

AGENDA ITEM 5

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 11th April 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
94357	31 Eyebrook Road, Bowdon, WA14 3LH	Bowdon	1		✓
94949	Land at Heath Farm Lane, Partington, M31 4EH	Bucklow St Martins	19		✓
94950	School Development Site, Audley Avenue, Stretford.	Gorse Hill	151		
96631	89 Urban Road, Sale, M33 7TS	Priory	154		
96860	Longford Telephone Exchange, 10 King Street, Stretford, M32 8NS	Stretford	162		

Page 1 **94357/FUL/18: 31 Eyebrook Road, Bowdon, WA14 3LH**

SPEAKER(S) **AGAINST:**

FOR: **Dr Alvi
(Neighbour)**

Page 19 **94949/HYB/18: Land at Heath Farm Lane, Partington,**
M31 4EH

SPEAKER(S) **AGAINST:**

FOR: **Graeme Scott
(Agent)**

APPLICANT'S SUBMISSION

The applicant has sent a letter to all Members of the Planning Committee setting out key points in support of the scheme. The majority of this letter reflects the main officer report but it should be noted that the applicant's assertion that provision of 100 grant funded affordable units would be in excess of the Council's policy requirements in this location is not correct. As explained in the main report, Policy L2 states that in these circumstances up to 40% affordable housing could be sought, subject to viability. The applicant's viability assessment has not robustly demonstrated the level of affordable housing which could be provided.

The applicant has requested a number of amendments to the conditions as set out in the report. The main issues raised by the applicant and other amendments to conditions are summarised below.

OBSERVATIONS

Condition 4 – Off-site highway improvements to be completed prior to occupation of more than 80 dwellings.

The applicant fundamentally objects to this condition and requests that it is removed, as the requirement for the junction works to be completed (which will be carried out by Amey on behalf of the Council) will dictate the development timetable. The applicant also considers that the impact of the traffic generated by Phases 1 and 2 is not a severe impact and therefore it is not necessary to limit development to 80 units prior to this junction improvement.

It is considered that this condition is necessary to mitigate the impact of the development on the surrounding road network and in order to be effective the condition must include a point by which the improvement works need to be in place. Although the applicant will be required to pay for the highway works to be carried out (required by the legal agreement), without there also being a condition the proposed development could proceed to up to 250 dwellings without any highway mitigation in place and which is considered would result in a severe

impact on the highway network. Rather than remove the condition the remedy to the applicant's concern will be to ensure that the Council (Amey) implement the junction improvements in a timescale that will align with the developer's timetable. Given that the trigger point for the works to be completed is prior to occupation of the 81st dwelling and having regard to the likely build rate it is considered these highway works can be completed by the time they are needed and not delay the development.

Condition 18 – Affordable Housing

It is recommended that the condition is amended to specify that the 100 affordable units to be provided shall be available only for occupation by households or individuals from within the boundaries of Trafford in housing need. This is to reflect the fact that the proposed affordable units are required to address affordability issues within the Borough.

The applicant fundamentally objects to the addition of a locational element to the condition and has advised this would be in breach of the affordable housing funding restrictions.

To date the applicant has not provided any evidence that a requirement for the affordable units to be available only for households or individuals in Trafford would affect the Homes England grant funding. It is considered that this requirement of the condition is fully justified in order to ensure the proposed development will meet local housing needs.

Condition 24 – Surface Water Drainage Scheme

Reference to demolition deleted.

Condition 26 - Construction Environmental Management Plan: Biodiversity

Amended to include a specific requirement that no clearance of trees, hedges or shrub shall take place during the bird nesting season, unless a survey and mitigation strategy has first been submitted and approved by the Council.

Condition 36 – Timescale to submit Reserved Matters

The applicant has advised that Phases 3 and 4 require a 5 year period for submission of reserved matters to allow for potential delays in delivery of the Carrington Relief Road or the Flixton Road Junction Improvement (required by Condition 44). The condition as currently recommend requires submission of reserved matters for these phases within 3 years.

Given that the outline phases of the scheme are dependent on either the Carrington Relief Road or the Flixton Road Junction Improvement being implemented (required beyond 250 dwellings) and the potential timescales for either of these schemes to be completed, it is accepted that a longer timescale is acceptable.

Condition 40 – 80% of units in the outline phases to be delivered as accommodation suitable for family living.

The applicant considers that the condition is unreasonable and overly restrictive given that the build period is likely to go beyond the lifespan of the Core Strategy and in future years a different mix of housing may be required. They consider such a condition may stifle development or require the delivery of housing that there may not be a need or desire for. With an aging population there may be a requirement for bespoke housing for older people.

It is considered that the condition as currently recommended is appropriate and does not need to be amended, since the Core Strategy specifically identifies 1,560 residential units to be delivered in the Carrington Strategic Location (of which this site forms part) and requires approximately 80% of these units to be family accommodation. It follows therefore that the Council has established a need for predominantly family housing in this location and this needs to comprise approximately 80% of the 1,560 units to comply with Policy SL5. In the event that the applicant considers a different mix is more appropriate in future phases to reflect housing needs at that time which may differ from current policy, then an application to vary the condition would be necessary.

RECOMMENDATION

Amended conditions as follows: -

18. 100 no. of the residential units hereby permitted shall only be used for the purposes of providing affordable housing, to be occupied by households or individuals from within the boundaries of Trafford in housing need and shall not be offered for sale or rent on the open market. The units shall comprise 74no. units in Phases 1 and 2 (50 of which shall be shared ownership, and 24 of which shall be Rent to Buy) and 26no. units in subsequent phases (20 of which shall be shared ownership, and 6 of which shall be Rent to Buy). This planning condition shall not apply to the part of the property over which:- (i). a tenant has exercised the right to acquire or any similar statutory provision and for the avoidance of doubt once such right to acquire has been exercised, the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market; (ii). a leaseholder of a shared ownership property has staircased to 100% and for the avoidance of doubt once such staircasing has taken place the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market.

Reason: To comply with Policies SL5, L1, L2, L3 and L8 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 1: Planning Obligations and the National Planning Policy Framework.

24. No development shall take place unless and until a sustainable surface water drainage scheme based on the hierarchy of drainage options in National Planning Practice Guidance, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. An assessment of site conditions and the hierarchy of drainage options shall include an assessment of (in the following order of priority):
 - (i) the potential for discharge to ground (infiltration);
 - (ii) the potential for discharge to a surface water body;
 - (iii) the potential for discharge to a surface water sewer, highway drain, or another drainage system; and only then
 - (iv) an attenuated discharge to a combined sewer.

2. 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

There shall be no surface water connection to the public sewer either directly or indirectly. The surface water drainage scheme must be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development shall be completed in accordance with the approved details.

Upon completion of the surface water drainage scheme, and prior to the occupation of any of the residential units 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 surface water drainage 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 surface water drainage 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 SL5 of the Trafford Core Strategy and the National Planning Policy Framework.

26. No development shall take place in any phase (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority for that phase. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features, including but not limited to the clearance of trees, hedges and/or shrubs. No clearance of trees, hedges and/or shrubs in preparation for (or during the course of) development of any phase shall take place during the bird nesting season (March-July inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Measures to monitor the site for little ringed plover, and further measures to deter little ringed plover from entering the site as recommended in the bird survey.
- j) The precautionary recommendations contained within the Environmental Statement (paragraphs 8.135-8.136) regarding badgers.
- k) Details of Reasonable Avoidance Measures (RAMs) in order to prevent harm to reptiles, including common lizard and slow worm.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that appropriate details are approved before works start on site in order to prevent or minimise any habitat disturbance to nesting birds and other species that may be present on the site, having regard to its location and the nature of the proposed development and Policies SL5, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. It is necessary for this information to be submitted and approved prior to the commencement of each phase to avoid disturbance to nesting birds and to undertake appropriate mitigation prior to any works taking place on site if this is necessary.

36. Applications for approval of Reserved Matters for each of the phases identified on drawing number 1812:OU.08 – Parameter Plan - Phasing - must be made no later than expiration of the following, beginning with the date of this permission:

- 5 years for Phases 3 and 4

- 8 years for Phases 5 to 9

The development in each phase, as identified on drawing number 1812:OU.08 – Parameter Plan - Phasing must be begun not later than the expiration of two years from the final approval of the Reserved Matters for that phase.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Page 162 96860/FUL/19: Longford Telephone Exchange, 10 King Street, Stretford M32 8NS

The agent has confirmed that they wish to formally withdraw the application.

Agenda Item 7: Compliance Review of Local Development Plan Policies with the Revised National Planning Policy Framework – **Additional Information Report**

Insert the following paragraphs within section 1.0

1.0 Introduction and Background

1.3 S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

1.4 The NPPF is a material consideration in planning decisions, and is the Government's expression of planning policy and how this should be applied.

Replace paragraphs 3.1-3.3 and 3.6 with the revised paragraphs below

3.0 Conclusion

3.1 This review has assessed 16 of the 30 Core Strategy Policies as being fully compliant with policies in the revised NPPF. This means that these local policies have been judged to not conflict with the requirements of the NPPF and can be afforded full weight when determining relevant planning applications.

3.2 The remaining 14 policies were assessed as being, in part, inconsistent with the NPPF and therefore in some part 'out of date'. This means that less weight should be given to the out of date parts of these policies when they are used to determine planning applications. The assessment summaries in Table 1 provide further information on which aspects of these policies that are not considered to be fully consistent with national policy. When determining applications against any of these 14 policies, Planning Officers and Planning and Development Management Committee should have regard to the reasons why

the policy has been given less weight and ensure that the use of the policy is based on the aspects that are consistent with national policy.

3.3 Where the Core Strategy Policies are silent on a particular matter, and also for those aspects of the 14 policies that are no longer consistent with the NPPF, policies in the 2019 NPPF should now be used.

3.6 Given that the Altrincham Neighbourhood Business Plan was adopted less than five years ago, all the policies are consistent with the NPPF, but by virtue of the lack of 3 year housing land supply (the government requirement for neighbourhood plans) any housing related planning applications must currently be determined in accordance with paragraph 11 of the NPPF.

Table 1:

Replace all text relating to L4 within the table with the following:

L4	Sustainable Transport and Accessibility	<p>The aim of the policy to deliver sustainable transport is considered to be consistent with the NPPF.</p> <p>Section L4.8 of the policy states that <i>“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”</i>.</p> <p>Paragraph 109 of the NPPF states that <i>“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”</i>.</p> <p>Given the more stringent test for the residual cumulative</p>	<p>The key test in this policy is not consistent with the NPPF and is out of date and less weight should be afforded to this in the assessment of the impact on the highway network.</p> <p><u>The setting of maximum parking standards as set out in section L4.15 and appendix 3 is inconsistent with the NPPF and in that regard is considered out of date and less weight should be afforded to this part of the policy.</u></p> <p>In all other aspects this policy is consistent with the NPPF and weight should be afforded to these elements.</p>
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		<p>impacts on the road network set by the NPPF, this part of the policy is not consistent with the NPPF.</p> <p><u>The setting of car parking standards as set out in section L4.15 and appendix 3 are not considered to be consistent with the approach set out in the NPPF and in this regard are considered to be out of date.</u></p> <p>Sections L4.2-L4.4 of the policy relating to pedestrian and cycling networks are considered to be consistent with NPPF in making the efficient use of land and providing sustainable development.</p>	
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Replace all text relating to R4 within the table with the following:

R4	Green Belt, Countryside and Other Protected Open Land	<p>Core Strategy Policy R4 reflects policy set out in the NPPF by stating that new development will only be permitted within the Green Belt where it is for one of the appropriate purposes specified in national guidance, where the proposal does not prejudice the primary purposes of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal.</p>	<p>This policy is consistent with the NPPF and is considered up to date <u>along with appendix 4</u>. Full weight should be afforded to this policy.</p>
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Replace text relating to S01 within table 1 with the following:

SO1	Meeting housing needs	Policy SO1 seeks to promote high quality housing in	This policy is consistent with the
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		sustainable locations to meet the needs of the borough. This is in accordance with the <i>thrust</i> of the NPPF to achieve sustainable development (section 2) and to deliver sufficient supply of high quality homes (Section 6).	NPPF and is considered up to date. Full weight should be afforded to this policy.
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Agenda Item 8: Proposed Stopping Up of a Length of Unnamed Footpath North West of The Mount, Hale Barns, Altrincham WA15 8SZ

Plan B attached.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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