

**Application for approval of reserved matters for demolition of the existing ATS building and erection of 59 residential apartments (class C3) along with ground and lower ground floor retail/commercial/leisure uses (use class A1, A3, A4, A5, B1 and D2) and a temporary car park approved under outline planning permission 86661/VAR/15.**

Land at Oakfield Road/Moss Lane, Altrincham, WA15 8EP

**APPLICANT:** Nikal Limited and Hillcrest Homes (1985) Limited

**AGENT:** HOW Planning

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO CONDITIONS AND COMPLETION OF LEGAL AGREEMENT RELATING TO APPLICATION 86661/VAR/15**

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## **SITE**

The wider Altair site lies on the eastern side of, and within, Altrincham Town Centre immediately to the east of Altrincham Interchange. The site is broadly 'L-shaped' and slopes gently downwards to Oakfield Road to the east. It is currently occupied by a surface level public car park, the temporary ice rink building and the ATS tyre and exhaust facility. The application site does not include the small Network Rail car park situated to the north-west of the site which is accessed from Station Approach. Other buildings that previously occupied the site – Oakfield House, The Bridge Inn and the motor car repair centre have been demolished. The site is currently used as a service yard for the Ice Rink containing car parking facilities, access and back-of-house facilities including an electricity sub-station with the remainder of the site remaining vacant.

There is a significant level difference along the length of the Moss Lane frontage and between Moss Lane and the adjacent Ice Rink to the north of the site.

The transport interchange which includes Altrincham's railway station, bus station and Metrolink bound the site to the west and has recently undergone a significant refurbishment and improvement programme. Beyond the transport interchange to the west lies Stamford New Road which is fronted by the Stamford Centre. This shopping centre is centred on George Street, which incorporates a range of town centre retailers.

Stamford House is a grade 2 listed building which lies across the railway line some 35 metres from the edge of the application site. The building was constructed in 1904-5 in the style of Edwardian baroque. It was formerly known as Station Buildings and is a commercial building with offices over shops and also includes nos 1-13 Moss Lane.

Stamford House also forms a group of listed buildings along with nos 42 and 44 Stamford New Road (Station Hotel) on the opposite side of the street, and the Clock Tower to the north; this group of buildings form the northern boundary of the Stamford New Road Conservation Area. The land falls away from the listed building across the railway and along Moss Lane.

To the north of the site is Altrincham Leisure Centre. The site is bounded to the east by terraced residential properties along the opposite side of Oakfield Road including a recent development of apartments and townhouses, which is located further north opposite the Leisure Centre.

Moss Lane borders the site to the south. This provides pedestrian and vehicular access to the main body of the town centre across the railway onto Stamford New Road and also links with a pedestrian access bridge from Tesco. In addition to Tesco Extra, Moss Lane contains a small range of town centre retail type uses.

The parcel of land which relates to this reserved matters application fronts Moss Lane, extending from the railway line to the west and the boundary with Oakfield Road, encompassing the ATS Euromaster site. The site extends along Oakfield Road opposite the row of terraced houses on the opposite side of the road. The site is currently used as a service yard for the Ice Rink containing car parking facilities, access and back-of-house facilities including an electricity sub-station.

## **PROPOSAL**

This application is made pursuant to outline approval which was granted under 81115/O/2013 with all matters reserved except for access. Outline permission was granted on 28<sup>th</sup> January 2014 for the following:

*“Demolition of existing buildings and erection of a mixed-use development comprising:- alterations and extensions to the existing Altrincham Ice Rink to form a new foyer and new self-supporting roof structure; leisure uses including a new leisure centre and bowling alley (use class D2); residential (use class C3); offices and management suite (use class B1); food and non-food retail (use class A1); restaurants and cafes (use class A3); drinking establishments (use class A4); and hot food establishments (use class A5); the permanent retention of the ice rink and associated car parking, plant and service areas, highway alterations and the creation of new areas of public realm.”*

A Section 73 application (ref 86661/VAR/15) was recently submitted to vary and add conditions to allow the Altair development to be carried out as a phased development and was minded to grant at Committee in January 2016 subject to the completion of a legal agreement.

This application seeks approval of the reserved matters in relation to Phase 1 of the development which comprises the erection of 59 residential apartments (class C3) along with ground and lower ground floor retail/commercial/leisure uses (use class A1,

A3, A4, A5, B1 and D2) and a temporary car park approved under outline planning permission 81115/O/2013. The temporary car park would provide 70 spaces until a permanent car park is constructed as part of a future phase of the development. The existing ATS building located on the corner of Oakfield Road and Moss Lane is to be demolished as part of the proposal. The reserved matters not previously considered as part of the outline application include layout, scale, appearance and landscaping.

The residential element (C3) of the development comprises:

36 no. 1 bed apartments

23 no. 2 bed apartments

Non-food and food retail (A1), Cafes, Restaurants and Café Bars (A3, A4, A5); B1 Office; or Ice Rink Foyer/Leisure (D2) comprises 816 sqm.

The application was submitted together with application reference 86661/VAR/15 and at the time of submission, the application description referred to the original outline application number (81115/O/13). The new application reference number would not have been known at this time prior to validation and the view was taken that the description would have to be changed to reflect the s73 approval once the decision had been issued.

It has since been agreed that the description can be changed to reflect the s73 application prior to the issue of that decision and any recommendation for approval would therefore be subject to the completion of the legal agreement in relation to 86661/VAR/15. No further consultation is required on the change of description.

## **DEVELOPMENT PLAN**

**For the purpose of this application, 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.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes

L2 – Meeting Housing Needs

L5 – Climate Change

L7 – Design  
L8 – Planning Obligations  
W1 – Economy  
W2 – Town Centres and Retail  
R1 – Historic Environment  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

### **PROPOSALS MAP NOTATION**

Main Office Development Area  
Altrincham Town Centre

The site is adjacent to the boundary with the Stamford New Road Conservation Area

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

Proposal S6 – Development in Altrincham Town Centre

**Altrincham Town Centre Business Neighbourhood Plan, adopted July 2014**

### **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.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

The DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

### **OTHER RELEVANT LEGISLATION**

Planning (Listed Buildings and Conservation Areas) Act 1990

### **RELEVANT PLANNING HISTORY**

**86661/VAR/15** - Variation of conditions 4 (approved plans), 7 (landscaping), 12 (car parking), 13 (coach pick up/hackney carriages), 14 (site investigation), 15 (permanence of ice rink), 19 (travel plan), 20 (off-site highway works) and 21 (archaeological investigation) from planning permission 81115/O/13 (demolition of existing buildings and erection of a mixed-use development comprising:- alterations and extensions to the existing Altrincham Ice Rink to form a new foyer and new self-supporting roof structure; leisure uses including a new leisure centre and bowling alley (use class D2); residential (use class C3); offices and management suite (use class B1); food and non-food retail (use class A1); restaurants and cafes (use class A3); drinking establishments (use class A4); and hot food establishments (use class A5); the permanent retention of the ice rink and associated car parking, plant and service areas, highway alterations and the

creation of new areas of public realm) and an additional condition all in order to facilitate the development in a phased manner.

*Committee resolution January 2016 – Minded to Grant subject to Legal Agreement*

**81115/O/2013** – Demolition of existing buildings and erection of a mixed-use development comprising:- alterations and extensions to the existing Altrincham Ice Rink to form a new foyer and new self-supporting roof structure; leisure uses including a new leisure centre and bowling alley (use class D2); residential (use class C3); offices and management suite (use class B1); food and no-food retail (use class A1); restaurants and cafes (use class A3); drinking establishments (use class A4); and hot food establishments (use class A5); the permanent retention of the ice rink and associated car parking, plant and service areas, highway alterations and the creation of new areas of public realm.

*Approved with conditions 11<sup>th</sup> September 2013*

**74390/O/2009** – Outline planning application (seeking approval of access with all other matters reserved) for the demolition of existing buildings and erection of mixed use development comprising up to:-

Hospital/health care facility (Classes C2/D1 – 5510 sq.m); ice rink (Class D2 – 6150 sq.m); food retail (Class A1 – 1380 sq.m); non-food retail, restaurants and cafes, drinking establishments and hot food takeaways (Classes A1, A3, A4 and A5 – 5380 sq.m); residential (Class C3 – 31 apartments); offices (Class B1 – 8970 sq.m) management suite (Class B1 – 140 sq.m) hotel (Class C1 – 125 bedrooms); health club/gym (Class D2 – 370 sq.m); climbing wall (Class D2 – 310 sq.m); vehicles parking; associated plant and service areas; highway alterations and creation of new areas of public realm.

*Planning permission granted on 8<sup>th</sup> October 2010 following the completion of a legal agreement.*

**74383/VAR/2009** – Retention of ice rink building until 5<sup>th</sup> January 2014 (variation of condition 2 of planning permission H/63424 and condition 1 of planning permission H/65863).

*Planning permission granted on 18<sup>th</sup> February 2010.*

**H/OUT/68603** – Outline planning application proposing the demolition of existing buildings and erection of a comprehensive mixed use development of land at Oakfield Road/Moss Lane to provide up to 10,536 sq mtrs of non food retail; 1,583 sq mtrs food retail; 2,040 sq mtrs of A3/A4/A5 café/bar/restaurants; 11,822 sq mtrs residential to provide 150 apartments; 8,471 sq mtrs office; 7,722 sq mtrs 135 bedroom hotel; 1,045 sq mtrs health/leisure club; 513 sq mtrs climbing wall (Use Class D2); 845 parking spaces; new ice rink totalling 10,076 sq mtrs; associated plant and service areas; improvements to highway arrangements; and creation of new areas of public realm.

*Planning permission was granted on 8<sup>th</sup> August 2008 following the completion of a S106 legal agreement.*

**H/65863** – Variation of condition 2 of planning permission H/63424 to extend temporary permission to 5<sup>th</sup> January 2011  
*Approved 22<sup>nd</sup> December 2006.*

**H/63424** – Erection of ice rink building.  
*Approved 11<sup>th</sup> January 2006*

**H/LPA/51807** – Change of use of former site of dwellinghouses as a public car park for a temporary period of 5 years.  
*Approved 27<sup>th</sup> July 2001.*

## **APPLICANT'S SUBMISSION**

The application is accompanied by the following detailed supporting documents. These are referred to in the main observations section of this report where relevant.

Supporting Planning Statement  
Design and Heritage Justification  
Preliminary Bat Roost Assessment  
Energy Statement  
Phase 1 Site Investigation  
Highways Drawings

## **CONSULTATIONS**

**LHA** – No objection in principle subject to adequate provision of cycle parking. Further comments are incorporated into the main body of the report below.

**Manchester Airport** – No safeguarding objections to the proposal.

**Greater Manchester Ecology Unit** – No objections to the proposal on ecological grounds. It is noted that a small stand of the invasive plant Japanese knotweed has been recorded on site. It is therefore advised that measures are taken to eradicate this plant from the site, under the terms of the Wildlife and Countryside Act 1981.

**Pollution and Licensing** – The detailed phase 1 contamination assessment, which has been provided with this application, confirms that there is a likelihood that the site has been subject to a former commercial/industrial usage. This site was also subject to infilling with waste material and there is the potential for contamination of the site and the wider environment to have occurred. To prevent risks to future site users and to control risk to the environment a further condition is requested.

**Greater Manchester Archaeological Advisory Service** – No objections

**United Utilities** – No objection to the proposed development provided that a condition is attached to any approval requiring drainage of a separate system.

**Drainage** – SUDs condition required

**Electricity North West** – No objection. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

**Network Rail** – Network Rail are aware of the scheme and are currently in discussions with Trafford Council regarding these proposals and the impact on the railway station.

Comments received cover a number of technical details in respect of protecting the operational railway.

## **REPRESENTATIONS**

2 no. letters of objection have been received from neighbouring residents. The main points raised are summarised below:

- No real architectural merit to the proposed apartment block;
- Out of keeping with the Stamford House;
- Concerns that only the most profitable part of the site is being developed and the remainder of the Altair development will not be completed;
- Increased traffic;
- Requirement for extra services including schools;
- The temporary ice rink should be demolished and replaced with a more appropriate building rather than just clad;
- Inadequate parking provision;
- Overly high and out of proportion to other buildings in Altrincham;
- Car park entrance is sited very near the already busy and congested area around Tesco's;
- Further congestion to this already congested area especially around school opening and closing hours;
- The idea of temporary parking with later review seems ill conceived;
- There are already huge numbers of shops and offices empty in Altrincham because of parking problems and the competition from retail parks;

### **Altrincham & Bowdon Civic Society:**

- If this site is a 'gateway' to Altrincham, then it is difficult to understand how it can be considered to form part of the centre of Altrincham;
- Residential accommodation is much needed;
- The provision of more large retail units when Altrincham still has too many empty retail units seems unnecessary;
- The building is at the limit of the allowed height but does overwhelm adjoining properties, in particular Stamford House;
- High rise flats pose problems and people do not want to live in them;
- A roof garden with safety barriers will raise the height of the building;

- A pitched roof would be preferable and more in keeping with the Altrincham skyline;
- Over-intensive use of the space;
- Insufficient parking provision;
- Insufficient refuse provision;
- No indication as to whether the residential use will include social housing;
- Important to consider how this building will fit in the whole development;
- Need to ensure that the whole development is built;
- There are now two joint developers, Altair/Exige Ltd and Hillcrest Homes Ltd with two directors common to each company. What due diligence has been carried out as to the various companies' financial status?

### **Design Group of the Altrincham Neighbourhood Business Plan Forum:**

- Lack of public consultation in the run up to the submission of the reserved matters application;
- Will confirmation and timescales be provided by the developers to ensure that the remainder of the site will be developed?
- The Ice Rink is iconic in Altrincham and improvement of the 'temporary' building is most welcome;
- The residential development will kick start the wider Altair development;
- Development of this derelict site is welcome with residential use, 'hiding' the blank gable end of the ice rink, shared surface public realm and active ground floor use all making positive contributions to the town centre;
- Concern regarding the height however this is broadly within the outline consented height parameters;
- The 8<sup>th</sup> floor is glazed and set back and connected to a shared roof terrace. This gives transparency to the top level mitigating some of the impact of height;
- The proposal should be reduced in height; the parameters are maximum figures only;
- The new access to the Ice Rink and ground floor retail unit would provide welcome activity at street level and could become a definitive link;
- Concern regarding the use of a light coloured brick next to a railway line;
- The building makes good use of a difficult site;
- The south elevation is of a large continuous plane and the overall effect is monolithic. A more vertical emphasis would break this up;
- The rear elevation should be redesigned to be as equally important as the south elevation;
- The balconies on the east and west elevations provide life and activity to the building;
- Not the right location for such massing;
- Vehicles access along Moss Lane should be restricted to service vehicles only or access restricted to outside of morning and evening school and rush hours;
- A contemporary design is welcome however the height and scales of the proposals are a concern.



## **Bowdon Downs Residents Association:**

- The balconies on Moss Lane should be translucent glass to screen any clutter stored there as well as provide privacy to residents;
- Condition requiring no “For Sale” or “To Let” estate agent boards allowed as these properties are likely to have a quick turnover and the signs would spoil the building and the entry to the town centre;

## **OBSERVATIONS**

### **PRINCIPLE OF THE DEVELOPMENT**

1. Outline planning permission was granted in September 2013 (81115/O/2013) with all matters reserved except for access. Layout, scale, landscaping and appearance were subject to reserved matters and indicative drawings of the scheme were submitted for illustrative purposes only. Notwithstanding this, the planning application was based on a series of parameter plans which set out the maximum heights and widths of the proposed buildings which reserved matters must fall within as well as the quantum of development for each land use; this is controlled by condition.
2. There have been no significant changes to the site or surrounding area since planning permission was granted, save for the improvements to Altrincham Interchange and changes to the Conservation Area boundary. The outline application was determined previously in accordance with the Trafford Core Strategy, the saved policies of the Revised Trafford Unitary Development Plan, relevant supplementary planning documents, all of which are still part of the Development Plan for the Borough and the National Planning Policy Framework. There is therefore no requirement to revisit the principle of development, quantum of development and maximum building parameters through the determination of this application.
3. Members will recall that a Section 73 application for the outline approval was considered at Committee in January 2016 with a resolution of ‘Minded to Grant subject to a S.106.’
4. The S.73 application essentially allowed the phasing of the development and this reserved matters application is for the first phase. This application would facilitate the development of parcel 1 with the remainder of the site to be developed in a maximum of 3 additional phases.
5. Phase 1 proposes uses which are approved as part of the outline planning application and therefore are not for determination as part of this reserved matters application. These uses fall within the quantum parameters of the outline consent as set out below:

<b>Land Use</b>	<b>Approved GIA/Units/Spaces (up to)</b>	<b>Proposed for Altair Phase 1</b>
Residential (C3)	150 units	59 units
Non-food and food retail (A1), Cafes, Restaurants and Café Bars (A3, A4, A5); B1 Office; or Ice Rink Foyer/Leisure (D2)	9,090sqm (for food and non-food retail)  3,833sqm (Office Management Suite)  1,390sqm (Ice Rink Foyer and Escape)	816 sqm
Car Parking	202 spaces	70 spaces (temporary)

6. The application has also been prepared to fully accord with the development principles set out in the submitted Design and Access Statement (Ian Simpson Architects June 2013) and the physical parameters set in condition 4 of the approved outline consent.
7. The key issues in the determination of this application therefore relate to the following matters outlined below:
  - Layout;
  - Scale
  - Design and Appearance;
  - Landscaping;
  - Access, Highways & Car Parking;
  - Residential Amenity

### SCALE AND LAYOUT

8. The application site is a gap site currently occupied by the service yard of the Ice Rink and the ATS building with overgrown vegetation between the buildings and the unattractive grey fencing which runs to the back of the pavement. As such it does not contribute positively to the streetscene or views into the adjacent Conservation Area. This parcel of land is the closest of the Altair site to Altrincham Town Centre and therefore provides an important link between the two.
9. The proposal incorporates 59 apartments over 8 upper floors, a ground floor residential entrance, other non-residential uses to the remaining ground and lower ground floors and a temporary car park on the adjoining land to the corner of Moss Lane and Oakfield Road. The development has been designed to respond to the streetscape, site topography and historic context (dealt with in more detail under the Design and Appearance section below).

10. The constraints of the site and the challenges which have influenced the design are identified in paragraph 4.5.3.3 of the Design and Access Statement as:

- Re-introduce the historic building line;
- Occupy the gap-site to provide a positive contribution to the streetscape;
- Contribute positively and sensitively to the existing urban grain;
- Sympathetic response to the adjoining historic buildings;
- Comply with the established height parameters.

11. The maximum height parameters are set as part of the outline planning consent. The proposal is within these restrictions (albeit up to the maximum) and therefore the height is not for determination under this application. The Design and Access Statement also advises under paragraph 4.5.4.3 that *“Importantly, these levels are commensurate with existing heights on Stamford New Road, which range from 56.850m aod to 74.000m aod.”* The outline consent also defines a maximum building footprint for this application site, which has informed the plan arrangement, although the proposal does not extend to the maximum site footprint permissible under the approved parameters.

12. The development is constrained by the narrow width of the site which is insufficient to provide a more traditional layout with double banked units served by a central corridor. As such, all of the apartments front the Moss Lane elevation and access is also gained from a lobby at ground floor on this elevation. The ground and lower ground floor are proposed to accommodate a variety of non-residential uses to include A1, A3, A4, A5, D2 and B1. A key component of the design is to provide an Ice Rink Foyer that will act as the new entrance to the existing Ice Rink located to the rear of the application site. Paragraph 4.5.6.2.2 describes this element further:

13. *“In an attempt to provide a distinct, covered and identifiable entrance that is able to accommodate large numbers of people the eastern elevation cantilevers over a paved terrace that has a level threshold with the pavement.”*

14. The proposal therefore brings a largely vacant site back into use and by providing an active street frontage both in terms of residential and non-residential uses would contribute positively to this town centre location.

15. The siting of the temporary car park is considered to be acceptable in principle and this is considered further in terms and parking provision and highway safety in the Access, Car Parking and Highways section of this report.

## DESIGN AND APPEARANCE

16. Paragraph 56 of NPPF advises 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.”*

17. In relation to matters of design, Policy L7 of the Core Strategy states development must:

- Be appropriate in its context;
- Make best use of opportunities to improve the character and quality of an area;
- Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment.

18. The Design and Access Statement submitted with the application advises in paragraph 4.4.2.1 that a number of key issues for the development design are:

- Re-introduce the strong back-of-the-pavement building lines synonymous with the character of the Stamford New Road Conservation Area;
- Enhance the sense of enclosure that has been eroded since the historic buildings that occupied the site were demolished in 1965;
- Deliver a high quality building on what is currently a ‘gap site’
- Contribute positively and sensitively to the existing urban grain;
- Create a bold intervention that will act as a catalyst for future development;
- Sensitive response to adjoining listed buildings, particularly Stamford House;
- Activate the ground floor streetscape;
- Develop a high quality elevational treatment that is site specific with an architectural language and material palette that acknowledges the site’s heritage position;
- Maximum transparency at ground floor to provide active frontages

19. The boundary for the Stamford New Road Conservation Area was amended in the Conservation Area Appraisal, October 2014 to incorporate the railway bridge on Moss Lane, the railway tracks to the extent of the railway platform and the historic associated railway structures to the west and east side of the tracks. The Conservation Area boundary therefore now runs along the west of the application site.

20. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, *“special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area”* in the determination of planning applications.

21. One of the key tests of the National Planning Policy Framework (NPPF) in relation to development within Conservation Areas is whether the proposal would result in any substantial harm or loss of irreplaceable heritage assets. The harm

of the proposed development on the characteristics of the adjacent Conservation Area are considered below.

22. As previously discussed, the constraints of the site and the parameters set within the outline consent have influenced the scale and layout of the building. As a result the Moss Lane elevation is the main active frontage for the building both at ground and upper floors. This serves in creating a positive presence within the streetscene in this existing gap site subject to an appropriate design solution.
23. The site in its current form does not contribute positively to the streetscene or the immediate vicinity and adjacent Conservation Area. The neighbouring Tesco supermarket and Ice Rink buildings are contemporary in their architectural treatment with no obvious reference to the Stamford Road Conservation Area or nearby Stamford House (Station Buildings), a Grade II Listed Building located on the corner of Stamford New Road and Moss Lane.
24. Whilst the application site is located outside of the Conservation Area, the impact on the view of Stamford House and the view entering the Conservation Area from the south east along Moss Lane (over the railway bridge) together with the role the development will play in connecting these sites is considered important. The height and density of buildings within the Conservation Area limit views outwards, including views of the application site which are limited to glimpsed views down Moss Lane from Stamford New Road.
25. It was reported in the Committee report for the outline application 81115/O/2013 that the proposed development would affect the setting of Stamford House because of its size, design and relative height. In particular, views of the listed building and the Conservation Area from Moss Lane would be affected as would some views of the listed building from the north along Stamford New Road. The report states that *“Presently the land falls away from the listed building across the railway and along Moss Lane; this factor combined with the height and architectural style of the property help to create an imposing building which forms a set piece in the Conservation Area. This primacy would be reduced as a result of the taller application buildings. However, it is considered that there is sufficient separation of the development from Stamford House to ensure that the qualities of the listed building can continue to be appreciated”*
26. The design approach for this proposal is contemporary whilst referencing the surrounding architecture. Whilst the predominant building material within the immediate surrounding area is red brick, the Design and Access Statement advises that it is proposed to match the brickwork of the new building with the glazed buff terracotta detail on Stamford House and therefore a buff coloured brick is to be used. The Design and Access Statement continues to say in paragraph 4.5.5.4 that:

*“A further source of inspiration taken from Stamford House is the giant iconic pilasters to the 2<sup>st</sup> and 2<sup>nd</sup> floors. This detail creates a buff coloured ‘screen’ that appears to be the primary elevational surface. Punctured into this screen are a number of apertures within which are located the windows. The interpretation of this motif has given rise to a design that adopts a brick façade punctured by large apertures. These apertures contain windows and projecting balconies that provide an important rhythm to the elevations. A further reference to Stamford House is the introduction of brick piers between the balconies, which echo the iconic pilasters of the Edwardian neighbour. The simplicity of this concept has given rise to a bold intervention that is underpinned by architectural references from the neighbouring heritage assets.”*

27. The buff brick would sit above a predominantly glazed elevation at street level with a glazed 8<sup>th</sup> floor which is also set back from the front of the building. It is considered these elements of glazing and the vertical breaks between the balconies on the front elevation serve to break up some of the overall massing of this large and prominent building. Rather than competing with Stamford House as another large, red brick building, it is considered that the use of a lightly coloured buff brick (examples are found throughout Altrincham and Bowdon), and a contemporary design would strike a more harmonious balance.
28. The proposed building would result in a long frontage on Moss Lane however the corners of the building will be chamfered and splay away from Moss Lane. Due to the narrow width of Moss Lane, it is considered that the building will be experienced as a series of oblique views, softening the appearance of the building within the streetscene.
29. The proposal incorporates projecting balconies on the Moss Lane elevation. Whilst it is considered that it would have been preferable for these to be set within the building itself, due to the narrowness of the site, this would have had a considerable impact on the available floorspace for each unit. It is considered that a condition requiring the balconies to be frosted glazing would help to prevent some of the visual clutter that sometimes results from storage of bicycles etc. on the balcony whilst also providing a level of privacy to the occupants of the flats.
30. The amount of glazing to the rear (north elevation) is restricted due to the narrow width of the building and the fact that all of the apartments front the Moss Lane elevation. Windows to the rear therefore only serve the corridor, stairs and lifts with the exception of the apartments on the western end of the building which wrap around the building. The design of this rear elevation incorporates three bands of high level glazing set within a bank of textured brickwork. The Design and Access Statement advises in paragraph 4.5.5.9 that *“Some of the historic buildings within the Stamford New Road Conservation Area incorporate areas of brickwork that utilise different colours to create a chequerboard pattern. The north elevation adopts this architectural leitmotif in an attempt to reference its*

*historic neighbours.*” It is also considered that this serves to create a visual break on the expanse of brickwork in this elevation.

31. Whilst the relationship with the adjacent Conservation Area and nearby Listed Building has been a major consideration in terms of assessing the potential impact on the immediate context of the building, consideration has also been given to more distant vistas. The developer has submitted a selection of visuals to demonstrate how the building will sit within the wider context of Altrincham Town Centre, particularly with regard to views entering the centre from the north.
32. On balance, it is considered that the proposed building would not appear unduly prominent within the townscape and would be appropriate in terms of scale, layout, design and materials in relation to the streetscene and adjacent Conservation Area. The proposal, whilst contemporary in design, is sympathetic to the adjacent heritage assets. It is considered that the proposal would result in less than substantial harm to the adjacent heritage assets. Paragraph 134 of NPPF advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.”
33. The Altair site is a highly sustainable brownfield site offering the main development opportunity within Altrincham town centre. Securing development on this site through this first phase will be the first step to delivering a high quality, high density mixed use development that would have a positive impact on the vitality and viability of Altrincham town centre and the public benefits of the scheme would therefore outweigh any harm to the heritage assets.
34. The proposal when viewed at street level and from more distant views would be appropriate and in keeping with its surroundings and would constitute a positive addition to this part of the town centre, creating a strong link through to the remaining Altair site.

## LANDSCAPING

35. The site is narrow and a back-of-pavement design with limited opportunity for soft landscaping. The scheme includes the replacement of all paving surrounding the application site, including a shared road surface and adjoining lay-by along Moss Lane. As such it is considered that there is little scope for landscaping to the front of the new building.
36. The proposed temporary car park is to be located on the site currently occupied by ATS. Due to the site topography, the ATS land has two grass verges that mediate between the different levels. It is proposed to grub-up the existing vegetation and lay grass to these areas.

37. Laying grass to the verges within the ATS site is considered to be acceptable for the duration of the temporary car park however it is considered that the future development of this site should incorporate a more detailed landscaping scheme.

### ACCESS, HIGHWAYS AND CAR PARKING

38. Policy L7 states that in relation to matters of functionality, development must:

- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
- Provide sufficient off-street car and cycle parking, manoeuvring and operational space.

### Car and Cycle Parking Provision

39. It is proposed that the development be served by a total of 70 no. car parking. These spaces are to be provided in a temporary car park on the land to the south of the proposed development which is currently occupied by ATS. The LHA considers that the level of car parking provision is acceptable for the proposed residential and retail/commercial/leisure uses. Any subsequent reserved matters applications that will result in the development of this site shall also ensure that sufficient parking is provided for the phase 1 development.

40. The at grade route from the car park to the proposed entrances of both the apartments and the leisure facilities is longer than desirable but because of the level differences, the LHA are content with the location of the disabled car parking spaces. Protection of the pedestrian environment in front of the building entrances is desirable and the width of this should be of adequate width to accommodate significant numbers of pedestrians.

41. Provision of cycle parking is indicated on the lower ground floor; however, no indication of the number is given. The LHA requires a minimum of 63 secure cycle spaces to serve the residential and new retail/commercial/leisure. These spaces should be in addition to those which are already available for use by users of the Ice Rink and therefore a suitably worded condition is required.

### Construction Phase

42. The existing car park which occupies the majority of the Altair site will remain operational whilst Phase 1 of the development is constructed, and once the proposed units are occupied.

43. For safety reasons it is proposed that the existing ATS priority controlled junction on Oakfield Road be used by construction traffic.



## Servicing

44. The proposed residential units will be serviced from Moss Lane, with a dedicated refuse collection area provided at ground floor level. This collection area will be located adjacent to a proposed layby on Moss Lane, allowing refuse vehicles to stop with 25 metres of the collection area.
45. The proposed layby will also be used by vehicles undertaking deliveries to the proposed retail unit as well as coaches transporting players to ice hockey matches at the Ice Rink.

## RESIDENTIAL AMENITY

### **Impact on Residential Amenity of Existing Neighbours**

46. Policy L7 of the Trafford Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of adjacent properties.
47. The main principle elevation of the building will face Moss Lane and the Tesco supermarket and car park to the south of the site. Windows on the rear elevation will overlook the existing Ice Rink and the railway station.
48. To the west of the site, the windows in the proposed building will overlook the railway line and the bridge. The building closest to the application site on the opposite side of the bridge is Stamford House. The main gable elevation is blank facing the application site. The upper floors to the building as it returns along Stamford New Road are residential. The separation distance between the buildings would be in excess of 70m. The eastern elevation of the building would face the temporary car park and the crossroads on the corner of Moss Lane and Oakfield Road.
49. It is therefore considered that the proposal would not have any undue impact on the residential amenity of any existing neighbouring residential properties in terms of loss of privacy or being unduly overbearing. Future phases of the Altair development will need to ensure that the relationship and interface distances prevent an unacceptable standard of accommodation for the residents of these apartments.

### **Quality of Accommodation for Future Occupiers**

50. Section 13 of the Council's Supplementary Planning Guidelines for New Residential Development covers expected levels of garden and amenity space provision for new properties. Paragraph 13.5 advises that *"For flats, 18 sq.m of adequately screened communal area per flat is generally sufficient for the functional requirements. Balconies can count as part of the amenity space"*

*provision.*” A communal terrace is to be provided on the 8<sup>th</sup> floor measuring approximately 239 sq.m. Whilst the figure of 18 sq.m is not met for each unit even when taking into consideration the proposed balconies, it is considered that the large communal area would be an adequate amount of amenity space. The proposal is also within walking distance of Stamford Park.

## DEVELOPER CONTRIBUTIONS

51. A deed of variation to the S106 Agreement tied to outline approval 81115/O/2013 has been completed. The areas for financial contribution include highways and active travel infrastructure; public transport schemes; specific green infrastructure; spatial green infrastructure, sports and recreation; and education and facilities together with provision of/contribution towards affordable housing in accordance with the Trafford Core Strategy and SPD1: Planning Obligations.
52. It was resolved under the original application that the developer contributions should include the provision of affordable housing in an off-site location or a financial contribution equivalent to the provision of 11 units off-site if this is not secured within an agreed timescale. This figure was based on a maximum number of 150 residential units. The Legal Agreement sets out the requirement for the developer to use all reasonable endeavours to identify a site or sites for the provision of off-site affordable housing within 3 years of the first residential reserved matters submission.

## CONCLUSION

53. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development will result in an acceptable form of development with regard to the amenity of neighbouring or future residents, highways, access and parking and the impact on the streetscene and the surrounding area more generally. With particular regard to the impact on heritage assets, it is considered that the proposal would result in less than substantial harm.
54. It is important that development is secured on this site as soon as possible because it is considered that its comprehensive redevelopment would have a positive impact on the vitality and viability of Trafford's principal town centre creating, as it would, an attractive new town centre destination. These benefits are considered to outweigh the less than substantial harm to the heritage assets.
55. The proposed scheme complies with the relevant policies of the Trafford Core Strategy and the NPPF and therefore it is recommended that planning permission is granted subject to the conditions listed below.

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO COMPLETION OF LEGAL AGREEMENT RELATING TO APPLICATION 86661/VAR/15 AND THE FOLLOWING CONDITIONS:-**

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 7369-al(04)211 Rev P11, 7369-al(04)212 Rev P12, 7369-al(04)213 Rev P06, 7369-al(04)214 Rev P12, 7369-al(04)215 Rev P02, 7369-al(04)216 Rev P02, 7369-al(04)220 Rev P09, 7369-al(04)221 Rev P06, 7369-al(04)230 Rev P08, 7369-al(04)240 Rev P07, 7369-al(04)241 Rev P10, 7369-al(04)242 Rev P07 and 7369-al(04)260 Rev P01.

Reason: To clarify the permission, having regard to Policy L7 and R1 of the Trafford Core Strategy.

2. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. The parking of vehicles of site operatives and visitors
  - ii. Loading and unloading of plant and materials
  - iii. Storage of plant and materials used in constructing the development
  - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. Wheel washing facilities
  - vi. Measures to control the emission of dust and dirt during construction
  - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy.

3. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of amenity and in compliance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Upon first installation the glazing to all balcony screens shall be fitted with textured glass in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority and retained as such thereafter.

Reason: In the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, Units 1 at lower ground and ground floor of the premises shall only be used as retail/commercial uses (use class A1, A3, A4, A5 or B1) and for no other purposes within any Class of the above Order and Units 2 at lower ground and ground floor of the premises shall only be used as an Ice Rink Foyer with ancillary retail/commercial use (normally falling within use class A1, A3, A4 or A5 or B1) and for no other purposes within any Class of the above Order.

Reason: In accordance with the outline permission, having regard to residential amenity and to ensure adequate parking provision having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to surface water sewer network at a rate not exceeding 30 litres per second.

Reason: To secure a satisfactory system of drainage in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

7. No development shall take place unless and until a scheme for cycle storage has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To comply with Policies L4 and L7 of the Trafford Core Strategy.

8. The development hereby permitted shall not take place until a scheme of measures to eradicate the invasive plant species Japanese knotweed and Giant Hogweed from the application site and including a timescale have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out in accordance with the approved details.

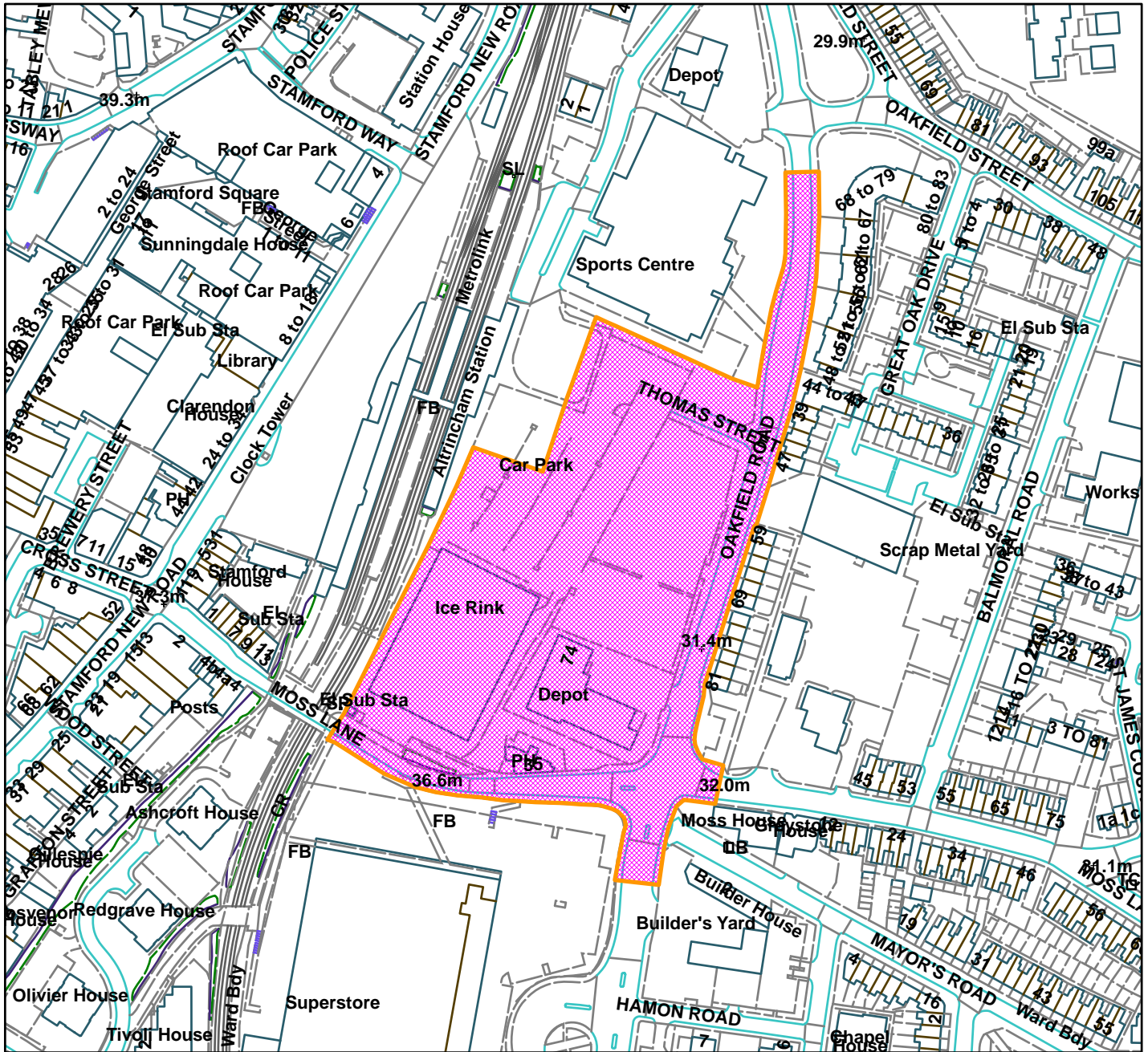
Reason: To eradicate this plant from the site, under the terms of the Wildlife and Countryside Act 1981.

JE

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Land at Oakfield Road/ Moss Lane, Altrincham (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/04/2016
Date	04/04/2016
MSA Number	100023172 (2012)

**WARD:** Hale Central

**86852/FUL/15**

**DEPARTURE: No**

**Proposed basement and ground floor rear extension. New shop front with sliding panels.**

112 - 114 Ashley Road, Hale, Altrincham, WA14 2UN

**APPLICANT:** Saraka Ltd

**AGENT:** Archirama Ltd

**RECOMMENDATION: GRANT**

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**This application has been called in by Councillor Candish and Councillor Mrs Young.**

### **SITE**

The application site comprises a double fronted, two storey mid terrace property located on the south side of Ashley Road. The property is currently in restaurant use however is empty due to refurbishment works being undertaken alongside the works proposed under this application.

There is an existing large two storey extension to the rear of the property which has a set of bi-folding doors leading to a raised patio area.

The site is located within the Hale Station Conservation Area. The surrounding area is mixed use, comprising retail, offices, restaurants, bars and residential use.

### **PROPOSAL**

Proposed basement and ground floor rear extension. New shop front with sliding panels.

The proposed basement extension would provide an extended kitchen within the existing yard. At ground floor level, a proposed new conservatory is to be erected on the existing raised patio area. The proposed side elevation to no.10 indicates that a timber plank screen is to be fixed to the top of the boundary wall. Steps are proposed down from the conservatory to garden level.

No plans have been submitted that indicate any outside dining.

The application form indicates that the extension would have a footprint of 38m<sup>2</sup>.

The application drawings submitted also show proposed signage. This does not form part of the current application and the advertisements benefit from consent granted in March 2016 (86853/ADV/15).

## **DEVELOPMENT PLAN**

**For the purposes of this application 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.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

R1 – Heritage

W2 – Town Centres and Retail

## **PROPOSALS MAP NOTATION**

Hale Station Conservation Area

Town & District Shopping Centre

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

ENV21 – Development in Conservation Areas

## **SUPPLEMENTARY PLANNING DOCUMENTS**

Hale Station Conservation Area Conservation Area Appraisal, Consultation Draft June 2015

Hale Station Conservation Area Management Plan, Consultation Draft January 2016

## **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.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **OTHER RELEVANT LEGISLATION**

Planning (Listed Building and Conservation Areas) Act 1990

## **RELEVANT PLANNING HISTORY**

H/60096 – Change of use of first floor to restaurant  
Refused 21/09/2004

H/58735 – Erection of basement and ground floor rear extension and change of use of first floor to A3 (restaurant) use.  
Refused 28/09/2004

H/55249 – Erection of two storey rear extension and new steel fire escape.  
Refused 05/01/2004

H/52178 – Change of use from shop (Class A1) with living accommodation above to restaurant (Class A3) at ground floor, kitchen/storage/wc accommodation at basement and residential accommodation at first floor. Retention of new restaurant front and alterations to rear elevation including enclosed yard incorporating external staircase access to basement and fire escape (amendments to planning permission H/47789).  
Approved with conditions 09/10/2001

H/49012 – Change of use from shop (Class A1) with living accommodation above to restaurant (Class A3) with erection of two storey rear extension and installation of new shop front and erection of rear fire escape staircase.  
Refused 01/09/2000

H/47789 – Change of use from shop (Class A1) with living accommodation above to restaurant (Class A3) at ground floor with 2 flats (Class C3) at first floor in association with erection of two storey rear extension and installation of new shop front.  
Approved with conditions 07/10/1999

## **APPLICANT'S SUBMISSION**

A Heritage Statement has been submitted as part of the application.



## **CONSULTATIONS**

**Drainage** – No objections. The cellar drainage is to be disconnected/separated from the house drainage and a pumped system installed to reduce the risk of flooding from surcharged sewers or blocked household drains.

**Pollution & Licensing** – There are no objections in principle to the application however it is recommended that conditions are attached to the permission in relation to fume extraction, restriction on amplified music, scheme for control of noise from conservatory, control of lighting and control of noise from fixed plant and machinery associated with the development.

**LHA** – No objection

## **REPRESENTATIONS**

### Councillors

Councillor Candish has objected to the application on the following grounds:

- Adverse impact on the amenity of neighbouring properties;
- Loss of light;
- Loss of privacy and overlooking;
- Unacceptable level of noise associated with outside dining

Councillor Mrs Young has raised the following objections:

- Adverse impact on the amenity of neighbouring properties;
- Loss of privacy;

### Neighbours

A total of 5 no. objections have been received from residents. The main areas of concern are summarised below:

- Loss of light;
- Exacerbation of damp problems caused by works to the neighbouring property;
- Noise;
- Loss of privacy;
- Out of keeping with the character of the Conservation Area;
- Request for conditions to require windows and doors to double glazed with obscure glazing; all doors to be kept closed except for use as an emergency exit; all access from the kitchen to the dining area/s to be internal; no access to the rear garden area except for rubbish disposal; adequate air conditioning to facilitate the above.

## OBSERVATIONS

### PRINCIPLE OF DEVELOPMENT

1. The application site relates to an existing restaurant located within the District Centre of Hale. As such an extension to the existing use is acceptable in principle subject to any potential impact on residential amenity, impact on the character of the host property, and surrounding conservation area and parking and highways.

### IMPACT ON RESIDENTIAL AMENITY

#### Noise

2. Paragraph 123 of NPPF advises that *“Planning policies and decisions should aim to:*
  - *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
  - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
  - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
  - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*
3. Further guidance on noise is provided in NPPG which advises that *“some commercial developments including fast food restaurants, night clubs and public houses can have particular impacts, not least because activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity.”*
4. Policy L7 of the Trafford Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of adjacent properties.
5. This application relates to an existing restaurant use. Therefore consideration should only be taken of any potential undue noise, disturbance or harm to residential amenity of nearby residents as a result of the extension.
6. The nearest residential property is 110 Ashley Road which adjoins the application site. The premises comprises a shop at ground floor with residential

accommodation at basement and first floor. There is also residential accommodation at first floor within the application site. There is no residential accommodation at 116 Ashley Road.

7. The existing restaurant has a two storey rear extension with sliding doors leading onto a raised terrace with steps to the rear garden and the basement. The permission relating to the rear extension (H/52178) has the following relevant conditions attached:

- 2. There shall be no access for customers to the rear garden except in cases of emergency and to this end the doors shown in the rear elevation of the development hereby approved shall be fitted with and thereafter retained with such security measures and devices as to ensure that the doors may only be used in an emergency.*

*Reason: In the interests of the amenities of the occupiers of the adjoining and nearby residential properties having regard to Proposal D1 of the Trafford Unitary Development Plan.*

- 3. All windows and doors in the rear elevation of the property at basement and ground floor levels shall be non-opening except in the case of emergency, and in the case of the kitchen door except for access to the rear yard for the disposal of food and kitchen waste, and shall be fitted with and thereafter retained at all times in obscured acoustic glazing in accordance with details which have received the prior written approval of the Local Planning Authority.*

*Reason: In the interests of the privacy and amenity of the occupiers of the adjoining and nearby residential properties, having regard to Proposal D1 of the Trafford Unitary Development Plan.*

- 4. Before the use hereby permitted is first commenced the basement and ground floors of the property shall be fitted with and thereafter retained with acoustic insulation in accordance with a scheme which has received the prior written approval of the Local Planning Authority.*

*Reason: To ensure that the amenities of the occupiers of the adjoining and nearby residential properties would not be adversely affected by noise generated within the building having regard to Proposal D1 of the Trafford Unitary Development Plan.*

8. The proposed conservatory incorporates double opening doors on the rear elevation. The elevation to both sides is shown to be brick. It is therefore considered that subject to similarly worded conditions to 2, 3 and 4 of the permission for H/52178 as set out above, there would be no additional noise or disturbance over and above the noise climate which currently exists.

9. It is proposed to extend the kitchen into the basement with 1 no. fire escape door. It is understood that the existing fume extraction serving the cooking or/and food preparation areas will be used at the premises. There is no further information on whether the kitchen extension will be used for the cooking and preparation of food and whether the existing system will be re-configured to accommodate the extended kitchen. Any material external changes to the system would require planning permission, and planning conditions / environmental protection legislation would control noise and odours.

### Overlooking and Loss of Privacy

#### **Impact on 110 Ashley Road**

10. The proposed conservatory would be set away from the boundary with no.110 Ashley Road by approximately 4 metres. The side elevation of the proposed conservatory is to be brick and an additional screen is proposed on the boundary. It is therefore considered that there would not be any scope for overlooking or loss of privacy, also taking into consideration the suggested condition restricting the use of the conservatory doors to emergency access only.
11. It is therefore considered that the proposal would have no additional impact than the existing restaurant use.

#### **Impact on 116 and 116a Ashley Road**

12. Number 116 Ashley Road is currently occupied by Gateway Gallery. It would appear from Council records that there is no separate address at first floor and therefore this is also occupied by the gallery. Whilst the proposed extension would result in the property projecting approximately 7 metres beyond the rear of this adjacent property (the buildings are already staggered), there would be no impact on residential amenity.
13. Number 116a Ashley Road is situated adjacent to the rear south east boundary of the application site. The side elevation of this building forms the boundary with the application site. This building would currently appear to be occupied by offices and change of use granted in 2002 (H/54968) supports this together with business rate records. The proposed extension would project almost up to the nearest corner of this adjacent property. Given that the proposed side elevation is to be brick, it is considered that there would be no undue overlooking or loss of privacy to the adjacent property.

#### **Impact on 14 and 16 Spring Road**

14. The proposed extension would be approximately 7.6 metres from the rear garden boundary of properties on Spring Road to the rear of the site, separated by an access passage to the rear. This is therefore closer than what would normally be allowed for extensions to dwellings to prevent close overlooking of private amenity space (10.5 metres). Whilst there are no guidelines for distances from commercial windows to neighbouring premises, given that the proposed

extension would be elevated from garden level and any planting to the boundaries at each property could not be relied upon to provide sufficient permanent screening, it is considered that the proposal could give rise to a level of overlooking and loss of privacy that could be harmful to the amenity of the owners/occupiers of these dwellings. As such a condition requiring the extension to be fitted with obscure glazing is therefore considered reasonable and necessary to mitigate against any potential harm.

## IMPACT ON HERITAGE ASSETS

15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area” in the determination of planning applications.
16. One of the key tests of the National Planning Policy Framework (NPPF) in relation to development within Conservation Areas is whether the proposal would result in any substantial harm or loss of irreplaceable heritage assets and if ‘less than substantial’ harm is identified, whether there are public benefits arising from the proposal which would outweigh that harm.
17. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness.
18. The application site is located within the Hale Station Conservation Area (Character Area A within the Draft Conservation Area Appraisal), the Central Retail Area. The primary use of the buildings within this character area is retail, restaurant and commercial and the Draft Conservation Area Appraisal states that this Character Zone is predominantly characterised by dense retail and restaurant use, each vying for attention through intensive use of signage and canopies.

## Shop Front

19. The Draft Hale Station Conservation Area Appraisal states that the appropriateness of the shop fronts [within the conservation area] on the ground floor vary greatly...many have shop fronts with traditional joinery, fascia and glazing details but others are less in keeping with the character and appearance of the conservation area.
20. The works to the front of the restaurant comprise a new aluminium shopfront with 2 no. central sliding panels. The proposed shopfront would retain the same sized display area with the stallriser retained. The host building is a modern infill (or at the very least has been re-fronted) and the size and nature of the shopfront is determined by the stone fascia and pilasters which are proposed to be retained.

It is considered that the proposal would have a neutral impact on the Conservation Area therefore preserving its character and appearance and would not lead to any harm to the significance of heritage assets.

### Rear Extension

21. The design of the proposed conservatory extension to the rear of the building is considered to reflect the character of the existing property and surrounding area in terms of design. Whilst the property has already been heavily extended, the proposal is single storey only, set in from both sides and is predominantly glazed. It is therefore considered to be subservient to the main building and does not obscure any main architectural features on the rear of the host property. The application form and drawings suggest the proposal is to be a black aluminium glazed structure. Notwithstanding this, it is considered that an approval should include a condition for materials to be submitted to and approved in writing by the Local Planning Authority to ensure that they are appropriate to both the host dwelling and the character and appearance of the Conservation Area and to mitigate against any potential harm to heritage assets.
22. Whilst an extension of this design may not be appropriate within some parts of the Conservation Area, there is a lack of uniformity within the immediate vicinity, particularly to the rear of some of the adjacent commercial premises with some large extensions approved in close proximity to the application site. It is therefore considered, that in this particular location, a rear extension of this design would have a neutral impact on the character and appearance of the Hale Station Conservation Area.
23. It is therefore considered that the proposal would be appropriate to its context and would preserve the character and appearance of the Conservation Area and would not lead to harm to heritage assets.

### PARKING AND HIGHWAYS

24. Given that the restaurant does not currently benefit from any parking provision and the extensions would not significantly increase the public floor area, the LHA have no objection to the proposals and it is considered that there would be no adverse impact on parking in the area.

### DEVELOPER CONTRIBUTIONS

25. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'all other' development, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
26. No other planning obligations are required.

## OTHER MATTERS

27. Any damp caused to a neighbouring property is a private matter and not a material planning consideration.

## CONCLUSION

28. The application complies with the development plan and no harm has been identified to designated or non-designated heritage assets. In accordance with Paragraph 14 of the NPPF in such circumstances planning applications should be approved without delay. The application is therefore recommended for approval.

## **RECOMMENDATION: GRANT subject to the following conditions:-**

1. The development must be begun not later than the expiration of three (3) years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL01 and PL02.

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

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and/or full specification of materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy L7 and R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

4. No development shall take place until a scheme has been submitted to and approved by the Local Planning Authority which specifies the provision to be made for the control of noise emanating from the site including any amplified sound.

Reason: In the interest of residential amenity and in compliance with Policy L7 of the Trafford Core Strategy.

5. Any lighting provided in the scheme should be erected and directed so as to avoid light spillage to residential accommodation in close proximity. Guidance can be obtained from the Institute of Lighting Professionals Guidance: Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

Reason: In the interest of residential amenity and in compliance with Policy L7 of the Trafford Core Strategy.

6. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments should be compliant with BS 4142:2014 "Rating industrial noise affecting mixed residential and industrial areas."

Reason: In the interest of residential amenity and in compliance with Policy L7 of the Trafford Core Strategy.

7. Upon first installation the windows and doors on the rear (south) elevation of the restaurant extension hereby approved shall be fitted with textured glass with an obscuration level no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interest of residential amenity and in compliance with Policy L7 of the Trafford Core Strategy.

8. There shall be no access for customers to the rear garden except in cases of emergency and to this end the doors shown in the rear elevation of the development hereby approved shall be fitted with and thereafter retained with such security measures and devices as to ensure that the doors may only be used in an emergency.

Reason: In the interest of residential amenity and in compliance with Policy L7 of the Trafford Core Strategy.

9. All windows and doors in the rear elevation of the property at basement and ground floor levels shall be non-opening except in the case of emergency, and in the case of the kitchen door except for access to the rear yard for the disposal of food and kitchen waste, and shall be fitted with and thereafter retained at all times in obscured acoustic glazing in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity and in compliance with Policy L7 of the Trafford Core Strategy.



## **Informatives**

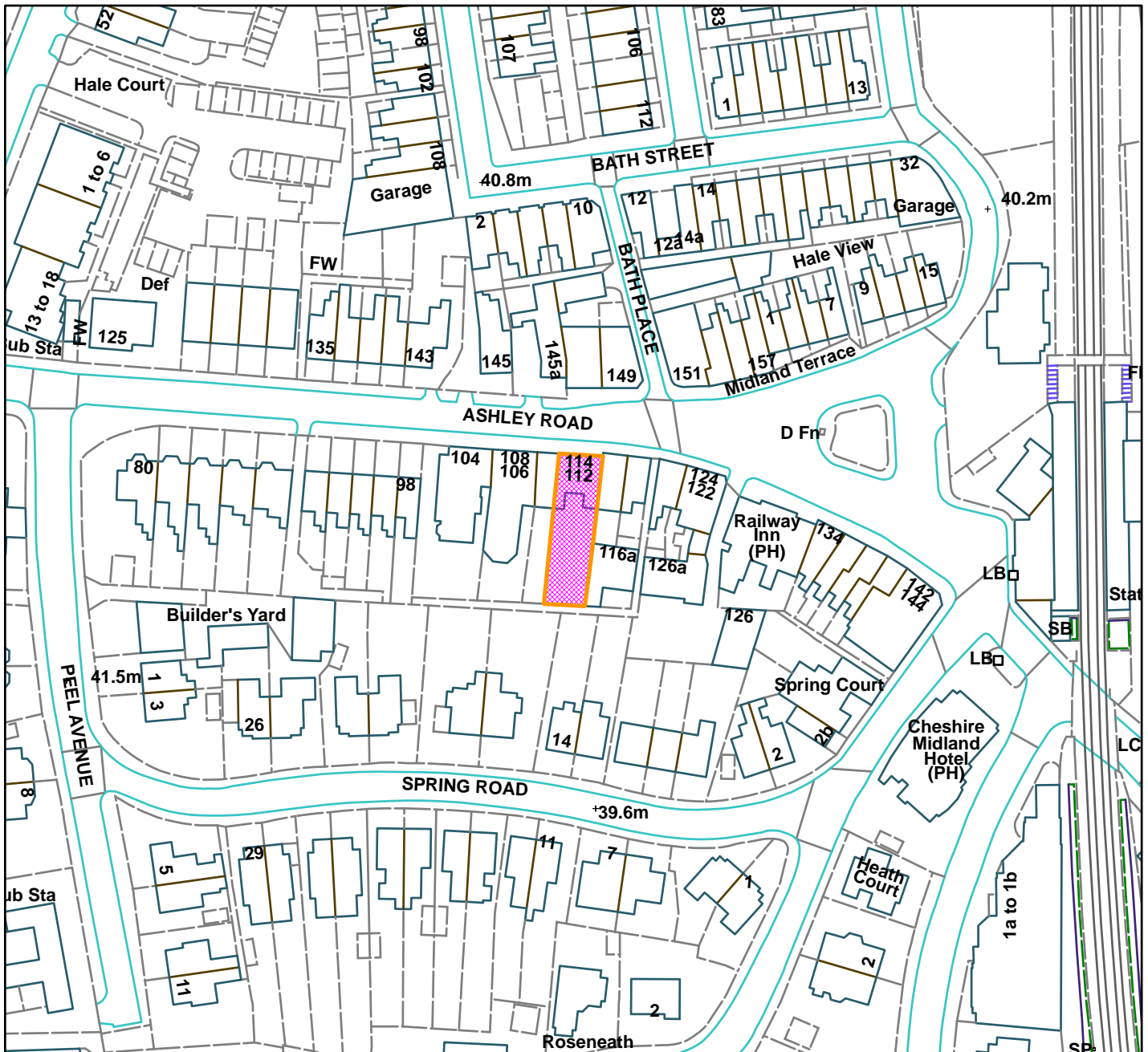
1. The applicant is advised that if any changes are required to the existing extraction system, a separate planning application will be required.

**JE**

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112-114 Ashley Road, Hale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/04/2016
Date	04/04/2016
MSA Number	100023172 (2012)

**WARD:** Davyhulme East

**87208/FUL/15**

**DEPARTURE: No**

## **USE OF LAND AS OVERSPILL CAR PARK**

Former Containerbase, Barton Dock Road, Trafford Park, M41 7BQ

**APPLICANT:** Event City Ltd

**AGENT:** N/A

**RECOMMENDATION: GRANT**

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### **SITE**

The application site is located to the south side of Barton Dock Rd at the junction with Peel Circle roundabout at the Trafford Centre. To the north side of the site on the opposite side of Barton Dock Rd is Event City; to the east side is the Containerbase business with associated areas of car-parking, external storage and office and storage buildings.

To the west and south sides of the site are the Trafford Centre's internal road system with the access road along the south side of the site providing access onto the Parkway. The site measures approximately 3ha in size and is currently a cleared site that has most recently been used as an overspill car-park area by The Trafford centre and Event City; the site had previously been part of the Containerbase site. The is secured by 2.5m high steel mesh fencing along the northern and eastern boundaries with timber hit and miss fencing at a similar height along the western and southern boundaries, the surface finish to the site comprises both tarmac and concrete with grass verges around the perimeter. Two telecommunication towers are located to the north-west and south-west corners of the site.

The site is located within the Trafford Centre Rectangle.

### **PROPOSAL**

The application site is currently used by both the Trafford Centre and Event City as a temporary overspill car-park. This temporary use of the land as a car-park is permitted development under the provisions of Schedule 2, Part 4, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 whereby the temporary use of the land (as a car-park in this particular instance) is deemed exempt from formal planning approval subject to a number of conditions, one of which allows only for the temporary use of the land for no more than 28 days in any calendar year.

The applicant wishes to formalise this temporary arrangement and therefore proposes the use of the land for car parking for both the Trafford Centre and Event City on a permanent basis.

Part of the application site along the northern and part north-west side of the site includes sections of land that will be required as part of the Trafford Park Metrolink extension. An amended site layout plan was received during the consideration of the application to omit the areas of land required as part of those works.

## **DEVELOPMENT PLAN**

**For the purposes of this application, 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.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

SL4 – Trafford Centre Rectangle  
L4 – Sustainable Transport and Accessibility  
L7 – Design  
W1 - Economy

## **PROPOSALS MAP NOTATION**

Trafford Centre Rectangle  
Consolidation, Improvement, Modernisation

## **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 will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

H/70812 - Erection of a detached Tanker Wash Building and associated storage container unit, portacabins, two tier lift tank and effluent treatment tank for use in cleaning of storage containers – Approved April 2009.

## **APPLICANT'S SUBMISSION**

As part of the application submission, the applicant has included a Transport Statement and Planning Statement, sections of both statements will be referred to where relevant within this report.

## **CONSULTATIONS**

**Local Highway Authority (LHA)** – No objections

**Pollution & Housing (Air Quality)** – No objections

**Lead Local Flood Authority** – No comments received at time of report preparation

**Transport for Greater Manchester (TfGM)** – Following receipt of an amended site location plan which omitted sections of land required for the Metrolink Trafford Park extension, TfGM have withdrawn their original objection to the proposal.

## **REPRESENTATIONS**

None

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The application site is located within the Trafford Centre Rectangle and has been used by both the Trafford Centre and Event City to accommodate overspill car-parking on a temporary and limited basis. The use of the land as a permanent overspill carpark for use by both the Trafford Centre and Event City will contribute to the continued commercial development of both these key businesses within the Trafford Centre Rectangle. Policy SL4 (Trafford Centre Rectangle) identifies that proposals to improve highway and public transport infrastructure serving the area will improve sustainability of the location as a focus for development. The former Containerbase site (the application site) is

recognised as a potential development site within Policy SL4 for future redevelopment given its proximity to the Trafford Centre. The use of the site as a car-park does not restrict any future proposals for redevelopment proposals of the site.

## HIGHWAYS

2. The application submission does not propose any physical changes to the layout of the existing car-park or any changes to existing access points to the car-park. Currently along the western side of the site are two access points, the most northerly of which is for access only, the second most southerly of the two is for 'left-turn' only egress. Along the southern boundary is a third access point, this allows for both access and egress. The car park is serviced by pedestrian footpaths and also pedestrian crossings linking the site to the wider Trafford Centre footpath and cycle path network. A pedestrian access is located to the northern boundary of the site.
3. When the car-park has been used for use by Event City purposes a number of temporary measures have been put in place to facilitate pedestrians crossing Barton Dock Road in the absence of a pedestrian crossing to Barton Dock Road beyond the northern boundary of the site. These measures include 4x LED Matrix Signs to provide information and routing directions to event City bound vehicles in addition to a temporary signalised pedestrian crossing which is also provided close to the existing pedestrian access point onto Barton Dock Rd.
4. Part of the Trafford Park extension works will involve a new track along Barton Dock Road, a passenger Metrolink stop at Event City and a redesign of Peel Circle roundabout junction which will include the provision of signalised pedestrian crossings including from the north side of the application site (adjacent to the site's pedestrian entrance) across Barton Dock Road to Event City. These works are currently awaiting a Transport & Works Act Order (TWAo) which if approved will facilitate the extension of the Metrolink network into Trafford Park with a scheduled completion by 2020.
5. Until these works have been formally approved and completed the applicant proposes that the use of the application site for car-parking be used for no more than 150 days in a calendar year. They would still utilise the temporary measures outlined at paragraph.3 above. These temporary measures have been approved and monitored by Trafford Council (Highways) and have been in operation for approximately 2 years. The use of the site for 150 days each year for car-parking along with the use of the temporary measures for a period of approximately 4 years until the Metrolink extension works have been completed is considered an acceptable. An appropriate condition is proposed which would limit the number of days the site can be used until such time as the new permanent pedestrian crossings, as part of the Metrolink extension works, have been completed. A condition will also ensure the use of the temporary highway

safety measures are adhered to during this period until the permanent highway improvements works are completed and in operation.

6. The applicant has indicated that the proposal site can accommodate approximately 1000 car-park spaces, this capacity has been accepted by the Local Highway Authority although currently there are no demarcated spaces on site. Whilst the site has operated for two years without spaces being marked out it is considered appropriate to request a scheme showing the car-park spaces and manoeuvring area be submitted to the Local Planning Authority for approval and the approved scheme implemented on site prior to the car-park being used on a permanent year round basis. This would ensure that the site can operate safely and within an acceptable capacity when it is being used throughout the year. Details of any external lighting and soft and hard landscaping proposals would also be requested through appropriate conditions.

#### DRAINAGE

7. The applicant has confirmed that the site currently drains into the main sewer

#### DEVELOPER CONTRIBUTIONS

8. The proposed development is not liable for Community Infrastructure Levy (CIL) provision nor does it generate any requirements under the Council's adopted supplementary planning document SPD1:Planning Obligations.

#### **RECOMMENDATION: GRANT subject to the following conditions:-**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan:- Barton Dock Road Car Park Drawing No:PH741A Rev.A received 22nd March 2016 and the details within the submitted Transport Statement (TTHC Ltd, Report Ref: M15093-01 TS December 2015) unless otherwise agreed in writing by the Local Planning Authority.
3. The development hereby approved shall only operate as a car-park facility for a maximum of 150 days within a calendar year until such time as a permanent signalised pedestrian crossing to Barton Dock Rd has been introduced after which time the development may operate on any day within the calendar year.
4. The development hereby approved shall be implemented in accordance with the temporary traffic measures as stipulated within the submitted Transport Statement (TTHC Ltd, Report Ref:M15093-01 TS December 2015).These measures shall remain in place until the provision of a permanent signalised pedestrian crossing to Barton Dock Rd).

5. Notwithstanding the details on the approved plan, and prior to the use of the car park on a permanent basis a plan detailing the demarcation of the car parking and manoeuvring spaces within the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to the car-park being used on a permanent year - round basis and retained thereafter.
6. Prior to the use of the car park on a permanent basis year-round basis details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented on site prior to the car-park being used on a permanent year-round basis and retained thereafter.

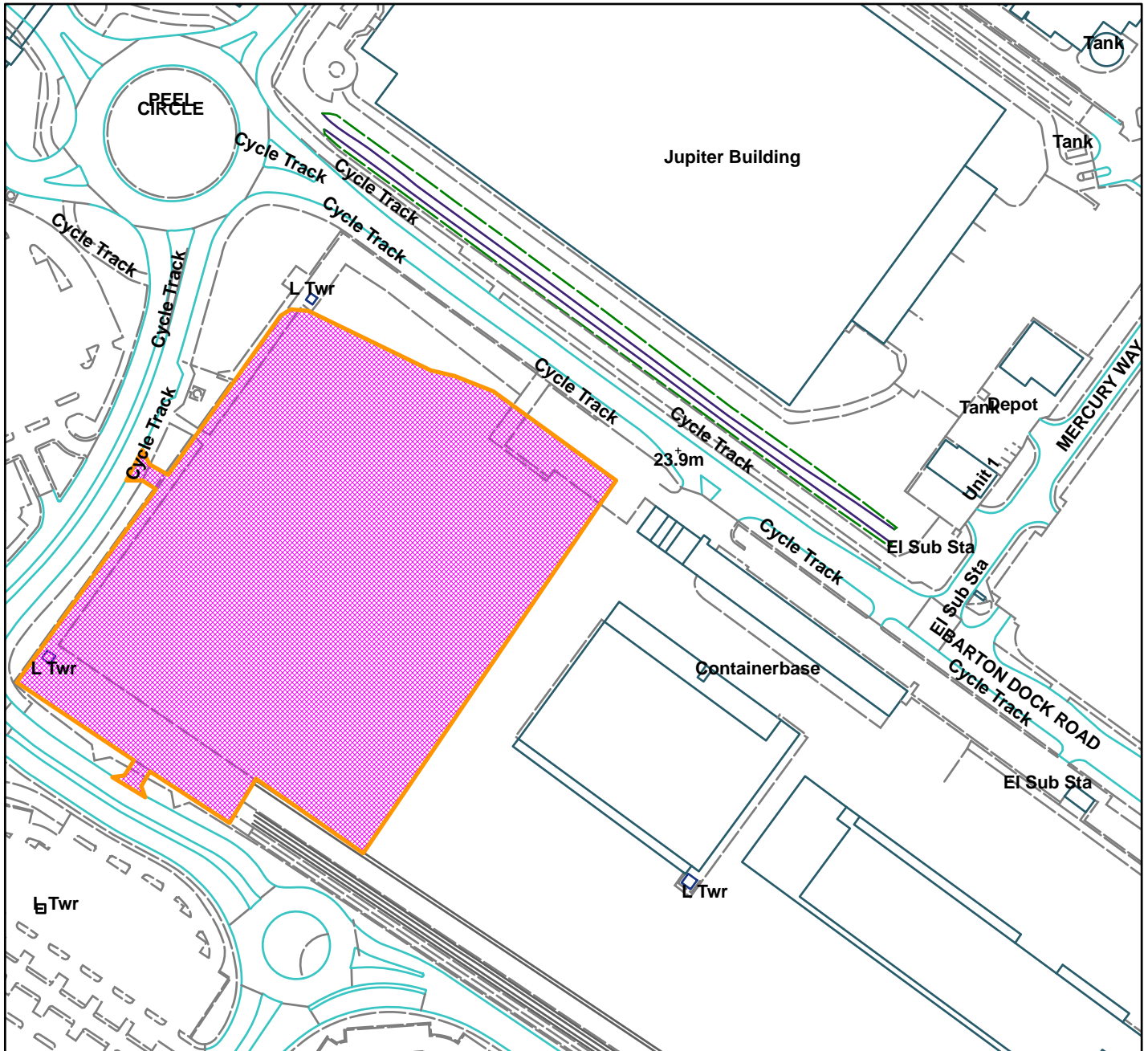
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Former Containerbase, Barton Dock Road, Trafford Park (site hatched on plan)



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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/04/2016
Date	04/04/2016
MSA Number	100023172 (2012)

**WARD:** Flixton

**87271/FUL/15**

**DEPARTURE:** Yes

**Residential development of the former Flixton Railway Station proposing 24no. two bedroom apartments with associated parking, external works and alterations to existing vehicular access. Landscaping throughout including a proposed wooded area.**

Site Of Former Flixton Railway Station, Flixton Road, Flixton, M41 6JL

**APPLICANT:** Branley Homes Ltd

**AGENT:** Grays Architecture Ltd

**RECOMMENDATION: REFUSE**

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## **SITE**

The application site is located immediately to the south side of Flixton Railway Station (adjacent to the eastbound platform on the Manchester-Warrington-Liverpool line) and had previously contained buildings associated with the railway station, latterly one of the buildings was used as a public house. The site has a linear configuration extending along the south side of the railway line and measures approximately 0.9ha in size.

The site is now cleared of buildings and comprises an area of hardstanding used for parking, located to the western side of the site near to the access onto Flixton Rd. To the east side of the hardstanding the site is secured by perimeter fencing, this area of land comprises low level vegetation. To the south side of the site is a public footpath (Public Right Of Way) which extends along the entire length of the application site. On the other side of public footpath, also to the south of the site are residential properties.

To the north side of the site is Flixton Railway Station and to the north-east and south-east of the site is the William Wroe Golf Course, which is located either side of the railway line. St Michaels Primary School is located to the south-east of the site. Pedestrian access from Flixton Station is still maintained through the site with a pedestrian footway from the northern platform over to the southern platform with a pedestrian gate separating the application site and the railway station.

The entire application site is designated as a wildlife corridor (part of the Manchester-Liverpool Railway Wildlife Corridor), approximately 70% of the site is designated as Green Belt; Area of Nature Conservation Value; Tree and Hedgerow Protection; Special Landscape Features; Area of Protected Landscape Character; Community Forest and is within The Mersey Valley. The site is also covered by a Tree Preservation Order (No.232, which covers individual trees, areas of trees, groups of trees and a woodland)

The area of the site that has previously contained buildings related to the railway station has been subject to previous planning applications for redevelopment for housing (details of which are outlined in the Planning History section of this report).

## **PROPOSAL**

This application proposes the erection of five two-storey buildings to accommodate a total of 24no. 2x bedroom apartments. Four of the buildings will accommodate four apartments each with the fifth larger building accommodating eight of the apartments.

The new buildings would be located towards the southern side of the site with the larger building positioned within the middle of the site and two of the small buildings located on either side of the larger building. A new access road servicing the development would extend along the north side of the site, a total of 28 car parking spaces would be provided allowing for one space for each apartment, these parking spaces are located to the front and rear of the smaller apartment buildings and on either side of the larger apartment building. Private garden areas would be located to the rear of all the apartment blocks.

The proposal includes improvement works to the site access onto Flixton Road; these works include widening the kerb by 'build outs' in order to improve the visibility for cars exiting the site.

Associated landscaping through the site would include timber fencing and railings to boundaries, tarmac to the new internal access road and block paving around the new buildings.

The application also proposes the creation of a wooded area to the eastern side of the site with new landscaping and tree planting; the intention being that this area (approximately 0.3ha) would be used specifically for local schools.

A previous application at this site which was withdrawn in November 2014 after the Officer report to Committee had been published (83736/FULL/2014 see full description under Planning History section of this report). The application had been recommended for refusal for 6 reasons including inappropriate development in the Green Belt; harm to the visual amenity of the Green Belt; development on greenfield land; apartment block would result in adverse impact on residential amenity; insufficient parking and failure to provide affordable housing provision. This application seeks to overcome these previous areas of concern.

## **FLOORSPACE**

The total gross internal floorspace of the proposed development would be approximately 1540 m<sup>2</sup>.

## **DEVELOPMENT PLAN**

**For the purposes of this development, 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.

### **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

R2 – Natural Environment

R3 – Green Infrastructure

R4 – Green Belt, Countryside and Other Protected Open Land

### **PROPOSALS MAP NOTATION**

Green Belt

Wildlife Corridor

Area of Nature Conservation Value

Tree & Hedgerow Protection

Special Landscape Features

Area of Protection of Landscape Character

The Mersey Valley

Community Forest

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

ENV9 – Sites of Importance for Nature Conservation

ENV10 – Wildlife Corridors

ENV17 – Protection of Landscape

C4 – Green Belt

## **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.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

83736/FULL/2014 - Residential development of the disused Flixton railway station proposing the erection of 14 no. semi-detached 3 bedroom houses and a 3 storey apartment block comprising 15 no. 2 bedroom apartments with associated hard standing and landscaping including a newly proposed wooded area. Alteration to existing vehicular access – Application Withdrawn November 2014

H/OUT/68099 – Outline application for the redevelopment of the site for twelve flats with associated car-parking. Alteration of access to Flixton Station and provision of 2x no. car-parking spaces for disabled use. Consent sought for access. All other matters reserved for subsequent approval – Approved May 2009

H/OUT/66752 – Outline application for redevelopment of site for twelve flats with associated car-parking. Alteration of access to Flixton Station and provision of 2x no. car-parking spaces for disabled use. Consent sought for layout and means of access. All other matters reserved for subsequent approval. Refused June 2007 for the following reason:-

*'The applicants have failed to demonstrate that the layout of the development proposed could provide an adequate level of residential amenity for future occupants of the development. In particular the applicant has failed to demonstrate that main habitable room windows could be positioned without leading to serious overlooking whilst still providing a satisfactory outlook. This is contrary to Proposals D1 and D3 of the Revised Trafford Unitary Development Plan and the Council's Planning Guidelines: Residential Development.'*

H/OUT/55629 – Erection of block of flats (12 units). Appeal against non-determination dismissed April 2005. At their meeting of 2 December 2004, members considered that if they had been able to determine the application, they would have refused it for the following reason:-

*The applicant has failed to demonstrate that a development of 12 two bed apartments can be satisfactorily accommodated on the site whilst achieving a high standard of design and layout that will provide an acceptable level of amenity for future occupants of the development, whilst not prejudicing the amenity of the existing occupiers of adjacent*

*property, nor appearing cramped, nor impacting adversely on the wildlife corridor within which the site is designated, the proposal is therefore contrary to the Trafford Adopted UDP Proposals D1, D3 and ENV9 and the proposed Adopted Revised UDP Proposals D1, D3 and ENV10.*

## **APPLICANT'S SUBMISSION**

The applicant has submitted a number of supporting statements as part of this application:-

- Planning Statement
- Design & Access Statement
- Affordable Housing Statement
- Flood Risk Assessment
- Noise & Vibration Assessment
- Ecology Assessment
- Tree Survey & Arboriculture Statement
- Crime Impact Statement
- Highways Statement

The information in the submitted statements will be referred to where necessary in this report.

## **CONSULTATIONS**

**Electricity North West** – No objections in principle.

**Environment Agency** – No objection, subject to contaminated land conditions and standard informatives.

**Ecology Unit** – No comments received at time of report preparation. Any comments will be included within the Additional Information Report.

**Network Rail – No objection** - Suggest a number of conditions and informatives to any grant of planning permission. Suggested conditions relate to protective fencing; details of scaffolding positions; vibro-impact assessment; foul and surface water details showing no impact on Network Rail land and earthwork and excavation details which are in close proximity to Network Rail Land

**United Utilities** – No objection, subject to conditions regarding foul and surface water from the development and SuDS provision.

**Peak & Northern Footpaths Society** – No objection – suggest condition attached to ensure no obstruction of any Public Right of Way, if any obstruction unavoidable then appropriate Diversion Order is applied for and in place.

**GMP (Design for Security)** – The proposed development should be designed and constructed in accordance with the recommendations contained within section 2.2 of the submitted Crime Impact Statement dated (05/11/2015 – URN: 2014/0367/CIS/02 Version A) and a planning condition (Secured By Design Accreditation) should be added to reflect the physical security specification listed within section 2 of the submitted Crime Impact Statement appendices.

**Pollution & Licensing (Noise)** – No objection - The Noise and Vibration Assessment prepared by Environmental Noise Solutions Ltd, 7<sup>th</sup> May 2015 indicates that the expected ambient noise levels would not be a constraint to planning approval subject to a scheme of mitigation measures and boundary treatments. Details of the mitigation measures (glazing and ventilation) and boundary treatments should be submitted to the LPA for approval to demonstrate compliance with the sound attenuation scheme detailed in section 6 of the report. N.B. The proposed site plan indicates a 2.1m boundary fence but further information is required on how this could comply with the report's recommendations.

The ground borne vibration impacts associated with the adjacent railway line are assessed as having a low probability of adverse impact and mitigation is not required.

**Pollution & Licensing (Contamination)** – Application site is situated on Brownfield site – Recommend standard contaminated land condition is included on any grant of planning approval.

**Local Highway Authority (LHA)** – No objections, general comments detailed later in this report

**Lead Local Flood Authority** – No comments received at time of report preparation

## **REPRESENTATIONS**

**Neighbours:-** Five letters of objection have been received, raising the following issues of concern:-

- Site exit is before the 'hump-back' crest of the bridge, extremely dangerous for cars exiting from site with oncoming cars approaching from the bridge.
- Adjacent petrol station gets congested with cars queuing back towards the application site entrance.
- Increase in traffic from site is a risk to children accessing Flixton Park and St Michaels Primary School
- Further parking on The Grove
- Will result in overlooking
- Proposal will result in loss of substantial section of area of nature conservation value.

## **OBSERVATIONS**

### BACKGROUND

1. In January 2011 the Council were informed that an area within the current application site, designated as Green Belt and covered by Tree Preservation Order 232 had been cleared of all its protected trees. These unauthorised works were undertaken by the current applicant Branley Homes. The trees were part of two areas and one group of identified protected trees and included Willow, Silver Birch, Lime, Sycamore, Poplar, Ash and Horse Chestnut. The Council successfully prosecuted Branley Homes in late 2011 for the unauthorised removal of trees which formed part of the Tree Preservation Order.
2. The section of the site which is proposed to be developed for the semi-detached dwellings had previously contained the protected trees. All stumps and remnants of these trees were subsequently removed to leave a cleared site, although the site has started to regenerate with new trees.

### PRINCIPLE OF DEVELOPMENT

3. Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The Council does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the schemes contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply,
4. Assessment of the acceptability of the principle of the proposed development needs to be considered separately in relation to the area of the site that lies within the Green Belt. The Green Belt designation covers an area which is approximately 70% of the application site. The boundary of this Green Belt designation begins approximately 105m into the site measured from the site entrance and extends across the entire width of the remainder of the site to the east, and north, northeast and south west towards the golf course, park etc. The



area of the site which has been the subject of previous planning permission is located to the west side of the Green Belt boundary.

### Green Belt

5. Paragraph 87 of NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 88 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.
7. Paragraph 89 of the NPPF advises that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt, subject to certain exceptions and Paragraph 90 of the NPPF sets out other forms of development which may be appropriate in the Green Belt. The proposed development does not meet any of the listed exceptions in Paragraphs 89 and 90. The development is therefore inappropriate in the Green Belt.
8. The Trafford Core Strategy, at Policy R4, supports the policies in the NPPF and states:- The Council will continue to protect the Green Belt from inappropriate development. 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 uses 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.
9. New housing development in the Green Belt is, by definition, inappropriate development and contrary to national and local Green Belt policies. Recent Government statements have emphasized the importance of the Green Belt. Paragraph 88 of the NPPF says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances (advanced by the applicant) will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
10. Recent case law has established that the Council's Core Strategy policy in respect of development in the Green Belt is 'out of date' in NPPF terms as it seeks to restrict the supply of new housing and the Council does not have a deliverable five year housing land supply. Nevertheless, even if the policy is technically 'out of date' it remains in accordance with current government policy

in the NPPF on the protection of Green Belt land. The weight it can be given therefore remains significant. In any event the NPPF, as a primary material consideration, would apply the same test of very special circumstances outweighing the identified harm to the Green Belt and any other harm in order to find this proposal acceptable.

#### Impact on Openness & Encroachment into the Green Belt

11. The NPPF states that the essential characteristics of Green Belt are their openness and their permanence. The application site is partially screened from the general streetscene given existing tree cover and its location extending along the railway line. However, openness in Green Belt terms is an absence of development rather than the impact of a development and therefore a loss of openness occurs from the presence of built form, regardless if this built form can readily be seen from the public realm. A public footpath runs to the south of the application site and it is also readily visible from the residential area to the south of Flixton station itself, therefore the restrictive views of the site and partial screening would not in any way mitigate the loss of openness or harm to the Green Belt that would occur as a result of the proposed development.
12. Further advice within the NPPF and reflected in Policy R4.2 of the Trafford Core Strategy recognises that safeguarding the countryside from encroachment is one of the five purposes of including land within the Green Belt. Developing this land for housing would, notwithstanding its edge of urban area setting, represent encroachment into the countryside. It would therefore be contrary to one of the identified purposes of including land within the Green Belt.
13. It is considered therefore that the proposed reduction in openness and encroachment into the countryside adds significantly to the harm by reason of inappropriateness.

#### Consideration of the Applicant's 'Very Special Circumstances'

14. The applicant, as part of their submission, has presented a case of 'very special circumstances' in support of residential development on Green Belt land. The very special circumstances case is that the applicant will create a woodland to the eastern extremity of the site, covering an area of 0.27ha within the overall application site (this proposed woodland area would account for approximately one third of the application site). This woodland is proposed to be gifted as a community asset, to be used by St Michael's Primary School.
15. It is not considered that the gifting of this land would constitute the very special circumstances that would permit this form of development on allocated Green Belt land. This land proposed to be developed, towards the central and eastern parts of the site and which includes the area of proposed woodland, had previously been attractive woodland, prior to the unauthorised felling of the

protected trees. Since the trees have been removed, the site has begun to regenerate and tree cover is establishing once again, assimilating the site with the surrounding landscape. It is also relevant to consider that the adjacent school St Michael's has a significant amount of green open space within its environs that the pupils can utilise. Any benefits that might arise from the use of this land by the school are not considered sufficient to amount to the very special circumstances which would allow inappropriate development in the Green Belt. It should be noted that it would appear that the Council's Education section have not been approached by the school regarding the proposed use of this woodland, nor have the school contacted the planning department to confirm support or otherwise for this part of the proposal.

16. In support of their case of very special circumstances, the applicant has stated that part of the site is brownfield land and recognised to be developed in line with the Strategic Housing Land Availability Assessment, the remainder of the site is enclosed by fencing and is considered to have a derelict appearance and is different from the surrounding Green Belt. The area the applicant refers to as having a 'derelict appearance' had previously been covered with protected trees that the applicant removed. No attempt has been made in the interim to replant trees in reparation for those removed and as stated, the site has begun to regenerate, so the site is not considered to have the derelict appearance the applicant refers to. It is not accepted that the current state of the site should form part of the very special circumstances case.
17. The benefits that the development would bring in terms of its contribution to housing land supply are not considered sufficient to outweigh the harm to the Green Belt by reason of inappropriateness. Government Guidance makes it clear that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt.
18. The applicant also lists a number of other 'benefits' arising from the proposed development (i.e. employment during construction; the site is available and viable in a short timescale; delivers benefits to rail passengers. It is not considered that much weight should be given to this list of benefits as they could be achieved through development of any site.

### Brownfield Land

19. It is considered that the part of the site to the west which is brownfield land and lies outside of the Green Belt would make a positive contribution towards the Council's housing land target and housing needs target as set out in Core Strategy Policy L1 and L2 through the provision of 2 bed accommodation in a sustainable location. It would also contribute towards the Council's brownfield land target as set out in Policy L1.7. However, the proposed development on brownfield land cannot be disaggregated from that within the Green Belt.

## IMPACT ON LANDSCAPE CHARACTER AND VISUAL AMENITY

20. The site is identified as an Area of Special Landscape Character in the saved Policy ENV17 of the adopted Trafford Unitary Development Plan. This is carried through into Policy R2 of the Core Strategy which identifies open countryside landscape character areas as assets to be protected and enhanced. Specifically, the part of the site also within the Green Belt is identified as being part of the 'River Meadowlands' landscape character area in the Landscape Strategy SPG which is cited in the supporting text to Policy R2.
21. Although the saved UDP Policy ENV17 and the Landscape Strategy SPG are now out of date in NPPF terms when considering housing land supply, they are, in respect of protecting Green Belt land and conserving and enhancing the natural environment, in compliance with the guidance in the NPPF and the Core Strategy. Paragraph 81 of the NPPF states that once Green Belts have been defined, local authorities should plan positively to enhance the beneficial use of the Green Belt, such as to retain and enhance landscapes. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing, inter alia, valued landscapes. It is therefore considered that these policies can be given due weight in the consideration of the application.
22. The Landscape Character SPG identifies a particular pressure in the River Meadowlands of urban encroachment. It has been demonstrated in the Green Belt analysis above that this proposal represents encroachment into the countryside. The wooded area subject to the Tree Preservation Order where trees were previously felled is successfully naturally regenerating and to clear this site once again would be a retrograde step and would have a harmful impact on the landscape and visual amenity. It is not considered that the landscaping plans put forward by the applicant would provide sufficient mitigation against the harm to landscape character through encroachment. Additionally, the applicant has not, contrary to Policy R2 of the Core Strategy, sought to demonstrate how the proposal will protect the landscape character of its immediate location and its surroundings.

## DESIGN SCALE AND LAYOUT

23. The smaller apartment buildings to the west side of the larger apartment building would be positioned between approximately 0.5m and 1m to the southern boundary with the public footpath. With regards the two smaller buildings to the east side of the larger building, the apartment building to the eastern most extremity of the site would be positioned immediately on the southern boundary whilst the building immediately adjacent to the larger building appears to retain approximately 0.3m to the boundary. The smaller apartment buildings are positioned with their front and rear elevations facing eastwards and westwards

whilst the larger apartment building has its main front and rear elevations facing northwards and southwards respectively. The larger apartment building retains approximately 5m to the southern boundary of the site.

24. All five apartment buildings would measure approximately 5.1m to eaves height and approximately 8.3m to roof ridge level, incorporating a conventional roof design. The proposed external materials appear to include red external brick work, concrete roof tile and UPVC windows.
25. The apartment buildings have been designed to reflect surrounding residential properties which are predominantly traditional semi-detached dwellings in terms of the design, scale and massing. The buildings are considered acceptable in terms of design and scale and the layout is acceptable as it follows the linear configuration of the site.

## RESIDENTIAL AMENITY

26. The nearest residential properties are located at The Grove to the south side of the site and 443 & 445 Flixton Road to the west side of the site. With regards the proposed layout the larger apartment block has its rear elevation facing southwards. At first floor level each of the four apartments have two clear glazed habitable room windows serving an all through lounge/kitchen/dining area. These are the only windows to these rooms. The siting of the main apartment building ensures most of these first floor windows look directly across towards St Michael's Primary School grounds. The first floor apartment on the west side of the larger apartment block will allow for an angled view from the first floor window on the western extremity of the rear elevation.
27. Advice contained within the Council's Supplementary Planning Guidance Note 1 require a minimum distance of 13.5m from main first floor habitable windows to residential garden boundaries from two storey apartments. The proposed larger apartment building falls short of this parameter. However, as this nearest window is a secondary window it would be acceptable to obscure glaze this particular window to prevent overlooking. The second window to this apartment would still allow for an angled view into the rear corner of 17 The Grove's rear garden, however given as this is a greater angled view and not directly into the garden area of 17 The Grove and the relatively large garden area involved, it would be considered acceptable in this instance.
28. Inter-looking within the development layout retains 21m window to window distances between the smaller apartment blocks. Advice contained within the Council's New Residential Development Supplementary Planning Guidance document recommends a distance of 27m is retained across residential gardens between main habitable windows. Whilst the proposed scheme does not meet this recommended separation distance, it is considered appropriate as part of this wider residential development. The required minimum distance from first

floor rear windows to the rear boundary of two storey apartments is 13.5m for two storey flats. The proposed scheme retains 10.5m with regards the four smaller apartment blocks, again whilst the proposed scheme is short on the recommended parameter, it is considered appropriate as part of this wider residential development.

29. The two blocks of four apartments located towards the western side of the site are adjacent to residential boundaries and propose three first floor clear glazed windows, two of which are secondary habitable room windows and one is a hall/landing window. These windows would require obscure glazing through an appropriate condition in the event of any grant of planning permission.
30. The positioning of the buildings on site is not considered to result in any overbearing or intrusive impact on nearby residential properties.

#### IMPACT ON WILDLIFE CORRIDOR/PROTECTED TREES

31. As part of the reason for refusal of planning permission H/OUT/55629 (see planning history section of this report), the Council raised concern over the impact of residential development on the wildlife corridor, this concern was upheld at the subsequent appeal by the Planning Inspector. The subsequent application that was approved (H/OUT/68099) proposed moving the residential development further away from the protected trees which formed part of the wildlife corridor and the development would be concentrated on previously developed land.
32. This current proposal now includes new development on a previously undeveloped section of the wildlife corridor and will involve the formation of a new hard surfaced access road, buildings and hard landscaping from the north to south boundaries of the site.
33. By introducing new build development over a substantial section of this previously undeveloped section of wildlife corridor, the proposal will restrict the ability of the corridor to function for the purposes of permitting wildlife to move unhindered along this limited area of undeveloped land. Policy R2 of the Trafford Core Strategy seeks to ensure the protection and enhancement of the natural environment. This section of the Core Strategy identifies that natural areas are not only on greenfield land but also on brownfield land and it is important to recognise that in some places these can have significant ecological value. Whilst the new development would remove a substantial section of previously undeveloped greenfield land, it would be difficult to determine beyond any reasonable doubt that the corridor would fail to function. Consideration would also have to be given to the proposal to replant trees within the suggested woodland area which would be of a benefit to re-establishing this section of corridor to its previous state. The Council had considered serving a Tree Replacement Order at the time the trees were felled, however it was concluded

that the species of tree and numbers the Council would request would regenerate naturally which is what appears to be occurring on site. It is not considered that it would be reasonable to refuse the application on the grounds of the impact on the Wildlife Corridor.

## ACCESS, HIGHWAYS AND CAR PARKING

34. A number of previous applications for residential development on this site were refused due to overdevelopment (and upheld on appeal) before a scheme was granted approval in 2009 for 12 flats. That approved scheme (H/OUT/68099) was an outline permission for 12 flats. On highways grounds there were no objections as the proposed development did not increase the level of trips at the site above the TRICS confirmed existing level of 8 in the peak hour. In addition, a condition was added to the outline approval for a scheme for additional road markings and signage in the vicinity of the site to be submitted and approved in writing by the LPA. The scheme was to include measures for calming vehicle speeds on Flixton Road over the adjacent railway bridge and at encouraging vehicles to exit the site in a left direction only. No residential units were to be occupied until the approved scheme was implemented in full. It is proposed that the existing site access junction will be retained to serve the new development.
35. At present visibility afforded to drivers exiting the site to the right over the railway bridge is significantly substandard. Details of proposed highway works to improve visibility, including building out of the kerb lines, have been submitted. An improved visibility splay of 37m (for traffic turning right from site) which has previously been agreed with the LHA is still proposed and this would also require the improvement works to kerb lines.
36. The applicant has provided plans illustrating that a large refuse vehicle servicing the apartments and a large car utilising the improved 'kiss and ride' facilities are able to turn within the site and exit the site in a forward gear. Servicing arrangements are therefore acceptable.
37. The proposals include 28no. off-street parking spaces for the apartments, providing one space per apartment with four additional spaces. There are also four drop off bays located adjacent to the station 'kiss and ride' facilities. SPD3 Trafford Parking Standards state that two parking spaces are required for a two to three bedroom dwelling in this area. Given that the site is in close proximity to public transport, the level of parking to be provided is considered to be acceptable.
38. No cycle provision has been included as part of this proposal. Cycle parking facilities are required; either one communal space, (= 24 spaces), or two allocated spaces, (= 48 spaces), per apartment. Cycle parking facilities should be located close to the building entrances in a well-lit location and should benefit from good natural surveillance being overlooked by the public or covered by

CCTV where possible. Cycle parking infrastructure should ensure that both wheels and the frame of all types of bicycle can be secured to or within the facility. No secure motor cycle provision is required for this application. In the event of planning permission being granted an appropriate condition could be attached to ensure provision of cycle provision.

## TREES

39. Under the provisions of SPD1: Planning Obligations this proposal would require a minimum of 24 trees planted on site. The applicant has provided a landscaping plan suggesting planting of approximately 84 trees which includes the proposed wooded area to the east side of the site.

## DRAINAGE

40. As per the guidance issued by the Department of Communities and Local Government (DCLG), all 'Major' planning applications being determined from the 6<sup>th</sup> April 2015, must provide sustainable drainage systems (Suds), unless demonstrated to be inappropriate. The applicant has stated that in the event that site testing precludes the use of soakaways for onsite surface water disposal, it will be necessary to direct surface water either to the local ditch drainage system with the approval of Trafford Council as Lead Local Flood Authority. Comments of the LLFA will be reported in the Additional information Report.

## VIABILITY

41. Policy L2 of the Trafford Core Strategy seeks, amongst other things, an adequate mix of house types and sizes to meet the Boroughs housing needs. The policy also includes the requirement for affordable housing.
42. The proposed development of 24 residential units is above the qualifying threshold of five residential units for this location within the borough which is classified as 'moderate market location'. Advice within the Council's SPD1 document (Planning Obligations July 2014) indicates that the contribution would be 20% (with a flexibility to increase this to 25% under good market conditions or decrease it to 10% under poor market conditions). The scheme should return 5 affordable units under a 20% contribution.
43. The applicant has submitted an Affordable Housing Statement as part of a viability assessment and proposes no affordable housing contribution. The submitted statement refers to a viability assessment including projected costs, but no details have actually been included with the application. The Housing Statement states that the viability appraisal demonstrates that the development will produce a pre-tax gross profit margin in the region of 13.5% and that a typical profit margin of 20% is expected for a development to remain commercially viable.



44. In the absence of a viability assessment the applicant has failed to demonstrate that they cannot afford to provide affordable housing units for this site.

## DEVELOPER CONTRIBUTIONS

45. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the moderate charging zone for residential development, consequently private apartments will be liable to a CIL charge rate of £0 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
46. The applicant has indicated that they are prepared to enter into a Section 106 legal agreement relating to works required to the junction with Flixton Road and the provision of the woodland area.

## CONCLUSION

47. The proposed development is contrary to established Green Belt policy and the applicant has failed to demonstrate that there are any very special circumstances which would warrant an exception to Green Belt policy being made. It is not considered that the Council's lack of a five year supply of immediately available housing land should outweigh the presumption against inappropriate development in the Green Belt. Planning Policy Guidance makes it clear that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt. Other 'very special circumstances' put forward by the applicant are not considered to outweigh the identified harm to the Green Belt by virtue of inappropriateness, harm to openness and encroachment into the countryside, contrary to the purposes of including land within the Green Belt.
48. The applicant has also failed to demonstrate that it would not be viable to provide the affordable housing that the proposed development would be anticipated to provide which would cause harm to the provision of the Borough's housing needs.
49. It has been identified that the development would cause harm to the Green Belt by reason of inappropriateness. 'Any other harm' has been established as being harm to openness of the Green Belt, encroachment into the countryside contrary to the purposes of including land within the Green Belt, harm to landscape character and harm to the provision of the Borough's housing needs. No other harm has been identified which could not be mitigated by suitable planning conditions. The very special circumstances put forward by the applicant, including the contribution the development would make to the Borough's deliverable housing land supply, are not considered to outweigh the identified

harm to the Green Belt by reason of inappropriateness and any other harm. Paragraph 14 of the NPPF does not apply the presumption in favour of sustainable development where the NPPF states that development should be specifically restricted, which includes development in the Green Belt. The test is therefore that of very special circumstances being demonstrated for an application to be approved and not a significant and demonstrable adverse impact from the proposals for an application to be refused. Very special circumstances have not been demonstrated and the application is therefore recommended for refusal.

## **RECOMMENDATION**

**REFUSE** for the following reasons:-

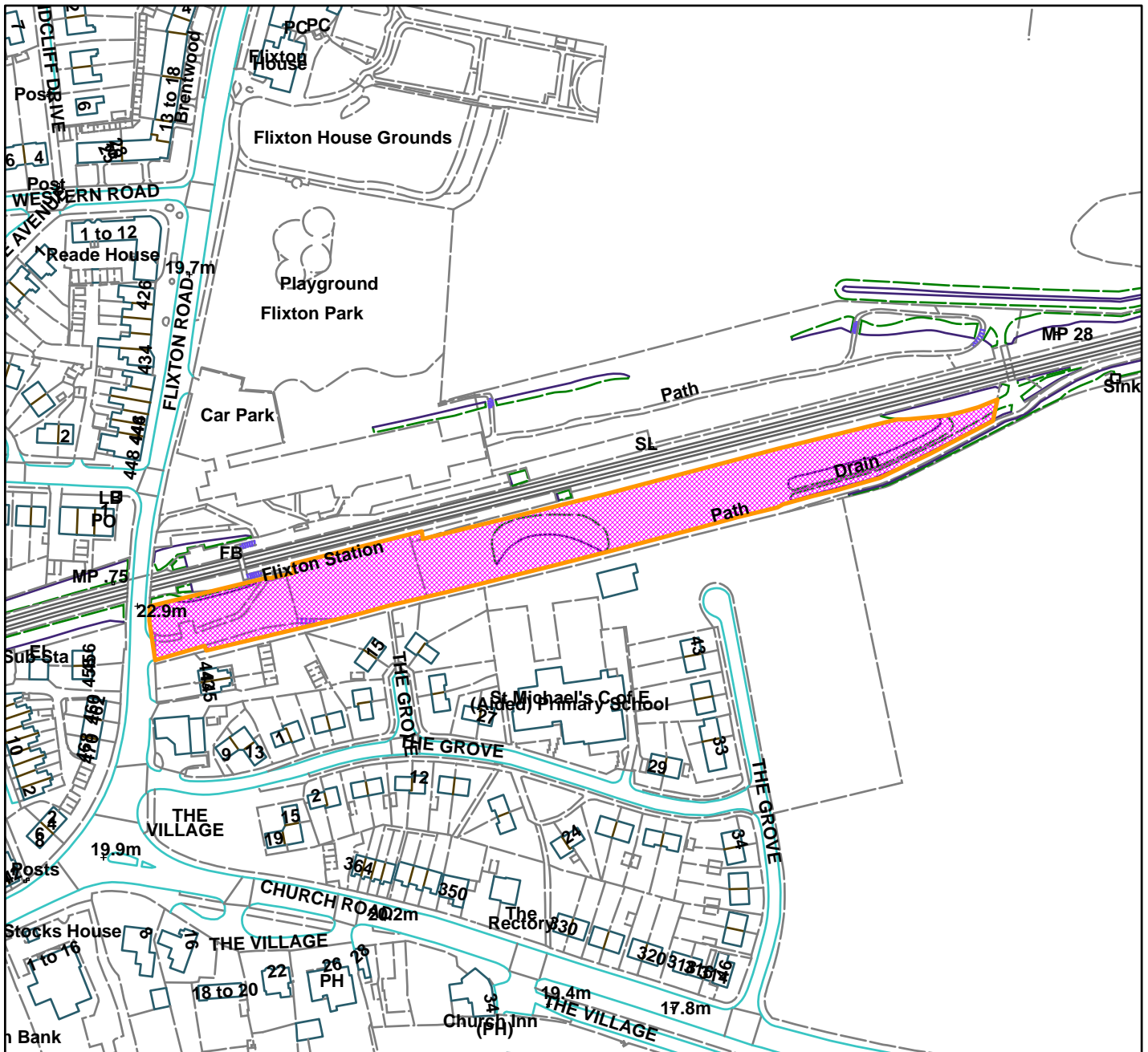
1. The proposed development is located within the Green Belt where there is a presumption against inappropriate development and where development will only be allowed if it is for an appropriate purpose or where very special circumstances can be demonstrated. The development comprises inappropriate development as it does not fall within any of the exceptions within Paragraphs 89 and 90 of the NPPF. The applicant has failed to demonstrate that there are any such very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm and as such the development is contrary to Government advice contained in NPPF and to Policy R4 of the Trafford Core Strategy and Policy C4 of the Revised Trafford Unitary Development Plan.
2. That part of the development that lies within the Green Belt, would harm the openness of and would fail to safeguard against encroachment into the Green Belt, contrary to the purposes of including land within the Green Belt. It would also be harmful to landscape character, specifically the 'River Meadowlands' landscape type identified in the adopted Landscape Strategy SPG. As such the proposal is contrary to Policies L7, R2 and R4 of the Trafford Core Strategy, Policies ENV17 and C4 of the Revised Trafford Unitary Development Plan, the adopted SPG 'Landscape Strategy' and the NPPF.
3. The proposed development would result in an unsustainable form of development in that it would not contribute to the provision of affordable housing necessary to help meet the housing needs of the Borough and the wider aspirations of the Council's Sustainable Community Strategy. The applicant has failed to demonstrate that the provision of affordable housing would make the development unviable. As such the proposed development is contrary to Policies L2 and L8 of the Core Strategy and guidance set out in SPD1: Planning Obligations and the National Planning Policy Framework.

CM

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Site of Former Flixton Railway Station, Flixton Road, Flixton (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/04/2016
Date	04/04/2016
MSA Number	100023172 (2012)

**WARD:** Timperley

**87416/VAR/16**

**DEPARTURE: No**

**Application for variation of condition 4 on planning permission H31453. (Demolition of existing buildings and canopy and redevelopment of site to provide new sales building, canopy, petrol storage tanks, jetwash and replacement substation. Closure of Access.) to alter the opening hours from 7.00 -24.00 to 5.00-24.00.**

155 Stockport Road, Timperley, Altrincham, WA15 7LT

**APPLICANT:** Motor Fuel Group

**AGENT:** Adcock Associates

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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## **SITE**

The application site is an existing petrol filling station (PFS) which has operated for a number of years on the site and is also known as 'Ringway Service Station'. It is on the corner of a busy road junction of Stockport Road and Moss Lane. Located opposite the site to the south is Timperley Sports Club and to the south east, The Hare and Hound Public House.

Surrounding the site to the north, east and west are residential properties and the immediate adjacent residential properties are 153 Stockport Road to the western boundary and 1 Moss Lane to the northern boundary. The closest residential properties to the eastern boundary, across Moss Lane, are 2 Thorndale Grove and 159 Stockport Road.

## **PROPOSAL**

This application has been made under Section 73 of the Town and Country Planning Act 1990. Section 73 allows applications to be made for permission to carry out a development without complying with a condition(s) or to vary condition(s) previously imposed on a planning permission. A Section 73 planning permission is the grant of a new planning consent. However, the original planning permission continues to exist whatever the outcome of the application made under Section 73.

Planning permission is sought for the variation of Condition number 4 of planning permission H/31453 granted by Appeal (ref: T/APP/Q4245/A/90/162062/P5) on 17th January 1991, to alter the opening hours from 07.00 -24.00 to 05.00-24.00.

The use of the premises between the hours of 05.00 hours and 07.00 hours shall be restricted to the use of the shop and forecourt pumps only.

The application seeks a temporary permission for one year only. The applicant originally applied for a permanent planning permission however their submission included the proposal for a temporary permission should it be considered appropriate. Consequently it has been agreed between the Council and the applicant this application is for a temporary permission only.

There would be no increase in floorspace as a result of the proposal.

## **DEVELOPMENT PLAN**

**For the purposes of this application 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.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility  
L7 – Design

## **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 will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

**87433/FUL/16** - Retention of ATM to the side of the shop. Associated works include retention of anti-ram bollards. Decision pending and elsewhere on this agenda.

**H/42974** - Installation of jet wash and provision of air/water and vacuum facilities to rear and side of existing sales building. Approved 1996.

Condition of approval – *“The jet wash and air/water and vacuum facilities hereby approved shall only be available for use between the hours of 07:00 and 24:00 on any day.”*

**H/31453** – Demolition of existing buildings & canopy & redevelopment of site to provide new sales building, canopy, petrol storage tanks, jet wash & replacement sub-station. Closure of access. Refused 1990. Reasons for refusal:

- 1) *The proposal by reason of the increased activity associated with the redeveloped petrol filling station and the consequent increased noise, disturbance and pollution would constitute overdevelopment of the site and would thereby detract from the amenities that the occupiers of the adjoining residential properties could reasonably expect to enjoy.*
- 2) *The proposed development by reason of the arrangement of the facilities on the site and in particular between those facilities and the vehicular access points on Moss Lane would give rise to the increased vehicular activity on that road which would be detrimental to public and highways safety.*

Applicants appealed the decision and the appeal (ref: T/APP/Q4245/A/90/162062/P5 dated 17th January 1991) was allowed and permission granted subject to conditions imposed by the Planning Inspectorate, including the following condition for opening hours:

*The redeveloped petrol filling station premises shall not open before 0700 hours or be open after 2400 hours on any day.*

**H16014** – Redevelopment of existing petrol filling station. Refused 1982. Reasons for refusal:

- 1) *In the interests of public and highway safety in particular because the existing access point at the junction of Moss Lane and Stockport Road*

*represents an unacceptable source of danger to road to road users and its continued use as part of the redevelopment scheme would perpetuate this situation.*

- 2) *In the interests of the visual amenity of the area in particular because the proposed development does not provide for the satisfactory landscaping of the site.*

## **CONSULTATIONS**

**Local Highways Authority** - No objections.

**Pollutions and Licensing (Nuisance)** - No objections subject to the following conditions:

- *The use of the premises between the hours of 05.00 hours and 07.00 hours shall be restricted to the use of the shop and forecourt pumps only*
- *The permission shall be granted for a temporary 12 month period*
- *The existing fence shall be replaced with a close boarded acoustic fence with no gaps*
- *The PA system shall not be used between the hours of 05.00 and 07.00 unless in the event of an emergency*

Comments from Nuisance will be discussed in more detail in the Observations section of this report.

## **REPRESENTATIONS**

Nine letters of objection have been received from the occupants of neighbouring residential properties. The concerns raised are as summarised as follows:

- Serious impact on the standard of living of nearby residential occupiers and detrimental impact upon residential amenities
- Increased noise and activity and traffic in a residential area arising from opening up the garage at 5am and light pollution
- Increase of possible alcohol related crimes
- Previous planning permission had conditions that safeguarded residential amenity and highway safety
- There is a 24 hour Esso garage less than 1 mile from the site and two more 24 hour petrol filling stations less than 1.4 miles from the site
- Increase in pollution and reduction of air quality from increase in traffic
- Car wash facilities available at 5am would create unacceptable noise disturbance

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. Members will be aware that the approval of a Section 73 application grants a new planning permission in its own right. In terms of decision making, regard should be had to any changes on site or in the surrounding area and any changes to planning policy since the time of the original approval.
2. Since planning permission was granted by appeal in January 1990, a PFS has operated at the site. Since then, national and local planning policies have changed and the current application will be assessed in accordance with adopted policies contained within the Trafford Core Strategy, the saved policies of the Revised Trafford Unitary Development Plan, relevant supplementary planning documents, all of which are part of the Development Plan for the Borough and the National Planning Policy Framework.
3. The main planning issues considered under the original application were:-
  - Design, visual amenity and impact on streetscene
  - Impact on residential amenity
  - Traffic generation and highways issues
4. A site layout plan and planning statement detailing the proposal have been submitted in support of this S73 application. Information submitted in support of planning application H/31453 remains relevant to the determination of this application.
5. The matters listed above were considered in the determination of the original application. There is no requirement to revisit these issues through the determination of this application other than where they are affected by the proposed variation. The key issues in the determination of this application relate to the following matters outlined below:
  - Impact on residential amenity
  - Traffic generation and highways issues

### **IMPACT ON RESIDENTIAL AMENITY**

6. Surrounding the site to the north, east and west are residential properties and the immediate adjacent residential properties are 153 Stockport Road to the western boundary and 1 Moss Lane to the northern boundary. The closest residential properties to the eastern boundary, across Moss Lane, are 2 Thorndale Grove and 159 Stockport Road.



7. Policy L7 of the Trafford Core Strategy states that in relation to matters of amenity protection, development must not prejudice the amenity of adjacent properties. The National Planning Guidance states using planning conditions to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, is an acceptable form of mitigation when considering planning applications.
8. The Council's Pollution and Licensing Section (Nuisance) have been consulted about the application. They have confirmed that the site has operated successfully without complaint and the Pollution Section has not been in receipt of any noise complaints relating to the premises.
9. This application seeks to vary Condition 4 of H/31453 to allow opening from 05.00 hours instead of 07.00 hours. The applicant has stated in the submitted Planning Statement that they will limit activity to the shop and forecourt pumps only. They advise that, *"No other activity would be carried out including deliveries or car/jet wash in strict compliance with control measures put in place by the applicant, including staff training on noise pollution, security and health and safety"*. They have also stated that they would, *"welcome the opportunity to demonstrate their ability to work with the Council and local residents by complying with planning permission for a temporary 12 month period"*.
10. In consultation with Pollution and Licensing (Nuisance), it is considered that whilst the petrol filling station facility has operated successfully from 07.00 hours without any complaint, extending the hours to allow opening from 05.00 hours is likely to result in some additional noise at a time that was previously quieter. However, it is considered that the site is located on a busy road and the adjacent residential properties do not have any habitable room windows, in particular bedroom windows, directly overlooking the site. It is therefore considered unlikely that the occupants of the nearest residential properties would be directly affected by activities at the petrol station during the additional two hours at this time of the morning. It is considered that there would not be a significant increase in noise and disturbance, over and above the existing levels from associated road traffic on Stockport Road and Moss Lane, to warrant a refusal of the application. Furthermore it is considered that the number of vehicles that would be using the petrol station at this time of the morning are likely to be less than during the daytime or later in the evening/night. However to safeguard amenity of neighbouring residents and enable the Council to review the proposal in future, it is considered a one year temporary permission is appropriate in this case.
11. Concerns have been raised by objectors regarding potential impact to air quality as a result of this application and traffic that may be generated from vehicles at the PFS during the additional opening hours. Given the traffic already in the vicinity as a result of the location of the PFS in close proximity to existing busy roads, it is considered the proposal would not result in a detrimental impact on air

quality over and above the existing levels. As mentioned above, due to the fact the additional opening hours are early morning, it is considered that the number of vehicles that would be using the petrol station at this time of the morning are likely to be less than during the daytime or later in the day.

12. It is considered conditions should be imposed on any permission to safeguard residential amenity. This includes a condition restricting any deliveries to the site between the hours of 05:00 and 07:00 and the use of the jet wash facilities during these hours. Furthermore it is considered a condition is appropriate requiring the existing fence to the boundaries with 1 Moss Lane and 153 Stockport Road to be replaced with a close boarded acoustic fence with no gaps. Details of this fence shall be submitted to the Council prior to commencement of the use of the PFS between 05:00 and 07:00 hours. Additionally a condition is recommended restricting the use of the public address (PA) system to be used at the site between the hours of 05.00 and 07.00, unless in the event of an emergency.
13. It is considered the proposal would not result in a detrimental impact to the residential amenity enjoyed by occupiers of nearby residential properties to warrant a refusal of the application, and the proposal is considered to be in accordance with the aims of CS Policy L7. A recommended condition restricting the permission to one year only will enable the Council to re-assess the proposal in future and as discussed above, further conditions are proposed to safeguard residential amenity.

## **IMPACT ON TRAFFIC GENERATION AND HIGHWAYS ISSUES**

14. There are no changes proposed to the existing accesses to the site, nor any other proposed physical changes to the site as part of this application.
15. The applicant proposes a restriction on the use of the premises during the hours of 05:00 to 07:00. This would limit activity to the shop and forecourt pumps only. No other activity would be carried out including deliveries or use of the car/jet wash facilities. As discussed previously in this report, it is considered the number of vehicles that would be using the petrol station at this time of the morning is likely to be less than during the daytime or later in the day. Similarly, as objectors highlighted in representations, the PFS would not be the sole PFS opening at these hours in the vicinity. Therefore it is unlikely the proposal would generate a significant increase in traffic and the Local Highways Authority has been consulted on the proposal and raises no objections.
16. In terms of highway safety and potential safety implications for pedestrians, given the additional openings hours are to be early morning it is considered there would be limited pedestrian activity at this time of the day. It is not considered the proposal would result in any negative highway safety implications.

17. It is considered that the proposal would not result in any adverse impact on the highway or traffic generation and the proposal would be in accordance with the aims of CS Policy L4.

## **CONDITIONS OF PERMISSION**

18. It is important when considering an application to vary conditions that a Local Planning Authority is mindful of the six tests for the use of planning conditions, i.e. whether they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects. When assessing this application to vary condition 4, the Local Planning Authority should take note, in particular, of whether the existing conditions as currently worded are necessary and reasonable.

19. Conditions 1 (time limit), 2 (materials), 3 (fencing) and 5 (access) of the original permission have been removed as they are no longer necessary or relevant to the consent given the PFS has been erected and these conditions already complied with.

20. As discussed in the report, a number of new conditions are considered necessary. These are listed below in the recommendations section of this report.

## **CONCLUSION/SUMMARY**

21. It is considered that the proposal would comply with the aims of CS Policies L4 and L7 and the proposed additional opening hours on a temporary basis at the site for one year will not have any adverse effect on the overall impact and quality of the development and there would be no detrimental impact on residential amenity enjoyed by the occupants of neighbouring residential properties. Condition 4 of Planning Permission H/31453 allowed on appeal in January 1991 (ref: T/APP/Q4245/A/90/162062/P5) will be amended to include the additional hours and further conditions imposed on the permission, as discussed.

## **RECOMMENDATION: GRANT subject to the following conditions:**

1. This planning permission is granted for a limited period expiring on 21st April 2017 and the opening hours of 0500 hours to 2400 hours on any day hereby permitted shall be discontinued and the opening hours of 0700 hours to 2400 hours on any day reinstated, in accordance with planning permission reference H/31453.

Reason: To enable the Local Planning Authority to assess the effect of the proposed development on the amenities of the surrounding area, having regard to Policy L7 of the Trafford Core Strategy.

2. The petrol filling station premises shall not open before 0500 hours or be open after 2400 hours on any day.

Reason: In the interest of amenity in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. The use of the premises between the hours of 0500 hours and 0700 hours shall be restricted to the use of the shop and forecourt pumps only.

Reason: In the interest of amenity in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Prior to the implementation of the hours of operation hereby approved, details of the replacement close board acoustic fencing to the northern and western boundaries of the site with 1 Moss Lane and 153 Stockport Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, prior to the implementation of the hours of operation of the site hereby approved and permanently retained on site.

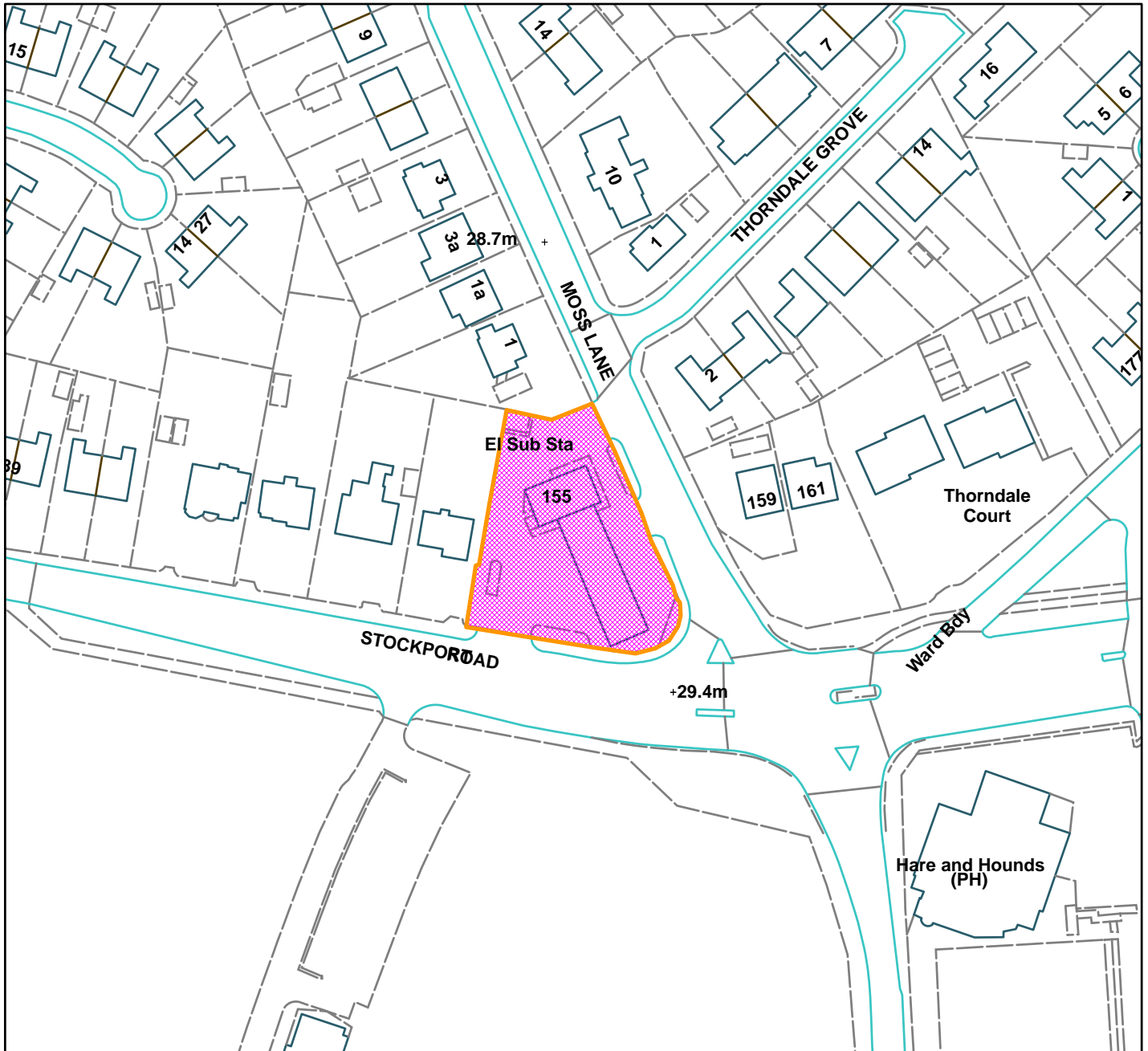
Reason: In the interest of amenity in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**LB**

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155 Stockport Road, Timperley (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/04/2016
Date	04/04/2016
MSA Number	100023172 (2012)

**WARD:** Timperley

**87433/FUL/16**

**DEPARTURE: No**

**Retention of ATM to the side of the shop. Associated works include retention of anti-ram bollards.**

155 Stockport Road, Timperley, Altrincham, WA15 7LT

**APPLICANT:** Notemachine UK LTD

**AGENT:**

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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## **SITE**

The application site is an existing petrol filling station (PFS) which has operated for a number of years on the site and is also known as 'Ringway Service Station'. It is on the corner of a busy road junction of Stockport Road and Moss Lane. Located opposite the site to the south is Timperley Sports Club and to the south east, The Hare and Hound Public House.

Surrounding the site to the north, east and west are residential properties and the immediate adjacent residential properties are 153 Stockport Road to the western boundary and 1 Moss Lane to the northern boundary. The closest residential properties to the eastern boundary, across Moss Lane, are 2 Thorndale Grove and 159 Stockport Road.

## **PROPOSAL**

It is proposed to retain the existing automatic teller machine (ATM) to the western side elevation of the petrol filling station building. The ATM structure measures 2200mm in length x 1200mm in width x 2120mm in height and is a flat roof construction. Two anti-ram bollards located to the front of the ATM are also proposed to be retained.

The proposal has been amended since initial submission. This originally proposed retention of the ATM available for use on a 24 hour basis. This amended proposal is for the ATM to be retained and available for operational use between the hours of 0700 hours and 2400 hours only.

The increase in floor space of the proposed development would be 2.64 m<sup>2</sup>.

An application for retention of 1no. internally illuminated ATM surround sign with blue LED halo illumination to ATM surround (ref: 87434/ADV/16) has also been received by the Council. A decision on this application is pending.

## **DEVELOPMENT PLAN**

**For the purposes of this application 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.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

## **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 will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

**87416/VAR/16** - Application for variation of condition 4 on planning permission H31453. (Demolition of existing buildings and canopy and redevelopment of site to provide new sales building, canopy, petrol storage tanks, jetwash and replacement substation. Closure of Access) to alter the opening hours from 7.00 -24.00 to 5.00-24. Decision pending and elsewhere on this agenda.

**H/52676** – Erection of single storey side extension to existing sales building to house an ATM. Refused December 2001. Reasons for refusal:

*1) The introduction of an ATM on this site would be likely to encourage and generate increased activity, both pedestrian and vehicular, at times when the existing petrol filling station would be closed giving rise to noise and disturbance which would be detrimental to the amenities that the occupiers of adjoining and nearby residential properties could reasonably expect to enjoy particularly throughout the hours of the night. As such the proposed development is contrary to the Proposal D1 of the Trafford Unitary Development Plan.*

**H/48158** Erection of single storey side extension to existing sales building to house ATM – refused August 1999. Reason for refusal:

*1) The introduction of an ATM on this site would be likely to encourage and generate increased activity, both pedestrian and vehicular, at times when the existing petrol filling station would be closed giving rise to noise and disturbance which would be detrimental to the amenities that the occupiers of adjoining and nearby residential properties could reasonably expect to enjoy particularly throughout the hours of the night. As such the proposed development is contrary to the Proposal D1 of the Trafford Unitary Development Plan.*

## **CONSULTATIONS**

**Local Highways Authority** - No objections.

**Pollutions and Licensing (Nuisance)** - The Pollution Section considers that there has been no change in the situation since the previous applications. Should planning permission be granted for the ATM it is recommended that it is only granted for the times that the shops and forecourt are open for business and at no other time.

## **REPRESENTATIONS**

Six letters of objection have been received from the occupants of neighbouring residential properties. The concerns raised are as summarised as follows:

- Serious impact on the standard of living of nearby residential occupiers and detrimental impact upon residential amenities
- Previous ATM applications were refused after it was concluded they would encourage or generate increased activity both pedestrian and vehicular at times when the existing petrol station would be closed, giving rise to noise and disturbance particularly throughout hours of the night.
- Presence of an ATM at the site has been noted by residents.



## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The application site relates to an existing PFS. As such an extension to the existing building to accommodate an ATM is acceptable in principle subject to any potential impact on residential amenity, impact on the character of the host building and area and parking and highways.

### **IMPACT ON RESIDENTIAL AMENITY**

2. Policy L7 of the Trafford Core Strategy states that in relation to matters of amenity protection, development must not prejudice the amenity of adjacent properties.
3. Previous applications for an ATM at the site were refused because it was considered at that time that the proposal for 24 hour ATM service at the site would encourage and generate increased activity at times when the existing petrol filling station would be closed giving rise to detrimental noise and disturbance to occupiers of adjoining and nearby residential properties.
4. This application is for the retention of an existing ATM that has been installed at the site. The ATM is a modest structure located to the western elevation of the PFS building. The closest residential property to the ATM would be 153 Stockport Road.
5. Pollution (Nuisance) have been consulted on the proposal and consider that there has been no change in circumstances from the previous applications and retention of an ATM available on 24 hours a day basis could give rise to noise and disturbance at times when the existing PFS is closed, in particular during the night. It is considered that an ATM would however be acceptable if it were available for use only during the times that the existing shop and forecourt pumps are open for business and at no other time.
6. The applicant has confirmed that they would agree to a permission that enabled the ATM to be operational only during the opening hours of the PFS, presently 0700 to 2400 hours; this would be secured by way of condition. A timer will be used to take the ATM out of service via 'Vocalink' which would send a blank screen to the ATM showing that the machine is not available for use.
7. Given the facility would be available for use only during the existing opening hours of the PFS, it is considered the retention of the ATM available for use during these hours only would not result in an unacceptable increase in noise and disturbance over and above the existing levels of noise associated with the

PFS and the busy adjacent roads. A condition is recommended ensuring the ATM is only available for use during the opening hours of the PFS.

## **DESIGN AND VISUAL AMENITY**

8. The ATM structure is modest in scale and design and located on the western elevation of the existing PFS building. Two anti-ram bollards are positioned in front of the ATM. Given the use of the site and the existing building and canopy structures, the ATM structure and associated bollards are considered to be acceptable in terms of visual amenity and scale. The proposal is considered to be acceptable in compliance with the aims of CS Policy L7.

## **HIGHWAYS AND TRAFFIC IMPLICATIONS**

9. There would be no changes to the accesses to the site and the ATM is positioned to the western side of the site. There is ample space within the site for vehicles to park while using the ATM and The Local Highway Authority has been consulted on the proposal and raise no objections to the retention of the ATM.

## **CONCLUSION/SUMMARY**

10. It is considered that the retention of the ATM at the site available for use during the opening hours of the petrol filling station only will be in accordance with the aims of Core Strategy Policies L4 and L7. The proposal would not have any adverse effect on the overall impact and quality of the development and there would be no detrimental impact on residential amenity enjoyed by neighbouring occupants. It therefore complies with the development plan and is recommended for approval.

## **RECOMMENDATION: GRANT subject to the following conditions: -**

1. The development hereby permitted shall be retained in complete accordance with the details shown on the submitted plans, numbers NM-01-2016-20-1 and NM-01-2016-20-2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To clarify the permission, having regard to Policies L4 and L7 of the Trafford Core Strategy.

2. The Automatic Teller Machine shall not be available for use before 0700 hours or after 2400 hours on any day. Outside the hours of 0700 and 2400 the ATM shall be taken out of service and shall not be available for use.

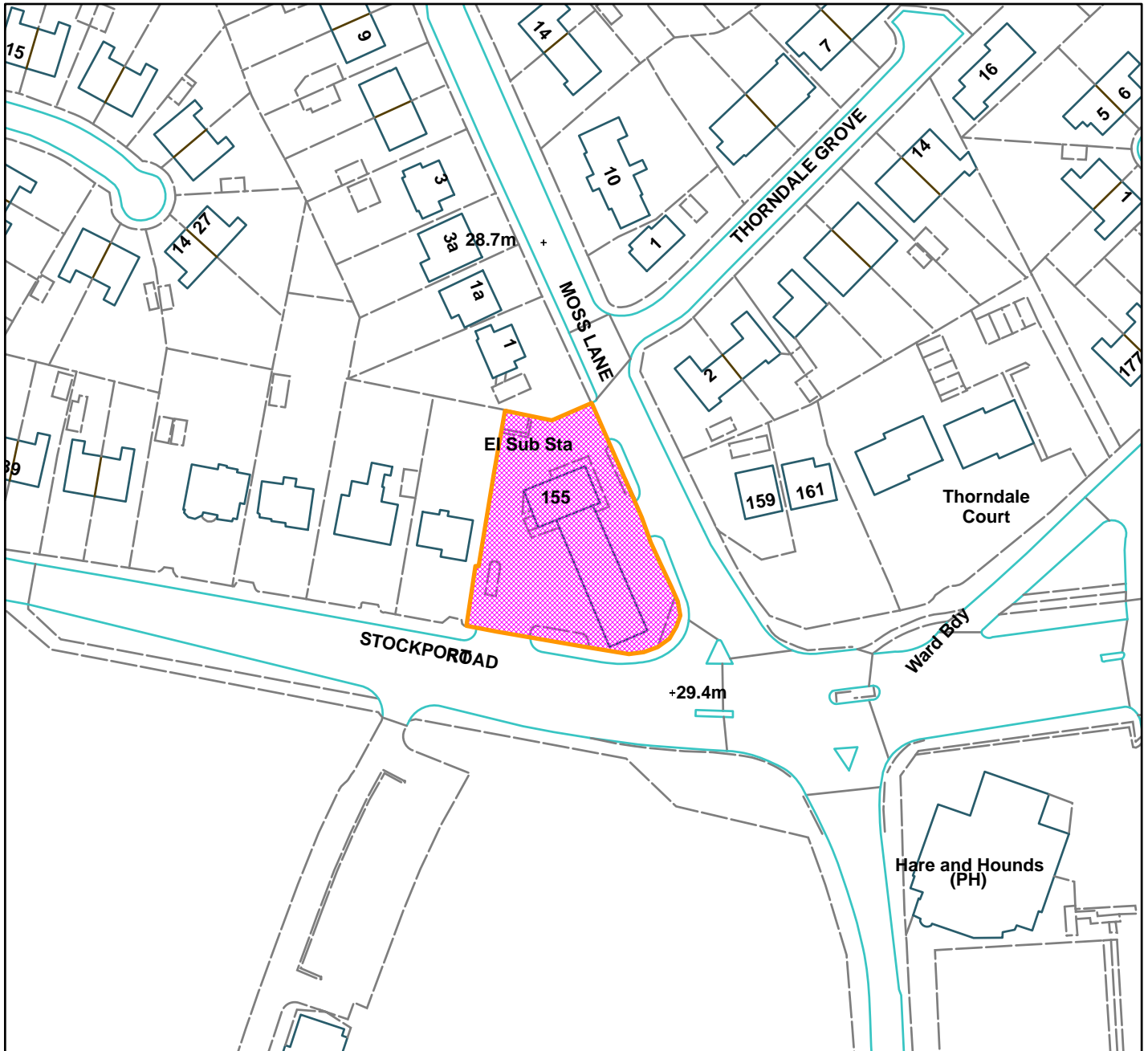
Reason: In the interests of residential amenity having regard to Policy L7 of the Trafford Core Strategy.

**LB**

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155 Stockport Road, Timperley (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/04/2016
Date	04/04/2016
MSA Number	100023172 (2012)

**WARD:** Gorse Hill

**87490/ADV/16**

**DEPARTURE:** No

**Advertisement consent for the display of 5no. LED digital display signage.**

Old Trafford Supporters Club, 99 Sir Matt Busby Way, Stretford, M16 0SZ

**APPLICANT:** GG Hospitality

**AGENT:** Zerum

**RECOMMENDATION: GRANT**

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**SITE**

The application site relates to 'Hotel Football', a 10-storey hotel and leisure development completed in March 2015. The building stands in the shadow of Manchester United's Old Trafford football ground, however it occupies a small island of land enclosed by Wharfside Way, Sir Matt Busby Way and the Bridgewater Canal.

The character of the surrounding area is largely commercial, with the Premier Inn and a series of industrial premises located on the opposite side of Wharfside Way to the application site.

Hotel Football has been the subject of three previous applications for advertisement consent, one of which was approved and has been partially implemented. The other two were refused and sought consent for digital signage.

**PROPOSAL**

Advertisement consent is sought for the display of the following digital LED screens on the external elevations of the building:

**Sign 1**

Digital Sign 1 would be located on the north-western elevation, facing along Wharfside Way. It would measure 3.86m x 7.81m in size and would be situated 19.15m above road-level.

**Sign 2**

Digital Sign 2 would be located on the southern elevation, facing the Bridgewater Canal. It would measure 3.5m x 13.41m in size and would be situated 17.9m above the level of the canal towpath.

### Sign 3

Digital Sign 3 would be set within a framed signage zone that exists on the northern elevation of Hotel Football, again facing onto Wharfside Way. It would measure 16.81m in width, 4.15m in height, and would be positioned 6.74m above road level.

### Banner Signs

Two high-level 'banner' signs have been proposed that would allow text and images to 'flow' along the top of the building. One has been proposed on the northern elevation of the building and the other on the southern elevation. Both would measure 800mm in height and be situated approximately 29m above the level of Wharfside Way.

## **DEVELOPMENT PLAN**

**For the purposes of this application, 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.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

SL2 – Trafford Wharfside

SL3 – Lancashire County Cricket Club Quarter

L7 – Design

## **PROPOSALS MAP NOTATION**

The application site falls within 'Wharfside', a Strategic Location as identified within the Core Strategy.

## **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.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

**83596/AA/2014** - Display of various illuminated and non-illuminated signage on elevations and roof of building – Approved with Conditions, 03/10/2014

**80179/AA/2013** - Advertisement consent for display of 2no. internally illuminated fascia signs to north west and south east elevations of proposed building – Refused, 13/08/2013. Dismissed on appeal, 30/09/2013.

Reason: The proposed advertisements, by reason of their size, scale, siting, height above ground level, positioning on the building, luminance and long range of visibility, would create an obtrusive and visually discordant feature which would be unduly detrimental to the visual appearance and character of the street scene and the surrounding area. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy and Planning Guidelines: Advertisements.

**79358/AA/2012** - Advertisement consent for display of 2 no. internally illuminated fascia signs to north west and south elevations of building – Refused, 11/12/2012.

Reason: The proposed advertisements, by reason of their size, scale, siting, height above ground level, positioning on the building, luminance and long range of visibility would create an obtrusive and visually discordant feature which would be unduly detrimental to the visual appearance and character of the street scene and the surrounding area. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy and Planning Guidelines: Advertisements.

**77866/FULL/2011** - Erection of 10 storey building to form 138 bedroom hotel and Old Trafford Supporters' Club incorporating leisure, retail and assembly uses with associated servicing and landscaping – Approved with Conditions, 23/11/2012

## **CONSULTATIONS**

LHA: No objections.

## **REPRESENTATIONS**

None

## **OBSERVATIONS**

### POLICY BACKGROUND

1. Paragraph 67 of the NPPF states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative

impacts. The NPPG seeks to provide further guidance on these considerations. Paragraph 079 explains that, whilst *a matter of interpretation by the local planning authority..... in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.*

## COMPARISON TO PREVIOUS SCHEMES

2. Inspection of the 'Planning History' section above reveals that two applications for advertisement consent at Hotel Football have been refused in recent years. It is therefore relevant to compare the current proposals with these previous submissions as part of the assessment of this application.

### 79358/AA/2012

3. This application was submitted and determined prior to the commencement of construction work for the main hotel building. Consent was refused for two digital signs situated in broadly the same areas as proposed for Signs 1 and 2 within the current application. Whilst these signs were shorter than the current proposals, they were 1.14m and 360mm wider than the presently proposed Signs 1 and 2 respectively.

### 80179/AA/2012

4. This application was submitted and determined prior to the hotel reaching its full height and before any external cladding had been introduced. It sought consent for two signs of similar size and siting to Signs 1 and 2 within the current application.

## VISUAL AMENITY

5. The application site is situated within a part of the Borough known as 'Wharfside'. This area is defined within the Core Strategy as an area that has great potential as part of Media City:uk for new economic and residential development and also contains Manchester United Football Club, which is a sporting and visitor destination of international significance. The site is located in a key position on the strategic processional route identified in Policy SL3 - Lancashire County Cricket Club Quarter – of the Trafford Core Strategy. Paragraph 8.48 of the Core Strategy states that the intention is to create high quality public realm, particularly in terms of the upgrading of Sir Brian Statham Way and Warwick Road to create a strategic processional route which links to MUFC, Trafford Wharfside and Salford Quays.
6. Hotel Football is a substantial, 10-storey high, mixed-use building. It is considered to be of modern design, both in terms of its architectural form and its use of materials, with much of its exterior clad with rainscreen panels. This combination of size and design and its specific siting adjacent to the MUFC stadium and on the strategic

processional route sets the building apart from other developments within the Wharfside area and, it is considered, provides scope for it to absorb appropriately positioned digital signage.

#### North-facing signage

7. The northern elevation of the building would accommodate three new signs. One of these, 'Digital Sign 3', would sit within a bespoke signage zone where consent has previously been granted for a non-illuminated advertisement under application 83956/AA/2014. Whilst large in size, it is recognised that the signage zone was designed into the appearance of the building from the outset, rather than added as an afterthought, and that space (1m) has been retained around its edges to prevent the digital display from looking cramped. It is also sited at a relatively low level, given the substantial scale of the overall building.
8. Sign 1 represents a re-submission of one of the signs refused under application 80179/AA/2012, which was later dismissed at appeal. It would occupy part of the triangular-shaped north-eastern elevation to the hotel, a splay corner where the building turns to address Wharfside Way. Whilst this section is decorated in coloured cladding, it is largely free of windows and is considered to provide sufficient room to accommodate an advertisement of this size, whilst also retaining a degree of space around it. The Inspector's Report associated with 80179/AA/2012 stated that, although angled away from the upper windows on the main (north) elevation, the sign would not line up with them or reflect their design or scale. To address this point the present sign has been adjusted so that its top and bottom edges now line through horizontally with, and subsequently match the height of, the adjacent column of windows. As a result it is considered that Sign 1 now adequately respects the design of the existing building.
9. Following an amendment to the scheme, the Banner Sign will be positioned centrally within the span of the northern elevation, between the top row of windows and the lower edge of the rooftop pitch. Whilst the level of space set to be retained around the edges of this sign will be limited, its positioning is considered to make for a reasonably balanced elevation, including when considered together with Digital Sign 3.
10. The three north-facing signs will only be appreciated together when travelling south-bound along Sir Alex Ferguson Way. From this view-point the digital signage will be seen immediately adjacent to Old Trafford's East and North Stands, and intervening 'quadrant', which are partially illuminated at night. The changing nature of the Hotel Football signage may draw the eye away from the stadium at intervals; however during the evening they will also positively contribute towards creating a small cluster of illumination and visual activity in the immediate context of this world-famous sporting arena.



11. The proposed signage will be much less perceptible when travelling westbound along Wharfside Way, as it will only be seen at a highly oblique angle. Sign 1 will be visible when approaching eastwards down Wharfside Way, past Old Trafford's North Stand and 'N2' car park. Again this sign will be viewed in the same context as the stadium and is considered to have an acceptable impact on visual amenity.

#### South-facing signage

12. Since the dismissal of the appeal associated with 80179/AA/2012, the Hotel Football building has been constructed and completed on-site. Visual interest on the large southern elevation is derived from the hotel's fenestration and the patterned arrangement of coloured rainscreen cladding. White, black and red panels have been used, presumably to reflect the club colours of Manchester United, although the latter two colours are gradually phased out as the height of the building increases, and they do not feature at all on the outer margins of the elevation. It is considered that the elements of the building finished solely in white cladding panels appear somewhat stark next to the main body of the hotel, which has been more expressively clad. On this basis, there is no longer an objection to the principle of introducing a digital sign on the margin of Hotel Football's southern elevation, providing that it is of an acceptable size and siting.

13. Proposed Sign 2 represents a re-submission of one of the signs that was refused under application 80179/AA/2012. However, the applicant has sought to address both the Inspector's and the LPA's previous concerns by better aligning the sign with the adjacent fenestration. Whilst additional space around the sides of this sign would have been preferable, the applicant has noted within their Statement that the digital advertisement screens have to be of a certain size and shape to meet the format of the advertisements themselves and the requirements of the advertisers. Ample space has been retained above and below Sign 2.

14. The proposed Banner Sign to the southern elevation would sit above the top row of windows and below the open side of the roof-top football pitch. The span of this advertisement has been reduced so that it now sits within the black vertical trim that serves to frame the central portion of this elevation.

15. It is considered that both signs on the southern elevation would be of acceptable proportions in the context of the substantial elevation on which they will sit. Furthermore they would generally be viewed from Old Trafford's 'E1' car park and outdoor concourse, which are not considered to be areas that are particularly sensitive to the introduction of new signage. In this context the proposed signs are considered to be acceptable.

16. Longer-range views of the proposed signage on the southern elevation will be possible at the crossroads junction between the A56 (Chester Road) and Sir Matt Busby Way/Warwick Road. From this viewpoint, the signage will appear prominent on the building, particularly at night time, although it is noted that the character of the

immediate area remains commercial in nature. Fleeting views of the new adverts will also be possible from further down Chester Road to the east (in front of the White City Retail Park). From this vantage-point the digital signage will be seen immediately adjacent to the façade of Old Trafford's East Stand, which is illuminated at night. The changing nature of the Hotel Football signage may draw the eye away from the stadium at intervals; however they will also positively contribute towards creating a small cluster of illumination and visual activity in the immediate context of this world-famous sporting arena and the strategic processional route.

### Cumulative impact

17. At present, Hotel Football displays a small amount of signage in the form of non-illuminated logo and letter signs positioned at a low level. These were approved under 83596/AA/2014. This application also granted consent for two high-level illuminated signs – one on the narrow eastern flank of the building and a 'Hotel Football' sign positioned on the roof.
18. The existing and consented signage is considered to be relatively discreet in terms of its size and siting. Given also that the overall scale and massing of the building is substantial it is considered that the proposed signage can be accommodated in its proposed locations without it equating to visual clutter.

### PUBLIC SAFETY

19. The Local Highway Authority has confirmed that the proposed digital signs will not impact upon the highway and therefore there are no objections to this application on public safety grounds.

### CONCLUSION

20. In conclusion, the construction of Hotel Football has allowed a fresh assessment to be made with regards to the introduction of digital signage on the building. A combination of its scale, massing, modern design and elevational treatment and its siting in the shadow of Old Trafford football ground and on the strategic processional route contribute towards enabling the introduction of digital signage on the external elevations. The present scheme also proposes adverts that are more appropriately positioned than those refused under previous applications. For these reasons it is considered, on balance, that the proposed advertisements will have an acceptable impact on visual amenity and public safety and as such the application is in compliance with planning policy contained within the NPPF; Core Strategy and SPG: Advertisements and is subsequently recommended for approval.

### RECOMMENDATION: GRANT , subject to the following conditions:-

1. 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so otherwise to hinder the operation of any device used for the purpose of security or surveillance (such as closed circuit television cameras) or for measuring the speed of any vehicle (such as speed cameras or other speed-measuring devices).

3. The advertisement and any land or building used for the purpose of its display, shall be maintained in a reasonably clean and tidy condition so that it does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the removal the site shall be left in a safe condition that does not endanger the public and in a reasonably clean and tidy condition so that it does not impair the site's visual amenity.

Reason 1-5. These conditions are required to be imposed pursuant to Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Consent not implied for large signage zone shown on eastern side of northern elevation;

2. The advertisements hereby granted consent shall not be displayed except in complete accordance with the details shown on the submitted plans, numbers 9141/101 and 9141/001 Rev. A and the details of illuminance specified on the submitted application form.

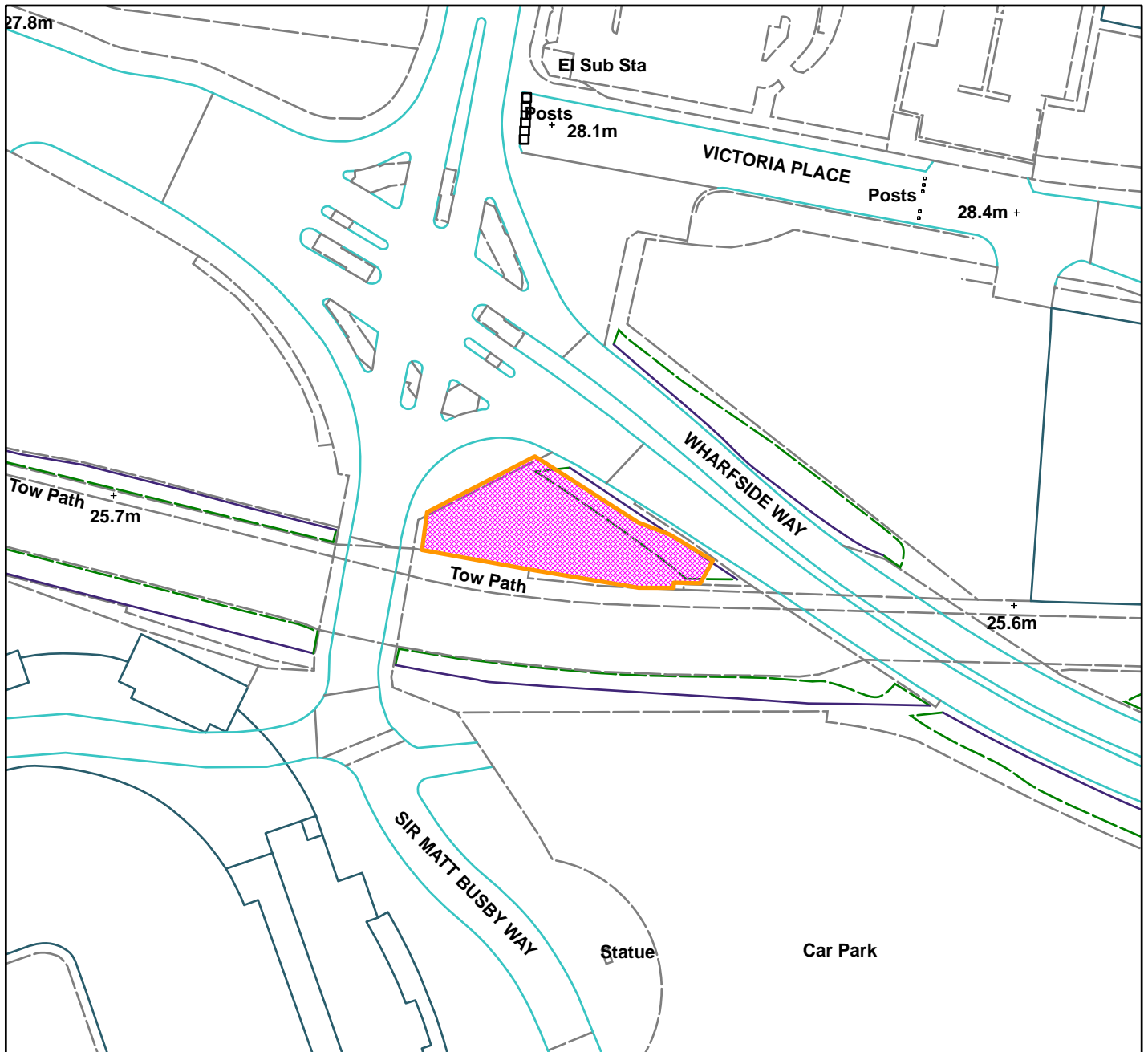
Reason: In the interests of public safety and amenity, having regard to Policy L7 of the Trafford Core Strategy.

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JK



Old Trafford Supporters Club, 99 Sir Matt Busby Way, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
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