



AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Date: Thursday, 10 October 2019

Time: 6.30 pm

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

AGENDA

ITEM

5. ADDITIONAL INFORMATION REPORT

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

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SARA TODD

Chief Executive

Membership of the Committee

Councillors L. Walsh (Chair), A.J. Williams (Vice-Chair), Dr. K. Barclay, D. Bunting, T. Carey, M. Cordingley, D. Jerrome, M. Minnis, D. Morgan, E. Patel, K. Procter, E.W. Stennett and B.G. Winstanley.

Further Information

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Agenda Item 5

AGENDA ITEM 5

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 10th October 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	For
<u>96397</u>	9 Bow Green Road, Bowdon, WA14 3LX	Bowdon	1	✓	✓
<u>97114</u>	Employment Unit Adjacent to Empress Street, Empress Street, Old Trafford, M16 9EN	Clifford	18		✓
<u>97515</u>	Hogans of Hale, Crown Passages, Hale, WA15 9SP	Hale Central	37		✓
<u>98058</u>	19 Blueberry Road, Bowdon, WA14 3LS	Bowdon	55		
<u>98329</u>	Altrincham Boys Grammar School, Marlborough Road Bowdon, WA14 2RW	Hale Central	76	✓	✓
<u>98467</u>	122 Framingham Road, Sale, M33 3RN	Village	94	✓	

SPEAKER(S)	AGAINST:	Cameron Hirst (B/h of Neighbours)
	FOR:	Dr Z Rab Alvi (Applicant)

AMENDED RED EDGE PLAN

The original advertised red edge location plan was incorrect in that it did not include the northern part of the applicant's 'L'-shaped plot which includes the current dwelling. This was subsequently corrected and a correct red edge location plan was re-advertised for the required period during the course of the application.

REPRESENTATIONS

The applicant has forwarded two letters in support of the application, the second letter also forwarded to members of the Planning Committee in an effort to lobby on behalf of the proposal.

In addition a further letter of objection has been received from a Planning Agent instructed to act on behalf of a neighbour.

Additional comments received are set out below.

Applicant's Arguments

First Letter

The applicant has not been provided with a reasonable opportunity to present his arguments justifying why the scheme should be approved.

The proposal would result in a total of seven dwellings on the original wider plot when the LPA had previously advised that eight dwellings would be unacceptable.

The LPA has been inconsistent due to the fact it changed its stance through its subsequent statement that a pair of semi-detached dwellings could be approved subject to several unreasonable restrictions. The LPA has been intransigent and unreasonable in its insistence that the scheme is amended to a single dwelling. The report is not impartial or balanced in its assessment.

The proposal would be sufficiently set back from both Bow Green Road to the west and Stanhope Road to the south. It would not result in an overdevelopment of the plot thereby resulting in a cramped visual impression. The development would not have an unacceptably contrived design. It would not result in an unacceptable visual impact being largely screened by vegetation along the plot's boundaries.

The report is incorrect in its assertion that vegetation has been removed from the plot's boundaries. This vegetation would provide screening for the development when built.

Refusing the current proposal would be inconsistent with the LPA's previous grants of planning permission for similar development elsewhere in the vicinity.

The amended plans have not been advertised by the LPA. In addition the LPA failed to advertise an amended wider block plan which included outlines of the developments granted planning permission on adjacent plots to the east and north, all of these developments forming part of the original wider plot. The LPA should advertise the amended vehicle entrance plan. Failure to publish the amended wider block plan has prejudiced the applicant because this accurately shows the proposed development to be acceptable with reference to the previously approved schemes.

A neighbour circulated an incorrect proposed site plan which has elicited multiple objection letters. Should the LPA have published the applicant's wider block plan to counter the incorrect neighbour plan this would have been available for public consultation and allowed potential objectors to make a final decision on whether to object or not based on the correct information.

The applicant should be deferred to a later Committee date to allow the scheme to be re-advertised including with reference to the amended vehicle entrance as previously agreed by the LPA.

Second Letter and Attached Correspondence

The further representation comprises of a detailed commentary on the Committee report including extracts of the proposed plans compared to approved schemes, together with a supporting document providing detail on previously approved schemes and their impacts on building lines.

The applicant argues that the circumstances which determined the previous grant of planning permission for the wider plot in 2010 have been changed through subsequent grants of planning permission which have approved much larger dwellings in a denser concentration across the original wider plot and in the local area. Therefore the LPA is unreasonable in insisting on the originally approved

minimum separation distances from the current proposal to the west and south boundaries.

The proposal would be well designed and would be of a size and scale comparable to other properties and approved schemes in the vicinity, and their size and scale would be less than the recently approved schemes to the east.

The proposal's prominence would be lessened by the fact that it would be partly sunk into the ground level. The proposal would also be screened from view by boundary vegetation. The proposal's visual prominence would be comparable to the approved pair of semi-detached dwellings to the east.

The site location at a corner plot provides scope for a larger landmark building.

Any concerns about the proposal's design should be outweighed by the fact it would result in the provision of two additional dwellings.

The report is incorrect in its measurements of the proposal's distances from the west and south boundary, together with the proposal's purported width and depth, through an incorrect measuring from external elements such as chimney breasts and bay windows which should not be counted as part of the main building.

There is no strong building line along Bow Green Road which merits protection.

The proposal would be the same distance from the southern boundary as the approved scheme to the east.

The proposal would not result in an overdevelopment of the plot.

Neighbour Objection Letter

The objection letter was forwarded following a telephone conversation with the assessing officer. The letter confirmed what was discussed namely that the assessing officer considers the proposal to be unacceptable due to its poor design and the fact it would be built too close to Bow Green Road.

The letter also stated that the proposal if approved, together with the other approved schemes on the original wider site, would result in an overdevelopment of the plot.

Applicant's Lobbying Letter

This letter provides multiple comments on the published Committee report to justify support for the proposal.

OBSERVATIONS

Response to Applicant's First Letter

The applicant has been provided with ample opportunity to communicate his arguments, including through a meeting at the Council's offices with a Planning Manager, and a large number of telephone calls and emails to both the assessing officer and Planning Managers. Officers have been consistent in their stance regarding the current proposal; that it would result in an overdevelopment of the plot with a contrived design which would result in an unacceptable visual impact at this highly prominent location.

Whilst it is accepted that the site still retains some vegetation screening along part of its boundaries, it is not accepted that the site would be well screened with the area to the east and south of the plot now largely cleared of vegetation and the retained vegetation in any event only providing a degree of screening for part of the year.

Whilst the applicant is correct that there should be consistency between planning decisions this should only be insofar as proposals match in detail and context. It is clear that the proposed development and its context is materially different, including with reference to its visual impact, from the other approved schemes referred to by the applicant.

The application has been correctly advertised. Whilst a further consultation has not been carried out in relation to the amended vehicle entrance arrangement the amended plans have been made available through the Public Access website and referred to in the Committee Report. Officers do not consider it necessary to advertise the amended vehicle entrance as it is considered that this would not result in significant additional impacts. Furthermore, there is no requirement to advertise the applicant's further wider block plan including the outline of other approved development proposals in the vicinity.

Officers do not have any control over the circulation of plans by third parties including the plan provided to local residents which elicited multiple objections.

Response to Applicant's Second Letter

This letter raises several points which are similar to the first letter.

Addressing the additional points Officers would reply as follows:

Whilst it is accepted that the several planning permissions have been granted since the original grant of planning permission for the residential development of the original wider plot, none of the subsequent decisions have allowed for development at the current restricted corner plot which is any closer to the plot's

west and south boundaries. This is because Officers consider this to be a highly prominent and sensitive location within the street scene which merits protection from poorly designed overly large proposals. The fact that other schemes have been approved which are closer to these boundaries is due to the fact that their location is not considered to be as sensitive and/or the proposed development for the other approved schemes is smaller in scale and prominence compared to the current proposal.

Officers have not been mistaken or inconsistent in their measurement of the distances as shown in the submitted plans.

The fact that the proposal would provide two additional dwellings is not a sufficient reason for approving a scheme which would be poorly designed and which would result in an unacceptable visual impact on the street scene due to its size and scale.

Neighbour Objection Letter

This letter has not provided any new grounds for comment.

RECOMMENDATION

The recommendation is unchanged.

Page 18 **97114/FUL/19: Employment Unit Adjacent To Empress Street, Empress Street, Old Trafford**

SPEAKER(S) AGAINST:

**FOR: Phil Smith
(B/h of Applicant)**

REPRESENTATIONS

An additional letter of support has been received raising issues that are already summarised in the Committee Report.

PARKING & HIGHWAYS

The agent has raised concern regarding details set out in paragraph 48 which they consider to be inaccurate.

This paragraph says that the applicant's suggested planning condition to restrict the number of attendees to 250 would not meet the NPPF's tests for planning conditions on the basis that it would not be 'enforceable.' This is disputed by the agent; however officers maintain the position set out in the report.

The agent has requested that the following response from the applicant is put to Members:

1. It is not unusual for planning permissions for public venues (such as cinemas, theatres, stadia, places of worship etc.) to be subject to a planning condition that restricts or limits capacity. For instance, it is noted that the Council has previously imposed a similar occupancy restriction in relation to planning application reference 79556/COU/2012. It is therefore inaccurate to state that such conditions are only applied to uses such as 'day nurseries.'
2. Vinelife maintains a comprehensive register of attendees and this evidence shows that its Sunday services are typically only around 200 people per week. This shows that a 250 person restriction is entirely workable and reasonable. However, if attendees increase, Vinelife would simply add an additional service to cater for the demand and so keep numbers in attendance at any one time below 250.
3. Vinelife would be able to ensure compliance with a planning condition that restricted capacity. This would be achieved by maintaining a 'count' of the attendance (much like a bar, nightclub or stadium). Should the local planning authority suspect a breach of planning control, Vinelife would be able to share this information with the Council to confirm compliance with the condition. This could also be easily verified by the Council's enforcement officer visiting the site on the day of a service and carrying out an independent count.
4. In light of the above, it is considered that the imposition of a planning condition to restrict capacity is entirely enforceable and therefore meets the test of planning condition that are set out in the NPPF.

The proposed use as a church is distinguishable from the other examples listed under point 1 (with the exception of places of worship) as these are ticketed events which can be planned for in advance. An example is provided where a condition is used to restrict the occupancy. Application 79556/COU/2012 relates to "Change of use from factory (Use Class B2) to Place of Worship (Use Class D1) at 11 Virgil Street, Old Trafford. Condition 10 of the approval states that:
"Apart from the main church services for the place of worship, the premises shall not be occupied by more than 45 persons in total at any time.

Reason: In the interests of the free and safe operation of the highway and having regard to policies L4 and L7 of the Core Strategy."

It is of note that there is no restriction imposed in the example given for the main church services where it is recognised that such a condition cannot be controlled or enforced. The other uses can presumably be controlled by invitation and organisation prior to the event taking place.

Point 3 provided by the applicant provides examples where you would expect to see security on the door and there may be additional controls through licensing. Weekly monitoring by the Council's enforcement team is not a realistic option. It is maintained that members of the congregation or newcomers are unlikely to be turned away at the door, particularly where the building has such a large capacity. Services taking part in such a large venue would require a certain number of people in attendance to create an ambience and the likelihood therefore of creating an additional service as soon as the numbers are exceeded are questioned.

It should also be recognised that the adjacent car park is not just available for the congregation visiting the church and is available for members of the general public who equally could not be turned away if any other event is taking place in the vicinity, exacerbating the parking problems.

In addition to the above, a schedule of suggested planning conditions that the applicant would be willing to accept should Members be minded to approve the planning application has been submitted. These are summarised below:

1. Standard time
2. Approved plans
3. Restriction of use - place of worship with ancillary community uses
4. Occupancy condition – no more than 250 persons in total at any one time unless agreed by a Traffic and Parking Management Plan with register of attendance maintained.
5. Hours of use - 9am to 10pm, Mondays – Sundays.
6. Amplified music only between 9am to 9pm Mondays - Sundays.
7. Noise attenuation

Should this application be overturned by Committee, a Grampian condition would also be required to secure the use of the adjacent car park which is not in the applicant's ownership and is one of the main issues in the consideration of this application. Other conditions requiring the provision of cycle parking and bin/waste storage would also be recommended.

SPEAKER(S) AGAINST:

**FOR: John Groves
 (Agent)**

REPRESENTATIONS

An additional letter of objection has been received raising the following additional points to those already summarised in the Committee Report:

- No consultation letter received despite being an immediate neighbour;
- Inappropriate design;
- Urge the planning officer to visit the site to see first-hand;

In response to the above points, the resident is not an immediate neighbour to the site and a consultation letter would not have been sent to this address. It should also be noted that a site notice was displayed at the site and a site visit was carried out by the case officer, as is standard practice for all planning applications.

The matter of design has been addressed within the Committee Report.

RECOMMENDATION

The agent has highlighted that a discharge of condition application (96431/CND/18) was submitted in respect of conditions attached to planning approval 93174/FUL/17 and condition 4 (materials), 14 (Construction Management Plan) and 15 (Surface Water Drainage) were discharged. The agent has requested that these conditions are amended to reflect the agreed details rather than duplicate the conditions.

It is considered that no changes are required to the agreed Construction Management Plan and Surface Water Drainage. In relation to materials, the discharge of condition application agreed the proposed brick, tiles and water goods, all to match the existing. The agent has confirmed that these are to be used for the current proposal alongside additional materials. Due to the contemporary nature of the building, it is considered that samples for the zinc and timber cladding, glazing etc. should all be viewed on site. It has not been possible to agree these additional materials in advance of the Committee Meeting. It is however recommended that condition 4 is amended as follows:

4. Notwithstanding any description of materials in the application no works involving the use of any materials listed below shall take place until samples and full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority:

- windows
- balustrades
- timber cladding
- zinc cladding
- render
- projecting fascias

Such details shall include the type, colour and texture of the materials and a sample board shall be provided on site.

The following materials have already been agreed under 96431/CND/18:

Brick – Weinerberger Terca Amberley red

Tile – Marley Eternit Modern (to match existing)

Water Goods – Marley Classic Ogee (to match existing)

Development shall be carried out in accordance with the approved details.

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

14 and 15 are as set out in the Committee Report are amended as follows:

14. The development hereby approved shall be carried out in accordance with the Construction Environmental Management Plan submitted and approved under application 96431/CND/18.

Reason: In the interest of residential amenity having regard to Policy L7 of the Trafford Core Strategy and National Planning Policy Framework.

15. The development hereby approved shall be carried out in accordance with the Surface Water Drainage Scheme submitted and approved under application 96431/CND/18.

Reason: To prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

This application has been withdrawn.

SPEAKER(S) **AGAINST:** **Philip Huggon
(B/h of Neighbours)**

FOR: **Jo Cherrett
(B/h of Agent)**

REPRESENTATIONS

An additional letter of objection has been received raising the following issue in addition to those already summarised in the Committee Report:

- We need to keep our open green spaces, not build over them with concrete. Climate change needs to be reversed. Open space should not be provided to the detriment of the environment and the health of local residents. The green playing fields currently provide all of this.

In response to these comments, it should be recognised that the proposal is not for concreting over the existing pitch although an artificial grass surface is to be provided. This application seeks amendments to the approved scheme in relation to hours of use only under S73 of the Town and Country Planning Act and the principle of replacing grass with an artificial surface is not for consideration.

SPEAKER(S) **AGAINST:** **Martin Gale
(Neighbour)**

FOR:

Following the submission of amended plans, 3 additional representations have been received from the residents of 120 Framingham Road, 123 Framingham Road and 4 Wood Road. The representations set out objections to the proposal on the following grounds:

- The extension is overly large and intrusive and would constitute overdevelopment of the site
- The proposal would have a detrimental impact on privacy

- The original style and design dwelling has been dramatically changed already and further extension would create further infilling
- The proposal would have a detrimental impact on neighbour's outlook creating a sense of enclosure
- Proposed parking arrangements are insufficient - it would not be practical to park 3 cars on the drive. This could have a detrimental impact on on-street parking and highway safety.

In addition new plans have been submitted, showing a pitch roof on both of the first floor rear extensions.

OBSERVATIONS

The amended elevations are considered to improve the design cohesiveness of the proposed development.

The additional representations have been taken into account. The comments regarding design and amenity are already considered as part of the committee report and Officers maintain that the proposed development would be acceptable in both respects.

In regards to the comments on parking, Officers consider that proposed parking arrangement is satisfactory and no objections have been raised by the Highways Officers.

Therefore the proposal is acceptable with regard to its impact on neighbour amenity, visual amenity and on parking and highway safety, in line with SPD4, Policy L7 and the NPPF. As such, the officer recommendation and recommended conditions remain unchanged.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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