

AGENDA ITEM 4

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 24th September 20

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
99795	Former Kellogg's Site, Talbot Road, Stretford, M16 0PG	Longford	1		✓
100759	92 - 94 Park Road, Timperley, WA15 6TF	Timperley	76	✓ Cllr Brophy	✓

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99795/OUT/20: Former Kellogg's Site, Talbot Road, Stretford

SPEAKER(S) AGAINST:

FOR: Conor Vallely
(B/H of Agent)

APPLICANT'S SUBMISSION

The applicant has submitted an amended Height Parameters Plan to reduce the maximum height of any buildings fronting Brian Statham Way to six storeys. This reflects the assessment made within the main committee report.

OBSERVATIONS

DEVELOPER CONTRIBUTIONS AND VIABILITY

1. Trafford CCG has confirmed that the financial contribution payable towards off-site healthcare improvements is £300,000. The applicant has agreed to make this contribution and will be secured by legal agreement.

EQUALITIES

2. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
3. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
 1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
4. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
5. The applicant has provided a statement which sets out how the application has addressed matters of equality, namely those relating to age, disability, pregnancy and maternity, religion or belief, race, sexual orientation, gender reassignment, marriage and civil partnership.

6. This notes that both organisations forming the joint venture are fundamentally committed to ensuring equality for all and promoting access to opportunities for people to improve their lives. The development has been designed around a concept referred to as '8 to 80' to ensure that the spaces, buildings, facilities and routes through the site are as attractive and usable for a young person as they are for more elderly members of the community.
7. The proposals have been designed to create a welcoming and inclusive environment with minimal barriers to those persons with a physical or other non-visible disability. All buildings and spaces will be designed with ramped access points and with future adaptability possible where necessary. Whilst permission is sought in outline only, the design information submitted makes clear that a range of residential accommodation types will be provided including ground floor accessible units. Planning conditions are proposed to secure details for inclusive access, including a minimum of 10 per cent of the residential units on site being accessible. Disabled car parking will also be built into the detailed plans which will come forward at reserved matters stage.
8. No persons would be prevented from using the development due to being pregnant or being a parent, or due to religion, belief, race, culture, sexual orientation, gender or marital status. Families will be actively encouraged and as part of the residential mix, family accommodation is proposed. Open spaces and children's play equipment will also be provided on site.
9. Officers are satisfied that no disbenefits have been identified in this respect and on this basis, the design of the proposed development is considered to have appropriately addressed matters of equality.

PLANNING BALANCE AND CONCLUSION

10. The main committee report states that one of the benefits of the scheme is the delivery of a new primary school that will be available for use by future residents and the wider community, or an 'equivalent contribution' towards the improvement of off-site primary education facilities. For clarity, it is noted that the required education contribution would not be equivalent to the value of the land on which the school may be delivered, but would represent the policy compliant amount associated with the potential pupil yield of the development as a whole. It is on this basis that the application has been assessed and deemed to be acceptable.

CONDITIONS

Condition 3 in the main committee report has been amended to state that phasing plans shall be submitted with each reserved matters application. Condition 4 has been amended to include the correct plan number for the Maximum Building Heights Parameter Plan whilst Condition 5 provides further clarity on the hotel limit. Condition 6 now includes a requirement to provide

details of the number of accessible units with each reserved matters application. The wording of the remaining conditions listed below has been amended to provide extra clarity.

The amended conditions should be worded as follows:

3. Any reserved matters application(s) shall be accompanied by a Phasing Plan for all approved works which have not yet been delivered on site. Development shall thereafter take place in accordance with the approved details.

Reason: To ensure that development is brought forward in an appropriate manner, and to ensure that utility infrastructure is delivered in a coordinated and planned way, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Any reserved matters application(s) shall be brought forward in accordance with the details shown on the following submitted plans:

Plan Number	Drawing Title
1971/P/0002 A	Land Use Parameter Plan
1971/P/0003 F	Maximum Building Heights Parameter Plan
72559-CUR-00-XX-DR-TP-75007-P01	Phase 1 Talbot Road Layout Arrangement

Reason: To clarify the permission and set appropriate parameters for future reserved matters applications, having regard to Policy L7 of the Trafford Core Strategy.

5. The development hereby approved shall be limited to the following maxima (all figures Gross External Area):
 - (i) 750no residential units (Use Class C3)
 - (ii) 7,000m² for a primary school (Use Class F1(a))
 - (iii) 18,500m² for office (Use Class E(g)(i)) and educational uses (Use Class F1(a), excluding primary school)
 - (iv) 4,500m² for local centre and drinking establishment uses (Use Class E(a)-E(d) and sui generis). A limit of 2,000m² applies to E(a) uses within this overall figure
 - (v) A single hotel with circa 100 bedrooms (Use Class C1)
 - (vi) 600m² for an energy centre (Use Class B2)

Reason: To set appropriate parameters for future reserved matters applications and to ensure an appropriate mix of uses, having regard to Policies L1, L2, L4, L7 and W2 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Any application for reserved matters shall be accompanied by a Statement that provides details of the following, both for the proposed phase and the cumulative total from any previously approved/developed phases:
- Quantum of development falling within any use class;
 - Mix of residential units, including the number of which are suitable for family-living as required by Condition 44;
 - Percentage of affordable housing previously delivered/permitted and that to be delivered as part of the reserved matters application;
 - Number of accessible units to be delivered;
 - Quantum of Specific Green Infrastructure provided including tree planting and metrics of qualifying alternative treatments;
 - Number of residential units occupied across the whole site at the time of submission.

Reason: To ensure that the development proceeds in accordance with the requirements of this permission and is in accordance with Policies L2, L7, R5 and other relevant policies of the Trafford Core Strategy and the National Planning Policy Framework.

12. Any reserved matters application(s) shall be accompanied by a Strategy for Inclusive Access and Accessibility Statement for that phase. The submitted Strategy shall be based upon the principles established within the application documents, shall commit to a minimum of 10 per cent of all units on site being accessible, shall detail measures taken to ensure that the level of disabled parking provision is sufficient and shall include measures for ensuring accessibility to and within the site for all visitors and residents. The submitted Accessibility Statement shall indicate how accessible units have been provided for, or otherwise explain and justify why their provision is not appropriate in that phase, and shall explain how accessible provision will be included in future reserved matters applications. The approved Strategy and Statement shall be implemented upon that phase of the development being brought into use and adhered to at all times thereafter.

Reason: To ensure that satisfactory provision is made for the accommodation of vehicles attracted to or generated by the proposed development, and to ensure the site is accessible to all residents and visitors, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

18. Any reserved matters application(s) relating to 'layout', 'scale' and 'appearance' shall be accompanied by a Daylight, Sunlight and Overshadowing Assessment, or a statement detailing why such an assessment is not required (which will only be accepted for phases where development does not give rise to such impacts), for that phase. The Assessment shall consider potential impacts on any approved or proposed sensitive receptors within the application site.

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

20. Any reserved matters application(s) shall be accompanied by a further Heritage Assessment, or a statement detailing why a further full assessment is not required (which will only be accepted for phases where development does not give rise to potential heritage impacts), for that phase. The Assessment shall consider potential impacts on designated and non-designated heritage assets and shall include measures taken to minimise any harm caused by the development.

Reason: In order to minimise any harm which may be caused to the setting of designated and non-designated heritage assets, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

37. No phase of the development hereby approved (involving the construction of new buildings) shall be brought into use unless and until a Full Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The submitted Travel Plan(s) shall include measurable targets for reducing car travel, shall be implemented on or before the relevant phase of development is first brought into use and thereafter shall continue to be implemented throughout a period of 10 (ten) years.

Reason: To reduce car travel to and from the site in the interests of sustainability and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

38. The parking facilities hereby approved shall not be brought into use unless and until a scheme for the installation of electric vehicle charging points (minimum 7kWh), in accordance with the most up to date local or national guidance, or IAQM guidelines, has been submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed prior to the parking facilities being brought into use and made available for use thereafter.

Reason: In the interests of promoting sustainable travel having regard to Policies L4 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

permission it is reasonable and appropriate for the Council to consider in full the removal of this restriction and imposing conditions were necessary.

Whilst the reclassification of land uses and creation of Class E allows for greater flexibility on our high streets, this does not remove the requirement of the Planning Authority to consider in full the implications of approving the use of a building with the full access to Class E uses.

The conditions recommended are considered reasonable, and necessary to make the development acceptable. The report carefully considers the impacts of the range of uses within the new Class E, against the relevant local and national planning policy. Material planning issues are identified which are addressed through the recommended conditions. This is not an 'outdated' approach and falls in line with Section 38(6) of the Planning and Compensation Act 1991 which requires planning application to be determined in accordance with the development plan. The NPPF is a material consideration which is considered within the committee report.

The merits of the case are set out clearly in the committee report and the rationale for the hours of use detailed within.

RECOMMENDATION

The recommendation to **GRANT** subject to the recommended conditions is unchanged.

AGENDA ITEM 6 – CHESHAM HOUSE, 101 CHURCH ROAD, URMSTON: MAKING OF IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR THE DEMOLITION OF THE BUILDING

Refusal of 100977/FUL/20

Application 100977/FUL/20, which sought planning permission for the "Demolition of existing house and construction of a replacement pair of semi-detached properties with associated landscaping", was refused on 23.09.2020 for the following reason:

1. *The demolition of Chesham House and its replacement with the proposed pair of semi-detached dwellings would result in significant harm to the visual amenity and character of the street scene and the surrounding area. The replacement dwellings, by reason of their design, scale and massing, and materials, would result in an unsympathetic and incongruous form of development that would be out of keeping with the character and appearance of surrounding properties. The total loss of the non-designated heritage asset of Chesham House and the consequent harm to the coherence of the row of non-designated heritage assets along the south*

side of Church Road would also be detrimental to the character and quality of the area. As such, the proposed development would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area and would result in unacceptable harm to the significance of non-designated heritage assets. The proposal would therefore be contrary to Policies L7 and R1 of the Trafford Core Strategy, the Council's Planning Guidelines, PG1: New Residential Development, and guidance within the NPPF.

Observations

The issue of compensation can arise if the Article 4 Direction removing demolition permitted development rights is issued and the applicant then seeks planning permission for the demolition of the property which is either refused or granted subject to conditions other than those permitted by the General Permitted Development Order 2015.

There are now no live applications seeking planning permission for the demolition of Chesham House and there is therefore no short-term basis for a claim for compensation in relation to the immediate Article 4 Direction being issued. If the Article 4 Direction is issued, the issue of compensation would be a material consideration in any subsequent planning application for the demolition of Chesham House which is submitted within 12 months.

Recommendation

The recommendations set out in the Committee Report, including that an immediate Article 4 Direction be issued removing permitted development rights allowing the demolition of Chesham House and that any subsequent planning application for demolition be referred to the Planning and Development Committee, remain unchanged.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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