

AGENDA ITEM 5

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14th March 2019

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

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

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

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

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against RECOMMENDATION	For REC.
<u>94986</u>	The Square Shopping Centre, Development Site, Town Square, Sale	Priory	1	✓	✓
<u>95472</u>	Pinehurst, 8 Hawley Drive, Hale Barns, WA15 0DP	Hale Barns	137	✓	✓
<u>95578</u>	Land Encompassing 26A Marsland Road, Sale, M33 3HQ	Sale Moor	157		✓
<u>95970</u>	11A Goose Green, Altrincham, WA14 1DW	Altrincham	177		
<u>96189</u>	42 Fownhope Avenue, Sale, M33 4RH	St Mary's	192	✓	✓

**SPEAKER(S) AGAINST: Tim Johns
(Neighbour)**

**Paul Brent
(For Taxis)**

**FOR: Mark Rebbeck
(Applicant)**

REPRESENTATIONS

One further representation has been received in the period since the main officer report to the Planning and Development Management Committee was published. In continuing to object to the application on behalf of the Sale town centre taxi trade, the key points raised in the letter can be summarised as:

- The developer had previously committed to keeping the taxi rank on Hereford Street;
- The relocation of the rank further away from the Tesco store has not taken account of the needs of the elderly and infirm;
- The new taxi rank on Sibson Road would narrow the carriageway which could slow down traffic;
- Provision of a rank on Sibson Road, which is a busy route, could be unsafe for drivers when having to get on and off the rank;
- Taxis exiting the rank on Sibson Road would be likely to do a u-turn;
- The proposed changes to Hereford Street would not deliver a more pedestrian friendly environment;
- Although the new rank at Springfield Road is welcomed, the extra spaces would not compensate for the loss at Hereford Street since Springfield Road would be a night-time only rank;
- It is not understood how the continued use of Hereford Street by taxis would deter tenants from locating in the new retail units;
- It is not understood why the resiting of the Hereford Street taxi rank is crucial to the development overall; and
- The views and opinions of the taxi trade have not been taken into account and the developer has made no compromises.

OBSERVATIONS

RESIDENTIAL DEVELOPMENT

Paragraph 47 of the officer report referred to the Borough's housing land supply. Reference was given to a supply of 'some three years' when based on the annual housing requirement set out in the Core Strategy at Policy L2 (a minimum of 587 new homes, net). However, that this requirement figure is out of date was also

referred to, and that a new, elevated housing requirement has been imposed on the Council, to supersede the old requirement, was also referenced (a minimum of 1,335 new homes, net).

When based on this new annual requirement, and when taking account of recent planning permissions for residential development, recent calculations have confirmed a revised housing supply of 2.6 years.

This up-to-date supply figure is provided in the interests of completeness and clarity. However, there is no material change in the assessment of this proposal. The fact remains that this Council cannot presently demonstrate a rolling five year housing land supply and, to be expected, the supply has reduced. Furthermore, Core Strategy policies concerning the supply of housing continue to be out-of-date. Accordingly, the benefits of this proposal in principle, in making a considerable contribution to the uplifted annual housing requirement and in helping to address the supply deficit, are repeated.

HIGHWAYS ISSUES

Taxi Rank

The officer report at paragraphs 175 to 183 deals with the issue of the proposed relocation of the Hereford Street taxi rank. It is considered that the majority of the issues raised in the new representation, as identified above, are addressed within the original report.

The background to the proposal to close the Hereford Street rank and relocate it to Sibson Road, as established by the approved Public Realm and Movement Strategy for Sale, has been explained. This is to allow for a number of streetscape enhancements to Hereford Street to provide an improved pedestrian route. That taxis could not co-exist in this environment, including when allowing for the proposed occasional use of Hereford Street by service vehicles passing through to the new/remodelled service yard, has also been set out. To allow the retention of taxis, even over a reduced area, would not maximise the opportunity afforded to Hereford Street in offering a new pedestrian linkage, and it could impede delivery processes, which the applicant maintains would not be desirable in seeking to encourage new retailers to locate to the development.

Officers continue to acknowledge that the provision of permanent taxi rank spaces, as a consequence of this proposal, would reduce from 12 to 8. However, to reiterate, the overall number of taxi spaces (when including the proposed night-time rank at Springfield Road) would increase from 12 to 14, and in all likelihood, a strengthening of the town centre and an increase in town centre users may lead to an uplift in overall taxi usage.

There are other legislative and enforcement regulations available in the event that the replacement rank encouraged illegal manoeuvres along Sibson Road. Finally, the proposed new ranks have been subject to a Road Safety Audit and with the audit process concluding satisfactorily.

Conditions 31 and 32 of the officer report which require the provision of the relocated taxi ranks, before the closure of Friars Road and the opening of Hereford Street as a service yard access, have been merged and reworded in the interests of clarity, to form one condition, which is set out below.

Car Parking

The position regarding car parking is clarified in order to address an inconsistency within the officer report regarding the extent of car parking that would be available at Acre House:

- The present level of car parking within the site amounts to 264 spaces (within the multi-storey car park):
- The proposed level of car parking is 341 spaces, which is made up of:
 - 281 spaces within the new multi-level car park, composed of:
 - 141 spaces reserved for residents of the development
 - 140 for public use
 - A further 60 spaces (for public use) in the Acre House car park.

Thus, the overall level of public spaces is 200, and this includes 8 dedicated disabled spaces (for public use).

It is recommended that Condition 35 in the officer report, which requires a Car Park Provision and Management Plan to set out the process for the allocation of car parking spaces to residents of the development, is reworded to also make reference to allocation of disabled car parking spaces as part of this exercise. This may require alterations to the internal car park layout, which in turn may result in the provision of slightly fewer parking spaces within the car park overall, given that the dimensions of a disabled parking space are larger than those of a standard parking space.

Highway Works

In the interests of clarification, the application proposal does include a new pedestrian crossing facility over Sibson Road. Full details of all highway works would be requested via condition, and Condition 33 has been reworded on this basis below.

EQUALITY IMPACT

The Equality Impact Assessment (EqIA) process that has been undertaken was described in detail in the officer report. However, at the time of the report's drafting it was explained (at paragraph 266) that a response from Trafford Housing Trust (THT) had not been received to the latest letter from the legally-represented Sibson House resident. A response from THT has since been received, via the applicant's agent. This reiterates THT's commitment, should

planning permission be granted and should the THT Board agree to dispose of Sibson House, to support residents through the rehousing process in a way that would be particular to their circumstances.

The main report (specifically at paragraphs 267 and 268) also sets out the EqIA process that has been undertaken in the context of the relocation of the Hereford Street taxi rank.

There is an error in the measurement in the main officer report which derives from the applicant's EqIA. This gives a distance of an additional 10 metres by which users of the taxi rank, including those with mobility issues, would need to negotiate from the Tesco entrance. This is incorrect and the actual additional distance is **23.5 metres**. The Council's Equalities officer has confirmed verbally that this would not materially affect her analysis of the proposals but Members should be aware of this fact when giving due regard to the public sector equality duty in the determination of this planning application. The applicant's agent has also confirmed that this error does not affect the conclusions of their EqIA. It should also be noted that the scheme would improve accessibility for protected groups through the introduction of two new pedestrian routes through to the town centre from the south, including via Hereford Street. In providing a modern shopping and leisure environment it would also improve accessibility to local services for those protected groups who may require additional support with access and mobility (for example, the elderly, pregnant women and those with disabilities).

AIR QUALITY

The officer report, at paragraph 297, refers to the intention to impose a condition to require the installation of electric vehicle charging infrastructure within the development. Whilst it remains the case that full details would be provided in response to this condition, the applicant has stated an intention to provide, in the first instance, 15 charging points. Ten of these would be within the resident-only car park and the remaining five within the public car park.

DEVELOPER CONTRIBUTIONS

Throughout officers' consideration of the application proposals, great weight has been attached to the benefits of the proposed development, and particularly the commercial elements, for Sale town centre and its vitality and viability. This is well-documented within the officer report. With this in mind, it is recommended that a further clause is added to the Section 106 legal agreement which would require a mechanism to secure the implementation of the development scheme in its entirety in order that the regenerative benefits to the town centre are fully realised, as it was on this basis, having regard to the planning balance, that the officer recommendation to support the scheme was made.

Paragraph 97 of the officer report referred to the need to prevent any future attempts to materially diminish the design quality of the development. Accordingly, paragraph 317 recommends that the Section 106 legal agreement

should include a clause which would require the continuing involvement of Simpson Haugh architects, or alternatively to seek a commuted sum to cover the professional fees to enable the local planning authority to secure an architectural practice of its choice. However, on reflection, it is considered more reasonable and appropriate for this second option (in relation to the commuted sum) to be based upon the local planning authority *and* applicant/developer working together to secure an architectural practice of *their joint* choice.

RECOMMENDATION

The recommendation is unchanged, subject to some adjustments to the provisions of the Section 106 agreement (as referred to above) and some minor revisions to conditions:

That Members resolve that they would be **MINDED TO GRANT** planning permission for this development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - The provision of 20no shared ownership apartments on site (as well as allowing for a review mechanism to capture any enhanced profit to support additional affordable housing in the Borough);
 - A financial contribution of £15,000 for revisions to residents' parking permits;
 - A financial contribution of £147,845 for spatial green infrastructure (composed of £55,684 to general open space and £92,161 to children and young people's play equipment);
 - The retention of Simpson Haugh architects in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the local planning authority and developer to work together to secure the involvement of an architectural practice of their choice in the role of design certifier;
 - The provision of a scheme for ensuring that all tenant signage proposals that fall to be considered under either Part 2 (Deemed Consent) or Schedule 1 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are in accordance with the approved signage strategy; and
 - A mechanism to secure the implementation of the development in its entirety to ensure that the regenerative benefits to the town centre are fully realised.
- (ii) To carry out minor drafting amendments to any planning condition.

(iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.

(iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the conditions identified in the officer report (unless amended by (ii) above):

CONDITIONS

As a result of the recommended changes to conditions, condition numbers will change in the issue of any decision notice.

Replacement condition for existing conditions 31 & 32:

31. No above-ground construction works shall take place unless and until an off-site traffic management scheme comprising of the relocation of the taxi rank from Hereford Street to Sibson Road and Springfield Road has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented before the service access on Friars Road is closed.

Reason: To ensure that the site is properly and safely serviced in the interests of highway safety, and to ensure that replacement taxi ranks are provided, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

Revised condition wording:

33. Notwithstanding the submitted plan ref. 1705-EXA-XX-GF-DR-L-100, H, no above-ground constructions works shall take place unless and until full details of all highway works (which shall include new pedestrian crossing facilities on Sibson Road) have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for the implementation of the works. The development shall be implemented in accordance with the approved details and timetable.

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

36 Prior to the development being brought into use (which shall include both the residential and commercial components, whichever is the sooner), a Car Park Provision and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall set out a process for the allocation of car parking spaces to residents of the development, including the allocation of disabled car parking spaces, and shall confirm how the residential and commercial parking spaces within the new multi-storey car park shall be segregated. The submitted plan shall also set out a process for the allocation and retention of 60 car parking spaces within the existing roof top car park for general public use. The car parking spaces shall be provided in accordance with the approved plans before any of the development is brought

into use and the management of the car parking spaces shall thereafter take place in accordance with the approved plan.

Reason: To ensure that an adequate level of car parking is provided and to ensure that car parking is appropriately allocated and managed, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

Page 137 95472/FUL/18: Pinehurst, 8 Hawley Drive, Hale Barns

SPEAKER(S)	AGAINST:	Lawrence Peppi (Neighbour)
	FOR:	Trevor Gallop (Applicant)

Page 157 95578/FUL/18: Land Encompassing 26A Marsland Road, Sale

SPEAKER(S)	AGAINST:	
	FOR: (Recommendation)	Joe Webb (For Neighbours)

RECOMMENDATION

In order to address concerns from the Local Highways Authority regarding the width of the access and egress to the site, the application was amended to include land currently within the ownership of the adjacent Jehovah's Witness Kingdom Hall. This required the applicant to submit an amended Certificate of Ownership, Certificate B, and service Notice 1 to the Jehovah's Witness Kingdom Hall notifying them of the application. The agent served the required Notice 1 on the 7th March 2019. Legislation requires that 21 days must pass from this notice being served and the determination of the application. The 21 days expires on the 28th March. It is therefore proposed the recommendation is amended to: -

Should Members resolve that they would be **MINDED TO REFUSE** planning permission for the development and in the event no further representation be received in relation to Notice 1 by the 28th March 2019 that raises any new issues, that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development with the following reasons for refusal: -

1. The proposed development, by reason of its layout, design and relationship to the site boundaries, would result in a contrived arrangement and form a cramped development that would fail to demonstrate high quality design; not make the best use of the land and have a detrimental impact on the visual appearance and character of the surrounding area.

As such, the proposed development would fail to comply with Policy L7 of the Trafford Core Strategy, Trafford Council's adopted Supplementary Planning Guidance, PG1: New Residential Development, and the National Planning Policy Framework.

2. The proposed development by reason of its scale, siting and design would result in a poor level of amenity that future occupants of the development and the occupants of No.26A could reasonable expect to enjoy due to the potential for inter-looking between Plots 2 and 4 and the close proximity of the access road to the side elevations of Plots 1, 2 and 26A Marsland Road, which would result in undue noise and disturbance. As such, the proposed development would fail to comply with Policy L7 of the Trafford Core Strategy, Trafford Council's adopted Supplementary Planning Guidance, PG1: New Residential Development, and the National Planning Policy Framework.

Page 192 96189/FUL/18: 42 Fownhope Avenue, Sale

SPEAKER(S)	AGAINST:	Anthony Dempsey (Neighbour)
	FOR:	Damian Utton (Agent)

REPRESENTATIONS

Six further neighbour letters of objection have been received with reference to the amended scheme, these neighbours having previously objected to the initial proposal.

Additional comments received are set out below.

Issues Previously Raised

- The on-street parking impact would also unacceptably impact servicing vehicles and pedestrians using the narrow Fownhope Avenue. The proposed parking impacts would be contrary to the Council's Parking Standards and Design SPD;
- Additional on-road parking would result in additional noise in this residential area;
- The proposal would unacceptably impact visual amenity through the part removal of the existing grassed area to the front of the plot for use as vehicle parking;
- The proposed use would be unacceptable in this residential area;

- The LPA has failed to comply with its own planning policies when assessing the proposal.

New Issues

- The Committee Report has failed to refer to the most relevant document; PG6 Use of Residential Property for a Business Purpose. This in turn results in the Report mistakenly confirming that the most important Core Strategy Policy for the purposes of determining the application is L7. Failure to apply PG6 would result in any grant of planning permission being subject to judicial review. The proposal is clearly unacceptable with reference to this Supplementary Planning Guidance document;
- In any event the proposal is unacceptable with reference to the test set down in NPPF paragraph 11(d) in that the adverse impacts of the proposal significantly and demonstrably outweigh its benefits;
- The amended scheme's reduced level of on-site parking would further exacerbate the current unacceptable parking situation on Fownhope Avenue;
- The proposed changes of staff between shifts is a 'significant matter' and would result in an unacceptable amenity impact. The fact that the Nuisance consultee has not objected to the proposal is insufficient grounds for concluding this impact would be acceptable;
- The Report's conclusion that the additional hard standing and bin store to the front of the property has not be adequately justified;
- The Report is incorrect in concluding that the proposed parking would be acceptable because the Parking Standards and Design SPD requires a minimum of three disabled parking spaces (L4.15);
- The Report erroneously conflates the issues of road safety with amenity when assessing the proposal's on-street parking impacts;
- The Report is incorrect in concluding the proposal would result in an acceptable impact on bats with the Council under a legal obligation to ensure further studies are carried out;
- The Report is misleading in referring to only six neighbour letters having been received when in fact 27 have been forwarded;
- The fact that the Report notes that the property is currently empty is prejudicial because it creates the impression that there is currently no other demand for the property;
- Future residents would potentially be entitled to Government subsidised Motability vehicles and it is reasonable to expect more than two of these residents would have access to these vehicles, which would require storage on site.

OBSERVATIONS

Principle of Development

PG6: Use of Residential Property for Business Purposes (1993) is not applicable because the proposed use falls within Use Class C2 and is therefore a residential use. It is further noted that the proposed use is not included within the 'examples of business use' section of this document.

In any event as explained in the Committee Report the proposal is considered to result in an acceptable design, amenity and highways impact with reference to the relevant Core Strategy policies and the NPPF.

Planning officers consider that the proposal would comply with up to date policies in the development plan and therefore the proposal does not fall to be considered under paragraph 11(d) of the NPPF. Notwithstanding this, it is considered that there are no adverse impacts of the proposal that would significantly and demonstrably outweigh its benefits.

Design and Impact on Street Scene

The visual impact of the proposed bin store and hard standing is assessed within the Committee report, and whilst the submitted information is limited it is noted that the bin store would be partially enclosed to its front and side (north-east) by two brick walls, and in addition if approved permission would be subject to a condition requiring the applicant to submit full details of the proposed bin store for the Local Planning Authority's written approval prior to the commencement of above ground works. As such the Local Planning Authority is confident that this element's visual impact will be subject to sufficient oversight.

Impact on Residential Amenity

The report confirms that, taking into account the potential vehicle and pedestrian movements associated with the proposed use, officers consider that the level of activity associated with the proposal would not be so significant that it would result in unacceptable noise impacts on surrounding residential properties. The lack of objection from Nuisance and Highways consultees add weight to this conclusion, however this is the result of an independent assessment by planning officers.

Highways, Parking and Servicing

As per the Parking Standards and Design SPD the policy relating to the provision of disabled parking spaces is qualified by the words 'usually' (L4.15). It is noted that this is a relatively small scale development and it is not considered reasonable to require the provision of three off-street disabled parking spaces. It is not considered that any increase in on-street parking which may result from the proposals would cause a significant level of harm to residential amenity such that a refusal of planning permission would be justified. Again, the lack of objection from the LHA adds weight to this conclusion, but has not been wholly determinative.

The fact that future residents may well be entitled to Motability vehicles is not a sufficient ground to refuse planning permission. The LHA consultee has confirmed that the proposal would result in an acceptable highways and parking impact.

Trees and Ecology

The Ecology consultee has confirmed the proposal is acceptable subject to the proposed planning condition. Officers are entitled to rely on expert advice in this regard.

Other Matters

The Committee Report states at the Representations section that letters of objection have been received from 27 neighbouring addresses.

The report correctly states that the property is currently vacant as a matter of fact.

ITEM 7 URGENT BUSINESS

94950/FUL/18 – School Development Site, Audley Avenue, Stretford.

Erection of new SEN school with associated infrastructure including access, parking and landscaping.

Members are asked to note that following the issue of the decision notice, the Council and the Department for Education will enter into an appropriate legal agreement or undertaking to formalise and record the payment of the financial obligation.

RECOMMENDATION

That Members resolve to GRANT planning permission and that authority be given to enter into an appropriate legal agreement/undertaking for the development subject to the conditions listed in the original committee report.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

Rebecca Coley, Head of Planning and Development, 1st Floor, Trafford Town Hall, Talbot Road, Stretford, M32 0TH. Telephone 0161 912 3149