjoining highways. As such the proposal is contrary to Policies L4, L7 and advice contained with Trafford Council Supplementary Planning Document3: Parking Standards and Design.

CM

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**LOCATION PLAN FOR APPLICATION No: - 81973/COU/2013**

Scale 1:1750 for identification purposes only.

Head of Planning Services PO Box 96, Waterside House, Sale Waterside, Tatton Road, Sale M33 77F

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**ERECTION OF A SIX STOREY, 203 BEDROOM HOTEL WITH ASSOCIATED CAR PARKING AND LANDSCAPING AND ACCESS FROM MERCURY WAY**

Former Kratos site, Mercury Way, Davyhulme East, M41 7BZ

**APPLICANT:** Peel Holdings (Leisure) Ltd

**AGENT:** KKA

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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**SITE**

The application relates to a roughly square brownfield site approximately 0.72 ha in area on the western side of Trafford Park near to the Trafford Centre. The application site is in the southwestern corner of a larger vacant former industrial site, approximately 3.8 hectares in size. The land has been cleared of buildings (previously there were industrial buildings on the site). Access into the site is currently via Mercury Way on the north west side of the site.

The site is on the north east side of Barton Dock Road between Park Way (A5081) to the east and Mercury Way to the west. The south eastern boundary adjoins cleared vacant land beyond which is vegetation, then a slip road and Park Way. To the north west on the opposite side of Mercury Way is the Event City Exhibition Centre and further along Mercury Way is a large warehouse (Regatta). To the north east there are smaller industrial units with access from Cobalt Avenue.

**PROPOSAL**

Full planning permission is sought for the erection of a 203 bed hotel (Use Class C1) of 7546.0 sq. m and associated car parking, together with vehicular access and landscaping.

The proposed hotel is a 6 storey building positioned on the corner of Barton Dock Road and Mercury Way (as indicated in the recent outline application 80470/O/2013). The hotel building would be arranged in an L-shaped layout, with the wings running parallel to Mercury Way and Barton Dock Road. The materials proposed for use are off-white/ sandblasted smooth pre-cast concrete wall panels to the main "east" wing elevation, contrasting light-grey exposed aggregate pre-cast concrete panels to the main "west/entrance" wing elevation, primary blue-coloured glazed ceramic rainscreen cladding highlighting stair towers and light grey- coloured polyester powder coated window/ door frames and louvres.

The predominant height of the building (parapet level on both wings) would be 19.4m with a maximum height at the top of the 'gull wing' plant roof of 23.5 metres.

Access to the site is proposed from Mercury Way. The main parking areas would be to the rear of the hotel building and therefore largely screened from Barton Dock Road. 108 car

parking spaces, 8 motorcycle spaces and 20 cycle parking spaces are proposed on a surface level car park within the application site with an additional 95 spaces to be marked out within the adjacent blue edged site.

## **DEVELOPMENT PLAN**

### **The Development Plan in Trafford Comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Greater Manchester Joint Waste Plan**, adopted 01 April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.
- The **Greater Manchester Joint Minerals Plan**, adopted 26<sup>th</sup> April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

SL4 – Trafford Centre Rectangle

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 - Design

L8 – Planning Obligations

W1 – Economy

W2 – Town Centres and Retail

R3 – Green Infrastructure

R6 – Culture and Tourism

## **PROPOSALS MAP NOTATION**

Trafford Centre and its Vicinity

The Village Business Park and Centre

Special Health and Safety Development Control Sub Area

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

TCA1 – The Trafford Centre and its Vicinity

TP6 –Village Business Park and Centre

D5 – Special Health and Safety Development Control Sub-areas

S11 – Development outside Established Centres

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

80470/O/2013 – Outline application for redevelopment of site to provide up to 27,870 sq. m (internal) offices (B1), a 150 bed hotel (C1) and decked car parking, together with associated highway access and landscaping. Details of access applied for with all other matters reserved (appearance, landscaping, layout and scale) – Minded to Grant Subject to a Section 106 agreement at Committee Meeting on 12/12/2013

H/OUT/70189 - Outline planning application for demolition of existing buildings and erection of two office buildings (maximum 27,870 square metres) falling within Class B1 together with associated car parking and ancillary structures. Consent sought for creation of access from Mercury Way with all other matters reserved.

Approved 20/03/2009

H/OUT/66496 - Outline planning application for demolition of existing buildings and erection of a new 10,000 square metre office building (use Class B1) with consent sought for details of access and all other matters reserved.

Approved 28/05/2008

## **APPLICANT'S SUBMISSION**

The applicant has submitted the following information in support of the application:-

Planning Statement

Design and Access Statement

Transport Assessment

Flood Risk Assessment

Air Quality Assessment

The documents will be referred to as necessary within the Observations section of this report.



## **CONSULTATIONS**

**LHA** – No objection in principle. Comments incorporated into the Observations Section of the report.

**Strategic Planning and Developments** – No objection. Comments incorporated into the Observations Section of the report.

**Pollution & Licensing** –The site is situated on brownfield land and as such a condition requiring a contaminated land Phase I report to assess actual/potential contamination risks and a Phase II report as necessary is recommended.

Confirm that the Air Quality Assessment is satisfactory. It concludes that the operational impacts associated with road traffic emissions will be negligible, but that dust emissions during the construction phase of the development should be mitigated through a scheme of dust control measures. It is recommended that the developer be required to implement the scheme as proposed in the report.

Also recommend a condition requiring an acoustic assessment in relation to the amenity of future occupiers of the development.

**TfGM** – Support the proposed development and welcome the opportunity to continue working with the developer to ensure cohesion with the proposed Metrolink works for the area.

We are aware of the current proposal for the Kratos site, as set out in the outline planning application (ref 80470/O/2013) and have submitted comments, by letter dated 28th August 2013, regarding future junction alterations at the Barton Dock Road / Mercury Way junction. We also understand that a decision for this proposal is currently outstanding.

TfGM acknowledge that the current full planning application (82046/FULL/2013) does not propose to alter the junction at Barton Dock Road / Mercury Way. In the event that a junction alteration or signalisation is required, TfGM would propose the following in line with our previous condition.

As part of S278 works, detailed design of the junction will need to be approved by

TfGM (UTC) on behalf of GMCA for traffic signals for which a commuted sum for future maintenance and operating costs would be required. This is to safeguard future Metrolink proposals to support LTP3 (Longer term plans for Metrolink) and

Trafford Council Core Strategy Policies TPO3 (SO2), TPO14 (SO6) and SL4 specifically the development requirements in SL4.4 which requires ‘Significant improvements to public transport infrastructure, including an integrated, frequent public transit system’. It is also to ensure suitable provision to accommodate the inclusion and operation of Metrolink to prevent further junction amendments and minimise disruption to the travelling public.

The Site Layout plan (dwg. SK51) from the full planning application (82046/FULL/2013) identifies landscaping proposals along the southern edge of the site boundary. TfGM support the landscape strip and would seek to retain this as part of future Metrolink design work.

Whilst we don't currently anticipate the need to acquire land in this area, our design work is at an early stage.

In safeguarding future Metrolink design work, we would propose the following condition:

The plans should be approved in accordance with drawing number SK51 (Site Layout). Any alterations will need to be reviewed by TfGM in advance of approval, in writing, by the local planning authority.

**Greater Manchester Police (Design for Security)** – No comments received. Any comments will be included in the Additional Information Report.

**Environment Agency** - Comments on the Flood Risk Assessment not yet received. Any comments will be included in the Additional Information Report.

**United Utilities** – No comments received. Any comments will be included in the Additional Information Report.

**Electricity North West** – Comment the application could have an impact on their infrastructure. Applicant to be informed of comments.

## **REPRESENTATIONS**

**Neighbours:** - One e-mail received from Seward Refrigeration Ltd as follows:-

'We do object to the erection of a six storey hotel. However, traffic light signals must be considered at the entrance of Mercury Way and please reduce Barton Dock Road to a 30 mph speed limit.'

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. The site lies within the Trafford Centre Rectangle Strategic Location as defined in Policy SL4 of the Core Strategy. This policy seeks the major mixed-use development of this area including, amongst other things, commercial and leisure facilities; the delivery of 15 hectares of employment activity, a proportion of which is suitable for high quality commercial (B1) development, in line with Policy W1; and a high quality (4\* minimum) hotel and conference facility in the region of 200 bed spaces located close to Junction 9 of the M60.
2. Proposals for a hotel at TCR in addition to the outstanding permission for a 4\* hotel at Junction 9 of the M60 (Planning Application Ref: 80868/RENEWAL/2013) should be dealt with in relation to CS Policy W2.12 i.e. considered against the national tests in NPPF paras 24 to 27.
3. In relation to the sequential test, the applicant has demonstrated in paras 4.9 to 4.13 of their development supporting statement (October 2013) that there is a very significant need for a hotel of this type in this particular location due, primarily to the demand created by EventCity. Therefore, it is considered that there are no suitable sites within existing town centres that would be likely to be capable of meeting the same requirements as the application site. Therefore the hotel proposal is consistent with the

Sequential Test as set out in paragraph 24 of NPPF and Policy W2.12 of the Core Strategy. In addition, it follows that, as the need for this proposal is limited to the TCR, there would be a limited impact on any town centres.

4. This application is consistent with the specific designation in Core Strategy Policy SL4.2. It is considered that the proposal is also acceptable in terms of the sequential and impact tests and is therefore consistent with Policy W2 of the Adopted Core Strategy. The proposal should also, however, demonstrate how it is consistent with Core Strategy Policies L7 Design and L8 Planning Obligations.

#### APPEARANCE, LAYOUT AND DESIGN

5. The proposed 6 storey hotel is laid out in an L-shaped plan form with the corner of the building located at the junction of Barton Dock Road and Mercury Way. The design and landscape layout focuses attention on the main entrance at the junction with Barton Dock Road and Mercury Way and this is informed by the potential future relationship with Metrolink in addition to the direct relationship of the hotel with Event City. The two 'wings' of the building run along the edges of the site close to the adjacent roads and they effectively screen the main car parking and servicing area from Barton Dock Road. The 6 storey building is considered to provide a strong visual presence and to provide an adequate degree of enclosure to create a boulevard to Barton Dock Road with well-defined public amenity areas and ready access to the Metrolink if/when required.
6. The Design and Access Statement sets out that there are a variety of architectural styles in the Trafford Centre rectangle with the commercial buildings varying considerably in footprint, height and design. The architects state that they have taken an approach 'thoroughly modern in design' that will 'complement and contrast with the more classical style of the nearby Trafford Centre and Barton Square developments'. They consider that the hotel should stand out as a distinct form with its own identity and state that the materials proposed reflect this coherent clear contemporary identity, comprising off-white/ sandblasted smooth pre-cast concrete wall panels to the main "east" wing elevation, contrasting light-grey exposed aggregate pre-cast concrete panels to the main "west/entrance" wing elevation, primary blue-coloured glazed ceramic rainscreen cladding highlighting stair towers and light grey- coloured polyester powder coated window/ door frames and louvres. The layout should ensure easy access to the hotel from inside and outside of the site and all entrances will be accessible via level thresholds.
7. The roof form of the rooftop plant room has been modelled as a gull-wing form and the applicants have indicated that high level signage would be an integral part of the elevation design to identify the building from afar. This would however need to be the subject of a separate advertisement consent application.
8. The site layout is in line with the current outline planning application for a mixed use development proposal for the whole of the former Kratos site (80470/O/2013).

#### Landscaping

9. The application proposes structural planting along Barton Dock Road with planting beds interspersed with a strong line of trees. There is some planting to the rear of the hotel; however this could be improved and a landscaping condition is recommended to address this.

10. The main entrance forecourt is intended as a shared surface hub designed by the use of 'tegula' blocks and bollards and street furniture. The hotels boundaries to the rear mainly comprise 2 metres high anti climb black welded mesh fencing with low level planting / climbers proposed behind the boundary fencing.
11. It is considered that the scale, layout and design of the proposed hotel are appropriate in this location.

## HIGHWAY ISSUES

12. The LHA have not raised any objections to the proposed access and initial LHA concerns regarding trip generation and modelling have been overcome by the submission of additional information from the applicant's Transport Consultant.
13. To meet the Councils car parking standards the provision of 203 car parking spaces are required, 20 cycle parking spaces and 8 motorcycle parking spaces. The proposals as originally submitted indicated 108 car parking spaces, 8 motorcycle parking spaces in 4 no. Sheffield cycle stands provided in a modular canopy/shelter and an additional 10 cycle parking stands provided in a modular canopy/shelter are proposed to provide for 20 cycle parking spaces.
14. The car parking proposed therefore initially fell short of the Councils car parking standards by 95 spaces and whilst the LHA appreciated that a Metrolink line may well in future be located in close proximity to the site, this is not likely to be installed and operational prior to the opening of the hotel. Therefore the LHA raised concerns that the shortfall in car parking proposed at the site could potentially cause overflow parking on neighbouring roads which could cause congestion and disamenity issues to other businesses in the area. Consequently the applicant has submitted a plan to show 95 additional parking spaces to be provided prior to the hotel opening within the site edged blue available to the application site. As these may be required to be moved when the redevelopment of the wider Kratos site occurs the condition would allow flexibility for equivalent provision to be provided within the blue edged site at a later date. The LHA is satisfied with this approach.
15. The LHA remain concerned that the proposed cycle park is not sited in a well overlooked and secure location. A condition can be attached to allow further consideration to be given to the siting of the cycle parking. The LHA have commented that although an initial travel plan has been submitted a condition should be attached for a travel plan to be submitted and approved prior to first occupation.
16. In their consultation response TfGM acknowledge that the current full planning application (82046/FULL/2013) does not propose to alter the junction at Barton Dock Road / Mercury Way. Notwithstanding this they have requested that in the event that a junction alteration or signalisation is required or proposed, TfGM would propose a condition requiring that the detailed design of the junction would need to be approved by TfGM. It is not, however, considered reasonable to attach a condition relating to junction works that are not part of the current application. However these comments will be attached as an informative to the decision so that the applicant is aware of the need to consult with TfGM in relation to any junction works.

## METROLINK

17. The proposed Metrolink extension to Trafford Park and the Trafford Centre would run alongside the south west side of the site (alongside Barton Dock Road). The proposals include provision of an easement for this line TfGM has no objections subject to conditions.
18. TfGM have also requested a condition stating that the plans should be approved in accordance with drawing number SK51 (Site Layout) and that any alterations will need to be reviewed by TfGM in advance of approval, in writing, by the local planning authority. A condition is recommended accordingly.

## AIR QUALITY

19. An Air Quality Assessment has been submitted with the application. Pollution and Licensing have confirmed that the Air Quality Assessment is satisfactory. It concludes that the operational impacts associated with road traffic emissions will be negligible, but that dust emissions during the construction phase of the development should be mitigated through a scheme of dust control measures. It is recommended that the developer be required to implement the scheme as proposed in the report. A condition is therefore recommended to require the development to be carried out in accordance with the Air Quality Assessment.

## FLOOD RISK

20. The site lies within Flood Risk Zone 1 and accordingly a Flood Risk Assessment has been submitted (the originally submitted Flood Risk Assessment was dated 2008 and has therefore been updated). This concludes there is no significant risk of flooding from fluvial or other sources and the proposed development is considered to be appropriate subject to the implementation of relevant mitigation measures to address the low residual risk of flooding. Subject to the mitigation measures proposed, the development can proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area subject to suitable management of surface water run-off discharging from the site. Any comments from the Environment Agency on the Flood Risk Assessment will be included in the Additional Information Report.

## OTHER MATTERS

21. The application site is not in close proximity to any residential properties and it is not therefore considered that there would be any impact on residential amenity.
22. However Pollution and Licensing have commented that an acoustic assessment for the development is required and any mitigation measures identified should be implemented prior to the development being brought into first use and retained as such thereafter to prevent loss of amenity affecting future occupiers of the development due to impacts of noise from neighbouring uses / roads. A condition is recommended accordingly.

## DEVELOPER CONTRIBUTIONS

23. The Trafford Developer Contributions (TDC) required by SPD1 Planning Obligations are set out in the table below:

<b>TDC category.</b>	<b>Gross TDC required for proposed development.</b>	<b>Contribution to be offset for existing building/use.</b>	<b>Net TDC required for proposed development.</b>
Affordable Housing	0	0	0
Highways and Active Travel infrastructure (including highway, pedestrian and cycle schemes)	£18,270.00	0	£18,270.00
Public transport schemes (including bus, tram and rail, schemes)	£39,382.00	0	£39,382.00
Specific Green Infrastructure (including tree planting)	£78,120.00	0	£78,120.00
Spatial Green Infrastructure, Sports and Recreation (including local open space, equipped play areas; indoor and outdoor sports facilities).	0	0	0
Education facilities.	0	0	0
<b>Total contribution required.</b>			<b>£135,772.00</b>

\* Less £310 per tree planted on site in accordance with an approved landscaping scheme

24. However the applicant has requested that the transfer of an area of land between the former Kratos site and Barton Dock Road be made by the applicant to assist in the delivery of the Metrolink line and that the value of that land be offset against the required Section 106 contribution for this site. The land in question does fall within the current proposed alignment for the Metrolink route and discussions are ongoing with regard to this possible approach.

#### **RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

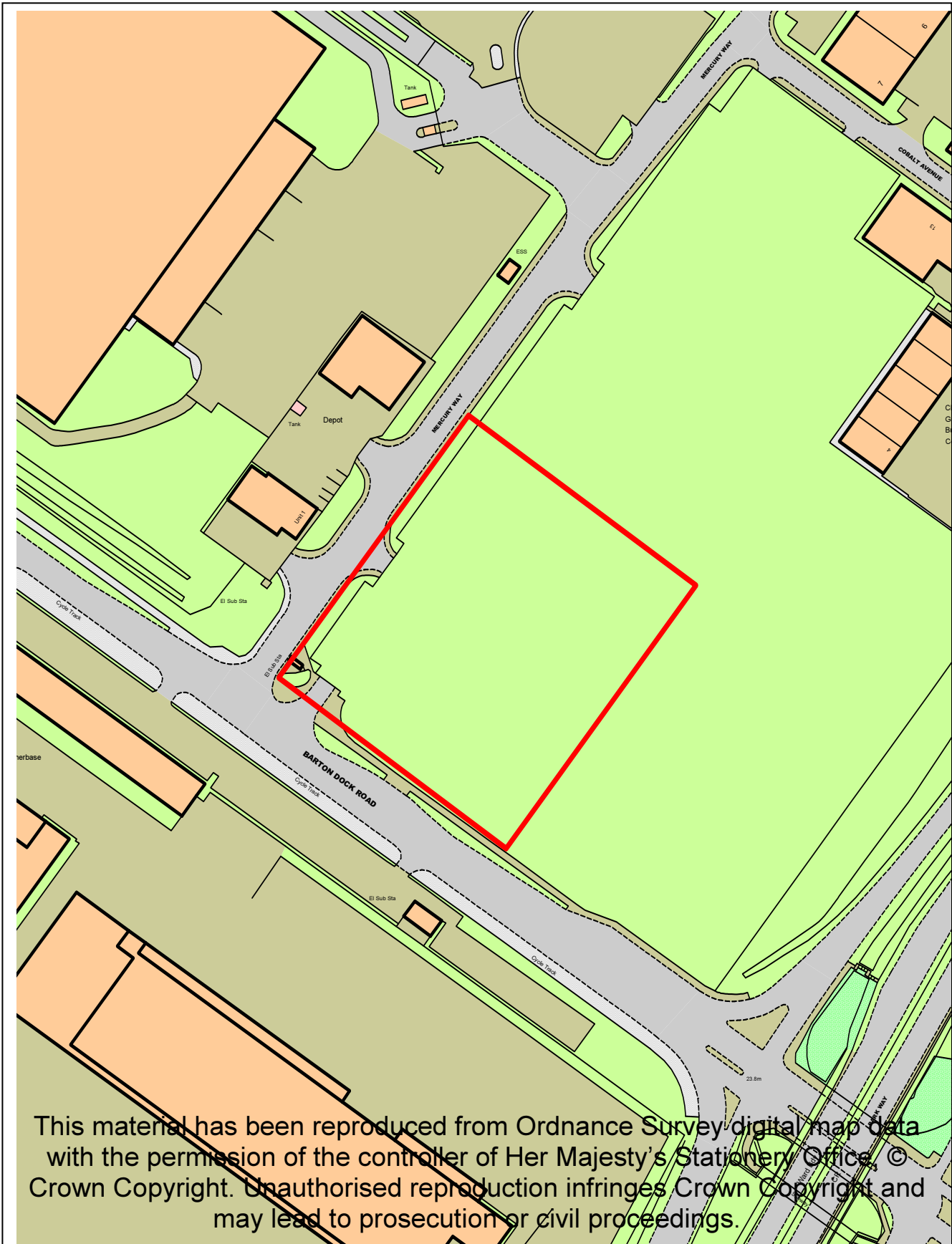
(l) That the application will propose a satisfactory form of development for the site upon completion of an appropriate legal agreement to secure a maximum financial contribution of £135,772.00, split between: Highway and Active Travel infrastructure (£18,270.00); Public Transport Schemes (£39,382.00); Specific Green Infrastructure (£78,120.00), to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme); and

- (II) In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of this resolution, the final determination of the application shall be delegated to the Head of Planning Services.
- (III) That upon satisfactory completion of the above legal agreement, planning permission be granted subject to the following conditions: -
1. Standard time
  2. Compliance with plans
  3. Materials samples
  4. Landscaping
  5. Landscape Maintenance
  6. Provision of parking, turning and servicing areas
  7. Retention of parking, turning and servicing areas
  8. The hotel hereby permitted shall not be open to the public unless or until an additional 95 car parking spaces have been provided and marked out in accordance with the details shown on drawing ref. A02A with additional details to be submitted for approval prior to commencement of development in relation to the surfacing materials proposed. These spaces, in combination with those within the red edged site, shall be retained thereafter at all times for the use of the hotel unless and until the 95 spaces are replaced with equivalent provision within the site edged blue, in accordance with details to be approved in writing by the Local Planning Authority.
  9. The landscaping proposals along the southwestern edge of the application site shall be carried out in accordance with the details shown on Site Layout plan (ref. SK51) unless otherwise agreed in writing by the Local Planning Authority in conjunction with TfGM.
  10. Travel Plan prior to first occupation
  11. Provision of cycle parking
  12. Contaminated Land
  13. Development to include the mitigation measures set out in the Flood Risk Assessment
  14. Drainage scheme to be submitted and approved (and to meet Strategic Flood Risk Assessment objectives with regards surface water run-off)
  15. Development to be carried out in accordance with the Air Quality Assessment
  16. Acoustic Assessment to be submitted and approved
  17. Wheelwashing

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**LOCATION PLAN FOR APPLICATION No: - 82046/FULL/2013**

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Head of Planning Services PO Box 96, Waterside House, Sale Waterside, Tatton Road, Sale M33 7ZF

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**REMOVAL OF CONDITION 21 OF PLANNING PERMISSION 77232/VAR/2011 (RELATING TO REDEVELOPMENT OF SITE WITH RETAIL FOODSTORE, RETAIL UNITS, 24 RESIDENTIAL UNITS, CAR PARKING, SERVICING AND ASSOCIATED WORKS), TO ALLOW MORE THAN 500 SQ. M OF THE RETAIL UNITS TO BE IN USE CLASSES A2, A3, A4 OR A5.**

The Square, Hale Barns, WA15 8ST

**APPLICANT:** Development Securities (Hale Barns) Limited

**AGENT:** Deloitte LLP

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO DEED OF VARIATION TO LEGAL AGREEMENT**

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**SITE**

The site is located in the centre of Hale Barns and is currently a cleared site with development under construction, as granted under planning permission 77232/VAR/2011. The original shopping centre has recently been demolished and development has commenced to include a retail foodstore (2,730 sq. m gross internal floorspace), other retail floorspace (1,022 sq. m gross internal floorspace), 24 residential units, car parking, servicing and associated works.

The surrounding area is mixed in character, comprising predominantly commercial uses on both sides of Hale Road and on Wicker Lane to the north west whilst to the south and south east is a residential area. The site is adjoined on the western side by All Saints Church, a therapy centre and a bowling green associated with the Bulls Head Public House. On the southern and eastern sides the site is adjoined by two storey residential properties on Tithebarn Road and Barns Place. Across Hale Road to the north is a row of predominantly two storey commercial properties.

**PROPOSAL**

The application seeks permission for the variation of Condition 21 of planning permission 77232/VAR/2011 which limits the amount of floorspace in the approved retail units (excluding the foodstore) that can be occupied by uses within Classes A2 - A5 to 500 sq. m i.e. non-A1 retail uses. The permission includes 1,022 sq. m gross internal floorspace overall split between 5 to 10 individual units and so the condition has the effect that a minimum of 522 sq. m must be A1 retail. This equates to a maximum 49% of the retail floorspace to be occupied by A2-A5 uses and a minimum 51% to be occupied by A1 retail uses.

For the avoidance of any doubt the relevant Use Classes referred to in the condition are as follows: -

A1 – Shops

A2 – Financial and Professional Services

A3 – Restaurants and Cafes

A4 – Drinking Establishments

A5 – Hot Food Take-away

The exact wording of Condition 21 is as follows: -

No more than 500 sq. m of the gross retail floorspace (excluding the foodstore) shall be occupied by Classes A2 to A5 of the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To ensure that the development is appropriate in scale, fully reflective of the submitted retail assessment and to safeguard the vitality and viability of all of the Borough's town, district and local centres in accordance with the provisions of Policies S1 and S4 and Proposal S10 of the Revised Trafford Unitary Development Plan and Regional Spatial Strategy for the North West.

## **DEVELOPMENT PLAN**

### **The Development Plan in Trafford Comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Greater Manchester Joint Waste Plan**, adopted 01 April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.
- The **Greater Manchester Joint Minerals Plan**, adopted 26<sup>th</sup> April 2012 now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L2 – Meeting Housing Needs

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 - Design

L8 – Planning Obligations

W1 - Economy

W2 – Town Centres and Retail

## **PROPOSALS MAP NOTATION**

Local Shopping Centre

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

S10 – Local and Neighbourhood Shopping Centres

S14 – Non Shop Uses within Local and Neighbourhood Shopping Centres

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

82185/NMA/2014 - Application for a non-material amendment to planning permission 76125/FULL/2010 to allow for amendments to the elevations of the approved food store, comprising areas of weather boarding replaced with terracotta tiles with feature banding, areas of buff brickwork replaced with red brickwork and relocation of entrance doors on Hale Road elevation. Approved 21/01/2014

82183/NMA/2014 - Application for a non-material amendment to planning permission 76125/FULL/2010 to allow for amendments to the elevations of the approved food store, comprising areas of buff brickwork replaced with red brickwork and relocation of entrance doors on Hale Road elevation. Approved 21/01/2014

77232/VAR/2011 - Variation of Condition 28 of Planning Permission 76125/FULL/2010 to allow deliveries to the foodstore on Sundays. Approved 11/05/2012

76125/FULL/2010 - Demolition of existing buildings and comprehensive redevelopment comprising retail foodstore (2730 square metres gross internal floorspace), additional retail floorspace (1022 square metres gross internal floorspace) and 24 residential units, car parking, servicing and associated works. Approved 20/07/2011

## **APPLICANT'S SUBMISSION**

A Supporting Statement has been submitted and is referred to where relevant in the Observations section of the report.

In summary the submission states the removal of the condition is wholly appropriate for this location, will allow Hale Barns to maintain its role and function in serving the day to day needs of local residents, and will have a positive effect on the Local Centre's overall vitality and viability.

## **CONSULTATIONS**

**LHA** – No objections. Comments summarised in the Observations section of the report.

**Pollution and Licensing** – No comments received at time of preparing this report.

**Strategic Planning** – Comments incorporated in the Observations below.

**Electricity North West** – Comment the development is shown to be adjacent to or affect ENW operational land or electricity distribution assets. Applicant must ensure the development does not encroach over either the land or any ancillary rights of access or cable easements.

## **REPRESENTATIONS**

None received

## **OBSERVATIONS**

### BACKGROUND

1. Condition 21 of planning permission 77232/VAR/2011 (which is the same as Condition 21 on the original planning permission 76125/FULL/2010) states that no more than 500 sq. m of the gross retail floorspace (excluding the foodstore) shall be occupied by Classes A2 to A5 of the Town and Country Planning (Use Classes) Order 1987 as amended. This ensures that at least 522 sq. m (51%) of the total floorspace must be occupied by A1 retail uses and the maximum that may be occupied by non-retail uses within Use Classes A2 to A5 cannot exceed 500 sq. m (49%) of the total.
2. The condition was imposed in order to ensure that an acceptable proportion of the new retail units would be in A1 retail use, rather than in A2-A5 uses in the interests of ensuring Hale Barns retains its role as a Local Shopping Centre and specifically to ensure that the redevelopment is appropriate in scale, fully reflective of the submitted retail assessment and to safeguard the vitality and viability of all of the Borough's town, district and local centres in accordance with the relevant policies of the Revised Trafford Unitary Development Plan (and the Regional Spatial Strategy for the North West, although this has since been abolished).
3. The agent has advised that the developer has been in discussions with potential tenants for the retail units and this has shown that the demand is from Use Class A3 operators only (restaurant and café uses), with very limited interest received from Use Class A1 operators (retail). With the current restriction of Condition 21, the submission states that, once completed, the development is likely to include vacancies. Given the level of interest from Class A3 operators and the need for the development to be fully occupied on completion, the developer is seeking removal of the restriction.

### RETAIL POLICY

4. Policy W2 of the Core Strategy sets out the hierarchy of town and other centres within the Borough, which include a network of local centres (including Hale Barns) where the focus will be on convenience retail facilities and services to meet local

needs. The Policy identifies a particular need to redevelop Hale Barns local centre to create a modern shopping centre including a medium-sized supermarket and other retail units. With regard to non-A1 uses, the policy states that changes of use from A1 retail to other uses should be carefully considered in terms of their impact on the function, character, vitality and viability of the centre as a whole and on specific frontages.

5. The application includes a supporting statement setting out justification for the removal of the condition. An analysis of Hale Barns (inclusive of the approved foodstore at The Square), shows that key facilities including a foodstore, post office, convenience and specialist stores, pharmacy, complementary facilities and public house / restaurants are, or are likely to be, present in the Local Centre. It states Hale Barns performs well in terms of Class A1 retail uses and particularly convenience needs.

6. In respect of the reasons for imposing the condition the applicant has stated the following: -

Scale - Physically the building remains unchanged, therefore the scale of Hale Barns as a whole is not increased. Compared to other centres, the scale of non-A1 uses would be appropriate for a centre which seeks to focus on convenience retail facilities and services to meet the needs of the local community. A comparison with other centres in terms of the percentage of floorspace in non-A1 use and percentage in A3 or A4 use is provided and shows Hale Barns to be comparable and states these other centres are considered healthy and vibrant.

Reflective of Retail Assessment – The proposals will result in less of the retail units being utilised for A1 use. The removal of the condition would remain reflective of the submitted retail statement, which tested the worst case of 100% Class A1 floorspace (which could still be achieved with the removal of the condition should occupier demand change).

Impact on other centres – The scale of non-A1 proposed is significantly less than the non-A1 floorspace provided in the three nearest centres. The non-A1 uses at Hale Barns would have a localised draw, and would not divert significantly from these centres. Therefore, coupled with the fact that the retail impacts of the scheme will be less, there is no question that the increase in non-A1 floorspace at The Square would not safeguard the health of nearby centres.

7. The following benefits for removing the condition are identified by the applicant: -
  - Class A1 uses will remain the dominant use within the Local Centre.
  - It will reduce the potential for vacant units within the development on completion.
  - A higher proportion of units dedicated to restaurants and cafes will help to create a thriving daytime and evening economy.
  - It will drive footfall through The Square and encourage customers of the foodstore to dwell for longer within the Local Centre.
8. Having regard to the above it is considered that the applicant had provided enough evidence that the proposed removal of the condition would not adversely impact on Hale Barns Local Centre or any other nearby centres. Even in the event that all of the

units were occupied by uses within Use Classes A2-A5, the scheme at The Square would still deliver a significant proportion of A1 retail use on the site (by virtue of the approved foodstore) and retail provision in the Local Centre as a whole would be maintained the function, character, vitality and viability of the centre.

#### IMPACT ON RESIDENTIAL AMENITY

9. The potential for a greater proportion of the retail floorspace to be occupied by uses within Use Classes A3, A4 and A5 increases the potential for noise, disturbance, odours, etc. affecting the apartments above. In recognition of this it is considered there would need to be a restriction on the number of units that may be occupied by these uses and specifically A4 (drinking establishments including public houses and bars) and A5 uses (hot food takeaways). Without any restriction it would otherwise be possible for all the units to be occupied by uses within Use Class A4 or A5 which is likely to result in problems with noise, disturbance and/or odour experienced by future occupiers of the apartments above. It is recommended a maximum of 2 units or 500 sq. m, whichever is the greater, may be occupied by uses within Classes A4 or A5.
10. The original permission is also subject to conditions requiring details of measures for the control of noise intrusion into the residential apartments and noise emission from the Class A units; details of measures for the control of odour from those units; and the proposed hours of operation to be submitted and approved for A3, A4 and SA5 uses. It is recommended these conditions are attached to any further permission in the interests of residential amenity (see conditions 24, 25 and 26 below).

#### HIGHWAYS ISSUES

11. The LHA comment that the proposed amendment to this condition would not result in any issues that would cause a detrimental impact on highways grounds. Generally A1 food retail and non-food retail uses require more car, cycle and motorcycle parking than other uses. Therefore on this basis there are no objections to the proposals on highways grounds.

#### DEVELOPER CONTRIBUTIONS

12. The original application to which this relates was considered having regard to the Revised Trafford UDP and associated SPG's in force at the time and prior to adoption of the Trafford Core Strategy and SPD1: Planning Obligations. The developer contributions that are required by the existing S106 agreement are as follows:

A total financial contribution of up to £449,222.20 consisting of:-

- Informal/children's playing space (£23,313.79) and outdoor sports facilities (£11,068.41)
- Red Rose Forest and other tree planting (up to £15,810)
- Highway and Public Transport Schemes (£399,030 split between a highway network contribution of £35,109 and a public transport contribution of £363,921).



13. The Trafford Core Strategy and SPD1 have since been adopted and the contributions applicable to the scheme would now differ, however given that there is an extant permission and which has been implemented it is considered unnecessary to reassess the scheme against SPD1. As such it is recommended the same planning obligations should apply and a Deed of Variation is required to tie any new permission into the original Section 106 Agreement.
14. It is also relevant to note the proposal does not involve any increase in floorspace and only affects the proportion of A1 to A2-A5 uses within the approved retail units. The residential and foodstore elements of the scheme are unchanged. Furthermore and based on SPD1, uses within Classes A2-A5 would generate equal or lower contributions than A1, therefore in terms of impact and any need for contributions to mitigate the impact the situation with the condition removed would be no greater than the approved scheme.

#### CONDITIONS

15. Any permission would need to be subject to the same conditions as the original planning permission, amended where necessary to reflect the fact that some conditions have been discharged and to ensure development is carried out in accordance with those approved details.

#### **RECOMMENDATION: MINDED TO GRANT SUBJECT TO DEED OF VARIATION TO THE LEGAL AGREEMENT and the following conditions:**

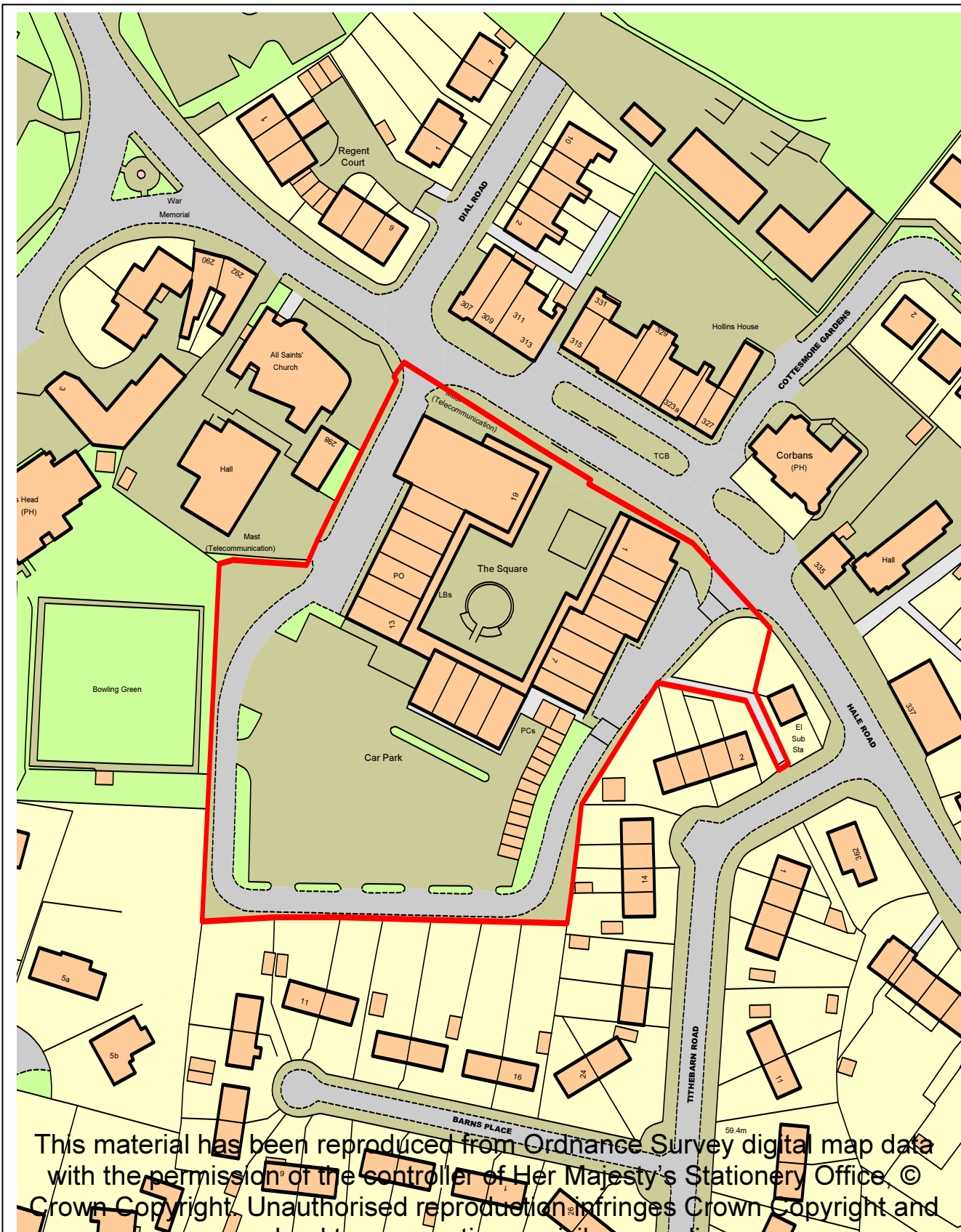
- (A) That the application will propose a satisfactory form of development for the site upon completion of an appropriate Deed of Variation to the Section 106 Agreement to secure a maximum financial contribution of £449,222.20 split between: £23,313.79 towards Informal/children's playing space; £11,068.41 towards outdoor sports facilities; £15,810 towards Red Rose Forest and other tree planting; £35,109 towards highway network and £363,921 towards public transport schemes; and
- (B) That upon satisfactory completion of the above Deed of Variation, planning permission be GRANTED subject to the following conditions: -
  1. Standard 3 year time limit
  2. List of approved plans
  3. Materials to be as previously submitted and approved
  4. Development in accordance with approved landscape scheme
  5. Tree Protection 1 as per approved scheme
  6. Tree Protection 2
  7. Provision of Access Facilities
  8. Retention of Access Facilities
  9. Bin Store / Recyclables
  10. Contaminated Land condition – validation report required
  11. External Lighting Scheme
  12. No external shutters shall be installed to the shop fronts hereby approved unless planning permission has been sought and granted for such shutters. Details of the roller shutter door to the basement parking area shall be submitted to and approved in writing by the Local Planning Authority prior to it being installed.

13. The shop fronts of the development hereby approved shall not be installed other than in accordance with details that have received the prior written approval of the Local Planning Authority. Such details shall also incorporate areas for shop front advertisements.
14. Development in accordance with the approved surface water drainage scheme and to be implemented in accordance with the approved details
15. No surface water from this development is discharged either directly or indirectly to the combined sewer network to meet the requirements of Planning Policy Statement 25. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the 300mm surface water sewer located in Hale Road at a rate not exceeding 20l/s.
16. Development in accordance with recommendations of the Bat Survey
17. Implementation of a programme of archaeological works in accordance with the approved Written Scheme of Investigation
18. The retail sales floorspace associated with the supermarket element of the application shall be located solely within the ground floor as shown on plan no. 6926 – L(00)72 - Rev. A dated 02 December 2010 and no retail sales floorspace will be permitted elsewhere within the building shown on that plan.
19. The net retail sales floorspace of the supermarket element of the application, including checkouts and service counters but excluding the area of a café/restaurant, shall not exceed 1,366 sq. m (as specified in the submitted Planning Statement and PPS4 Statement), unless otherwise agreed in writing with the Local Planning Authority.
20. No single retail operator, or any subsidiary or associated companies of that retail operator shall occupy floorspace in 'The Square' (as defined by the site edged red on plan no. 6926 - L(90)01 dated 22 December 2010), which on an individual or cumulative unit basis exceeds 2,730 sq. m gross or which exceeds 1,366 sq. m of net retail sales area (including checkouts and service counters).
21. No more than 2 units or 500 sq. m of the gross retail floorspace (excluding the foodstore), whichever is the greater, shall be occupied by Use Classes A4 and A5 of the Town and Country Planning (Use Classes) Order 1987 as amended.
22. The total Class A retail floorspace (excluding the foodstore) hereby approved and shown on plan nos. 6926 - L(00)73 dated 02 December 2010 and L(00)70 Rev C dated 16 February 2011 shall not be divided into less than 5 Class A units.
23. The noise levels from fixed electrical and mechanical plant on the site, when rated in accordance with BS4142:1997, shall not exceed 35 dB(A). The noise levels shall be determined at one metre outside the façade containing a window to a habitable room in the nearest noise sensitive property (including All Saints Church). The noise level assessment shall be made in accordance with BS4142:1997.
24. The development hereby approved shall not be commenced until details of measures for the control of noise intrusion into the residential apartments and noise emission from the Class A units have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
25. None of the units hereby approved shall be occupied by uses falling within Use Classes A3, A4 and A5 until details of measures for the control of odour from those units have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved details prior to the use being first brought into operation and retained as such thereafter.
26. None of the units hereby approved shall be occupied by uses falling within Use Classes A3, A4 and A5 until the proposed hours of operation have been submitted to and approved in writing by the Local Planning Authority. The premises shall not operate other than in accordance with the approved hours.

27. There shall be no deliveries or collections from the Class A retail units in the western block of the development before 07.00 hours or after 22.00 hours on Monday - Saturday or between the hours of 08.00 and 11.00 on a Sunday or a Bank Holiday. There shall be no use of reversing beepers or other reversing noises on a Sunday or a Bank Holiday.
28. There shall be no deliveries or collections from the retail foodstore in the eastern block before 07.00 hours or after 22.00 hours on Monday to Saturday or before 11.00 hours or after 18.00 hours on a Sunday. Deliveries to the foodstore on Sundays shall be limited to a maximum of 2 x 7.5t vans and 2 x 18t larger vehicles, unless otherwise agreed in writing by the Local Planning Authority. The gates to the service delivery area should remain closed at all times (including the period in which the delivery takes place) except for access onto and egress from the delivery area. Prior to the commencement of development, details of an acoustic fence along the south east boundary of the site between the foodstore servicing area and the properties on Tithebarn Road, shall be submitted to and approved by the Local Planning Authority. The fence shall be installed in complete accordance with the approved details prior to the foodstore being brought into use.
29. There shall be no collections of refuse and/or recycled materials between the hours of 22.00 hours and 07.30 hours on any day and additionally between 0800 hours and 1100 hours on a Sunday.
30. Cycle Parking as per approved scheme.
31. Approved Travel Plan to be implemented.
32. A scheme for the parking management and security of the car park, which shall seek to meet the GMP Safer Car Parking Standards, shall be submitted to, approved by the Local Planning Authority and thereafter implemented in accordance with the approved scheme. Thereafter the measures outlined in the agreed scheme must be kept operational at all times unless otherwise agreed in writing by the Local Planning Authority.
33. A scheme for the traffic management of the service area for the retail foodstore shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved scheme. Thereafter the measures outlined in the agreed scheme must be kept operational at all times unless otherwise agreed in writing by the Local Planning Authority.
34. The foodstore, other retail units and residential accommodation hereby approved shall not be occupied until such time as the highway works indicated on Curtins Consulting drawing no. 90005\_005, have been carried out in complete accordance with the approved details.
35. Site compound(s) as per approved scheme.
36. There shall be no construction activity at the site except between the hours of 07.30 hours and 18.30 hours on Monday-Friday, between the hours of 08.00 and 13.00 hours on Saturday and at no time on a Sunday and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority. All construction activities shall be carried out in accordance with BS 5228:2009.
37. Measures for ensuring the prevention of the deposit of mud, building materials, waste and other similar materials on the surrounding highway network to be implemented and retained until the completion of the construction works.

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