

## AGENDA ITEM 5

### PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 21<sup>st</sup> January 2021

#### 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
<a href="#">100021</a>	Wheatsheaf Hotel, 21 Church Street, Altrincham, WA14 4EE	Altrincham	1	✓	
<a href="#">100109</a>	Land Off Hall Lane, Partington	Bucklow St Martins	33	✓	✓
<a href="#">100110</a>	Land Adjoining The Manchester Ship Canal North Of Lock Lane And Thirlmere Road, Partington	Bucklow St Martins	106	✓	✓
<a href="#">101044</a>	64 - 66 Talbot Road, Stretford, M16 0PP	Longford	170		✓
<a href="#">101346</a>	83 Whitelake Avenue, Flixton, M41 5QW	Flixton	223		✓
<a href="#">101618</a>	Mani Halal Meat And Vegetable Shop, 208 - 210 Moss Lane, Hale, WA15 8AZ	Hale Central	230		✓
<a href="#">101780</a>	4 Watermint Way, Altrincham, WA14 5YP	Broadheath	240	✓	✓
<a href="#">102232</a>	18 Albert Place, Altrincham, WA14 4PG	Altrincham	248		
<a href="#">102313</a>	Gulmarg, Garden Lane, Altrincham, WA14 1EU	Altrincham	256	✓ Cllr Welton	✓

**SPEAKER(S)**      **AGAINST:**    **Ross Mirvis  
(Neighbour)**

**FOR:**                -

### **CONSULTATIONS**

The Heritage Development Officer has requested that the proposal is amended to retain the original timber gates at the former coach access to the courtyard, and these gates are to be pinned to the side walls in a permanently open position.

The Heritage Development Officer has requested the proposal, if approved, is subject to a further planning condition requiring the applicant to submit a full survey of the site's historic features, including a photographic record, for the LPA's written approval, prior to the commencement of demolition. The applicant has agreed to this additional condition.

The Local Highways Authority has confirmed no objection to the retention of the original timber gates as requested by the Heritage Development Officer, provided planning permission is subject to a further condition ensuring these gates are securely pinned back and maintained in this position to prevent the gates from being used in future. The applicant has agreed to this additional condition.

### **REPRESENTATIONS**

The occupier of the neighbouring property to the north-west, No. 2, The Grove, has provided further objections to the amended proposal:

Demolition of the current garage would impact the existing boundary wall and could cause structural damage to their property.

The Committee report does not include measurements for the proposed replacement car port at this point causing a concern that the replacement could either impact their privacy or restrict access to light. The replacement car port should be the same height and roof pitch as the current garage.

A concern that there is insufficient space to plant the 18 additional trees recommended in the Committee report. Most of these trees will likely be planted to the rear of the property adjacent to the common boundary thereby resulting in an unacceptable loss of light to their rear patio as well as impacting foundations and drains.

The first floor side (north-west) facing bedroom window for Dwelling No. 4 (*sic*) should be obscurely glazed, rather than clear glazed. It is noted that the other first floor side (north-west) facing window would be obscurely glazed.

No objection to the proposed additional rear facing first floor bedroom window in Dwelling No. 2.

A continued objection to the location of the proposed bin store which would be too close to their boundary, which would be contrary to the requirements of Core Strategy Policy L7. The existing bin store within the current garage is located further from their external patio area than the proposed bin store. There is scope to move the bin store elsewhere within the site.

## **AMENDMENTS**

Officers have requested the applicant to amend the proposal through the insertion of an additional first floor window in the closest two storey rear extension facing Church Street to the south-east, serving the master bedroom dressing room of Dwelling No. 5, in order to break up the brick elevation at this point. The Heritage Development Officer supports this minor amendment.

Officers have requested the applicant to amend their proposal to retain the original timber access gates as per the Heritage Development Officer's request, these to be fixed to the side walls in a permanently open position.

Officers have requested the applicant to amend their proposal to include further information regarding the existing garage along the plot's north-west boundary, specifically to allow Officers to compare its height against the proposed car port.

Officers have requested the applicant to correct the proposed rear elevation for Dwelling No. 4 to remove an incorrectly included lean to element which is not part of the amended proposal.

The applicant has amended their plans to include these elements and amendments in response.

The applicant has also requested that a further minor amendment is allowed to the proposal which would allow for the infill between two external walls at ground floor, previously separating a ground floor WC and an internal staircase towards the rear of Dwelling No. 4, thereby allowing for an enlarged WC. This amendment results in a minor change to this dwelling's rear facing roof slope and wall.

## **ADDITIONAL OBSERVATIONS**

### **Published Committee Report**

It is noted that the published Committee report does not explicitly address the proposal's highway safety or ecology impacts. For clarity Officers confirm as follows:

#### **Highway Safety**

The LHA has confirmed that the amended proposal would be acceptable in all regards including with reference to its impact on highways safety. As such Officers can conclude that the proposal would result in an acceptable highway safety impact.

## Ecology

The GMEU consultee has reviewed the applicant's submitted survey documentation and has noted that the site has negligible potential for bat roosting, with no evidence of bird nesting. This consultee has confirmed that the site appears to be of low ecological value with interest restricted to some trees, shrubs and associated bird nesting habitat, and has confirmed no objection to the proposal subject to standard bird nesting and soft landscaping conditions. As such Officers can conclude that the proposal would result in an acceptable ecological impact.

## **Additional Neighbour Comments**

In response to the additional neighbour comments Officers respond as follows:

Issues relating to party walls and potential structural damage to neighbouring properties are not relevant to planning but rather private legal matters between both parties.

The applicant has provided amended plans demonstrating the replacement car port would be lower than the existing garage. It is not considered that the proposed car port would result in an unacceptable privacy or overshadowing impact on neighbouring occupants.

Officers accept that there would be relatively limited scope for the applicant to include 18 trees net of clearance within the site, the relevant area in effect limited to the rear of the plot. It is considered reasonable to reduce the required number of trees to 10 net of clearance with the hard and soft landscaping condition discharged in future to ensure the new trees are positioned in such a way that they would not result in an unacceptable overshadowing impact on adjacent properties. It is not considered that new trees would unacceptably impact drainage or foundations. The hard and soft landscaping condition shall be amended to require 10 trees net of clearance.

Officers maintain their stance that the proposed window for bedroom four in Dwelling No. 5 (presumably the window referred to in the neighbour objection as a bedroom window in Dwelling No. 4 – the latter proposed dwelling located on the opposite side of the site away from the neighbour's property) for the reasons outlined in the Committee report. The new window would not provide a direct view being at an angle to the rear elevation of the impacted property, it is some distance from the common boundary and the closest windows in the adjacent properties rear elevations, and this window is a retained window previously serving the public house's kitchen which would have resulted in a degree of privacy impact on the neighbouring occupant.

Officers maintain their stance that the proposed bin store would result in an acceptable amenity impact on neighbouring occupants being sufficiently set away from sensitive common boundaries.

## **Amended Plans**

The applicant has amended their proposal to include: the additional south-east facing first floor window of Dwelling No. 5 to break up the brick elevation at this point; the existing timber gates to be retained and fixed to the side walls of the carriageway access in an open position; additional information to allow for a comparison between

the existing garage and proposed car port in terms of the new structure's impact on the adjacent properties; a minor amendment to the rear of Dwelling No. 4 as per the applicant's request; and finally to correct a mistake on the proposed rear elevation of Dwelling No. 4 which showed a lean to element which is not actually part of the amended proposal. These amendments are all considered to be acceptable.

Officers have not carried out an additional round of neighbour consultation letters with reference to any of these recent amendments due to the fact they are minor changes. It is noted that the additional first floor window in the south-west elevation of Dwelling No. 5 would serve a dressing room and would overlook the front garden of a property to the south-east, this area currently readily visible within the street scene, overlooked by other proposed first floor windows in the proposed development's south-east elevations.

The amendments would not cause any greater impact on heritage assets than that already identified in the main report and would have an acceptable design and privacy impact with reference to Core Strategy Policies R1 and L7, the New Residential Development SPG and the NPPF.

## **RECOMMENDATION**

The recommendation is unchanged with the proposed plans condition No. 2 amended to reflect the amended plans received 20 January 2021, these plans including the additional side (south-east) facing first floor window for proposed Dwelling No. 5, the minor amendment to the rear of proposed Dwelling No. 4, the removal of the incorrectly included lean to element at the rear of proposed Dwelling No. 4, the retention of the existing timber access gates in a permanently open position, further information to allow for a comparison between existing garage and the replacement car port which demonstrates the proposed car port will be lower than the existing garage; and the inclusion of the proposed demolition plans and elevations which were not included within the original proposed plans condition. The hard and soft landscaping condition No. 22 is amended to require 10 trees net of clearance; the insertion of condition No. 23 requiring the applicant to submit a survey of historic features prior to the commencement of demolition; and the insertion of condition No. 24 requiring the retained timber gates to be maintained in a permanently open position.

### **Condition 2 Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [13391] 210 D, 211 R, 212 N, 213 N, 214 M, 215 K, 216 D, 217 D, 217 F, 220 A and 221 A, received 20 January 2021.

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

### **Condition 9 Repair and Reinstatement**

No above ground works shall take place until a detailed schedule of works in relation to the repair and reinstatement of existing architectural features of the building and its

curtilage have been submitted to and agreed in writing by the Local Planning Authority. This shall include the decorative timber detailing and render; glazed brick to the internal elevations of the carriageway; the cobbled setts to the frontage of the building and the retention and reuse of the cart doors. Development shall be carried out in accordance with the approved details.

Reason: In the interests of preserving and enhancing the significance of the building and the Old Market Place Conservation Area, visual amenity and design quality, specifically to protect the original design intent of the architect and the quality of the proposed development, having regard to Core Strategy Policies R1 and L7 and the National Planning Policy Framework.

#### Condition 22 Hard and Soft Landscaping

- a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of 10 additional trees net of any clearance, together with the formation of any banks, terraces or other earthworks, boundary treatments, materials for all hard surfaced areas (including stone setts and proposed speed ramp within the application site), retained historic landscape features and materials, planting plans (including for the proposed green roof), specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.
- (b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
- (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

#### Condition 23 Survey of Historic Features

No development or works of site preparation, including demolition, shall take place until a detailed survey and photographic record in accordance with Level 2 of Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) of the site's historic features, including in situ beams, fireplaces, cellars, roof spaces and a possible original water well to the front of the plot, has been submitted to and agreed in writing by the Local Planning Authority, unless those works are required

to give access to those features. A copy of the report shall also be deposited with the Greater Manchester Historic Environment Record and Trafford Local Studies Library.

Reason: In accordance with para 199 of the NPPF to record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publically accessible, prior to any works taking place on site , having regard to Policy R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework. The details are required prior to development, including demolition, taking place on site as any works undertaken beforehand, including preliminary works, could result in an adverse impact on the site's historic features.

Condition 24 Retention of Historic Timber Gates in Permanent Open Position

The timber gates controlling access to the courtyard shall be retained and securely pinned back against the flanking walls. The timber gates shall be retained in this position thereafter with the courtyard access available to pedestrian and vehicular traffic at all times.

Reason: In order to retain the historic timber gates and to ensure future site access having regard to Policies R1 and L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

**Page 33**            **100109/FUL/20: Land Off Hall Lane, Partington**

**SPEAKER(S)**      **AGAINST: Katie McMurray  
(Neighbour)**

**FOR: Simon Pemberton  
(Agent)**

**PROPOSAL**

As part of the proposed development the applicant has updated the proposal since the publishing of the agenda to form a new pathway linking Public Right of Ways 3 and 4 across the application site and within a new landscaped area along the southern edge of the site.

**CONSULTATIONS**

**Peak and Northern Footpath Society** – Following consultation with the society regarding the new linking path, they have stated that they welcome the inclusion of the pathway and would like to see it dedicated as a PROW. They have reiterated their previous comments that the diversion of PROW 4 along an estate road is not in accordance with DEFRA guidance. In addition they have advised that PROW 3 and 5 are restricted byways and open to use by horse riders and non-motorised vehicles and they would object to any proposals that would reduce their width. Appropriate boundary treatment be provided between the application site and the PROWs.

**The Ramblers Association** – details of the suggested new linking path between PROW 4 and 3 have been sent to the Ramblers Association but no comments received.

## **REPRESENTATIONS**

A letter of objection have been received stating that there should be no more houses in Partington.

An e-mail has been received on behalf of 17 addresses at Inglewood Close objecting to both applications raising the following areas of concern:-

- Site Clearance works have started and noise is impacting residents
- Loss of trees, wildlife and habitat
- Some tree removals on private land
- Loss of amenity space for walkers
- Loss of privacy, unclear how high new fencing will be, development is close to boundaries
- Hall Lane is a minor road and will not cope with heavy machinery
- Contractors will park on local roads
- Manchester Road is already very congested and will struggle with 500+ vehicles that this development will add
- Drainage on the north side of Inglewood Close is a major problem, how will the new site be prevented from flooding
- Will appropriate measures be in place to prevent residents children falling into the canal
- A green buffer zone could be formed to rear of Inglewood Close properties and the development

## **OBSERVATIONS**

### **Layout**

Plots 326 & 327 have been switched from two detached dwelling types (a New Ashbourne & Blyth respectively) to a pair of semi-detached dwellings, both Ellesmere house types. The properties have also been repositioned whereby they will now front onto the main spine road rather than the side road as previously proposed.

### **Highway Matters**

The LHA have now considered the additional details submitted by the applicant with regards vehicle access and visibility and pedestrian and cycle access and have no objections.

The LHA note that the applicant is progressing with an application to the National Transport Casework team regarding stopping up of the adopted highway.

The LHA have noted that the layout design for servicing arrangements for waste collections for Plots 392 – 405 would make it difficult for waste collection vehicles to access and that the Councils Waste Management section should consider this arrangement. The LPA would respond on this point that the applicant is proposing a number of a waste collection points and that a condition is attached requiring the submission of a waste management strategy including arrangements for waste collection points accessible for collections.

Plots 311 and 320 both of which are corner plots have been repositioned marginally away from the road side boundary in order to not impede visibility following discussions with the LHA. In order to facilitate this the side parking spaces have been relocated to the rear of the properties and accessed from the main spine road.

In order to improve manoeuvring space and provide adequate access for waste collections and the provision of a bin collection point, Plot 409 previously a



detached property now forms a pair of semi-detached dwellings with plot 408. Plot 408 had previously formed the end property in a terrace of three with plots 406 & 407 which are now also proposed as a pair of semi-detached dwellings. With regards the proposals to divert the PROW 4 through the estate this will involve the PROW being located within a part landscaped area and part within the estate footpath layout connecting to PROW 5 beyond the northern boundary of the site and also along the east side to PROW3. This PROW diversion is similar to the diversion that was proposed on the previous planning application at the site (78680/FULL/2012) which received a minded to grant recommendation. The advice from DEFRA with regards PROW diversions is that alternative alignments should avoid the use of estate roads wherever possible and that the preference is for the use of made up estate paths through landscaped or open areas. As per the previous approval approximately half of the PROW will be located within a dedicated landscape strip with the remaining half relying on the estate road extending north to connect to PROW5 with additional estate paths allowing connection to the east side with PROW3. As stated the applicant also proposes a new footpath link between PROW4 and 3 within a fully dedicated landscaped area.

Whilst the diversion of some of the public right of way onto footpath/ carriageway is not ideal, the right of way is still maintained through the site.

The LHA have now welcomed the provision of the footpath link between PROW 3 and 4 as a means of mitigation when considering the proposed diversion of PROW 4.

The LHA have raised concerns regarding this diversion which is not in accordance with best practice.

This should however be considered in light of the considerable benefits to the PROW network around the site which will offset any loss of amenity through this limited diversion onto footpath and carriageway. The LPA consider this issue is not so significant to render the proposed layout unacceptable and the route of the PROW through the site is still maintained with a further new path within a landscaped area also being provided. The applicant will still need to apply formally for the diversion of a section of PROW 4 through the diversion order process.

The LHA wish to state that should it be found that the right of way lies within the site boundary for either PROW 3 or 5, it would require diversion or the approved plans must be amended to accommodate the rights of way within the site. If the developer does not, it is a duty of the LHA to take enforcement action and the LHA would object to any proposal to incorporate further rights of way into estate roads proposed for adoption or private driveways.

#### **Flood Risk & Drainage**

The LLFA have no objections in principle to the proposed drainage strategy for the application site. They have requested a condition for the submission of an updated drainage plan and strategy which also accounts for the location and detail of proposed highway tree pits.

#### **RECOMMENDATION**

That members resolve that they would be MINDED TO GRANT planning permission for the development and that the determination of the application of

the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

(i) To complete a suitable legal agreement/unilateral undertaking to secure:-

- A financial contribution of £834,124.00 towards the Carrington Relief Road and a financial contribution of £437,088.00 towards off-site primary education facilities

(ii) To carry out minor drafting amendments to any planning condition.

(iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.

**A number of the conditions have been amended at the request of the applicant and consultees with all proposed conditions listed below for the avoidance of doubt and to update sequence.**

**Condition 1** - The development must be begun not later than three (3) years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Condition 2** – The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans:

- Drawing No:SK657-LP-FUL-01 Rev.C – Location Plan (Full)
- Drawing No:SK657-PL-FUL-01 Rev.K – Planning Layout (Full)
- Drawing No:COLN-01 - The Colne (received 23.11.2020)
- Drawing No:IRW-01 – The Irwell (received 23.11.2020)
- Drawing No:LEA-01 – The Lea (received 23.11.2020)
- Drawing No:DEE-01 – The Dee (received 23.11.2020)
- Drawing No:DEE-01 – The Dee SA (received 23.11.2020)
- Drawing No:ELLE-01 – The Ellesmere (received 23.11.2020)
- Drawing No:ELUP-01 – The Ellesmere-UP (received 23.11.2020)
- Drawing No:GRAN-01 – The Grantham (received 23.11.2020)
- Drawing No:TREN-01 – The Trent (received 23.11.2020)
- Drawing No:WEAV-01 – The Weaver (received 23.11.2020)
- Drawing No:WEUP-01 – The Weaver-UP (received 23.11.2020)
- Drawing No:ASHO-01 - The Ashop
- Drawing No:BLTH-01 – The Blyth
- Drawing No:DUNH-01 – The Dunham
- Drawing No:ESK-01 – The Esk
- Drawing No:LONG-01 – The Longford
- Drawing No:NSTAM-01 – The New Stamford
- Drawing No:WALT-01 – The New Walton
- Drawing No:BWNT-01 – The Bowmont
- Drawing No:LYMI-01 – The Lymington
- Drawing No:NEWASH-01 – The New Ashbourne
- Drawing No: SALES GA/01 – Sales Garage Plan & Elevations

- Drawing No:SHARED GA/01 – Shared Garage Plan & Elevations
- Drawing No:SINGLE GA1/01 – Single Garage T1 Plan & Elevations
- Drawing No:SK657-BP-04 – Boundary Plan Sheet 3
- Drawing No:101 Rev.F – Landscape Masterplan
- Drawing No:NSD 9001 Rev.F – Wall Types 1 to 2
- Drawing No:SD/3/19 – Post and Three Rail Fencing
- Drawing No:RSD 9105 – Post & Rail Fence Detail
- Drawing No:NSD-9205 – Hooped Top Metal Railing Details
- Drawing No:NSD 9102 Rev.A – Fence Types A to D
- Drawing No: NSDTF – 3011Rev: A Hardwiring Detail for Future Electrical Charging Point Installation.

Reason: To clarify the permission, having regard to Policies L3 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 3:-** 77 no. of the residential units hereby permitted shall only be used for the purposes of providing affordable housing (as defined by the NPPF Annex 2, or any subsequent amendment thereof) to be occupied by households or individuals in housing need and shall not be offered for sale or rent on the open market. Thirty-six (36) affordable units shall only be used for affordable rent, fourteen (14) affordable units shall only be used for social rent and twenty-seven (27) affordable units shall only be used for shared ownership.

Any affordable housing units provided for affordable or social rent shall only be occupied by individuals who meet the following criteria only:

- has lived in Trafford by choice for a certain time (six months out of the last 12).
- has close family living in Trafford, who have lived in the borough for at least the previous five years; (normally defined as parent/s or children).
- has settled employment in the Trafford area.
- has special circumstances that give rise to a local connection.

Trafford Council shall be given at least 75% nomination rights on the first let and 50% thereafter of the affordable and social rents. Shared ownership housing units will be disposed of to purchasers who meet the Homes England eligibility criteria as set out in the Capital Funding Guide. Purchasers will initially be able to purchase between 25% and 75% of the full market value of the shared ownership housing unit but with the ability to staircase up to 100%. The shared ownership housing units will be sold at the current market value. A relevant Independent Financial Adviser will then use the approved Homes England Shared Ownership Affordability calculator to ascertain that any applicant is maximising their contribution and that any mortgage and rental costs are affordable and sustainable.

The Shared Ownership lease will give the buyer the right to buy the remaining share or additional shares in their home and therefore move from an initial share

to full ownership in a number of stages as and when they can afford them. Once a Buyer staircases to 100% the affordable housing obligations cease absolutely.

The affordable housing provisions under this affordable housing statement shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation (whether relating to the Registered Provider or the lessee of any unit) to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a "Receiver")) of the whole or any part of the affordable housing units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:

- such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the affordable housing units and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the affordable housing units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and
- if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the affordable housing units free from the affordable housing provisions contained in this affordable housing statement which provisions shall determine absolutely

Reason: To comply with Policies 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.

**Condition 4** – No above ground construction works shall take place, until a phasing scheme for the development, which sets out the sequence in which the overall development site will be built out and thereafter brought into use has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing scheme.

Reason: To ensure the satisfactory development of the site in a phased manner in the interests of visual amenity, residential amenity, highway safety, community safety and sustainable development, having regard to policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. Details of phasing are required to be submitted prior to commencement to enable the Local Planning Authority to assess the phasing of the scheme in association with phased works approved at Lock Lane under outline planning permission 86160/OUT/15 and because a start on site would prejudice the proper assessment of the scheme

**Condition 5** - Notwithstanding any description of materials in the application, no above-ground construction works shall take place in any phase until samples and full specifications of all materials to be used externally on all part of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build. 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.

**Condition 6** - No above-ground construction works shall take place in any phase unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:

- (i) All brickwork detailing
- (ii) All fenestration details and recesses
- (iii) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building
- (iv) siting of any external façade structures such as meter boxes
- (v) Boundary treatment
- (vi) A plan detail all properties to have external brick or render finish

Development shall proceed in accordance with the approved detailed façade schedule.

Reason: In the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

**Condition 7** - No development shall take place within each phase until details of existing and finished site levels and sections relative for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of these details prior to works starting on site because these details will need to be incorporated into the development at design stage.

**Condition 8** - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification)

- (i) no vehicle standing space or other areas of hardstanding shall be provided within the curtilage of the dwellings
- (ii) no gates, wall fences or other structures shall be erected within the curtilage of the dwellings
- (iii) no means of vehicle access shall be constructed to the curtilage of the dwellings
- (iv) no dormer windows shall be added to the dwellings

other than those expressly authorised by this permission shall be constructed, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 9** - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation:-

- all first floor side elevation windows serving bathrooms; en-suites and stairwells; and
- the first floor secondary bedroom windows on the side elevations of The New Ashbourne and The Weaver house types,

shall be fitted with textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

**Condition 10** - No development shall take place in each phase, including any site clearance works, until a Construction Environmental Management Plan (CEMP) for that phase has first been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period for that phase. The CEMP shall provide for: -

- i. Construction Traffic Management Plan
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development, including site compound proposals

- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities, including measures for keeping the highway clean
- vii. Dust Management Plan setting out measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site)
- ix. hours of construction activity Monday to Friday 0730 – 1800 (with a restriction on the hours of operation of heavy plant and machinery and major demolition and construction works until 0800) Saturday 0900- 1300; Sundays and bank Holidays no work permitted.
- x. details of lighting
- xi. a point of contact for residents to report concerns about construction activity.
- xii. A plan for the timing of any piling and vibratory compaction works and measures to publicise these works / measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity.

Reason: To ensure that appropriate details are approved before works start on site in order to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 11** - a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 12** - The development hereby approved shall not be occupied in any phase until a schedule of landscape maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 13** - Prior to any above ground construction work first taking place, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of measures to improve the biodiversity value of the site and details of the long term implementation, maintenance and management body responsible for delivery. The approved scheme shall be implemented prior to first occupation and retained thereafter

Reason: In order to enhance the biodiversity of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 14** - No removal of or works to any hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. Details for this condition need to be submitted prior to the commencement of works on site because mitigation measures need to be in place prior to any operations taking place on site [all nesting birds their eggs and young are protected under the terms of the Wildlife and Countryside Act 1981 (as amended)].

**Condition 15** - No development shall take place until a comprehensive Method Statement has been submitted to and approved in writing by the Local Planning Authority giving details of the measures to be taken to avoid any possible harm to badgers and other mammals during the course of development. The plan must be informed by up-to-date surveys. The development shall be carried out in accordance with approved details with any approved mitigation measures retained for the duration of works on site.



Reason: To protect the wildlife value of the site, having regard to policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development in order to ensure sufficient protection measures are in place to avoid harm to wildlife before any operations take place on site [Badgers are protected under the terms of the Protection of Badgers Act 1992].

**Condition 16** - No development shall take place on any phase of the development, including ground works and vegetation clearance, until an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Japanese knotweed and Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To protect the wildlife value of the site, having regard to policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development in order to ensure adequate protection measures are in place to ensure that invasive species do not harm the environment or site operatives.

**Condition 17** - No development shall take place on any phase of the development until a Method Statement detailing measures to be implemented during the course of development to prevent any harm to reptiles and amphibians, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To protect the wildlife value of the site, having regard to policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development in order to ensure adequate protection measures are in place to ensure that invasive species do not harm the environment or site operatives.

**Condition 18** - Other than demolition of buildings and structures down to ground level and site clearance works, no development shall take place on any phase of the development until the additional site investigation and risk assessment in relation to contamination on site as detailed in the site investigation document 'Land North of Lock Lane, Phase I & II Geoenvironmental assessment' September 2019 has been submitted to and approved in writing by Local Planning Authority. The assessment shall investigate the nature and extent of any contamination across that phase of the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination;

- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for that phase of the development;
- iv) a remediation strategy for that phase of the development giving full details of the remediation measures required and how they are to be undertaken; and
- v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy and verification report before the first occupation of the development hereby approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. It is necessary for this information to be submitted and agreed prior to commencement given the need to undertake appropriate mitigation prior to the start of the construction works.

**Condition 19** - No occupation of any phase of the development hereby permitted shall take place until a verification report demonstrating completion of works set out in the approved contamination remediation strategy, and the effectiveness of the remediation, for that phase has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to controlled waters in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 20** - No piling or any other foundation designs using penetrative methods shall take place on any phase of the development hereby approved unless and until a scheme which demonstrates that there will be no resultant unacceptable risk to groundwater in relation to that phase has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: For the future protection of the water environment from risks arising from land contamination, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 21** - No infiltration of surface water drainage into the ground where adverse levels of contamination are known or suspected to be present shall take place on any phase of the development hereby approved unless and until a scheme which demonstrates that there will be no resultant unacceptable risk to controlled waters in relation to that phase has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approval scheme.

Reason: For the ongoing protection of the water environment from risks arising from land contamination, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 22** - No development on any phase shall take place until the implementation of a programme of archaeological works to be undertaken in accordance with a Written Scheme of Investigation (WSI) has been secured and which has been prepared by the appointed archaeological contractor and submitted to and approved in writing by the Local Planning Authority. The development or any phase thereof shall not be occupied until the site investigation has been completed in accordance with the approved WSI. The WSI shall cover the following: (a) A phased programme and methodology of site investigation and recording to include: - targeted field evaluation trenching - (depending upon the evaluation results) a targeted open area excavation (b) A programme for post-fieldwork assessment to include: - analysis of the site investigation records and finds - production of a final report on the significance of the archaeological and historical interest represented. (c) Provision for publication and dissemination of the analysis and report on the site investigation. (d) Provision for archive deposition of the report, finds and records of the site investigation. (e) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason - To protect the significance of any archaeological remains on the site having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 23** - Prior to the first occupation of any phase of the development hereby approved, passive infrastructure to allow for low emission vehicle charging points shall be installed in accordance with dwg.no. NSDTF-3011 Rev. Development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainability and reducing air pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the requirement of paragraph 110 of the National Planning Policy Framework.

**Condition 24** - No development shall take place on any phase until a noise and vibration management plan shall be submitted to and approved in writing by the

Local Planning authority. The plan shall include but not be restricted to measures to protect the proposed development from railway noise and vibration and any other sources of external noise. The approved plan shall be incorporated within each unit of accommodation hereby approved and on completion of each phase of the development, a validation report for each phase shall be submitted to and approved in writing by the Local Planning Authority to describe all measures that have been incorporated.

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

**Condition 25** - Prior to any above ground construction works, a Waste Strategy, which shall include details of refuse and recycling facilities and bin presentation points for that phase of the development proposed shall be submitted to and approved in writing by the Local Planning authority. The approved facilities shall be made available for use prior to the first occupation of the buildings within the relevant phase and shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 26** - No phase of the development hereby approved shall be occupied unless and until a Travel Plan for that phase, which should include measurable targets for reducing car travel, has been submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of each phase hereby permitted the approved Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

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.

**Condition 27** - No phase of the development hereby permitted shall be occupied unless and until a scheme and a timetable for the surfacing of the highways, footpaths and access points, within that phase has first been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved scheme and timetable.

Reason: To ensure that satisfactory provision is made within the site for access and parking, having regard to Policies L4 and L7 of the Trafford Core Strategy, Supplementary Planning Document 3 - Parking Standards and Design and the National Planning Policy Framework.

**Condition 28** - Prior to any works taking place on any phase containing land within 10 metres of the railway along the north east boundary of the site, a Risk Assessment and Method Statement (RAMS) which shall include, but not be limited to, details of proposed ground works, excavations, vibro-impact works, piling works, drainage proposals and scaffolding shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Having regards to the proximity of Network Rail land in the interest of ensuring that the integrity of the railway line is not compromised by the approved development and in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 29** - No residential unit shall be occupied unless and until a scheme for improvement works to the Moss Lane/Manchester Road roundabout has been implemented in full accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety, residential amenity and the character and visual appearance of the area, having regard to policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 30** - No above ground construction works shall take place unless and until a scheme detailing the emergency access proposed having regard to the phased elements of this development and the Lock Lane development (Ref:100110/RES/20) has been submitted to and approved in writing by the Local Planning Authority. The approved emergency access route shall be provided and made available in accordance with the agreed scheme.

Reason: To ensure access for emergency vehicles is provided and retained at all times in the interests of public safety and having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 31** - The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section seven of the submitted Crime impact Statement to reflect the physical security specifications and these measures shall be retained and maintained thereafter.

Reason: In the interests of crime prevention and community safety, having regard to Core Strategy Policy L7 and the National Planning policy Framework.

**Condition 32** – No development shall take place until an updated drainage plan including the position and size of tree pits has been submitted to and approved in writing by the Local Planning Authority. The drainage plan shall be accompanied by an updated drainage strategy which incorporates these details. The development shall be completed in accordance with the approved details.

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 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 33** – Prior to commencement of development full details of the foul drainage scheme for that phase including full details of any connections to the foul sewer network and any necessary infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include ground and finished floor levels in AOD, and the timing arrangements, storage requirements and rate of discharge for any pumped foul discharge. Foul and surface water shall drain on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Page 106**      **100110/RES/20: Land Adjoining The Manchester Ship Canal North Of Lock Lane And Thirlmere Road, Partington**

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	<b>Charlotte Fox (Neighbour) Statement read out only</b>
	<b>FOR:</b>	<b>Simon Pemberton (Agent)</b>

### **REPRESENTATIONS**

A further four letters of objection have been received, stating the following concerns:-

- It appears works have commenced on site already with the area fenced off and trees having been cut down.
- Trees have been removed from private land at No. 40 Inglewood Close
- This area has been used by residents for years and will result in the loss of wildlife.
- These houses are not wanted in Partington
- Consideration need to be given by planning committee members regarding the impact of the development on residents health both physical and mental
- Land at the rear of 154 Lock Lane is at lower level (approx. 6ft difference) and resident will be able to overlook new properties, similar overlooking will occur from new occupants. If ground levels are similar this would overcome the issue.

An e-mail has been received on behalf of 17 addresses at Inglewood Close objecting to both applications raising the following areas of concern:-

- Site Clearance works have started and noise is impacting residents
- Loss of trees, wildlife and habitat
- Some tree removals on private land
- Loss of amenity space for walkers
- Loss of privacy, unclear how high new fencing will be, development is close to boundaries
- Hall Lane is a minor road and will not cope with heavy machinery
- Contractors will park on local roads
- Manchester Road is already very congested and will struggle with 500+ vehicles that this development will add
- Drainage on the north side of Inglewood Close is a major problem, how will the new site be prevented from flooding
- Will appropriate measures be in place to prevent residents children falling into the canal
- A green buffer zone could be formed to rear of Inglewood Close properties and the development

## **OBSERVATIONS**

### **Residential Amenity**

Paragraph 107 of the officers report – With regards Plot 98 the applicant has changed the house type from the Weaver house type to the Irwell house. The Irwell house type is also a semi-detached property but has a smaller footprint whereby a distance of approximately 16.2m is now retained from its side elevation towards 90 Lock Lane (a bungalow). The previous house type retained approximately 15m which complied with Council guidance with regards residential amenity parameters. The Irwell house type has only one window on the rear first floor elevation serving a bedroom (the previous house type had two first floor rear windows) and will retain a distance of approximately 8.2m to the rear boundary beyond which is a turning head within the development site. The new house type has been moved marginally closer to the rear boundary having previously retained a distance of approximately 9m. The rear/side garden of 90 Lock Lane narrows to a point abutting the rear boundary of Plot 98, however there would be no undue overlooking as the rear outlook from the new dwelling is directly towards the rear boundary and not at the angled boundary.

Paragraph 116 of the officer's report – Plot 268 now proposes a different house type switching from a Blyth house type to the Trent house type which has a narrow configuration across the plot. This allows for a further increase in the distance retained from the rear elevation of the dwelling to the shared boundary with 36 Inglewood Close which is now approximately 15m, the previous iteration retained a distance of approximately 13m.

### **Highway Matters**

Plots 311 and 320 both of which are corner plots have been repositioned marginally away from the road side boundary in order to not impede visibility following discussions with the LHA. In order to facilitate this the side parking spaces have been relocated to the rear of the properties and accessed from the main spine road.

In order to improve manoeuvring space and provide adequate access for waste collections and the provision of a bin collection point, Plot 409 previously a detached property now forms a pair of semi-detached dwellings with plot 408.

Plot 408 had previously formed the end property in a terrace of three with plots 406 & 407 which are now also proposed as a pair of semi-detached dwellings. The applicant has made a number of minor changes within the site layout as the development proposals have progressed and include as follows:-

An emergency vehicle access route has been provided alongside Plot 56 following discussions with the LHA. The emergency access route is located towards the south-western end of the site and would link through to the proposed vehicular access onto Lock Lane which is proposed to serve only plots 56, 57, 58 & 59. The emergency access route would be restricted to traffic when not required by retractable bollards or similar to prevent the route becoming a cut through. An appropriate condition will be attached to ensure details of the emergency access including responsibility for its management and operation are submitted to and agreed by the LPA in advance of its use.

The corner property on Plot 68 has been marginally moved in from the side boundary to ensure visibility on this bend is not restricted. As such the parking bays have been moved to the rear of the property accessed from the side road rather than from the front of the property.

The applicant has also identified a number of indicative locations throughout the development as bin presentation areas to improve the access for waste collection teams following discussions with the LHA and the Council's Waste Management. An appropriate condition has been included to ensure final detail is agreed with the relevant sections of the Council prior to them being brought into use.

The LHA have also included commentary regarding the PROW diversion for PROW4 which is located within the Hall Lane site. The comments from the LHA regarding the PROW are referred to in the additional information report for Hall Lane.

The LHA have now considered the additional details submitted by the applicant with regards vehicle access and visibility (including the emergency access); pedestrian and cycle access and servicing and have no objections.

#### **Drainage**

The LLFA have no objections in principle to the proposed drainage strategy for the application site. They have requested a condition for the submission of an updated drainage plan and strategy which also accounts for the location and detail of proposed highway tree pits.

#### **RECOMMENDATION**

**A number of the conditions have been amended at the request of the applicant and consultees with all proposed conditions listed below for the avoidance of doubt and to update sequence.**

**Condition 1** - The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans:

- Drawing No:SK657-LP-RM-01 Rev.C – Location Plan (RM)
- Drawing No:SK657-PL- RM 01 Rev.K – Planning Layout (RM)
- Drawing No:COLN-01 - The Colne (received 23.11.2020)
- Drawing No:IRW-01 – The Irwell (received 23.11.2020)
- Drawing No:LEA-01 – The Lea (received 23.11.2020)
- Drawing No:DEE-01 – The Dee (received 23.11.2020)
- Drawing No:DEE-01 – The Dee SA (received 23.11.2020)



- Drawing No:ELLE-01 – The Ellesmere (received 23.11.2020)
- Drawing No:ELUP-01 – The Ellesmere-UP (received 23.11.2020)
- Drawing No:GRAN-01 – The Grantham (received 23.11.2020)
- Drawing No:TREN-01 – The Trent (received 23.11.2020)
- Drawing No:WEAV-01 – The Weaver (received 23.11.2020)
- Drawing No:WEUP-01 – The Weaver-UP (received 23.11.2020)
- Drawing No:ASHO-01 - The Ashop
- Drawing No:BLTH-01 – The Blyth
- Drawing No:DUNH-01 – The Dunham
- Drawing No:ESK-01 – The Esk
- Drawing No:LONG-01 – The Longford
- Drawing No:NSTAM-01 – The New Stamford
- Drawing No:WALT-01 – The New Walton
- Drawing No:BWNT-01 – The Bowmont
- Drawing No:LYMI-01 – The Lymington
- Drawing No:NEWASH-01 – The New Ashbourne
- Drawing No: SALES GA/01 – Sales Garage Plan & Elevations
- Drawing No:SHARED GA/01 – Shared Garage Plan & Elevations
- Drawing No:SINGLE GA1/01 – Single Garage T1 Plan & Elevations
- Drawing No:SK657-BP-01 Rev.D – Boundary Plan Sheet 1
- Drawing No:SK657-BP-02 Rev.D – Boundary Plan Sheet 2
- Drawing No:SK657–BP-03 Rev.D – Boundary Plan Sheet 3
- Drawing No:101 Rev.F – Landscape Masterplan
- Drawing No:NSD 9001 Rev.F – Wall Types 1 to 2
- Drawing No:SD/3/19 – Post and Three Rail Fencing
- Drawing No:RSD 9105 – Post & Rail Fence Detail
- Drawing No:NSD-9205 – Hooped Top Metal Railing Details
- Drawing No:NSD 9102 Rev.A – Fence Types A to D
- Drawing No: NSDTF – 3011Rev: A Hardwiring Detail for Future Electrical Charging Point Installation.

Reason: To clarify the permission, having regard to Policies L3 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 2** - 40 no. of the residential units hereby permitted shall only be used for the purposes of providing affordable housing (as defined by the NPPF Annex 2, or any subsequent amendment thereof) to be occupied by households or individuals in housing need and shall not be offered for sale or rent on the open market. Twenty (20) affordable units shall only be used for affordable rent, eight (8) affordable units shall only be used for social rent and twelve (12) affordable units shall only be used for shared ownership.

Any affordable housing units provided for affordable or social rent shall only be occupied by individuals who meet the following criteria only:

- has lived in Trafford by choice for a certain time (six months out of the last 12).

- has close family living in Trafford, who have lived in the borough for at least the previous five years; (normally defined as parent/s or children).
- has settled employment in the Trafford area.
- has special circumstances that give rise to a local connection.

Trafford Council shall be given at least 75% nomination rights on the first let and 50% thereafter of the affordable and social rents. Shared ownership housing units will be disposed of to purchasers who meet the Homes England eligibility criteria as set out in the Capital Funding Guide. Purchasers will initially be able to purchase between 25% and 75% of the full market value of the shared ownership housing unit but with the ability to staircase up to 100%. The shared ownership housing units will be sold at the current market value. A relevant Independent Financial Adviser will then use the approved Homes England Shared Ownership Affordability calculator to ascertain that any applicant is maximising their contribution and that any mortgage and rental costs are affordable and sustainable.

The Shared Ownership lease will give the buyer the right to buy the remaining share or additional shares in their home and therefore move from an initial share to full ownership in a number of stages as and when they can afford them. Once a Buyer staircases to 100% the affordable housing obligations cease absolutely.

The affordable housing provisions under this affordable housing statement shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation (whether relating to the Registered Provider or the lessee of any unit) to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a "Receiver")) of the whole or any part of the affordable housing units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:

- such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the affordable housing units and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the affordable housing units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and
- if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the affordable housing units free from the affordable housing provisions contained in this affordable housing statement which provisions shall determine absolutely

Reason: To comply with Policies 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.

**Condition 3** - Notwithstanding any description of materials in the application, no above-ground construction works shall take place in any phase until samples and full specifications of all materials to be used externally on all part of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, with these panels available on site for inspection, and retained for the duration of the build. 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.

**Condition 4** - No above-ground construction works shall take place in any phase unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:

- (i) All brickwork detailing
- (ii) All fenestration details and recesses
- (iii) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building
- (iv) siting of any external façade structures such as meter boxes
- (v) boundary treatment
- (vi) A plan detailing all properties to have external brick or render finish

Development shall proceed in accordance with the approved detailed façade schedule.

Reason: In the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

**Condition 5** - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification):

- (i) no vehicle standing space or other areas of hardstanding shall be provided within the curtilage of the dwellings

- (ii) no gates, wall fences or other structures shall be erected within the curtilage of the dwellings
- (iii) no means of vehicle access shall be constructed to the curtilage of the dwellings
- (iv) no dormer windows shall be added to the dwellings

other than those expressly authorised by this permission, shall be constructed unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 6** - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation:-

- all first floor side elevation windows serving bathrooms; en-suites and stairwells; and
- the first floor secondary bedroom windows on the side elevations of The New Ashbourne and The Weaver house types,

shall be fitted with textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

**Condition 7** - a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied in any phase until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the

next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 8** - The development hereby approved shall not be occupied in any phase until a schedule of landscape maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 9** - Prior to the first occupation of any phase of the development hereby approved, passive infrastructure to allow for low emission vehicle charging points shall be installed in accordance with dwg.no. NSDTF-3011 Rev. Development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainability and reducing air pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the requirement of paragraph 110 of the National Planning Policy Framework.

**Condition 10** - Prior to any above ground construction works, a Waste Strategy, which shall include details of refuse and recycling facilities and bin presentation points for that phase of the development proposed shall be submitted to and approved in writing by the Local Planning authority. The approved facilities shall be made available for use prior to the first occupation of the buildings within the relevant phase and shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework

**Condition 11** - No above ground construction works shall take place unless and until a scheme detailing the emergency access including its management and operation, having regard to the phased elements, of this development has been submitted to and approved in writing by the Local Planning Authority. The approved emergency access route shall be provided and made available in accordance with the agreed scheme.

Reason: To ensure access for emergency vehicles is provided and retained at all times in the interests of public safety and having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 12** - Prior to the first occupation of any phase of the development hereby approved, a scheme for the provision of a memorial along the canal side in relation to the historic ferry crossing at Manchester Ship Canal shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Having regard to the requirements of the Development Principles Plan and in the interests of local history and culture having regard to Policies R1 and R6 of the Trafford Core Strategy and the NPPF.

**Condition 13** - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from ELLUC (ref ELLUC-CP-19025-200919-FRA-F3 dated 19.04.20) and the following mitigation measure detailed within the FRA:

- Finished floor levels are set at least at 14.45 and 14.55 metres Above Ordnance Datum for the South West and North West of the site respectively and as per Appendix E of the FRA.
- Provision of compensatory flood storage as per section 9 and Appendix F of the FRA

Reason: Such details need to be incorporated into the design of the development to prevent flooding having regard to Policies L5, L7 and L3 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 14** - No development shall take place on any phase of the development until a scheme indicating how the development will be constructed in accordance with the proposed indicative flood compensatory storage area (ELL/19025-C-L-500 Rev. D [20.04.20]) has been submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall include the following elements:

- detailed plans, including cross-sections (a minimum of one every 50m from MSC waterbody to Lock Lane) and long section, showing retained and re-profiled land profiles within new storage area and in context to MSC;
- details of how any ecological constraints (priority wetland habitats, protected species, water quality) and opportunities have been integrated into new flood compensatory scheme and its construction;
- an updated ecological appraisal based on submitted new FRA (ELLUC, 6/2/2020), outlining how opportunities to create a high quality and

multifunctional flood storage area and improved ecological network will be integrated as part of compensatory storage scheme design;

- details of any retained or restored habitats in and adjoining riparian MSC corridor, including production of an integrated riparian soft landscaping scheme including planting schedule based predominantly of native species;
- details demonstrating how the viable undisturbed buffer zone adjoining MSC will be protected during scheme development and construction;
- details of how new multifunctional storage area will be sensitively managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan; and
- details of any proposed new surface water outfalls, footpaths, fencing, lighting, etc. adjoining new compensatory wetland.

The development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority.

Reason: Such details need to be incorporated into the design of the development to prevent flooding having regard to Policies L5, L7 and L3 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 15** - No development shall take place on any phase of the development until a scheme for the provision and management of a minimum 6 metre wide buffer zone alongside the bank top of Manchester Ship Canal (MSC) waterbody has been submitted to, and approved in writing by, the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and include:

- plans showing the extent and layout of the buffer zone;
- details of any retained or proposed new soft landscaping including planting schedule predominantly based on native species;
- details demonstrating how the buffer zone will be protected during development; and
- details of any proposed new footpaths, fencing, lighting, etc. within buffer.

The development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority.

Reason: Such details need to be incorporated into the design of the development to protect the canal embankment having regard to Policies L5, L7, L3 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 16** - Prior to any above ground construction work first taking place, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of measures to improve the biodiversity value of the site and details of the long term implementation, maintenance and management body responsible for delivery. The approved scheme shall be implemented prior to first occupation and retained thereafter

Reason: In order to enhance the biodiversity of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 17** - No piling or any other foundation designs using penetrative methods shall take place on any phase of the development hereby approved unless and until a scheme which demonstrates that there will be no resultant unacceptable risk to groundwater in relation to that phase has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: For the future protection of the water environment from risks arising from land contamination, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 18** - No above ground works shall take place until a scheme detailing the emergency vehicle access from Hall Lane has been submitted to and agreed in writing by the Local Planning Authority. No dwellings on Plots 332 – 345 (inclusive); plots 368 – 375 (inclusive) and plots 435 - 440 (inclusive) should be occupied until the access has been constructed in accordance with the approved details and retained thereafter.

Reason: To ensure adequate vehicle access to the whole site and for emergency vehicles in the interests of public safety and having regard to Policies L4 & L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Condition 19** - No development shall take place until a scheme detailing proposed tree works within Tree Preservation Order: 363 has been submitted to and agreed in writing by the Local planning Authority. The scheme will also include details of an appropriate no dig raft foundation system to protect trees from works to the adjacent road layout. Development shall be carried out in accordance with the approved details.

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. This information is



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

**Condition 20** - No development shall take place until a scheme detailing the mitigation measures as detailed within the Noise Impact Assessment Report (Ref: 50-049-R1-6 December 2020) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include an 'as-built' mitigation validation report to list all measures incorporated on a plot by plot basis. Development shall be carried out in accordance with the approved details.

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

**Condition 21** – No development shall take place until an updated drainage plan including the position and size of tree pits has been submitted to and approved in writing by the Local Planning Authority. The drainage plan shall be accompanied by an updated drainage strategy which incorporates these details. The development shall be completed in accordance with the approved details.

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 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

**Page 170**      **101044/FUL/20: 64 - 66 Talbot Road, Stretford, Manchester**

**SPEAKER(S)**      **AGAINST:** -

**FOR:**              **Conor Vallely**  
                             **(Agent)**

### **OBSERVATIONS**

The application is being presented to Planning Committee at the discretion of the Head of Planning.

### **DEVELOPMENT PLAN**

1. The Civic Quarter Area Action Plan went out to Regulation 19 consultation on 20 January 2021 and thus can be afforded considerable weight in the determination of this planning application. However, the specific Civic Quarter policies cannot be strictly applied until they are found 'sound' through Examination.

2. Paragraph 12 of the Committee Report is amended to read:

The Council has recently consulted on a Draft Civic Quarter Area Action Plan (AAP). This is intended to establish a vision, masterplan and strategy for how the area could be revitalised and developed over the next 15 years and beyond. The AAP area covers the current application site as well as land as far north as Chester Road, Great Stone Road to the west, Trafford Bar Metrolink stop to the east and the Manchester-Altrincham Metrolink line to the south. This will form part of the Council's Development Plan and includes policies on a wide range of matters relevant to the development management process. Given that this will be at 'Regulation 19' stage at the time of Planning Committee on 21st January, the weight to be afforded it in the determination of this application is considerable, and it is considered to be **a determinative document in the assessment of this planning application.**

#### AFFORDABLE HOUSING

3. As noted in paragraphs 24 -28 of the Planning Committee Report, the provision of 10% affordable housing is considered to be policy compliant. At the time of publication of the committee report the proposed tenure or location of the affordable housing units on site had not been confirmed.
4. Core Strategy Policy L2.14 and SPD1 require a split of 50:50 in the affordable housing units to be provided between shared ownership and affordable rented housing units.
5. Since the publication of the Committee Report, the applicant has amended their affordable housing offer to provide Block A as 100% shared ownership units. This would result in the provision of 33 units or 22% of the scheme as affordable, however it would not comply with the aspirational 50:50 split in tenure noted in Policy L2.14.
6. Although the tenure of the proposed affordable housing is not strictly policy compliant, it is in this instance considered to be acceptable due to the uplifted provision of 22% affordable housing as opposed to the current policy requirement of 10% affordable housing.
7. This level of provision is considered to be policy compliant, in accordance with the Core Strategy.

#### EQUALITIES

8. The Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions

to ensure that developments create places that are safe, inclusive and accessible.

9. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
10. The proposed development will incorporate inclusive access throughout the development. The primary pedestrian access to all three buildings is situated off Talbot Road between Block A and the existing Villa. An accessible graded ramp will lead from the existing opening in the boundary wall along Talbot Road and run north western to the main entrance of Block B passing by the main entrance of Block A and the Villa on route. A secondary pedestrian route to all blocks can also be accessed off Botanical Avenue via a 1:20 ramp and/or stepped route through the landscape courtyard to the centre of the site
11. Internally, all upper floors will be accessed via Part M compliant lifts and ambulant disabled stairs.

### **RECOMMENDATION:**

That Members resolve that they would be **MINDED TO GRANT** planning permission for the 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 suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - The provision of 33 units (22%) affordable housing on site within Block A;
  - A financial contribution of £204,885 towards off-site primary education facilities;
  - A financial contribution of £195,327 towards off-site secondary education facilities;
  - A financial contribution of £87,364 towards spatial green infrastructure improvements at Longford Park;

- A financial contribution of £120,536 towards outdoor sports facilities;
  - The retention of Tim Groom Architects in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the Local Planning Authority and developer to work together to secure the involvement of an architectural practice of their choice in the role of design certifier.
- ii. To carry out minor drafting amendments to any planning condition.
- iii. To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.

## **CONDITIONS**

Amended conditions are proposed as set out below:

6. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works including green / brown roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a full specification of all boundary treatments across the site, details of furniture, detailed garden plan for grassed amenity area and roof garden including seating areas, the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. Any trees to be planted must have adequate rooting volume available to so that they can grow for the whole of their lifespan. Where this is not possible, raft systems shall be used, details of which shall be provided, including technical drawings of the type of system to be used, the area that the system will cover and the type and volume of soil to be used (structural soils will not be acceptable). (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner. (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

24. No above ground construction works shall take place until the full details of the final glazing and ventilation strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- Comply with the external noise mitigation scheme detailed within section 5 of the supporting Noise Impact Assessment (NIA) prepared by BWB Consulting Limited (date: June 2020, doc ref. BHT-BWB-ZZ-ZZ-RP-LA- 0001\_NIA\_S0\_P02).
  - Demonstrate compliance with the minimum acoustic performance specifications of section 5 to the aforementioned NIA; and,
  - Demonstrate that the ventilation products can achieve suitable rates of room ventilation in accordance with current Building Regulations Approved Document F with windows being kept fully closed.

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

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

**Page 223**      **101346/HHA/20: 83 Whitelake Avenue, Flixton**

**SPEAKER(S)**      **AGAINST:** -

**FOR:**              **Paul Delaney**  
                              **(Applicant)**

**Page 230**      **101618/FUL/20: Mani Halal Meat And Vegetable Shop, 208 - 210 Moss Lane, Hale**

**SPEAKER(S)**      **AGAINST:** -

**FOR:**              **Ozma Khan**  
                              **(b/h Applicant)**

**Consultation**

As detailed in paragraph 22 of the committee report, the Local Highway Authority have been experiencing IT issues in relation to digital mapping. However, having reviewed the plans further they do not believe the proposed development, as amended, is encroaching upon the adopted highway. The LHA therefore have no objection to the proposal.

The recommendation as set out in the committee report remains unchanged.

**Page 240**      **101780/HHA/20: 4 Watermint Way, Altrincham**

**SPEAKER(S)**      **AGAINST: Kuldip Bakaya  
(Neighbour)  
Statement read out only**

**FOR: Dr Adil Khwaja  
(Applicant)**

**Page 256**      **102313/FUL/20: Gulmarg, Garden Lane, Altrincham**

**SPEAKER(S)**      **AGAINST: Dr Kerry Nield  
(Neighbour)  
  
Councillor Welton**

**FOR: Paul Lee  
(Applicant)  
Statement read out only**

### **Representations & Observation**

Further representation has been received by three neighbours who have already objected to the application.

Firstly, the neighbour noted that amended plans were received on 12<sup>th</sup> January and asked why local residents were not re-notified of these changes. The changes included the removal of the detached garage. The amendments are not considered to result in an impact that would be greater than the original plans or previously amended plans. As such a neighbour re-notification is not deemed necessary.

The representations refer mostly to matters that have already been raised and addressed within the committee report. The concerns raised are in relation to:

- unsafe pedestrian access and increased activity on site by virtue of increased number of bedrooms, noting LHA's report of the collision data;
- overshadowing and loss of light;
- increased overlooking from windows from habitable rooms to neighbour's properties and gardens; and
- removal of trees without public consultation and lack of landscaping

In addition, representations included independent highways advice, which although not signed is understood to have been provided by a chartered transport planner and traffic engineer with over 20 years' experience. The points raised can be summarised as follows:

- the LHA response was brief and did not receive the requisite level of attention required;

- the LHA did not acknowledge previous highway reason for refusal;
- the LHA should not have compared to existing site;
- the adopted highway is narrow and there is doubt as to whether a vehicle could enter/egress the driveway without encroaching onto third party land;
- a swept-path analysis has not been done and therefore the ability of the driveway to function safely has not been proven; and
- the area of land north of the drive is not in the applicant's ownership and therefore may not have legal access to the drive.

## Observations

### Residential amenity

As stated within the committee report, it is considered that the existing northern boundary would provide adequate screening for the windows at ground floor, whilst suitably worded conditions requiring additional boundary treatment and obscurely glazed windows and rooflights (rooflights have an added restriction), would make the scheme acceptable with regard to overlooking and privacy levels.

Paragraphs 83 and 84 of the committee report provide detail on the removal of trees and landscaping, whilst paragraph 67 discusses the consideration and recommendation of additional screening along the eastern boundary.

One of the letters of representation makes a number of references to the heritage section of the committee report and states that they are misleading. To clarify the new dwelling would be 3.4m from the eastern boundary and although (as noted within the committee report) it would be in a similar location to the existing dwelling, it would also be positioned at a greater distance from the eastern boundary than the existing dwelling. The representation raises concern in relation to overshadowing and loss of light from the proposed dwelling to No.8. The committee report addresses these points at paragraphs 62 – 64. The representation also notes that the height of No. 8 Garden Lane is irrelevant and that it has a larger garden to the rear than the application site. No. 8 is a neighbouring property and thus within the immediate vicinity of the site. As such the height of this property was therefore provided for context. The distances to boundaries, such as the eastern boundary, have been taken into account in the assessment.

In relation to overshadowing impact, the following comments are made in addition to observations made at paragraphs 69 – 72 of the Officer's report. The proposed dwelling has a maximum height of 7.5m and would be located approximately 22m from the three storey outriggers of the properties on Springfield Road. The difference in land levels between the rear of the properties at Springfield Road and Gulmarg is 2.4m. The height of the proposed dwelling, plus the difference in land levels would be 9.9m. This is considered comparable to and with no greater impact than a two storey gable, given the roof form. As such, in terms of the relationship between the rear elevation of the property and the rear elevations of properties on Springfield Road, the proposed development would comply with SPG1, which states a minimum distance of 15m

should normally be provided from a main elevation facing a two storey blank gable. This is illustrated on the presentation.

### Highways

The Local Highway Authority have provided an additional response following receipt of the further representation. In summary the LHA note that a dwelling unit has existed on the site in question since 1948, and a vehicle access and single parking space are also provided for the dwelling. They note that a Certificate of Lawful proposed Development for the erection of a single storey rear extension and front porch and construction of garage/outbuilding (a double garage) was approved by the LPA on 12 August 2019 (ref: 98538/CPL/19).

Furthermore, a road safety problem has not been identified, and analysis of the latest available 10-year personal injury collision data for the area shows no collision have occurred on Garden Lane. It is deemed that when considering the adopted highway at this location, including the lack of pedestrian facilities, existing vehicle access points, and the number of parking spaces (including the car parks) currently provided on Garden Lane that an objection to the proposed development could not be sustained on highway grounds. Therefore, there are no objections on highway grounds to the proposals.

The LHA are a statutory consultee but ultimately the decision is with the Local Planning Authority that make a decision on a planning application. Officers have given sufficient weight to the previous reason for refusal. It is noted that the refused application was for a larger 5 no. bedroomed property, whilst this application proposes a smaller 3 no. bedroom dwelling. The fact a dwelling already exists on the site, even if it has been unoccupied for some time, is material to the decision making process and cannot be disregarded.

The proposed development would therefore comply with paragraph 109 of the NPPF in that it would not result in an unacceptable impact on highway safety.

### Other matters

It is noted that the LHA have assumed that the right of access to the site goes over a very small piece of third-party land, given the information provided by representations. Nevertheless, the applicant has provided a title plan and confirmed that all land located within the red edge boundary is in the applicant's ownership. This is ultimately a private matter and is not for the Local Planning Authority to determine land ownership boundaries.

### **Conclusion**

The recommendation to approve, subject to conditions, is unchanged.



**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**