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TRAFFORD COUNCIL

AGENDA PAPERS MARKED 'TO FOLLOW' SECOND ISSUE

PLANNING DEVELOPMENT CONTROL COMMITTEE

Date: Thursday, 11 April 2013

Time: 6.30 pm

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

| AGENDA | PART I | ITEM |
|--------|---|------|
| 2. | MINUTES | |
| | To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 14 th March, 2013. | 2 |
| 10. | CLEARING THE BACKLOG OF PLANNING APPLICATIONS | |
| | To consider the attached report of the Chief Planning Officer. | 10 |

THERESA GRANT
Chief Executive

Membership of the Committee

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

Further Information

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

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Planning Development Control Committee - Thursday, 11 April 2013

This agenda was issued on **Tuesday, 9 April 2013** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH

Agenda Item 2

PLANNING DEVELOPMENT CONTROL COMMITTEE

14th MARCH, 2013

PRESENT:

Councillor Mrs. Ward (In the Chair),
Councillors Bunting, Chilton, Gratrix, Malik, O'Sullivan, Mrs. Reilly, Sharp (Substitute),
Shaw, Smith, Taylor (Substitute), Walsh and Weston.

In attendance: Chief Planning Officer (Mr. K. Howarth),
Planning Team Manager (Mr. D. Pearson),
Planning Officer (Mr. G. Davies),
Traffic Manager (Mr. G. Williamson),
Solicitor (Mrs. C. Kefford),
Democratic Services Officer (Miss M. Cody).

Also present: Councillors Baugh, Brotherton, Cornes and Mrs. Wilkinson.

APOLOGIES

Apologies for absence were received from Councillors Fishwick and Whetton.

129. MINUTES

RESOLVED: That the Minutes of the meeting held on 14th February, 2013, be approved as a correct record and signed by the Chairman.

130. ADDITIONAL INFORMATION REPORT

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

RESOLVED: That the report be received and noted.

131. APPLICATIONS FOR PERMISSION TO DEVELOP ETC.

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

| <u>Application No., Name of Applicant, Address or Site</u> | <u>Description</u> |
|--|---|
| 79634/HHA/2012 – Mr. Frank Taylor – 30 Compton Close, Flixton. | Erection of a single storey side and rear extension following demolition of existing detached garage. |
| 79665/FULL/2012 – Trafford Council – Kings Road Primary | Erection of single storey extension between blocks A and B to form new classrooms, |

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School, Kings Road, Old Trafford.

school hall and other facilities, together with laying out of new car park, erection of lighting columns, laying out of children's play area, sports pitches and multi use games area and associated landscape works.

79796/LB/2013 – Petros Developments Co Ltd – Stamford House, Stamford New Road, Altrincham.

Listed Building Consent for the refurbishment and alteration of Stamford House and Atlanta Chambers. External works to include the installation of shop fronts, windows and doors at ground floor level of Stamford House; removal of existing roof and replacement with monopitch roof behind parapet, alterations to and partial demolition of elevations of Atlanta Chambers; the formation of new car park and erection of boundary wall and demolition of wall along interchange boundary. Internal works to include the refurbishment and alteration of historic fabric to first, second and third floors to provide residential accommodation; demolition of selected internal timber and glazed partitions on upper floors and the removal of party wall between shop units 5 & 6 at ground floor level.

79807/FULL/2013 – Our Lady of the Rosary – Our Lady of the Rosary Roman Catholic Primary School, Davyhulme Road, Davyhulme.

Conversion of green space along Davyhulme Road frontage to car park area with associated landscaping and boundary treatment works.

[Note: Councillor O'Sullivan declared a Personal Interest in Application 79807/FULL/2013, being a Registrar at the local Church attached to the school.]

79889/FULL/2013 – Victoria's Secret UK Limited – Units LSU14 & U23 (Nos: 150-152) Peel Avenue, Trafford Centre, Manchester.

Insertion of mezzanine floor (391 sq.m).

(b) Applications withdrawn

Application No., Name of Applicant, Address or Site

Description

79328/COU/2012 – MJF Pension Trustees Ltd – 453 Chester Road, Stretford.

Change of use from offices (Use Class B1) to residential dwellinghouse (Use Class C3).

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79773/FULL/2013 – Merepark
Project Management LLP – Victoria
House, Victoria Street, Altrincham.

Change of use from office to 28 no.
apartments with associated parking and
landscaping; and other external alterations.

**132. APPLICATION FOR PLANNING PERMISSION 79692/FULL/2013 – BOOTHROYD
SALE LTD – BOOTHROYD, 281 WASHWAY ROAD, SALE**

The Chief Planning Officer submitted a report concerning an application for planning permission for the formation of 2 x two-bedroom subterranean apartments on land in front of Boothroyd House, covered by landscaped mounds and accessed via external staircase into private lightwell with associated alterations to car parking layout and soft landscaping.

RESOLVED –

- (A) That the application will propose a satisfactory form of development for the site upon the completion of an appropriate Legal Agreement and that such Legal Agreement be entered into to secure a maximum financial contribution of £12,940.60, split between, £106 towards Highway and Active Travel infrastructure; £322 towards Public Transport Schemes; £620 towards Specific Green Infrastructure (to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme); £4,360.65 towards Spatial Green Infrastructure, Sports and Recreation and £7,531.95 towards Education Facilities.
- (B) In the circumstances where the Section 106 Agreement has not been completed within 3 months of this resolution the final determination of the application shall be delegated to the Chief Planning Officer.
- (C) That upon the completion of the above Legal Agreement, planning permission be granted subject to the conditions now determined.

**133. APPLICATION FOR PLANNING PERMISSION 79738/FULL/2013 – PETROS
DEVELOPMENTS CO LTD – STAMFORD HOUSE, STAMFORD NEW ROAD,
ALTINCHAM**

[Note: Councillor Mrs. Reilly declared a Personal Interest in Application 79738/FULL/2013, being a member on the TfGM Committee.]

The Chief Planning Officer submitted a report concerning an application for planning permission for the Change of Use and alterations to first, second and third floors to provide 24 apartments; refurbishment of ground floor retail units and installation of replacement shop fronts, windows and doors; Change of Use and alteration of detached building to rear to provide A3 Use on ground floor and D2 Use on first floor, removal of existing roof and replacement with monopitch roof behind parapet and alterations to elevations; formation of car park; erection of wall to rear boundary and

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demolition of wall along interchange boundary.

RESOLVED –

- (A) That the application will propose a satisfactory form of development for the site upon the completion of an appropriate Legal Agreement and that such Legal Agreement be entered into to secure a maximum financial contribution of £40,138.60 split between, £38,948.60 towards Spatial Green Infrastructure, Sports and Recreation and £1,190 towards Highway and Active Travel infrastructure.
- (B) In the circumstances where the Section 106 Agreement has not been completed within 3 months of this resolution the final determination of the application shall be delegated to the Chief Planning Officer.
- (C) That upon the completion of the above Legal Agreement, planning permission be granted subject to the conditions now determined with the removal of the condition restricting the size of delivery vehicles.

134. **APPLICATION FOR PLANNING PERMISSION 79819/HHA/2013 – MR. S. HARRIS – 28 WOLSELEY ROAD, SALE**

The Chief Planning Officer submitted a report concerning an application for planning permission for the erection of a two storey side and rear extension to form additional living accommodation.

It was moved and seconded that planning permission be granted.

The motion was put to the vote and declared carried.

RESOLVED: That planning permission be granted for the reasons given below and subject to the following conditions:-

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 pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number 1015, 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 and the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations.

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The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Reason: To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, having regard to Policy L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations.

Before the development hereby approved is brought into use, 2 off-road car parking spaces with associated creation/retention of landscaping shall be provided in accordance with a scheme which has received the prior written approval of the Local Planning Authority. The approved parking spaces shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety and convenience and in accordance with Policies L4 and L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations.

Reason for approval: The proposed extension would not unduly impact on neighbouring residential properties in terms of overlooking and there will be no harm to the streetscene given the setback of the proposed extension at first floor level.

135. APPLICATION FOR PLANNING PERMISSION 79908/VAR/2013 – BARTON SQUARE LIMITED – GROUND FLOOR LEVEL, PART OF UNIT D, BARTON SQUARE, PHOENIX WAY, TRAFFORD PARK

The Chief Planning Officer submitted a report concerning an application for the variation of Condition 4 of application 78823/COU/2012 to allow for flexibility in the timing of the provision of the additional 42 parking spaces required in connection with the Change of Use to aquarium.

RESOLVED –

- (A) That the application will propose a satisfactory form of development for the site upon the completion of a Deed of Variation to the existing Legal Agreement to secure a maximum financial contribution of £25,884 split between, £17,514 towards Public Transport Schemes and £8,370 towards Specific Green Infrastructure (to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme).
- (B) In the circumstances where the Section 106 Agreement has not been completed within 3 months of this resolution the final determination of the application shall be delegated to the Chief Planning Officer.
- (C) That upon the completion of the above Legal Agreement, planning permission

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be granted subject to the conditions now determined.

136. **APPLICATION FOR PLANNING PERMISSION 79970/FULL/2013 – ASDA STORES LTD – ASDA PETROL FILLING STATION, 230 MARSLAND ROAD, SALE**

The Chief Planning Officer submitted a report concerning an application for planning permission for the retention of condensing unit to eastern elevation of petrol service station and existing hard and soft landscaping (amendment to approved application 78835/FULL/2012).

It was moved and seconded that consideration of the application be deferred for further negotiations.

The motion was put to the vote and declared lost.

RESOLVED: That planning permission be granted subject to the following:-

Condition 3 be replaced with:

Notwithstanding the submitted details, and within one month from the date of this planning permission, a scheme to further attenuate the audible effects of the condenser unit located on the eastern elevation of the Petrol Filling station kiosk shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a BS 4142 assessment and ensure that any proposed acoustic treatment achieves a rating level of 10dB below background at the nearest residential receptor. The background noise should be measured at the quietest time that the plant would be operating, and there should be no distinguishable tonal or impulsive element. Thereafter, the scheme shall be implemented within one month of the date of approval by the Local Planning Authority, and retained thereafter.

Reason: To ensure the amenity of surrounding residents are protected, having regards to Proposal L7 of the Trafford Core Strategy.

Condition 4 be replaced with the following landscaping conditions:

(a) Notwithstanding the details submitted to date, no development shall take place until revised details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The revised details shall provide for mature shrub and tree planting to screen the site, including the presence of delivery vehicles, storage trollies and refuse from the residential properties to the north east of the site; and to screen the condenser unit enclosure and any additional attenuation measures required as part of this planning permission from 228 Marsland Road and 19 Glenthorn Grove. The details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, hard surfaced areas and materials, planting plans specifications and schedules (including planting size, species and numbers/densities), existing plants to be retained, and shall show how account has been taken of any underground services. Details shall also be provided as to the height to which the shrub and tree screen to the properties bounding the

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site shall be subsequently maintained.

(b) The landscaping works shall be carried out in accordance with the approved details within the next available planting season.

(c) The tree and shrub screen to the properties bounding the site to the east and north east shall thereafter be retained at the height agreed under part (a) of this condition.

(d) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and having regard to Policies L4, L7, R2 and R3 of the Trafford Core Strategy and Policies DP2, DP7 and EM1 of the Revised Regional Spatial Strategy (RSS published 2008).

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall provide for the retention of trees and shrubs at a height which shall first be first approved in writing by the Local Planning Authority prior to the implementation of this planning permission. It shall also include details of the arrangements for the implementation of the maintenance regime. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development having regard to Policies L4, L7, R2 and R3 of the Trafford Core Strategy and Policies DP2, DP7 and EM1 of the Revised Regional Spatial Strategy (RSS published 2008).

137. **APPLICATION FOR RESERVED MATTERS 79797/RM/2013 – REDROW HOMES NW LTD – LAND OFF STAMFORD BROOK ROAD, TIMPERLEY.**

[Note: Councillor Weston declared a Personal and Prejudicial Interest in Application 79797/RM/2013, due to his involvement with Redrow and Bryant, he remained in the meeting but did not take part in the debate or cast a vote on the Application.]

The Chief Planning Officer submitted a report concerning an application for the approval of Reserved Matters for appearance, landscaping, layout and scale for the erection of 66 no. dwellings following outline approval under planning ref. 77510/O/2011.

RESOLVED: That the Council is minded to grant planning permission subject to

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the conditions now determined and no additional substantive objections being received prior to the end of the reconsultation period on 20th March 2013, to allow the requisite time to expire with regards publicising the application as a departure from the Development Plan, decision to then be delegated to the Chief Planning Officer.

The meeting commenced at 6.30 p.m. and concluded at 8.57 p.m.

Agenda Item 10

TRAFFORD COUNCIL

Report to: Planning Development Control Committee
Date: 11th April 2013
Report for: Information
Report of: Chief Planning Officer

Report Title

Clearing the backlog of planning applications

Summary

To advise of measures introduced to clear the backlog of undetermined planning applications

Recommendation(s)

That Committee note the measures introduced to clear the backlog of undetermined planning applications

Contact person for access to background papers and further information:

Name: Kieran Howarth
Extension: 4230

Background Papers:
None

1.0 Purpose of the Report

This report advises Members of measures introduced to clear the backlog of undetermined planning applications

2.0 Background

2.1 There are 586 “historic” undetermined planning applications on the Council’s Planning Register which are more than 6 months old. Of these 495 are more than 12 months old. Many of these applications are ones where the applicant clearly has no intention to progress them. There are 130 applications where the Planning Development Control Committee has resolved to grant planning permission but the developer has not completed the necessary S106 Agreement, so the decision cannot be issued. There are 97 planning applications which are clearly duplicate entries or are cases where we know they have secured a decision on an alternative proposal.

2.2 A number of different categories of applications have been identified:-

- Applications awaiting S.106 Agreements;
- Applications where the applicant needed to submit further information but has not done so;
- Applications submitted but subsequently superseded by alternative proposals;
- Applications where the Applicant and Agent have otherwise ceased pursuing the application.

2.3 These applications are shown on the Planning Register as applications which are clearly outside the timescales set for the determination of applications under the Town and Country Planning (Development Management Procedure) (England) Order 2010 and which have not been finally disposed of. If these applications come forward for a decision, that decision would be recorded on the statistical returns to Government. As the applications are clearly well beyond target, this would have a negative impact on performance figures.

2.4 The Growth and Infrastructure Bill will make provision to speed up planning decisions by allowing applications to be swiftly decided by the Planning Inspectorate if a council has a very poor record in turning around applications or they are consistently being overturned on appeal. The Government has issued a consultation on its new performance regime. The most significant proposal is that those Councils which determine less than 30% of Major applications within target will face sanctions. If applications are not determined within 26 weeks, the fee would need to be returned.

2.5 To ensure that Trafford improves its speed in determining applications and does not fail to meet performance targets, risking sanctions from Government or risk having to return application fees, a number of actions have already taken place. Work has been done on improving the processes for dealing with

applications; speeding up the S.106 process; and the introduction of a new performance management regime. This has been done as part of a wider programme of service improvement aimed at providing a better quality of service to customers. As a result there have been significant improvements in performance in dealing with current applications. At the end of September 2012, 41% of planning applications were being dealt with on target. By the end of March 2013, that had risen to 81%

3.0 The Way Forward

3.1 The issue of the 'legacy applications' needs to be carefully managed to ensure the potential for these to impact adversely on performance levels is minimised.

3.2 Under Article 36(13) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 applications are deemed to be "finally disposed of" where they remain undetermined after the period of 6 months following the original eight or thirteen (as appropriate) week target period for determination, or in the case of applications where a S106 agreement was required, 6 months from the date of the committee resolution. This would mean that any application which has passed the 6 month time limit and where an extension of the time for determination has not been agreed should be deemed to be 'finally disposed of' and should be removed from the register.

3.3 In order to regularise the register so that only live applications are listed and in order to clear off the historic applications it has been necessary to review the historic applications and to identify:-

- whether they have passed the 6 month limit without being determined;
- whether there has been any extension of time agreed for the determination of the application;
- whether there is any indication as to the reason why the matter is not currently being pursued to determination;
- the period of time during which the application has been dormant; and
- whether there are any other circumstances which might suggest that the application is unlikely to be pursued.

3.4 The backlog can be cleared by wherever possible determining that an application is "finally disposed of" because it has passed the time limit without extension and there are no other circumstances which might suggest that the application is still live. The application should then be removed from the planning register and no further consideration will be given to that application.

- 3.5** Given that this represents a significant change to current practice, consideration has been given to the extent that it is necessary to bring the proposed action to the attention of applicants and agents, and this is dealt with below.
- 3.6** It is important however that this is not seen just as a means of addressing the current issue with historic applications but that it is incorporated into and becomes a matter of good management practice within the service. Applications are now to be routinely reviewed as they approach the 8/13 week deadlines and if they are unlikely to be determined within that period, written agreement to extend the period for determination of the application will be sought, wherever possible. In all cases where the date set for determination, (either original or extended), has passed the application will be diarised for review after 6 months and consideration given at that time to whether the case should be removed from the register on the basis that it is deemed to be finally disposed of. Applicants will be advised at the outset that the application will be managed on that basis.
- 3.7** Clearly some applications will not be able to be disposed of and will continue to be determined. This will need to be carefully managed to minimise the adverse impact on performance figures.

4.0 Implementation Plan

- 4.1** It is necessary to put in place measures to deal with the backlog of undetermined applications on the Planning Register which are more than 6 months old and which have been identified for clearance following the steps in 3.3 above. The applications have been reviewed to determine the best course of action in each case. Three different categories can be identified. The following action will be taken, dependent on the particular circumstances of the case:-
- In cases where there has been no contact from the applicant/agent in a long time or where the application is clearly defunct e.g. where a subsequent application has been approved, the application will be removed from the Planning Register on the basis that it is deemed to be “finally disposed of” and will not be considered further. The Applicant and Agent will not be contacted. This is likely to be the approach taken in the majority of cases.
 - In cases where there has been no recent contact from the Applicant/Agent but there is an indication that the Applicant or Agent may still wish to pursue the application, a letter will be sent advising them that the LPA has decided that the application will be removed from the Planning Register on the basis that it is deemed to be “finally disposed of” and will not be considered further unless they contact the LPA within a 14 day timescale. They will then be asked to agree an appropriate timescale to bring the application to conclusion and to agree an extension of time on that basis. They will however also be advised that the option of declaring the application “finally disposed of”

will remain.

- In cases where there has been contact relatively recently from an applicant/agent, a letter will be sent requiring discussions to bring the application to conclusion or to agree an appropriate extension of time. They will however be advised that the Council will consider declaring the application “finally disposed of”, which will remain an option.
- 4.2** For the cases in the 2nd and 3rd categories, an initial series of letters (40, comprising 20 of each type above) are will be sent out. This will enable an assessment of the effectiveness of the approach.
- 4.3** An assessment is currently being carried out to determine how many applications fall into each of the above categories. The programme will be completed within 6 months, concluding by 31st August 2013.
- 4.4** A report will be brought to the September meeting of this Committee to advise on progress in clearing the backlog of “legacy” applications.

Background Information

| | |
|---|---|
| Relationship to Policy Framework/ Corporate Priorities | A Cleaner, Greener Borough |
| Financial | If applications awaiting the signing of S.106 contributions are disposed of, that contribution will no longer be identified as a potential contribution. In some cases this programme will encourage the completion of S.106 Agreements. If new Regulations do come into force this year, the Council would need to refund planning application fees for any applications taking longer than 26 weeks to deal with and the applicant has not agreed an extension of time. |
| Legal Implications | None directly from this report. |
| Equality/Diversity Implications | None directly from this report. |
| Sustainability Implications | None directly from this report. |
| Staffing/E-Government/Asset Management Implications | None directly from this report. |
| Risk Management Implications | None directly from this report. |
| Health and Safety Implications | None directly from this report. |

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