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**TRAFFORD  
COUNCIL**

## **AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**Date: Thursday, 10 January 2019**

**Time: 6.30 pm**

**Place: 1864 Suite, 3rd Floor, The Pavilion, Lancashire County Cricket Club,  
Talbot Road, Stretford M16 0PX**

### **AGENDA**

### **ITEM**

#### **5. ADDITIONAL INFORMATION REPORT**

To consider the attached report of the Head of Planning and Development, tabled at the meeting.

**5**

#### **JIM TAYLOR**

Interim Chief Executive

#### Membership of the Committee

Councillors L. Walsh (Chair), A.J. Williams (Vice-Chair), Dr. K. Barclay, D. Bunting, T. Carey, G. Coggins, N. Evans, D. Hopps, S. Longden, E. Malik, E. Patel, E.W. Stennett and M. Whetton.

#### Further Information

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

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# Agenda Item 5

## AGENDA ITEM 5

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 10<sup>th</sup> January 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<br>RECOMMENDATION | For<br>REC. |
| <a href="#"><u>93523</u></a>                | 26 Hill Top, Hale Barns, WA15 0NN                      | Hale Barns | 1    | ✓                         | ✓           |
| <a href="#"><u>93779</u></a>                | Development Site Phase 2, Pomona Strand, Old Trafford  | Clifford   | 14   |                           | ✓           |
| <a href="#"><u>95501</u></a>                | Urmston Leisure Centre, Bowfell Road, Urmston, M41 5RR | Flixton    | 74   | ✓                         | ✓           |
| <a href="#"><u>95760</u></a>                | 26 Hill Top, Hale Barns, WA15 0NN                      | Hale Barns | 97   | ✓                         | ✓           |
| <a href="#"><u>95997</u></a>                | 80 Temple Road, Sale, M33 2FG                          | Sale Moor  | 111  | ✓                         | ✓           |
| <a href="#"><u>95999</u></a>                | 2A and 2B Farmers Close, Sale, M33 2LJ                 | Sale Moor  | 121  |                           |             |

|                   |                 |                                   |
|-------------------|-----------------|-----------------------------------|
| <b>SPEAKER(S)</b> | <b>AGAINST:</b> | <b>Mr Cranmer<br/>(Neighbour)</b> |
|                   | <b>FOR:</b>     | <b>Doug Hann<br/>(Agent)</b>      |

### **REPRESENTATIONS**

A further letter of representation has been received in response to the published officer report. The letter raises the following areas of concern:

- Committee report contains the following inaccuracies:
  - Council was first notified of breaches of planning Control in October 2016
  - Rear extension has been increased in height by 1.3m
  - Rear extension has been increased in width by 0.7m
  - Ridge height of the application dwelling has been increased by 0.65m
  - Neighbour details the increase in ridge height has resulted in a loss in effectiveness of their solar panels, which they believe is due to the increase in ridge height of the application dwelling.

### **OBSERVATIONS**

*Replace Para. 4 with the following:*

4. Following the above consents, the Council was first contacted in October 2016, regarding possible breaches of planning control and again in January 2017. These were either deviations from the above planning approvals or were works taking place on site which remained unauthorised.

*Replace Para. 16 with the following:*

16. Rear elevation:

- Two storey rear extension – this now features dividers within its rear elevation full height window opening, allowing for a more even ratio between stonework and glazing.
- The ground floor rear extension now has an increased ridge height of 1.3m and an increased width of 0.1m
- The extension now also features three door openings as opposed to five as previously approved.
- The extension further features a lantern within its flat roof, which is partly screened with a parapet.
- The first floor window openings have been erected at a smaller scale than previously approved.
- The rear facing dormer windows are not sited as approved, in terms of their positioning are sited closer together than originally approved.

*Replace Para. 20 with the following:*

20. The proposed rear extension, although taller than the originally consented extension, has been erected at single storey level and is largely out of view from any clear public vantage point. It therefore has minimal impact upon visual amenity. The extension does not project out beyond the side building line of the dwelling and as such has minimal impact upon the dwellings existing sense of space and openness. The added lantern feature, although adding to the overall height of the extension and being a more modern addition to the dwelling is also considered to be acceptable. It is further noted that whilst Officers did request on the previously approved application, reference: 87498, that this feature be removed, it is not considered to impact the character of the property or conservation area site so as to be harmful and warrant a refusal of planning consent. The submitted plans further show an increased width for this addition of 0.1m, which is considered to be acceptable.

*Replace Para. 26 with the following:*

26. Various representations have made reference to an increase in the ridge height of the application dwelling. The applicants have submitted a full set of plans for the existing building as this formerly stood on site, as well as a second set of plans for the building as currently found on site; alongside a supporting statement. The plans show no change in height of the application dwelling, with the supporting statement further stating that the overall ridge height of the dwelling has remained unaltered throughout the course of the development. The statement further states that any increase in the appearance of the dwelling, has arisen due to changes in the ground levels of the site, which provide it with a “taller” appearance, due to the ground works that have taken place to the front of the site. The applicants have further stated that the submitted plans and documents show an accurate representation of the situation on site. Although various annotated plans and other documents have been submitted to the Council stating otherwise by local residents these documents have not been verified and therefore Officers are unable to give them any weight. Officers have not been presented with any clear evidence, which would suggest a change in height of the building has taken place. As such, on the basis of the information before Officers, it is considered that the ridge height of the dwelling has remained unaltered.

The letter received raised four specific points, which although partially covered in the above paragraphs are further address below for clarity;

- (i) Planning permission has not been refused previously for the rear extension. Whilst amendments were made to the rear extension as part of the previous approval (87498) this related to the removal of the roof lantern as noted in the revised paragraph 20 above. Changes to the scale of the extensions were also made, but these resulted in an increase in height and width.

- (ii) As outlined above in the revised paragraph 26, Officers have concluded on the basis of the evidence before them that the ridge line and height of the dwelling has not increased. It is also considered that the overshadowing of a roof and as such solar panels would not constitute a harmful impact on amenity.
- (iii) Again the points raised here are partially covered in the revised paragraph 26. Further to this, as part of the assessment by Officers to understand if any changes to the ridge height had taken place a Planning Contravention Notice (PCN) was served on the applicant. A PCN is served when it appears to the local planning authority that a breach of planning control may have occurred and they want to find out more information before deciding what if any enforcement action to take. In response to the PCN the applicant provided existing and current land level plans to demonstrate the ridge height had not increased.
- (iv) From the evidence before Officers it is considered that there has been no increase in the height of the dwelling overall, as discussed above. Notwithstanding this, an impact on the effectiveness of a private solar panel installation is not considered to equate to a harmful impact on residential amenity. The impact on the benefit enjoyed by occupiers on the external areas to a dwelling for household and leisure activities is considered as part of the assessment of a proposal. However, a decrease in the solar efficiency of a roofslope is private interest and is not considered to constitute a harmful impact on the amenity of the occupier.

In addition to the above the following comments are made to clarify the report.

It is confirmed that the proposal before Members, in connection with the house, relates to works already undertaken.

Within paragraph 24 of the main report reference is made to the loss of trees, but concludes that this is part of the corresponding application for the garage (95760/HHA/2018). A number of trees along the north and west boundaries have been removed in association with the works carried out under planning permission 85816/HHA/15 as shown on the approved proposed site plan. In accordance with Regulation 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the cutting down/uprooting of a tree in a conservation area is permitted in so far as such work is necessary to implement a planning permission.

Replace *Para. 38* with the following:

38. As the development will comprise more than 100 sq. m of new build floorspace it is chargeable for the Community Infrastructure Levy (CIL). However as the development is for a residential extension / home improvements it can be exempt subject to the CIL regulations and procedures.

**SPEAKER(S) AGAINST:**

**FOR: Mark Worcester  
(Agent)**

**APPLICANT'S SUBMISSION**

The applicant has submitted a response to the committee report and requested that a number of matters are clarified and/or corrected. Having considered this response only the following are considered necessary to be specifically brought to Members' attention. It is considered all other matters are already addressed in the main report. Some of the issues raised are matters of planning judgement where officers' position in the main report is clear and does not require repetition.

- Peel Holdings have been party to discussions regarding the Masterplan and have agreed to its production, however the requirement for a Masterplan to be approved prior to submission of any application for a subsequent phase of development (or within 12 months) is not acceptable.
- The report overstates the level of financial contribution which would ordinarily be payable for local open space and provision for children/young people because it assumes there is no provision of local open space on site. The scheme includes 1.1 hectares which should be discounted and the calculation should be based on the shortfall.
- The report states that the level of public open space provision on site is insufficient and no off site mitigation is proposed. A proportion of the financial contribution may be used for the off-site provision of public open space. The provision of a Masterplan provides further mitigation. The commitment to provide a Masterplan which will indicate the location and nature of the new area of public open space and timing of its delivery effectively mitigates the 'under-provision' on site.
- The report is misleading to suggest that the scheme does not comply with Policy L2.14 relating to affordable housing provision and that no on-site affordable housing is an 'adverse impact'. Policy L2 allows for a financial contribution toward off-site affordable housing provision and the other criteria in the Policy L2.14 are only engaged where on-site provision is proposed.
- The report is misleading to suggest the level of financial contribution being less than the equivalent of 10/% is an 'adverse impact'. Policy L2 advises that the level of affordable housing contribution to be achieved on sites such as Pomona Island will be determined through a viability assessment.

- The scheme incorporates provision of a high quality public realm to a value of £800,000, elements of which will be of benefit to the wider community such as the upgrade of the existing tow path and provision of separate footpath and 2-way cycle path alongside the dock.

## **OBSERVATIONS**

### MASTERPLAN

The recommendation at part (i) of the report requires a Masterplan to be submitted and approved “*prior to submission of any application for a subsequent phase of development in the Strategic Location and not less than 12 months from the date of this permission*”. This is also stated at paragraph 34 of the report.

The recommendation should state a Masterplan should be submitted and approved: “*prior to submission of any application for a subsequent phase of development in the Strategic Location or within 12 months from the date of this permission, whichever is the sooner*”.

The applicant has since advised that the requirement for a Masterplan to not only be submitted but to also be approved prior to submission of any application for a subsequent phase of development (or within 12 months) is not acceptable. The applicant is concerned over the potential for protracted negotiations over the acceptability of the content of the Masterplan, particularly if there is a requirement for third party consultation. The absence of criteria against which the Council might consider the Masterplan acceptable/unacceptable and uncertainty over the formal approval process is a further concern.

The concerns raised by the applicant are acknowledged, however it is considered the requirement for the Masterplan to be approved prior to submission of any application for a subsequent phase of development (or within 12 months) is both necessary and justified. The Masterplan is required to make the application compliant with Policy SL1. It is also mitigation, to a more limited extent, for the under-provision of open space by giving greater certainty and assurance that this will be provided in a future phase. It is not complete mitigation however as there is still some residual harm from a lack of provision for residents of the schemes which have or, if Members are minded to approve this application, are shortly to have planning permission.

In a scenario where a Masterplan has been submitted but not approved and a planning application for a further phase has been submitted, there would be uncertainty over whether or not that development would comply with or conflict with the Masterplan. An approved Masterplan will ensure its effectiveness in the assessment of future applications as a material consideration. It will also give greater certainty to developers and the landowner prior to submitting an application as to whether or not it is likely to be acceptable.



## IMPACT ON HERITAGE ASSETS

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. S72 of the same Act requires that with respect to any buildings or other land in a conservation area, in discharging duties under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There is no specific reference to setting in S72, albeit in effect where development within the setting of a conservation area has an impact on the character and appearance of that conservation area, the duty is engaged. For the avoidance of doubt the duty to give special regard / special attention to the various heritage assets identified has been engaged in coming to the conclusion that there would be no harm caused to these assets from the development proposed.

## HIGHWAYS AND TRANSPORTATION

The report refers to paragraph 109 of the NPPF in respect of residual cumulative impacts on the road network as being a more stringent test than Policy L4 of the Core Strategy. For the avoidance of doubt the test in the NPPF sets a higher bar to demonstrate that a development would have an adverse impact on the road network.

## DEVELOPER CONTRIBUTIONS AND VIABILITY

Paragraph 121 of the report states it is considered appropriate that the full extent of the contribution should be used to provide affordable housing in the Borough to meet the identified need for affordable housing. The following sets out further reasoning for this recommendation: -

Paragraph 4.11 of SPD1: Planning Obligations states that reductions in infrastructure provision will be the minimum necessary to make the scheme financially viable. Although the sum of £1,353,956 offered as a financial contribution is significantly below a policy compliant scheme, it has also been demonstrated that this is the amount beyond which the scheme would become financially unviable. SPD1 goes on to state that the Council will need to make a judgement as to whether a development would still be acceptable in planning terms with a reduced level of infrastructure provision; an exercise carried out in the 'planning balance' section of this report.

SPD1 in Paragraph 4.11 also states that where discounted provision is agreed, this should be distributed between the identified requirements, depending on individual factors affecting the site and availability of mainstream funding and the Council's priorities. There is no further guidance or mechanism given for doing so. In advance of the Masterplan coming forward there is considerable uncertainty in relation to the delivery of open space / sports facilities on or off site. The provision of affordable housing, and the Council's Affordable Housing Fund, to which the financial contribution would be put, is an identified corporate priority

for the Council. In this case, it is therefore considered that it would be most appropriate for the whole of the £1,353,956 contribution to be put to affordable housing. Members are however entitled to come to a different view, if they believe a reasonable alternative distribution is appropriate. It should also be noted that contributions given over entirely to affordable housing would not necessarily be the appropriate course of action on every site.

The applicant's suggestion that the report is misleading to suggest the scheme does not comply with Policy L2.14 relating to affordable housing provision, is not accepted. The policy specifically states that "*the expected method of delivery will be on site*". Paragraph 11.11 of the Core Strategy further states the Council's expected method of delivery will be on site and only in exceptional circumstances will the Council consider an off-site payment being made. SPD1 sets out what may constitute exceptional circumstances which are where the affordable housing can be more effectively secured by bringing existing housing back into use, e.g. empty properties in the private sector, or where providing the affordable housing elsewhere is more likely to widen housing choice and encourage a better social mix, e.g. providing family homes in other areas of need. It has not been demonstrated either of these exceptional circumstances necessarily apply in this case. This policy and guidance is clear in setting out that affordable housing should be provided on site. Furthermore, although in this case a contribution towards off-site affordable housing provision is accepted in the planning balance this does not mean that the remainder of Policy L2.14 falls away and there is no conflict.

The applicant's suggestion that the level of financial contribution required towards public open space has been overstated, is not accepted either. The contribution set out in the report has been calculated in accordance with the methodology set out in SPD1 and is based on the occupancy of the development. Whilst the scheme does include a small area of open space (the walkway adjacent to the canal), the applicant's argument that the external areas in and around the buildings should be classed as public open space is not accepted. Whilst the applicant does not currently propose to restrict public access to these areas, it is considered that they will function as areas of private amenity space for residents of the development, and would not perform a valuable role as public open space given their location and arrangement, as set out in the main report. Furthermore the scheme does not include facilities for children/young people on the site. In any event, the report sets out that the full extent of the financial contribution shown to be viable in this case should go towards affordable housing rather than towards public open space and play facilities. It is considered that given the applicant's viability case, the scheme would be acceptable without a contribution towards open space and play facilities, particularly given the requirement of Policy SL1 of the Core Strategy for '*a substantial new area of open space for informal recreation*' on Pomona Island which will need to be delivered as part of a future phase. The required Masterplan will further ensure this forms part of the future development of the wider site.

## CONDITIONS

It is recommended the wording of the following conditions in the report are amended: -

### Condition 4 – Details of hard and soft landscaping works

Amended to require the details to be informed by the recommendations of the Preliminary Ecological Assessment and Botanical Survey submitted with the application and include ecological mitigation.

### Conditions 16, 17, 18 and 20 – Detailed drainage design/Sustainable Drainage Scheme/drainage details/surface water drainage

Replace these conditions with a single condition requiring full details of the Sustainable Urban Drainage scheme, management and maintenance plan and a verification report. Now condition no. 16.

### Conditions 23 and 25 - Details of sound insulation, glazing and ventilation and any necessary mitigation to mitigate the impact of noise and vibration from the adjacent Metrolink and railway lines

Replace with a single condition and to require details to be submitted and approved prior to the commencement of development. Now condition no. 20.

### Condition 24 - Noise limits for fixed plant

Amended to refer to sensitive receptors 'within and adjacent to the development site' to ensure this includes the apartments within and adjacent to the proposed development. Now condition no. 21.

### Conditions 30 and 31 - Requirement for a management plan relating to public access to the areas of open space and for entrances to be gated and access controlled)

Replace with a single condition requiring a management plan and which may include gates on the towpath side of the site if GMP subsequently confirms this is necessary. Now condition no. 26.

## **RECOMMENDATION**

Amend third bullet point of part (i) of the recommendation to the following: -

- A Masterplan for the wider Pomona Strategic Location to be submitted and approved prior to submission of any application for a subsequent phase of development in the Strategic Location or within 12 months from the date of this permission, whichever is the sooner.

Additional and amended conditions as follows: -

4. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft

landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall be: -

i) in general accordance with the concepts/principles shown in the Public Realm Strategy submitted with the application (Section 11 of the Design and Access Statement); and

ii) informed by the recommendations of the Preliminary Ecological Assessment dated February 2018 and Botanical Survey dated June 2018, prepared by ESL (Ecological Services) Ltd, submitted with the application and shall include ecological mitigation and enhancement features (for example bird nesting provision and bat roosting provision along the watercourses); reflect the character and context of the site; acknowledge the adjacent Wildlife Corridor and reference the wider Pomona Island site.

The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities, cultivation and other operations associated with plant and grass establishment), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

c) 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.

Reason: To ensure that the site is satisfactorily landscaped and to enhance biodiversity at the site in accordance with the recommendations set out in the Preliminary Ecological Assessment and Botanical Survey submitted with the application, and having regard to its location, the nature of the proposed development and Policies SL1, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

16. Notwithstanding the submitted Flood Risk Assessment (FRA), no development shall take place unless and until a further scheme which includes full details of the proposed Sustainable Urban Drainage Scheme (SUDs) for the site has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall: -

- Constrain the peak discharge rate to 5.4l/s as stated within the submitted FRA (Doc Ref: 09079-HYD-XX-XX-RP-D-001).
- Include further calculations as necessary.

- Include a maintenance and management plan for the drainage system, which shall include arrangements for its adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be implemented in accordance with the approved details.

Upon completion of the SUDs scheme, and prior to the occupation of any of the residential apartments hereby approved, a Drainage Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved SUDs scheme has been implemented in full and shall include: -

- Photographic evidence of construction as per design drawings
- As built construction drawings if different from design construction drawings

Thereafter the SUDs scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: Such details need to be incorporated into the design of the development to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with the Guidance Document to the Manchester City, Salford City and Trafford Councils Level 2 Hybrid Strategic Flood Risk Assessment, Policies L5, L7 and SL1 of the Trafford Core Strategy and the National Planning Policy Framework.

20. No development shall take place until a scheme prepared by a suitably qualified professional to assess the impact of noise and vibration from the adjacent Metrolink and railway lines has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify any necessary mitigation measures to ensure that an acceptable level of amenity can be achieved for future residents of the site, including details of the final scheme of sound insulation, glazing and ventilation to demonstrate compliance with the recommendations of the submitted Noise Planning Report (ref. PMI-HYD-ZZ-XX-RP-Y-1200-Noise Planning Report Phase 2-P02, dated February 2018). The submitted ventilation strategy shall include information to demonstrate that appropriate ventilation rates (to Building Regulations standards) can be attained whilst keeping windows closed, where this is necessary to maintain suitable internal conditions. Thereafter, development shall proceed in accordance with the approved scheme and a verification report shall be submitted to and approved in writing by the Local Planning Authority before any of the apartments hereby approved are first occupied. The verification report shall demonstrate that any identified mitigation measures have been completed in accordance with the approved scheme.

Reason: To achieve appropriate internal sound levels within the development and to ensure that the apartments are designed to mitigate against the noise and

vibration effects of the adjacent Metrolink and railway lines to protect the amenities of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy, the National Planning Policy Framework and in accordance with the recommendations of the Noise Planning Report submitted with the application.

21. Noise from all fixed plant, when rated and assessed in accordance with BS 4142: 2014, shall not exceed the following noise limits at the location of sensitive receptors within and adjacent to the development site:

Daytime (0700-2300h): 46dB LAr,1hour

Night time (2300-0700h): 44dB LAr,15mins

Prior to the occupation of any of the apartments hereby approved, and after all fixed plant has been installed and is operational, an assessment of the plant to demonstrate compliance with the above limits shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To achieve appropriate internal sound levels within and adjacent to the development and to protect the amenities of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy, the National Planning Policy Framework and in accordance with the recommendations of the Noise Planning Report submitted with the application.

26. Prior to the first occupation of the apartments hereby permitted a management plan setting out how public access to the proposed areas of open space and landscaping within the site will be managed shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of any gates at the entrances to the development and the car park shall be access controlled and gated to Secured by Design standards. The approved management plan, gates and access controls shall thereafter be implemented in accordance with the approved details and public access shall be retained in perpetuity.

Reason: To reduce the risk of crime and in the interest of residential amenity, having regard to Policy L7 of Trafford Core Strategy, the National Planning Policy Framework and Trafford Council Supplementary Planning Guidance 'Crime and Security'.

**SPEAKER(S) AGAINST: Colin Rae  
(Neighbour)**

**FOR: Colin Ibbott  
(On behalf of Applicant)**

Observation:

The applicant has submitted a revised ground floor plan along with associated supporting documents, including the live Equality Impact Assessment. The proposed amendments include the inclusion of a Changing Places toilet. The revisions are considered to further enhance Urmston Leisure Centre.

The Equality Impact Assessment found that the proposed works would have an overall neutral impact upon the equality target groups. The proposed development was found to have a positive impact upon disability due to the addition of the Changing Places toilet.

Paragraph 28 of the officer's report makes reference to the Disability Discrimination Act. This reference should be replaced by the Equalities Act 2010.

Recommendation:

Replace condition 2 with:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

| Title  | Drawing No.      | Revision: |
|--|------------------|-----------|
| Proposed Site Plan                             | 05692_MP_00_0003 | P         |
| Proposed Ground Floor General Arrangement Plan | 05692_B1_02_2200 | V         |
| Proposed First Floor General Arrangement       | 05692_B1_02_2201 | R         |
| Proposed Roof Plan General Arrangement         | 05692_B1_02_2202 | P         |
| Proposed Elevations (A & B)                    | 05692_B1_04_2201 | L         |
| Proposed Elevations (C & D)                    | 05692_B1_04_2202 | P         |

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

**Page 97 95760/HHA/18: 26 Hill Top, Hale Barns, WA15 0NN**

|                   |                 |                                   |
|-------------------|-----------------|-----------------------------------|
| <b>SPEAKER(S)</b> | <b>AGAINST:</b> | <b>Mr Cranmer<br/>(Neighbour)</b> |
|                   | <b>FOR:</b>     | <b>Doug Hann<br/>(Agent)</b>      |

### **REPRESENTATIONS**

A further letter of representation has been received raising the following areas of concern:

- The original garage was not 5.5m in height but lower
- Garage is being built right up to the site's boundaries
- Development is contrary to Conservation Area Appraisal
- A garage was previously refused on site in 1995
- Application 87498/HHA/15 was flawed and had inaccurate plans, which Planners failed to identify

Replace Para. 14 with the below:

14. The current application now seeks consent for a 5.5m high replacement garage on site, with a 4.2m high adjoining outbuilding. These are to be erected within the north-western most corner of the site, adjoining the site's side (west) and front (north) boundary walls. The previous approval (87498) permitted a garage that had a ridge height of 6m, but was set away from the boundary wall, rather than adjoining as the existing proposal is.

Replace Para. 15 with the below:

15. The garage would have an eaves height of 3.1m and would largely be erected on the foot-print of the former garage on site, albeit this would now be erected up to the site's side and front boundaries, with a larger foot-print than previously approved under application reference 87498/HHA/16. The garage itself would be 9.1m wide and would be finished in matching materials to those used on the main dwelling. This would have 3no. individual openings, which would be erected from timber and be top hung, characteristic of the Conservation Area. The adjoining outbuilding would have a lower eaves height of 2.2m, with a total width of 9.6m.

Replace Para. 17 with the below:

17. It is therefore considered that the proposed development of a replacement garage/outbuilding as set out above would be an acceptable addition to the application site and the wider street-scene. The proposed outbuilding is considered to be of an acceptable size/scale and is considered to be finished in appropriate high quality materials which would further complement the finish of the main dwelling. The garage would remain set



well back from the principal boundary with Hill Top and given its height of 5.5m, this would not have an overly dominant or visually intrusive appearance within both the application site and the wider street-scene. This is further not considered to erode the site's existing sense of space and openness and as such, subject to a condition requiring the use of matching materials alongside submission of full details for the proposed garage access doors, the proposals are considered acceptable in this regard.

Add Para. 25 and 26:

25. The Council has received representations stating that the height of the original garage on site was less than the 5.5m. The applicants, in this regard, have confirmed that the former garage on site had a total height of 5.5m and this figure has remained unaltered throughout the history of this application. However the assessment by Officers is based on the impacts of the proposed height, rather than the difference between the previous height and proposed.
  
26. It is noted that a previous application for planning consent involving the erection of garage in 1995 was refused by the Council. It is also noted that a previous planning application for a similar development on site, reference 87498/HHA/16, was submitted to the Council with inaccuracies. Irrespective of these facts, the current application for planning consent has been assessed on its individual planning merits and has been found acceptable by Officers.

The letter received raised four specific points relating to the garage application and three further points. The above seeks to address the four specific points, but these are also further addressed below, followed by a response on the three further points raised;

- (i) Addressed within paragraph 25 above.
- (ii) The garage on site has remained in the north western corner of the site, although throughout the development of the site there have been minor changes in exact footprint. The block plans on previous applications show the garage being set away from the boundary by up to 2m along the north end of the west boundary. However in the previous permission (87498) the garage was approved as being located immediately adjacent to the boundary.

In respect of the South Hale Conservation Area Management Plan, it does state in 2.8.3 that the ratio of green space to hardstanding and built form is a strong feature of the Conservation Area and this should not be diluted. Whilst it is acknowledged that through the development of the site and previous permission there has been a loss of trees

- along the north and west boundaries, this was consented and does not form part of this current proposal.
- (iii) In their consideration of the proposal Officers have considered fully the impact on adjacent occupiers and this is detailed in paragraphs 27 – 29 of the committee report.
  - (iv) Paragraph 2.4.1 of the South Hale Conservation Area Management Plan states that the ‘characteristic boundary treatments extant throughout the Conservation Area comprise low level walls of roughly-hewn local sandstone. This is a common feature within the wider Trafford area. Specifically within the South Hale Conservation Area, these low boundary walls are supplemented with planting, providing additional screening to approximately head height. This makes a significant contribution to the characteristic greenness of the Conservation Area. Additional screening through the erection of standard timber fencing or high-level brick walls are considered inappropriate and detrimental to the character of the Conservation Area. This is true both of the principal road-side plot boundaries and also the secondary boundaries which back onto the public cut-through footpaths, which are frequently of a poor quality.’

Whilst it is acknowledged that this will amend the appearance of the west and northern boundaries, given the location of the wall away from the principal boundary and previous permissions on site it is not considered to be harmful to the character of the conservation area.

Reference is also made to the refusal of planning in 1995 for an extension to the garage. This permission related to an extension to the south end of the garage, along the western boundary of the site. Therefore this is not considered to be a comparable case. Additionally since 1995 planning policy has changed with the introduction nationally of the National Planning Policy Framework and locally with the Core Strategy and Conservation Area Supplementary Planning Documents. As such the 1995 decision has very limited weight in the consideration of the current scheme by Officers.

The three further points raised by the representation received relate to the unauthorised development that has taken place on site, the validity of the current permissions, the need for the Council to take enforcement action against this work and the potential for this development to set a precedent for other developments.

It has been acknowledged by Officers that the previous planning permissions have not been carried out in full accordance with the approved plans. Whilst this does not invalidate the previous consents, it does result in the development on site being unauthorised. The submission of the current applications seeks to gain consent for the works on site and this is a legitimate way of addressing the planning enforcement concerns. Whilst the series of events on site does not

represent best practice, it does not set a precedent for future developments and by the applicant submitting the current applications they are seeking formal consent for all works on site.

**Page 111 95997/COU/18: 80 Temple Road, Sale, M33 2FG**

**SPEAKER(S) AGAINST: Mr Seddon  
(Neighbour)**

**FOR: Mrs A Hilton  
(On behalf of Applicant)**

**Observations**

The following changes are proposed to the conditions;

- Replace condition 1 with;  
This childminding use hereby permitted shall cease 12 months from the date of this permission and the property restored back to a single dwellinghouse on or before [DATE TO BE INSERTED IF CONSENTED].

Reason: To enable the Local Planning Authority to review the situation at the end of the period and in accordance with policy L7 of the Trafford Local Plan Core Strategy

- Remove condition 2, which is for a personal permission as it is not considered to be necessary for the proposal to be acceptable and therefore would not meet the tests of planning conditions.

- Replace condition 3 with;

The childminding use hereby permitted shall operate such that a maximum of 6 children of pre-school age only are cared for at the property at any single time, the age ranges of the children shall be as specified in the applicants supporting statement dated 26<sup>th</sup> November 2018.

Reason: In order to ensure a use that safeguards the amenities of the occupiers of surrounding residential properties and thereby accords with the provisions of policy L7 of the Trafford Local Plan Core Strategy

- No change to condition 4.

- Replace condition 5 and condition 7 with;

A. Within four weeks of the date of the permission hereby granted, the Party Wall Sound Insulation Enhancement Scheme, described in the statement referenced RSA213-2017 dated 7<sup>th</sup> November 2018 shall be installed and retained as such for the duration of this permission.

B. Within two weeks of the Scheme as required in part A. being installed a validation/completion report is to be submitted to the Local Planning Authority for approval, to provide evidence that the Party Wall Insulation Enhancement Scheme has been installed as per the specification.

Reason: To safeguard the amenity of the neighbouring properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy

- Replace condition 6 with;

The use of the outdoor play area to the rear of the property shall be restricted to between the hours of 10:30 to 11:30 and 14:30 to 15:30 each day and at no other times.

Reason: To restrict the level of noise nuisance in the interests of the amenity of the occupiers of adjacent residential properties.

- Insert the following condition as the new condition 7;

The use of the outdoor space to the front of the property shall not be used as a play area in connection with childminding use hereby permitted.

Reason: To restrict the level of noise nuisance in the interests of the amenity of the occupiers of adjacent residential properties

- No changes proposed to conditions 8 or 9.

## **Page 121 95999/HHA/18: 2A and 2B Farmers Close, Sale, M33 2LJ**

### **Consultations**

**LHA** - The revised parking layout (showing three car parking spaces for each property) is acceptable. The rearranged parking layout would require driveway widths of 5.5m, or a segregated pedestrian path. If this could be provided there would be no objection to the proposal.

### **Representations**

A further letter of support from the Nurseries Estate Homewatch Association has been received reiterating some comments of support already set out in the report.

In addition, the letter comments the houses have improved security to the estate by removing the former access to the site via Northenden Road; the properties are in keeping with those of Farmers Close; residents are pleased with the

houses; they are of high quality and will enhance house prices; they help to meet the housing need in Trafford.

**Observations**

With regard to the LHA comments, whilst the driveway measures 5.4m, pedestrians are able to easily access the front door via the grassed lawn if needed. It is therefore considered that no change to the parking layout is required.

There is no proposed change to the recommendation.

**RICHARD ROE, CORPORATE DIRECTOR, PLACE**

**FOR FURTHER INFORMATION PLEASE CONTACT:  
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M32 0TH.  
Telephone 0161 912 3149**

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