

AGENDA ITEM 4

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 28th March 2019

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

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

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

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

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against	For
94392	Bowdon Preparatory School For Girls Sports Ground, Cavendish Road, Altrincham	Bowdon	1		✓
94974	Former B And Q Site, Great Stone Road, Stretford, M32 0YP	Longford	25	✓	✓
95110	900 Chester Road, Stretford, M32 0PA	Gorse Hill	112		
95417	Altrincham United Reformed Church Hall, 81 Cecil Road, Hale, WA15 9NT	Hale Central	122		✓
95596	Barton Square, Phoenix Way, Trafford Park	Davyhulme East	143	✓	✓
95762	90 Harley Road, Sale, M33 7FP	Priory	197		
95837	67 Langham Road, Bowdon WA14 3NT	Bowdon	206		

<u>96218</u>	High Gables, 98 Bankhall Lane, Hale Barns, WA15 0NB	Hale Barns	215	✓	✓
<u>96369</u>	43 Dunham Road, Altrincham, WA14 4QG	Bowdon	231		✓

PART 1

Page 1 94392/FUL/18: Bowdon Preparatory School For Girls Sports Ground, Cavendish Road, Altrincham

SPEAKER(S) AGAINST:

FOR: Mrs Helen Gee (Applicant)

REPRESENTATIONS

Neighbours: A further 7 letters of objection have been received following reconsultation with residents regarding the amended plans, including one from Bowdon Conservation Group, raising the following concerns:-

- Location of pitch side shelter will cause amenity issues for residents
- Introduction of a synthetic pitch with green and red surface is highly damaging to an important green open space in the Conservation Area.
- The proposal would cause substantial and irreparable damage to the Conservation Area as a whole with only limited public benefits from improving existing adequate sports facilities for girls at a private school.
- The proposal represents the permanent loss of one of the only two open green spaces in this part of the Conservation Area; it will be too costly to ever be returned to green field.
- Why does a school of 330 pupils aged 3 – 11 need sports facilities of this sophistication.
- The applicant has failed to demonstrate how they will protect the natural environment and in particular the trees on site and nesting birds.
- The proposed fencing is far above the acceptable average and is contrary to the Conservation Area guidance in that it will not enhance the character of the streetscape.
- Concern over the maintenance of the land between the new fencing and the existing site boundaries and restricting access to trees.
- The submitted Arboricultural Method Statement and Arboricultural Impact assessment fail to consider heavy machinery and the risk of damage particularly to root systems
- The proposal will effect water drainage to surrounding properties
- Works will cause nuisance to residents relating to dust and noise.
- The proposed tree planting along the Ashley Road rear boundaries would impact on light and outlook, more appropriate soft landscaping can be provided such as a Beech hedge

- Resident at 56 Ashley Road will sue the Council and force the school to remove the approved development if the scheme fails and affects their garden or property.

OBSERVATIONS

Following a number of queries from local residents the school have confirmed that they have no objection to planting a Beech Hedge or similar along the boundary of the new fence located near to the rear garden boundaries of the Ashley Road dwellings.

The school have also confirmed that the pitch side shelters will be for pupils to store school/sport bags and shelter during any sporting activities. They have also stated that parents will occasionally watch matches pitch side. Residents have also raised concerns over the maintenance of the site and in particular along the section of land between the new fence and the rear boundaries of the Ashley Road dwellings. The school have advised that the site will be maintained appropriately.

Following concerns from Bowdon Conservation Group regarding possible compaction impact on tree root systems from heavy machinery, the wording of the tree protection condition has been amended to ensure appropriate mitigation for any such occurrence is factored in. The wording of the condition has been agreed with the Councils Arboriculturist officer and is detailed below.

RECOMMENDATION

Amended wording to Condition 7:-

Condition 7 - No development or works of site preparation shall take place until:-

- 1) All trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.
- 2) Ground Protection measures to be provided and retained during the construction period appropriate to the volume and size of construction vehicles having regard to the advice contained within BS:5837:2012, paragraphs 6.2.3.1 – 6.2.3.5.
- 3) Development to be carried out in accordance with the schedule of works detailed within the submitted Arboricultural Impact Assessment (Urban Green) 11754 Rev P02 (Date 15/03/2019) and retained for the duration of the works.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is

required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

Page 25 94974/OUT/18: Former B & Q Site, Great Stone Road, Stretford

SPEAKER(S)	AGAINST:	Daniel Gidney (Lancashire Cricket)
	FOR:	Stephen Webster (Applicant)

PROPOSAL

Since the publication of the agenda, the applicant's agent has confirmed that *"they have been instructed to increase the proportion of affordable housing within this current application to 10% (44 homes). This is only for the current scheme that is going to committee on 28th March. In the event that the application is refused and appealed we reserve the right to revisit the offer in light of continuing discussions and assessment over viability and other related matters."*

The applicant has also, since the publication of the agenda, asked for new plans to be considered in relation to the provision of cycle parking provision. Officers have agreed that these amended plans can be considered as the changes are not so substantive to require re-consultation with local residents (although the LHA has been asked to comment). The plans show additional internal cycle storage for residents and staff (new total 440), and new Sheffield hoops (20 in total, ie 40 bikes) within the public realm which will be able to be used by anyone, including persons using the commercial / community uses. This is a total of 80 additional spaces. The applicant argues that this reduces even further any need for parking in association with these uses, and considers that the additional cycle parking and the existence of double-yellow lines along Great Stone Road negate the prospect of ad-hoc on street parking. The plans also show an area for trolley storage associated with the commercial space, which would serve a convenience retail unit.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

Policy R6 – Culture and Tourism should be included in the list in the main report. This policy is considered to be up to date in NPPF terms.

UPDATE TO CONSULTATION RESPONSES

Strategic Planning have confirmed that the development would not be liable to contributions in relation to indoor sports provision as SPD 1 makes it clear that *"Improvements to swimming pools and health and fitness facilities will be made through CIL"*.

Strategic Planning have also clarified that the development would not be liable for a contribution towards semi-natural greenspace given the extent of existing semi-natural greenspace within a 3km radius of the site. These sites include, amongst others, Stretford Meadows, Sale Water Park and Turn Moss Wood.

LHA – The Local Highway Authority has commented on the amended plans which show additional cycle parking to serve the commercial floorspace. They confirm that the level of cycle parking proposed complies with the SPD in respect of the residential uses (440 spaces for 433 units) and that the 20 Sheffield hoops are more than adequate to serve the commercial units, even if some of these spaces would need to be accessed by steps. No staff cycle parking is specifically proposed, but the LHA consider that this could be a shared facility with the residential spaces.

Trafford CCG has confirmed that the cost associated with providing a 0.5 Working Time Equivalent GP would be £520,000. This figure allows for the cost of creating a consulting room and associated Practice nursing and administration time to support the GP.

Trafford Council, Heritage Development Officer – The summary of the Heritage and Development Officer's comments included in the Consultations main report contradicts the analysis within the Observations section of the report and does not fully reflect the Heritage and Development Officer's consideration of the proposal. The summary within the Consultations section of the main report should be replaced with the following text:

'Based on the current proposals, it is considered that the development would be conspicuous by virtue of its height, massing, scale, siting and appearance and will harm the significance of Trafford Town Hall, Grade II listed and Old Trafford Cricket Ground. The applicant has not provided "a clear and convincing justification" in accordance with paragraph 194 of the NPPF regarding the harm to the significance of Trafford Town Hall. It is considered that this harm would be less than substantial under paragraph 196. The harm to the significance of the Old Trafford Cricket Ground as a non-designated heritage asset should also be taken into account in determining the application. In weighing the application, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the Old Trafford Cricket Ground, in accordance with paragraph 197.

An assessment of views demonstrating the impact of the development on the significance of Longford Park has not been provided within the LVIA. It is therefore not possible to quantify the level of harm to this designated heritage asset.

Further comments are included in the Observations section of the officer report.'

LETTER SENT FROM APPLICANT TO MEMBERS

Officers have had sight of a letter sent from the applicant directly to Members as lobbying which sets out a response to each of the reasons for refusal and the benefits that the applicant believes the proposed scheme could deliver in the context of the Council's housing land supply and delivery shortfall. This letter was not sent to officers as additional supporting information but nonetheless it is addressed below.

Most of the points raised have already been considered in the officer report, and elsewhere within the Additional Information Report. Where they have not, they are addressed below.

The applicant claims that they have designed the scheme in the context of Trafford's vision for the (Draft) Civic Quarter Masterplan. Whilst the officer report indicates that limited weight can be attached to this document in the decision making process, the proposed development is actually very much at odds with the vision for this part of the masterplan area. From initial TVIA work undertaken for the Masterplan, and given the context of the site which sits adjacent to an area of largely two storey residential properties, it is considered that the site is only capable of accommodating a development of up to six storeys in height, as opposed to the thirteen storey development proposed.

Officer concerns relating to the scheme not covering a Development Plan policy compliant level of planning obligations remain. The offer on the part of the applicant to include healthcare facilities (a D1 use) within the scheme already forms part of the development proposal as part of the flexible mix of commercial uses includes D1 floorspace. As detailed within the officer report and elsewhere in this Additional Information Report, the applicant has not considered the car parking requirements of such a proposal as part of their Transport Assessment, and moreover does not provide any car parking for such a use. The commercial uses proposed as part of the scheme are intended to be flexible and speculative. The increased affordable housing offer is discussed under Observations.

The adverse impacts of the proposed development on the amenity of existing residents living close to the site and the level of amenity that will be delivered for the future occupiers of some of the proposed apartments is already covered in the officer report. Officer concerns relating to impacts from poor levels of daylight and sunlight for both existing and future residents in addition to the overbearing impact remain.

The concern expressed by officers relating to adverse wind impacts is not one that can be left to reserved matters stage or alternatively conditioned as suggested by the applicant. The mitigation would require tree planting, and because the building and access road cover almost the entirety of the site, officers' concerns relate to whether there is actually enough room on the site to plant the necessary trees.

References are made in the applicant's letter to the recent decision by Committee to be 'Minded to Grant' planning permission for the partial redevelopment of Sale town centre. Comparison between these two schemes which sit in different contexts, with different relationships to existing properties, including existing homes and heritage assets, and a different range of harms and benefits, is misleading and unhelpful in the consideration of this application. Each scheme should be considered on its merits. Whilst some concerns were expressed by officers about the impacts caused by the Sale proposal, these were addressed through a reasoned analysis and considered in the planning balance in officers' decision to recommend approval.

The applicant also provides a rebuttal to the heritage analysis and concludes that there is no harm to any heritage asset, designated or non-designated. The main officer report sets out in detail why it is considered that harm would arise and nothing in the applicant's rebuttal alters that view. It is noted that this statement seeks to downplay the architectural and historic qualities of LCC, but fails to make any reference to the experience of the ground from within the venue. This is a material omission.

OBSERVATIONS

PRINCIPLE OF THE DEVELOPMENT

The analysis within the report at paragraph 5 omitted Core Strategy Policy SL3 as a policy that is 'most important' for determining this application when considering the application against NPPF Paragraph 11, as together with policies relating to housing, design and heritage, it controls the principle of the development and is relevant to the impact of this large building on the streetscene and the existing residents living close to the site.

Paragraph 5 should be deleted and replaced with the following:

'Policies controlling the supply of housing and those relating to the Lancashire County Cricket Club Quarter (SL3), design and heritage are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they control the principle of the development and are relevant to the impact of this large building on the streetscene and the existing residents living close to the site. The Council does not, at present, have a five year supply of immediately available housing land and thus Policies L1 and L2 of the Core Strategy are 'out of date' in NPPF terms. Policy SL3 of the Core Strategy is generally considered to be compliant with the NPPF, and therefore up to date in that it seeks to improve the visitor experience for LCC and create a new residential neighbourhood, albeit the reference to the Quarter providing 400 residential units would be considered out of date because of its reference to housing numbers. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than

substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date.'

DESIGN AND APPEARANCE

The analysis within the officer report at paragraphs 98,101 and 343 indicates that insufficient information has been submitted to determine whether the appearance of the proposed development is acceptable, particularly when the application is seeking planning permission for the 'appearance' of the proposed development. As officers consider the scheme to be inappropriate for this location, in part because of its height, scale, layout, density, massing and monolithic appearance, it was not considered necessary to seek further detailed drawings from the applicant. Had a scheme been submitted which officers felt able to support in principle, then the submission of further detailed drawings would have been necessary to ensure that in granting permission for 'appearance' that the appearance of the building was of sufficient design quality.

HIGHWAY MATTERS

Paragraph **271** should be replaced by the following:

The development proposes 1,181m² of commercial floorspace and seeks permission to use this space flexibly for uses falling within A1, A3, B1, D1 and/or D2 use classes. This level of floorspace is considered to be too great to be used solely for purposes ancillary to the residential development proposed. If planning permission were to be granted it is considered that attaching conditions restricting this amount of floorspace solely for use by residents of the development would be both unreasonable and unenforceable. It is considered that these units would rely on a wider customer base to be commercially successful and are therefore likely to require additional car parking provision to support them and it would be impossible to effectively police, particularly in respect of retail uses, whether a customer was a resident of the development or not.

The applicant has submitted amended plans which show an additional 80 cycle parking spaces, 40 for residents or staff of the commercial units within the internal cycle store and 20 Sheffield hoops, which can accommodate two cycles each, within the public realm. The LHA is satisfied that although some of the parking would need to be accessed by steps, this level of cycle provision is more than adequate to serve the commercial units.

Nevertheless, although the applicant has addressed the need for cycle parking to serve the commercial units, together with the amendments to provide additional cycle parking an area for shopping trolley storage is now shown on the plans which would indicate that the applicant is making provision for a convenience retail unit to come forward. The total amount of floorspace, if dedicated entirely to A1 uses, would equate to the size of a small supermarket. Therefore it is still considered necessary for car parking spaces to be provided to support these uses to ensure that customers are not tempted to park outside the commercial

units on street and equally to ensure that parking does not overspill into residential areas. Additionally, no provision has been made for staff car parking.

It is acknowledged that this issue may be relatively easy to address by the applicant through a reallocation of car parking spaces and with the supporting highways information updated to take account of this. Nevertheless, in the absence of any such proposal put forward, the ninth reason for refusal stands, although it has been amended to delete the reference to a lack of cycle parking.

DEVELOPER CONTRIBUTIONS

Affordable Housing

The applicant's increased affordable housing offer now proposes that 10% of the units for which planning permission is sought (44 homes) would be provided as affordable build to rent units. No indication has been provided as to whether the affordable units offered would be one, two or three bed units.

Whilst the increased offer is clearly welcomed, it is noted that were the scheme to be refused at committee and appealed, the applicant has '*reserved the right to revisit the offer*'.

The main report, at paragraph 31, makes it clear that Policy L2 and SPD1 indicate that the expected affordable housing provision on the site should be '*determined via a site specific viability study, and will not normally exceed 40%*'. The Council's viability consultant does not consider the applicant's viability appraisal to be robust, having raised queries relating to land value, the ratio of the Net Internal Area (NIA) to Gross Internal Area (GIA), fees, finance rates and fittings, furnishings and equipment costs, which have not been adequately addressed by the applicant. The fact that the affordable offer has been doubled since the officer report was published, without any reference by way of an updated viability appraisal as to how the proposed scheme can suddenly support twice the quantum of affordable housing previously deemed viable, casts further doubt as to the robustness of the appraisal.

Officers are still therefore of the view that the submitted viability appraisal does not demonstrate unequivocally that were the applicant to offer a level of affordable housing provision greater than the 10% now proposed that the development would be undeliverable on viability grounds. The proposed development is therefore still considered to be contrary Core Strategy Policy L2 in this regard.

Semi-Natural Greenspace

Nevertheless, since the publication of the main report, the Council's Strategic Planning Service has confirmed that no contribution is required for semi-natural greenspace and the second reason for refusal has been updated accordingly. It has also been updated to reflect that the local open space contribution is specifically to be directed to spatial green infrastructure.

Healthcare Facilities

Trafford CCG has confirmed that a contribution of **£520,000** would be required to mitigate the impacts of the development on healthcare facilities by providing a 0.5 Working Time Equivalent GP. This figure allows for the cost of creating a consulting room and associated practice nursing and administration time to support the GP. Paragraph 3.83 of the Council's adopted SPD1 references the potential requirement for developments to make contributions to healthcare and specifically the 'provision of facilities within the vicinity of strategic locations'. This contribution is considered to be necessary to make the development acceptable in planning terms and would otherwise be CIL122 compliant.

Conclusion

It is noted that the applicant has not sought to address any of the other planning obligations attributable to the scheme which would go some way towards addressing the second reason for refusal and making the scheme policy compliant in this respect. The implication is therefore, that the scheme cannot support these other obligations for 'viability reasons', but they are necessary to make the development acceptable in planning terms. It is not therefore considered that the offer of 10% affordable housing provision addresses the second reason for refusal.

PLANNING BALANCE AND CONCLUSION

Delete Paragraphs **336** and **354** of the main report and replace with the following:-

It has already been concluded in the analysis of the impact of this development on designated heritage assets that '*less than substantial harm*' would arise to Trafford Town Hall, and that this level of harm would not be outweighed by the public benefits of the scheme. As well as this specific planning balance, the alternative planning balance in Paragraph 11(d)(ii) of the NPPF must be undertaken, by determining whether all the identified harm (including to designated heritage assets) significantly and demonstrably outweighs all the benefits. Each of these identified harms has been described previously in this report and then summarised in the analysis of the planning balance in paragraphs 334 to 353.

Substantial weight is given to the harm arising from the overall scale of the development – to the character and quality of the area and to the amenity of both existing residents in neighbouring properties and future residents of the development; given this leads to conflict with up to date development plan policies and would be a permanent and irreversible change. This includes the failure of the applicant to demonstrate that the development could effectively mitigate adverse wind impacts.

Substantial weight is also given to the *'less than substantial harm'* that would arise to Trafford Town Hall as a designated heritage asset, and that officers have, on the basis of the information submitted, been unable to properly assess the impact on Longford Park Conservation Area. The impact on these designated heritage assets would or could be permanent and irreversible and would provide a 'clear reason for refusal' in NPPF Paragraph 11(d)(i) terms. In coming to this conclusion the required special consideration has been given to heritage assets under the relevant statutory duties.

Significant weight has been given to the failure of the scheme to offer a planning policy compliant level of planning obligations which are required to make the development acceptable in planning terms. Greater weight has been given to this harm as the applicant has not adequately demonstrated through a robust viability assessment that a policy compliant level of contributions could not be provided. Further doubt has been cast on the applicant's viability case by the late increase in the affordable housing offer from 5% to 10%, which was submitted without an updated viability appraisal.

Significant weight has been given to the harmful impact on Lancashire Cricket Club as a non-designated heritage asset, and as a cultural and tourism destination, which is considered weigh strongly against the proposals given the importance of LCC as a visitor destination to the Borough and as it is contrary to development plan policies which are up to date in this respect.

Moderate weight has also been given to the potential harm to highway and pedestrian safety arising from the proposals, as it is acknowledged that this could relatively easily be addressed should the applicant choose to do so.

Negligible weight has been given to other minor conflicts with planning policy or guidance identified in the report (e.g. in respect of housing mix) but where it has been concluded that these conflicts, in themselves, do not point to the development being unacceptable.

In respect of the benefits of the proposed scheme, very substantial weight has been given to the contribution the development would make to the Borough's housing land supply and to housing delivery. Officers are fully cognisant of the fact that the Borough has a housing land supply of only 2.6 years, and that the Housing Delivery Test figure for Trafford is only 47%. This represents a significant shortfall in both housing supply and delivery and all necessary steps should be taken to address this shortfall. Significant weight has also been given to the fact that this development would make efficient use of a vacant brownfield site; albeit the NPPF is clear that this should not be at the expense of the character of the area.

Moderate weight has been given to the fact this would be a Build to Rent scheme, which would increase choice in the housing market. Limited weight has been given to the fact that 44 affordable homes (10%) would be provided; more weight would have been given to this benefit had it been comprehensively demonstrated by the applicant that the scheme could not viably deliver a greater

amount, but doubts remain about the robustness of their viability appraisal, particularly given the last minute change in the affordable housing offer from 5% to 10%.

Limited weight has been given to economic benefits during the construction period as these arise to a greater or lesser extent from any development. Limited weight has also been given to the benefit to the local economy from residents of the development using local shops and services, as the scheme provides a large amount of on-site commercial floorspace, which is intended to serve residents of the development and could take up much of this demand.

The presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF together with the acknowledged need to substantially boost housing supply and delivery in the Borough does not however equate to development at any cost. A number of harms arise from this development; which have been carried forward into **nine reasons** for refusal in the recommendation to Members. In drawing all of this together and applying the planning balance it is considered that it has been clearly demonstrated through a thorough analysis of all relevant matters that the adverse impacts of the development significantly and demonstrably outweigh the benefits. The application is therefore recommended for refusal.

RECOMMENDATION

Replace reason for refusal **2** with the following:-

The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing; spatial green infrastructure and outdoor sports provision; healthcare facilities; and site specific highways improvements to suitably and appropriately mitigate the impacts of the development. The applicant has failed to demonstrate that there is a robust viability case to demonstrate that the scheme could not offer a policy compliant level of obligations. The proposed development is therefore contrary to Policies SL3, L2, L4, L5, L7 and L8 of the adopted Core Strategy and the Council's adopted Revised Supplementary Planning Document 1 (SPD1) – Planning Obligations and the National Planning Policy Framework.

Replace reason for refusal **9** with the following:-

No dedicated car parking is provided for the 1,181sq metres of retail and / or commercial floorspace proposed and the applicant has not demonstrated that reasonable and enforceable planning conditions could be used to limit the use of this floorspace to occupants of the proposed development. Failure to provide adequate car parking provision for these uses would result in ad-hoc on street parking to the detriment of highway and pedestrian safety, contrary to Policy L4 of the adopted Core Strategy, SPD3: Parking Standards and Design and the National Planning Policy Framework.

REPRESENTATIONS

Eight additional letters of representation have been received since the committee report was printed, seven from neighbouring properties along Chester road, four of which are from the same address, and one from a property to the rear of the site along Gorse Street. These objections relate to:

- Noise and disturbance from use
- Odour and noise of extraction
- Increased litter and vermin, which many state is already an issue within the area
- Number of takeaways in the locality
- Impact on the highway network, specifically parking
- The area, including the alleyway, is an eye-sore.

These issues are addressed in the committee report.

**Page 122 95417/FUL/18: Altrincham United Reformed Church Hall
81 Cecil Road, Hale**

SPEAKER(S)

AGAINST:

FOR:

**Mrs Caroline Payne
(Agent)**

REPRESENTATIONS

No further comments, apart from those currently outlined in the published Committee Report, have been received following the re-advertisement of the scheme.

OBSERVATIONS

Design Including Impact on the Setting of the South Hale Conservation Area

The Heritage Officer has requested that the proposed brick gate posts are replaced by stone gate posts, and has also asked that the Design and Access Statement is corrected to remove inconsistencies. The applicant has provided an amended proposed elevations plan, reference (PL)005 Rev H, which includes an amended proposed street scene elevation element with stone gate posts as per the Heritage Officer's request. The plans condition will be amended to include this amended plan.

The Design and Access Statement has been amended.

The Heritage Officer has requested an additional condition to ensure further information on the detailed design of the proposed external outlooks and windows is submitted to an approved by the LPA. A condition securing the submission of this additional information will be added to the list of proposed conditions.

Highways, Parking and Servicing

The applicant has provided additional information regarding the proposed servicing of the apartment including confirmation that servicing will be carried out by a private company.

The LHA has confirmed no objection to the proposed servicing arrangements.

Trees and Ecology

The arborist consultee has confirmed no objection to the amended proposed site plan which includes tree protection details. This plan is currently listed in the published plans condition.

RECOMMENDATION

The recommendation is unchanged subject to an amended condition 2 (list of approved plans) and an additional condition 15 (submission of further information regarding proposed windows and outlooks for the LPA's prior written approval).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers (PL) 002 Rev P, 003 Rev D, 004 Rev D, 007 Rev F and 020 Rev A, received 15 March 2019, and 005 Rev H, received 26 March 2019.

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

15. Notwithstanding the details shown on the approved plans, no above ground construction works shall take place until full details of the proposed windows, doors and any other openings in the elevations or roofslopes (including rooflights) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include detailed elevation and section drawings at scale 1:10, showing profile, reveals (which must be a minimum of 100mm) and method of opening in addition to details of materials and surface finishes including specifications and samples. The 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 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

SPEAKER(S)	AGAINST:	Alyn Nicholls (For Neighbours)
	FOR:	Matthew Nicholson (For Applicant)

OBSERVATIONS

The Principle of the Development

There are a number of matters to report under the topic of the principle of development, as follows:

Firstly, within the main officer report, reference was given to matters raised in representations submitted on behalf of Altrincham Unlimited and Altrincham Town Centre Neighbourhood Business Plan Working Group. The report itself addressed the issues raised, but at paragraph 65 it was explained that the applicant (or the appointed agent) had also been asked to comment and that a response was anticipated. A response has since been received (by letter dated 15th March 2019), which makes the following points (in summary):

Response to Altrincham Unlimited:

- Available evidence confirms that Altrincham is a strong town centre that is continuing to improve;
- It is maintained that the application proposal for additional retail and leisure floorspace at Barton Square would not have a '*significant adverse impact*' on *existing* investment in Altrincham town centre;
- No evidence has been provided by the objector to corroborate the claim that the proposal would undermine the ability to attract new operators to Altrincham town centre;
- The scope and methodology of the quantitative assessment, and the household survey questions, were agreed in advance with the Council's retail advisor as part of pre-application discussions. We remain content that the assessment is robust and that it clearly demonstrates that there would not be a '*significant adverse impact*' on Altrincham town centre. No alternative assessment has been provided by the objector; and
- The proposal is not considered to amount to a '*large scale extension to the Trafford Centre*', as referred to in Policy W2.13 of the Core Strategy.

Response to the Neighbourhood Plan Working Group:

- The type of Class A3 and Class A5 (food and beverage) uses being sought for Barton Square would serve a different customer market than Altrincham Market. It is not the applicant's intention to create a market of this type at Barton Square;

- The representation makes a number of incorrect comments in relation to the application of the sequential approach. The correct approach has been undertaken by the applicant, and the Council's independent assessment acknowledges this; and
- The representation has misunderstood the overall quantum of floorspace that Barton Square would then accommodate; it would be 36,000 square metres (in total, as a maximum) and not 39,000 square metres.

To reiterate, the main report has already addressed the two representations from the officers' position, and with advice on the matter received from the appointed retail consultant. There is nothing in the letter of the 15th March 2019 which would cause officers to make any changes to their position. In summary, it remains the case that officers are satisfied that the proposal passes the sequential test, and that there is unlikely to be a '*significant adverse impact*' on existing town centres.

For the avoidance of doubt, however, it is commented that the methodology for undertaking the quantitative assessment, and the factual data inputs, were indeed agreed at pre-application stage. However, the audit of the assessment by the appointed consultant has also involved a review of the reasonableness of the assessment's planning judgements with respect to such matters as trade draw patterns and sales densities. These were also regarded as sensible, however, as reported in the main report.

Secondly, the main officer report made some reference to draft town centre health checks that have been undertaken as part of the emerging Trafford Retail and Leisure Study. In view of the status of this study, these health checks are not, as yet, in the public domain. In responding to a request of the retail consultant appointed by Altrincham Unlimited, it is not considered appropriate to release these draft health checks in advance of the whole study being approved and published. It can be confirmed, however, that each health check has been based on an objective assessment, using a series of standard data inputs and measurements, from which an independent view on town centre performance and health has been given.

Finally, the officer report and its conclusions regarding the sequential approach and impact test referred to the importance of a number of recommended conditions. These are needed, it is made clear, to define the scope of the application proposal and in order to safeguard investment in, and to protect the vitality and viability, of existing town centres. These conditions comprise:

- Condition 2 – To ensure the development would be carried out in accordance with the approved plans;
- Condition 3 – To prevent the insertion of any further mezzanines;
- Condition 4 – To limit the total maximum floorspace at Barton Square;
- Condition 5 – To establish various maximum floorspace figures for the different use classes at Barton Square;

- Condition 5 – To define the term ‘non-food restricted Class A1 floorspace’;
- Condition 6 – To define the minimum size of units;
- Condition 7 – To prevent the introduction of a cinema to Barton Square; and
- Condition 8 – To request a yearly monitoring report regarding the usage of the floorspace at Barton Square.

In responding to recent comments of the applicant regarding the lack of flexibility that some of these conditions (specifically conditions 2 and 3) would allow, it is reiterated that these conditions (as a whole) are intended to provide the local planning authority with the necessary controls over the future use and development at Barton Square in the interests of the Borough’s town centres. The conditions are thus considered entirely reasonable, and with this corroborated by legal advice received. Some adjustments to certain conditions, to further assist with these aims, have since been made and with the final wording set out below (within the ‘Recommendation’ section).

Developer Contributions

Paragraph 127 of the main officer report is replaced with the following:

As similar contributions were secured in respect of the Primark approvals, which this is intended to replace, the developer naturally wishes to avoid becoming liable for both contributions. As such an appropriate legal agreement/unilateral undertaking would be entered into to release the developer from the S111 and S106 obligations associated with the Primark approvals, and to prevent implementation/further implementation of the Primark approvals.

RECOMMENDATION

The recommendation is unchanged, subject to some minor revisions to the legal agreement/unilateral undertaking and to some conditions:

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

- (i) To complete a legal agreement and/or accept a unilateral undertaking to secure:
 - A financial contribution of £84,010 for specific green infrastructure;
 - The release of the developer from the obligations contained within the S111 / S106 agreements associated with planning permissions ref. 79105/VAR/2012 and 79106/VAR/2012; and

- Prevention of implementation/further implementation of planning permissions ref. 79105/VAR/2012 and 79106/VAR/2012.

[N.B. The £5,000,000 town centres contribution is not included here as it is not a reason for granting planning permission].

- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where the legal agreement and/or unilateral undertaking has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon satisfactory completion of the above that planning permission be GRANTED subject to the conditions identified in the officer report (unless amended by (ii) above):

Revised condition wording:

Condition 2:

The development hereby approved shall be carried out in strict accordance with the details shown on the following approved plans (and footnotes regarding mezzanine floorspace on plan refs. 7643 L(20)222 A, 7643 L(20)223 A, 7643 L(20)224 A and 7643 L(20)225 A shall not apply):

Site location plan – ref. 7643 L(20)221

Site plan showing additional parking – ref. 7643 L(20)240 (contained within the Supplementary Information Statement prepared by Barton Willmore and dated February 2019)

Proposed ground floor general arrangement plan – ref. 7643 L(20)222 A

Proposed ground floor mezzanine general arrangement plan - ref. 7643 L(20)223 A

Proposed first floor general arrangement plan – ref. 7643 L(20)224 A

Proposed first floor mezzanine general arrangement plan - ref. 7643 L(20)225 A

Proposed external elevations – ref. 7643 L(20)226

Proposed elevations to internal courtyard – ref. 7643 L(20)227 A

For the avoidance

Reason: To clarify the permission and to reflect the basis on which the application has been assessed and in order to safeguard investment in, and protect the vitality and viability of, existing town centres, when having regard to Policy L7 and Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 5:

The development hereby approved shall be subject to the following maximum floorspace caps for each Use Class including, for the avoidance of doubt, any mezzanine floorspace used for these purposes:

- i) The total amount of non-food Class A1 retail floorspace at the development hereby approved, whether 'restricted' or 'unrestricted' in terms of the goods that may be sold, shall not exceed 22,000 square metres GIA. For the purposes of this condition, 'restricted' means prohibition on the sale and display of any of the following goods: clothing and footwear, fashion accessories including jewellery, cosmetics, toiletries and pharmaceutical products, books, newspapers, magazines, confectionary and soft drinks;
- ii) The total amount of non-food Class A1 retail floorspace at the development hereby approved that is 'unrestricted' in terms of the non-food goods that may be sold shall not exceed 18,000 square metres (GIA);
- iii) The total amount of leisure floorspace in Use Class D2 at the development hereby approved shall not exceed 13,000 square metres (GIA); and
- iv) The total amount of food and beverage floorspace in Use Classes A3 and A5 at the development hereby approved shall not exceed 4,000 square metres (GIA).

Reason: To reflect the basis on which the application has been assessed and in order to safeguard investment in, and protect the vitality and viability of, existing town centres, when having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

Page 215 96218/FUL/18: High Gables, 98 Bankhall Lane, Hale Barns

SPEAKER(S)

AGAINST:

**Mrs Lang
(Neighbour)**

FOR:

**Sharron Amri
(For Agent)**

REPRESENTATIONS

Four further representations have been received, three of which are from the same person, in addition to those currently outlined in the published Committee Report.

The further representations object to the scheme and raise concern on the following matters;

1. Impact on the highway network, specifically in reference to highway safety;
2. Insufficient capacity on site for the proposed parking;
3. There being no need for the proposed use
4. The change in character of the area from residential to commercial
5. The increase in activity in the area

Officers consider that the above points are covered and assessed in the committee report; however in regards to point 2 further consideration is given below.

OBSERVATIONS

Highways, Parking and Servicing

The applicant has provided information demonstrating that the site could accommodate the required level of parking on site. To accommodate the parking layout as proposed changes are required to the current landscaping arrangements on site. Officers therefore consider it necessary to attach a condition to the permission requiring full details of landscaping and parking layout to be submitted and approved by the local planning authority prior to occupation of the development.

The LHA has confirmed they have no objection to the proposed parking and condition.

RECOMMENDATION

The recommendation is unchanged subject to an amended condition 5 (car parking).

5. Prior to the occupation of the development hereby approved a detailed hard and soft landscaping plan including parking layout shall be submitted and approved in writing by the local planning authority. The layout should include a minimum of 5 on site car parking spaces, including one disabled space. The approved development shall be carried out in accordance with the approved details and the car parking shall be made fully available prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: To ensure that satisfactory provision is retained within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 3 - Parking Standards and Design and the National Planning Policy Framework.

Page 231 96369/HHA/18: 43 Dunham Road, Altrincham

SPEAKER(S) AGAINST:

**FOR: Paul Jeffrey
(Agent)**

REPRESENTATIONS

No further comments apart from those currently outlined in the published Committee Report have been received following the re-advertisement of the scheme.

OBSERVATIONS

The agent has highlighted that the drawing 17109 1012 (Proposed Floor Plans) has not listed, and that 186/02 rev B (Detailed Planting Proposals) is actually revision CB.

RECOMMENDATION

The recommendation is unchanged subject to an amended condition 2 (list of approved plans).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, reference 17109 1012, 17109/1013 REV A, 17109/1014 REV A, 17109/1015 REV A, 186/01 REV C and 186/02 REV CB.

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

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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