

## AGENDA ITEM 3

### PLANNING (DEVELOPMENT CONTROL) COMMITTEE – 13 February 2014

#### 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 Chairman.

##### 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
H/69449	Petrol Station and adjacent land, 499 Chester Road, Old Trafford, M16 9HF	Clifford	1		
81212	Land at Deansgate Lane and Canal Road, Timperley	Broadheath	16		
81878	Acre Hall Primary School, Irlam Road, Flixton, M41 6NA	Davyhulme West	21		
81879	Gorse Hill Youth Centre, Cavendish Road, Stretford, M32 0PR	Gorse Hill	28		
81926	Woodsend Circle, Urmston, M41 8GY	Davyhulme West	33		
82033	101 Moss Lane, Sale, M33 5BU	St. Mary's	47		

Page 16 81212/FULL/2013: Land at Deansgate Lane and Canal Road, Timperley

#### OBSERVATIONS

Following further consideration of the legal issues the wording of the Recommendation has been amended as set out below.

It should also be noted that the wording of condition 10 has been amended following discussions between the developer's noise consultants and the Council's Pollution Housing and Licensing section. The revised wording is set out below.

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

(A) That the application will propose a satisfactory form of development for the site upon completion of an appropriate legal agreement (to include claw-back provisions) to secure:

(1) a maximum financial contribution of £369,047.93 plus a maximum provision of 13 affordable housing units (or financial sum in lieu thereof) pursuant to SPD1 payable in the event that the developer realises a profit in excess of that predicted in the current viability appraisal;

(2) that on the basis of the Applicant's current viability appraisal (and subject to the claw-back provisions referred to above) the maximum contribution referred to in (1) above be reduced to the provision of:-

4 no. affordable housing units on site and the sum of £150,000 split between:

£70,000 towards Highway and Active Travel Infrastructure and Public Transport Schemes or in lieu of such sum a transfer of land to the Council at the junction of Deansgate Lane and Canal Road as shown on Plan No: 12052 04 – LAND TRANSFER for highway improvement purposes provided that the Council is agreeable to accepting such a transfer and on such terms and conditions which are acceptable to the Council;

£2,320 towards Specific Green Infrastructure (to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme);

£22,880 towards Spatial Green Infrastructure, Sports and Recreation; and  
£54,800 towards Education Facilities.

(B) In the circumstances where the s106 Agreement has not been completed within 3 months of this resolution, the final determination of the application shall be delegated to the Head of Planning Services.

(C) That upon satisfactory completion of the above legal agreement, planning permission be **GRANTED** subject to the following conditions: -

1. Standard Time Limit
2. List of Approved Plans
3. Materials to be submitted
4. Landscaping
5. Landscaping Maintenance
6. Obscure glazing
7. Removal of PD – extensions, new windows, dormer windows
8. All areas for the maneuvering and parking of vehicles shall be made available for such and retained at all times
9. Contaminated land Phase 2 report
10. No development shall take place until a scheme of sound insulation, acoustic glazing and ventilation has been submitted to and approved in writing by the Local Planning Authority;

The scheme shall contain detailed calculations which demonstrate that the noise criteria, contained within AEC REPORT: P2756/R1A/PJK will be obtained at each property of the development;

A completion report shall be provided which confirms the noise mitigation measures which have been installed and at which properties;

11. Wheel washing;

12. Permeable paving;

**Page 21 81878/FULL/2013: Acre Hall Primary School, Irlam Road Flixton**

**OBSERVATIONS**

Paragraph 6 of the report refers to ongoing discussions regarding the provision of an adequate turning head for the staff parking accessed off Woodsend Crescent Road and adequate cycle parking/scooter parking. Amended plans addressing these matters have not been received. It is however considered that they can be covered by condition.

**ADDITIONAL CONDITION**

15. Requirement for a turning area.

**Page 33 81926/FULL/2013, Woodsend Circle, Flixton**

**SPEAKER(S) AGAINST:**

**FOR:**

**George Devlin (Chair  
of Woodsend Area  
Partnership)**

**CONSULTATIONS**

**Pollution & Licensing** No objections to the size and siting of the proposed flue to the rear of Unit 4. A noise assessment should be submitted in relation to the sub-station, external plant above the western stair-pod, and any other external plant to the mixed-use building.

The following hours would be acceptable in relation to deliveries and refuse/recycling collection for the mixed-use building:

0700 – 2100h Monday – Saturday

1000 – 1800h Sundays and Bank Holidays

No objections to the opening hours proposed for the retail units and Medical Centre

## **OBSERVATIONS**

### **DESIGN AND STREETSCENE**

The principal elevations to the dwellinghouses have been amended to improve their appearance. This has been achieved through the addition of headers to the windows of the 'Moseley' house-types; sills to the 'Moulton's' and corbelling, brick string courses, and window sills to the 'Hanbury' houses.

The position of the proposed sub-station that will serve the site has been re-located to the eastern side of the Woodsend Crescent Road access. It is considered that this represents a more neighbourly location, with respect to impact on residential amenity, and should allow for better screening through the introduction of tree planting and soft landscaping.

Further details have been provided on the type of boundary treatments that will separate the commercial aspect of the scheme from the proposed residential estate. An amended site plan shows that a 2m high brick wall will separate the parking and servicing areas associated with the mixed-use building from Units 01, 04 and 22. The remainder of this boundary will comprise of a low wall with fencing above, softened by ivy planting on both sides. It is hoped that this will serve to 'green-up' those areas where there is little remaining room for the planting of trees or larger shrubs.

### **ACCESS, HIGHWAYS AND CAR PARKING**

The submitted floor-plan for the proposed Medical Centre indicates that it will provide seven designated consulting rooms, with each to be operated by a GP. The proposed level of car parking normally required for this use has been assessed on this basis and found to be acceptable in the context of the overall level of provision associated with the mixed-use building. The developer has requested that no condition be attached to the scheme that would restrict the maximum number of consulting rooms allowable within the building at any one time, as the NHS require full flexibility to allow practices to expand to meet the future needs of the surrounding population. The floor-plans show 'treatment' and 'training' rooms within the proposed layout, along with two 'expansion rooms' also. Thus it is considered that the Medical Centre possess the ability to provide a number of consulting rooms within it that substantially exceeds the seven which are currently annotated on the plans. If the practice does expand in this way then this could create a situation in the future whereby the demand for car parking associated with the development consistently exceeds the capacity of its car park, resulting in a degree of informal parking taking place on the surrounding residential streets.

Notwithstanding this, it is still considered that the benefits of the scheme outweigh this issue.

### **AFFORDABLE HOUSING PROVISION**

The development requires the provision of a minimum of 7 affordable units on the site. Whilst it is the applicant's current intention to provide all 12 of the apartments in the mixed use building as affordable units, the applicant would like the flexibility of being able to change this arrangement if needs be. It is considered that it would be unreasonable to condition all 12 of the apartments to

be affordable. It is therefore recommended that the wording to Condition 4 is amended so that a minimum of 7 units are provided as affordable housing.

#### DEVELOPER CONTRIBUTIONS

Following a thorough assessment of the submitted viability appraisal the Local Planning Authority has accepted that a marginally viable scheme would be rendered non-viable by the imposition of s.106 contributions. It is however recommended that an overage clause be attached to any approval which allows the issue of viability to be revisited upon completion of the proposed development, and for contributions to be secured if it is found to perform better than the developer initially anticipated.

#### **RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

- (I) That the application will propose a satisfactory development for the site upon completion of a legal agreement which would require a nil contribution but subject to an overage clause to ensure that a contribution up to the value of £237,740.38 could be secured should the developer's assumption about the viability of the development prove to be incorrect upon the development's completion.
- (II) In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of this resolution, the final determination of the application shall be delegated to the Head of Planning Services.
- (III) Remove the following condition;
  5. Amended plans to be submitted for dwellinghouses, showing improved external elevations  
  
Amend the following conditions
  4. A minimum of 7 of apartments in the mixed use building shall be provided as affordable housing.
  29. Restriction of hours – No deliveries and waste collections associated with commercial premises shall take place outside of the following hours;  
0700 – 2100 Monday – Saturday  
1000 – 1800 Sundays and Bank Holidays
  30. Noise Assessment to be submitted for commercial units and sub-station - The combined level of any fixed-plant noise should be at least 5dB below the lowest measured background level at the nearest noise sensitive receptor;
  32. Restriction of use of first-floor to Medical Centre, and no other use within Use Class D1;

**SPEAKER(S) AGAINST:**

**FOR:** Mr. Donnelly  
(Applicant)

**CONSULTATIONS**

**Highways:** The applicant needs to be advised that to implement the proposal a “highway extinguishment order” will be required for the possible unrecorded public right of way which is shown on maps dating from 1987 as running immediately next to the fence-line of 101 Moss Lane.

**OBSERVATIONS**

**ACCESS, HIGHWAYS AND PARKING**

The proposed site plan shows that the fence-line has purposefully been aligned so as to avoid disrupting the course of the existing un-surfaced path that runs adjacent to 101 Moss Lane. A site visit has confirmed that this will be achieved. However this is contradicted to a degree by the recent discovery of a map of this part of Sale, dating from 1987. This shows the footpath to run immediately next to the existing boundary fence of No.101, and subsequently within the area set to be enclosed into its rear garden. On the basis of this uncertainty the applicant is advised to secure a ‘highway diversion/extinguishment order’, which is completely separate to any consent gained through a planning application. Notwithstanding this, it is considered that the alignment of the footpath shown on the 1987 map does not represent a reason for the refusal of planning permission as pedestrian/cyclist movements from Denesway South to Moss Lane/Cecil Avenue will be free to continue along the existing un-surfaced footpath unimpeded.

**HELEN JONES  
CORPORATE DIRECTOR  
ECONOMIC GROWTH & PROSPERITY**

**FOR FURTHER INFORMATION PLEASE CONTACT:**

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