

AGENDA ITEM 3

PLANNING (DEVELOPMENT CONTROL) COMMITTEE – 14th April 2016

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

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

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

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

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against RECOMMENDATION	For REC.
86755	Land at Oakfield Road/Moss Lane, Altrincham, WA15 8EP	Altrincham	1		✓
86852	112 - 114 Ashley Road, Hale, WA14 2UN	Hale Central	22	✓	✓
87208	Former Containerbase, Barton Dock Road, Trafford Park, M41 7BQ	Davyhulme East	35		✓
87271	Site of former Flixton Railway Station, Flixton Road, Flixton, M41 6JL	Flixton	42	✓	
87416	155 Stockport Road, Timperley, WA15 7LT	Timperley	60		
87433	155 Stockport Road, Timperley, WA15 7LT	Timperley	70		
87490	Old Trafford Supporters Club, 99 Sir Matt Busby Way, Stretford, M16 0SZ	Gorse Hill	76		

SPEAKER(S) AGAINST:

**FOR: Jon Power
(Agent)**

OBSERVATIONS

Paragraph 6 – replace with:

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. This condition number has now changed to condition 3 within application Ref: 86661/VAR/15, as reported to Members in January.

Paragraph 32 - replace first sentence with:

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, adjacent Conservation Area and the setting of the nearby Listed Buildings.

RECOMMENDATION

The following additional conditions have been requested by the Council's Pollution and Licensing team:

- 9 Prior to the occupation of development hereby permitted, a noise assessment should be submitted to establish the external noise climate and vibration impacts of the proposed dwellings. The assessment should include details of measures to ensure that:
- An acceptable noise climate can be achieved within habitable rooms and amenity areas, following the guidance of BS 8233: 2014 "Sound insulation and noise reduction for buildings – Code of practice"
 - Vibration impacts from rail traffic comply with appropriate criteria of BS 6472: 2008 "Guide to evaluation of human exposure to vibration in buildings"

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

- 10 No development shall take place until a scheme of sound insulation has been submitted for the prior written approval of the Local Planning

Authority. The duly approved scheme shall be implemented in full before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenities of future occupiers of the approved dwellings in accordance with Policy L7 of the Trafford Core Strategy.

A number of other conditions were requested however it is considered that these would be covered by conditions on the original parent permission.

Page 22 86852/FUL/15: 112 - 114 Ashley Road, Hale

SPEAKER(S)	AGAINST:	Val Martin (Neighbour)
	FOR:	Rashid Jamil (Applicant)

OBSERVATIONS

Paragraph 10 – first sentence to be replaced with:

“The proposed conservatory would be set away from the boundary with no.110 Ashley Road by approximately 2.6 metres.”

It is considered that the above does not alter the Council’s conclusion regarding the impact on 110 Ashley Road or the recommendation to approve subject to conditions.

Page 35 87208/FUL/15: Former Containerbase, Barton Dock Road, Trafford Park

SPEAKER(S)	AGAINST:	
	FOR:	Sheila Wright (Applicant)

APPLICANTS SUBMISSION

Following comments received by the Lead Local Flood Authority, the applicant has confirmed that there are no proposals to carry out any resurfacing/partial resurfacing or other improvement works to the car park area and that they understand that fuel interceptors are already in place.

CONSULTATIONS

Lead Local Flood Authority (Drainage) – It is recommended that petrol interceptor(s) are installed at outfall points to control any oil run-off pollution risk from stationary cars. If the car park area is to be resurfaced/partially

resurfaced/improved then those areas would have to comply with MST SFRA2 in terms of reduced run off to sewer.

RECOMMENDATION

Proposed conditions with reasons included:-

1. The development must be begun not later than three 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 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.

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

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.

Reason: In the interests of highway and pedestrian safety having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

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.

Reason: In the interests of highway and pedestrian safety having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

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.

Reason: In order to ensure adequate provision is made for parking and manoeuvring within the site in the interests of highway safety having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Prior to the use of the car park on a permanent 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.

Reason: In the interests of amenity and highway safety and in compliance with Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

Page 42 87271/FUL/15: Site of former Flixton Railway Station, Flixton Road, Flixton

SPEAKER(S) **AGAINST:** **Ross Grant**
(Recommendation) **(Neighbour)**

FOR:

SITE

With regards the area of the site where the protected trees have previously been removed, any trees that have regenerated in this area in the subsequent years, are not protected by the existing Flixton Station Tree Preservation Order (TPO No. 232).

APPLICANTS SUBMISSION

The applicant has submitted a Financial Viability Analysis on the 11th April 2016 (and a subsequent updated version on the 13th April 2016) that had not previously been submitted to the Council, the applicant has acknowledged this was an oversight from their side. This appraisal concludes that the scheme can be considered policy compliant without the provision of any S106 contributions towards affordable housing.

The applicant has also provided a supplementary report in support of the proposal; the points raised and summarised as follows:-

- Green Belt designation does not extend to the west side of the site. This includes the Flixton Station drop-off, four parking spaces and a turning facility which will be landscaped – Eight of the proposed apartments are outside the Green Belt on Brownfield land. Sixteen apartments are within the Green Belt; the proposed eastern end of the site is to be landscaped and dedicated for use by St Michaels Primary School. A letter of support

has been submitted from the Chair of Governors of the School. The development of the Green Belt element of the site is required as enabling development to fund the wider community benefit.

- The site could not be described as 'open countryside', in reality the Green Belt boundary has been drawn in the wrong place.
- Reference made to a recent Court of Appeal decision regarding a site in Cheshire East. This particular decision relates to Council's not having a five year housing land supply, the decision confirms that national Green Belt Policy is out-of-date in the circumstances of there not being a 5 year housing land supply.
- As well as creating the landscaped wooded area for St Michaels School, the applicant intends building a nature hut with toilets and washing facilities. The ground rent from the proposed apartments (in the sum of £200 per annum in perpetuity) together with a one off payment of £5,000 from the applicant will generate an income for St Michaels Primary School to maintain the woodland area, creating a long term legacy.
- Improvements to the access includes upgraded visibility splays; traffic calming measures and additional car-parking
- Two local estate agents have written to the applicant supporting the proposal, indicating a high demand and limited supply of residential development, especially apartments in this area.
- The unfortunate removal of trees was as a result of an ambiguous land search which referred to land north of the railway. The current proposals include extensive tree planting throughout.
- Community support from a local resident who has generated a petition in support of the proposal

CONSULTATIONS

Lead Local Flood Authority - No objections – Appropriate condition for scheme to comply with Trafford SFRA with regards surface water run-off.

Ecology Unit – No comments received

REPRESENTATIONS

The applicant has forwarded a copy of an e-mail from Kate Green MP who had sent an e-mail to Branley Homes directly confirming support for the proposed development.

The applicant has also provided details of a letter of support from the Chair of Governors (Finance and Buildings Committee) from St Michaels Primary School.

OBSERVATIONS

Green Belt

A Written Ministerial Statement in respect of unauthorised development in the Green Belt was published by the Department for Communities and Local Government on 17 December 2015. The statement makes intentional unauthorised development a material consideration which applies to all new planning applications and appeals received since 31 August 2015.

The felling of the trees protected by TPO 232 were intentional unauthorised works by the applicant, undertaken in advance of obtaining planning permission and for which the applicant has been successfully prosecuted by the Council. Without the felling of the trees there was no prospect of the site being suitable for development. The works have also caused harm to the visual amenity of the Green Belt, with the condition of the site now being put forward as a reason to grant planning permission for the development.

It is clear Government policy in the Written Ministerial Statement that where such unauthorised works take place in the Green Belt that this should weigh against, rather than for proposals. The fact that these works have taken place and have caused harm to visual amenity should not be considered one of the very special circumstances for development to proceed, as this would be in clear contravention of recent government policy which seeks to provide stronger protection for the Green Belt.

The applicant makes reference in a further supporting statement (summarised elsewhere in this AIR) that recent case law has deemed current government policy on Green Belts out of date as it seeks to control the supply of housing. This is a misinterpretation of that case law. What the recent case does in fact clarify, as explained in Paragraph 10 of the officer report, is deem any **development plan** policy out of date which seeks to control the supply of housing land i.e. the policies in the Core Strategy. The status of the NPPF is unaffected by this case law and, where development plans are out of date, the NPPF takes precedence. NPPF policy on Green Belt protection, on which the conclusions in the officer report are based, has not changed and the interpretation of those policies has not changed. Recent policy announcements have made it clear that the government still wishes to protect the Green Belt and that a lack of a 5 year housing land supply is unlikely to provide the very special circumstances required to outweigh identified harm to the Green Belt through inappropriateness or any other harm.

With regards the submitted viability analysis, the Council have insufficient time to assess this submission in advance of planning committee. Given the Councils objection to the principle of development at this site there is no reason to hold up the decision on this application to assess this late information.

The applicants supplementary statement summarised above suggest that 8 of the 24 apartments are outside of the Green Belt designation; the Council would suggest that four apartments are clearly outside the Green Belt Boundary but that

the Green Belt boundary actually dissects the second proposed apartment block within the site (the second block from the west side of the site).

Page 60 87416/VAR/16: 155 Stockport Road, Timperley

RECOMMENDATION: GRANT subject to the following conditions:

Condition 1 amended

1. This planning permission is granted for a limited period expiring on 21st April 2017 and on this date 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.

Condition 4 amended

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 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, prior to the implementation of the hours of operation of the site hereby approved and permanently retained on site.

Page 70 87433/FUL/16: 155 Stockport Road, Timperley

RECOMMENDATION

Replace condition 2 with:

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. A notice shall be placed on site, adjacent to the ATM, advertising the hours of use and this should be permanently retained as such.

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

**HELEN JONES, DEPUTY CHIEF EXECUTIVE AND CORPORATE DIRECTOR,
ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE**

FOR FURTHER INFORMATION PLEASE CONTACT:

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