

CHANGE OF USE FROM OFFICES TO A SINGLE DWELLING.

66 Barrington Road, Altrincham, WA14 1HY

APPLICANT: Mr Stuart Padmore

AGENT:

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

This application was considered at the 9th August 2012 Planning Committee and it was resolved to grant permission subject to a legal agreement requiring a financial contribution from the developer. Since this resolution the applicant has advised that the proposed development with the contribution required (£15,022.70) is not viable and further information has been submitted seeking to demonstrate this. The applicant has therefore requested that the developer contribution is reconsidered in light of the particular circumstances of his business, which are set out in the Applicant's Submission section of this report. Consideration of the applicant's arguments is in paragraph 9.

SITE

The application relates to a three storey late Victorian / Edwardian semi-detached property on the east side of Barrington Road and to the north of Altrincham town centre. The property is currently in use as an office. Prior to being converted to an office in 2007 the property was in use as eight flats.

The surrounding area is predominantly residential in character although there are a number of other uses in the locality, including the Garrick Theatre and police station and on the opposite side of Barrington Road, children's day nursery and a medical centre on Ellesmere Road and hotel and retirement home further along Barrington Road. The adjoining semi-detached property is in use as dwelling, to the north side of the site there is a detached bungalow (currently vacant) and to the rear there are two storey semi-detached dwellings on Gaskell Road.

PROPOSAL

Permission is sought for the change of use of the property from offices to a single dwelling. The application is for change of use only with no external alterations to the building proposed. The accommodation would be over three floors and includes 5 bedrooms, lounge/sitting room, kitchen, dining room and bathrooms. Access is to be retained as existing from Barrington Road and the existing car parking to the front and rear of the site is indicated as being retained.

DEVELOPMENT PLAN**The Development Plan in Trafford Comprises:**

- The Trafford Core Strategy, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF)

development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The Revised Trafford Unitary Development Plan (UDP), adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF; and
- The Regional Spatial Strategy for the North West of England, adopted September 2008. The Secretary of State for Communities and Local Government has signaled that it is the intention of the Government to revoke all Regional Spatial Strategies so that they would no longer form part of the development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 and therefore would no longer be a material consideration when determining planning applications. Although the Government's intention to revoke them may be a material consideration in a very limited number of cases, following a legal challenge to this decision, the Court of Appeal has determined their continued existence and relevance to the development plan and planning application decision making process until such time as they are formally revoked by the Localism Act. However, this will not be undertaken until the Secretary of State and Parliament have had the opportunity to consider the findings of the environmental assessments of the revocation of each of the existing regional strategies.
- The Greater Manchester Joint Waste Plan, adopted 01 April 2012. On 25th January 2012 the Council resolved to adopt and bring into force the GM Joint Waste Plan on 1 April 2012. The GM Joint Waste Plan therefore now forms part of the Development Plan in Trafford and will be used alongside district-specific planning documents for the purpose of determining planning applications.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 – Land for New Homes
L2 – Meeting Housing Needs
L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L7 - Design
L8 – Planning Obligations
R2 – Natural Environment
R3 – Green Infrastructure
R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

H4 – Release of Other Land for Development

PRINCIPAL RSS POLICIES

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
DP7 – Promote Environmental Quality

RDF1 – Spatial Priorities
L4 – Regional Housing Provision
MCR1 - Manchester City Region Priorities
MCR3 – Southern Part of the Manchester City Region

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. With immediate effect the NPPF replaces 44 documents including Planning Policy Statements; Planning Policy Guidance; Minerals Policy Statements; Minerals Policy Guidance; Circular 05/2005:Planning Obligations; and various letters to Chief Planning Officers. The NPPF will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

H/63389 – Change of use from residential use to D1 Medical Centre, including demolition of existing detached garage to rear to allow for additional car parking spaces. Refused 03/01/06

H/CLD/63224 – Application for Certificate of Lawful Established Use and Development for use of the property as eight flats. Approved 24/05/06

H/58841 - Change of use to offices (B1 use). Approved 13/05/04

APPLICANT'S SUBMISSION

The applicant has advised of the following background: -

- Till & Whitehead has been trading since 1876, is a small business, and during the period 2001 to 2006 grew by acquisition of similar small businesses. No. 66 Barrington Road was purchased in 2007 and converted at great expense from very poor quality bedsit accommodation to an office building.
- The recession and downturn from 2008 to date has hit the company extremely hard. Following a couple of branch closures and with new technology allowing different ways of working, a separate "head office" building has become something of a luxury. The company is now in a fifth year of losses and cashflow is becoming more than problematic and they have decided to sell the building and filter the staff to their Manchester and Bolton locations. The applicant intends to sell the building as a residential building, which it is hoped would bring a swifter sale than if it remains as offices.
- The property did not have any of the site laid to garden pre 2007. Any purchaser would need to convert one of the downstairs offices to a kitchen and a bathroom would need to be installed on the 1st or 2nd floor.
- The applicant does not intend to convert the building and intends to sell with the use as residential as soon as possible, otherwise the business could fail in the next six months.

The further information submitted in relation to the Section 106 contribution is summarised as follows: -

- Till & Whitehead is not a development company seeking to develop a piece of land or an existing building for profit. The application results from the adverse economic impact of the recession / downturn and closure of the 66 Barrington Road office to save costs. Many initiatives have been undertaken and reduce overheads where possible but cashflow is still very tight.
- The property has been on the market since 2012 with only two viewings and no offers made since that time. As a vehicle to initiate the cashflow benefits from the sale, which is now deemed urgent, the applicant intends to sell his own property in Bowdon which would pay off the mortgage and allow for the purchase of 66 Barrington Road. After fees and other costs there would be a loss of £5,850.
- Banks have been unsupportive.
- The S106 contribution is likely to result in a full time person being made redundant, or two part timers.
- Till & Whitehead already stand to make a loss on the sale of the property from when originally bought in 2007 and converted from bedsits to offices.

CONSULTATIONS

LHA – No objections

Pollution and Licensing – No objections

REPRESENTATIONS

None received

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The NPPF includes within its core planning principles the need to deliver the homes that are needed and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy L2 of the Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council's Sustainable Community Strategy. Of relevance to this application it requires new development to be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure, not harmful to the character or amenity of the immediately surrounding area and in accordance with Policy L7 and other relevant policies within the Development Plan.
2. The proposal seeks to make use of an existing building which is in a sustainable location. The property is in close proximity to the town centre where comprehensive services and facilities are available and the site is well served by public transport with bus stops on Barrington Road and being within walking distance of Navigation Road Metrolink and Altrincham Interchange. The proposed change of use is therefore consistent with the above policies in focusing residential development on previously developed land in sustainable locations and there is no land use policy objection to the development.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

3. Residential use is considered acceptable in this location where the predominant land use is residential. The property appears to have been originally built as a dwelling and is therefore suitable for conversion without significant alteration. No external alterations are proposed to the building or the areas to the front and rear (although see paragraph 5 below), therefore the proposal has no implications for the external appearance of the building and its impact on the wider area.

IMPACT ON RESIDENTIAL AMENITY

4. The proposed use of the property as a dwelling would have no detrimental impact on the adjoining dwelling or the dwellings to the rear on Gaskell Road. The distances retained from the existing rear windows to the rear gardens and elevations of houses on Gaskell Road and Ellesmere Road comply with the privacy distances set out in the Council's adopted guidelines for New Residential Development. No extensions or external alterations are proposed that may otherwise have an impact on surrounding property.
5. The Council's guidelines for New Residential Development state most new dwellings, including conversions, should provide some private outdoor space and as an indication states that around 80 sq. m of garden space will normally be acceptable for 3 bedroom semi-detached houses in an area of similar properties. The land to the rear of the building and which is currently a car park extends to approximately 140 sq. m and it is considered this would provide an acceptable garden / amenity space for the future occupiers of the dwelling, subject to being appropriately landscaped. In the absence of such a scheme being included with the application it is recommended a condition is attached to any permission requiring a scheme to be submitted, approved and implemented before the property is occupied as a dwelling.

ACCESS AND CAR PARKING

6. Access from Barrington Road is to be retained as existing and the existing car parking at the front and side of the building is to be retained. The LHA comment that the provision of three car parking spaces should be provided to meet the Council's car parking standards and that this can be provided on site, therefore there are no objections to the proposals on highways grounds. It is recommended a condition is attached to any permission showing the parking spaces available and for this to be retained thereafter.

DEVELOPER CONTRIBUTIONS

7. It is appropriate for this form of development to seek the Trafford Developer Contributions (TDC) required by SPD1 Planning Obligations as set out in the table below:

TDC category.	Gross TDC required for proposed development.	Contribution to be offset for existing building/use (where relevant).	Net TDC required for proposed development.
Affordable Housing	N/A	N/A	0
Highways and Active Travel infrastructure (including highway, pedestrian and cycle schemes)	£155	£612	0
Public transport schemes (including bus, tram and rail, schemes)	£307	£1,632	0
Specific Green Infrastructure (including tree planting)	£930	£2,170	£3,672.13
Spatial Green Infrastructure, Sports and Recreation (including local open space, equipped play areas; indoor and outdoor sports facilities).	£3,672.13	N/A	£11,350.57
Education facilities.	£11,350.57	N/A	
Total contribution required.			£15,022.70

8. The existing use of the site as an office would generate a higher contribution than the proposed development in the TDC categories Highways and Active Travel infrastructure, Public Transport schemes and Specific Green Infrastructure. Therefore the only contributions triggered by the development are Spatial Green Infrastructure, Sports and Recreation and Education facilities.
9. It is clear from the applicant's submission that not paying the £15,022.70 contribution would assist the business, however the case made does not demonstrate that the development itself isn't viable i.e. that the costs associated with converting the property from an office to a dwelling are such that a £15k contribution cannot be met. The circumstances set out are specific to the particular circumstances of the business and not the actual viability of the conversion. Whilst the Council welcomes development proposals that may help businesses and secure jobs there is a danger that if this case were accepted then any business in Trafford could seek to make the same arguments, particularly in difficult economic times. The effect would be that all new development which has a demand and impact on existing local infrastructure, such as education facilities, play space and sports facilities, etc. would not be required to make a contribution and as a result these facilities would suffer. Therefore it is considered that the applicant's circumstances are not sufficient to waive the £15,022.70 Section 106 contribution and the previous recommendation stands.

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT and the following conditions: -

(A) That the application will propose a satisfactory form of development for the site upon completion of an appropriate legal agreement to secure a maximum financial contribution of £15,022.70 split between: £3,672.13 towards Spatial Green Infrastructure, Sports and Recreation; and £11,350.57 towards Education Facilities; and

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

1. Standard 3 year time limit
2. List of approved plans
3. Landscaping scheme to be submitted and agreed, to include details for a garden/amenity space to the rear of the building and bin store
4. Provision of three car parking spaces in accordance with a plan to be submitted and approved and to be retained thereafter

RG

**WARD: Bucklow St.
Martin's**

79442/FULL/2012

DEPARTURE: No

INSTALLATION OF 25M TELECOMMUNICATIONS MAST AND ASSOCIATED EQUIPMENT CABINET AND FENCING, FOLLOWING REMOVAL OF EXISTING MAST.

Mersey Valley Sports Club, Banky Lane, Sale, M33 5SL

APPLICANT: Vodafone Limited

AGENT: Savills

RECOMMENDATION: GRANT

SITE

The site is part of the Mersey Valley sports club playing fields on the boundary adjacent to the existing sewage works. The site of the proposed mast is to the south west corner of the sewage works site. The site is to the north of Banky Lane.

PROPOSAL

The application proposes to replace the existing 25m high O2 mast and equipment which is immediately adjacent to Banky Lane also to the south west of the sewage works.

The replacement mast is also 25m in height but is to be sited some 9m further north than the existing mast. The site of the proposed mast is approximately 1m higher in levels than the land where the existing mast is to be decommissioned.

The proposal consists of a 23m column with antennas above to an overall height of 25m. The column is approx. 0.4m in diameter. There are also three 3m high equipment cabinets proposed and a 2.1m palisade fencing around the mast and cabinets. The steel cabinets and mast are proposed to be grey in colour.

An ICNIRP certificate has been submitted with the application.

DEVELOPMENT PLAN

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- The Revised Trafford Unitary Development Plan (UDP), adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are

superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF; and

- The Regional Spatial Strategy for the North West of England, adopted September 2008. The Secretary of State for Communities and Local Government has signaled that it is the intention of the Government to revoke all Regional Spatial Strategies so that they would no longer form part of the development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 and therefore would no longer be a material consideration when determining planning applications. Although the Government's intention to revoke them may be a material consideration in a very limited number of cases, following a legal challenge to this decision, the Court of Appeal has determined their continued existence and relevance to the development plan and planning application decision making process until such time as they are formally revoked by the Localism Act. However, this will not be undertaken until the Secretary of State and Parliament have had the opportunity to consider the findings of the environmental assessments of the revocation of each of the existing regional strategies.
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PRINCIPAL RELEVANT CORE STRATEGY POLICIES

R4 – Green Belt, Countryside and other protected open land

L7 - Design

PROPOSALS MAP NOTATION

Green Belt

Protection of Landscape Character

Protected Open Space

River Valley Flood Plains

Wildlife Corridors

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV10

ENV13

OSR5

C4

PRINCIPAL RSS POLICIES

Non relevant to proposal

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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Minerals Policy Statements; Minerals Policy Guidance; Circular 05/2005:Planning Obligations; and various letters to Chief Planning Officers. The NPPF will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

H/49148

Installation of 22.5m monopole tower to support 6 no. dual band polar antennas and 2 x 0.6m microwave dishes; and associated radio equipment cabin

Approved 18/05/00

APPLICANT'S SUBMISSION

The replacement mast is to be a shared structure containing antennae for three operators, and therefore whilst not as slim as some structures the use of the proposed design does negate the need for second separate structure nearby. It is stated that the mast will replace the existing 25m O2 mast at the sewage works approved under application H/49148.

The applicant considers that the column height of 25m will be screened by trees between 16m and 18m high meaning it will be seen from a relatively small area. The applicant considers that the proposed micro siting will minimise the visual impact on the area whilst achieving the coverage requirements of the cell.

Alternative sites have been considered. There are no existing telecoms structures in the area. The rooftop at All Saints church was ruled out as not suitable from engineering requirements and is also closer to residential properties. A streetwork solution on Banky Lane was considered but would only be available to O2 and Vodafone and 3 would need to find an alternative solution. Ashton on Mersey RUFC was considered however this is further away from the existing mast to be decommissioned and would involve further visual disruption. A site within M & W Freight on Carrington Lane was considered however the site is not suitable from a radio engineering perspective and is closer to residential properties.

The applicant considers that the backdrop of the proposed mast with existing trees and shrubs with trees up to 18m in height, which is not overlooked by housing has led to the selection of the application site.

CONSULTATIONS

None

REPRESENTATIONS

1 letter of objection received on grounds that the mast is increasing in height by 2.5m.

OBSERVATIONS

PRINCIPLE

1. NPPF para 42 – 45 advises that advanced high quality infrastructure is essential for sustainable economic growth and advises that applications for a new mast or base station should be supported by evidence that the applicant has explored erecting antennas on an existing building, mast or

other structure, and a statement that International Commission of Non Ionizing Radiation Protection (ICNIRP) guidelines will be met. The NPPF advises that Local Planning Authorities must determine applications on planning grounds.

2. The proposal is a replacement mast however the site is located within the green belt and an area of landscape protection and protected open space. It is considered that the siting of the mast does not affect the function of the protected open space and playing fields as it is in the south east corner of the clubs playing fields.
3. In relation to the green belt, the mast would constitute inappropriate development as it is not related to agriculture, forestry, outdoor sport and recreation or any other exceptions as set out in the NPPF. The new siting of the mast is proposed to be a further 9m back from Banky Lane set further into the green belt and therefore this siting must be considered in terms of impact on the openness of the green belt and visual amenity within the green belt as well as considerations regarding landscape character.
4. In assessing the application for the existing mast it was considered that although the site is within a sensitive area and would appear quite prominent when viewed from the north and west (particularly from the sports ground) the ground structures would be partly screened by tree planting along Banky Lane. It was recognised that the upper parts of the mast would be prominent but would be partly seen in the context of the high trees. Furthermore the site is located towards the southern part of the Green Belt and would at its lower levels be viewed against the built structures of the sewage works.
5. The applicant has advised that the replacement site is proposed approximately 9m back from the existing mast at the Site Providers request. The exact location was chosen for a number of reasons:
 - There was a concern about the trees/shrubs in the corner of the field. The operator tries to locate the site as to not cause any damage to existing trees during the construction phase, if placed any further forward the existing large trees adjacent to the entrance of the site would be damaged during construction.
 - The site provider wants to use the existing double gates within the fence line, and does not want access taken from the car park across the pitches due to concerns about the damage that may be caused to them. These gates are around 3m back from the edge of the existing masts compound. The operator will need to get a vehicle on site during the construction phase and for routine maintenance. Space will be required to allow the vehicle to pull on site, the site therefore was moved backwards slightly.
6. It is considered that although the proposed mast is 9m further north into the green belt and set back further from the road, this does not significantly encroach into the openness of the green belt given the presence of existing landscaping and the sewage works. The proposed new siting of the mast will not have a significant difference in terms of the openness of the Green Belt and on the landscape character of the area

than the existing mast. On balance therefore the proposed replacement mast is considered acceptable in terms of green belt policy and landscape considerations.

7. It is considered that the principle of a mast in this part of the green belt has been established by the existing mast which has been on site since 2000 and which the proposal will replace. The applicant has confirmed that there are no alternative sites for the replacement mast in a site search, the site is away from residential properties and is adjacent to existing structures within the sewage works site. As such this is considered to constitute very special circumstances for allowing the replacement mast within the green belt.

VISUAL AMENITY/ RESIDENTIAL AMENITY

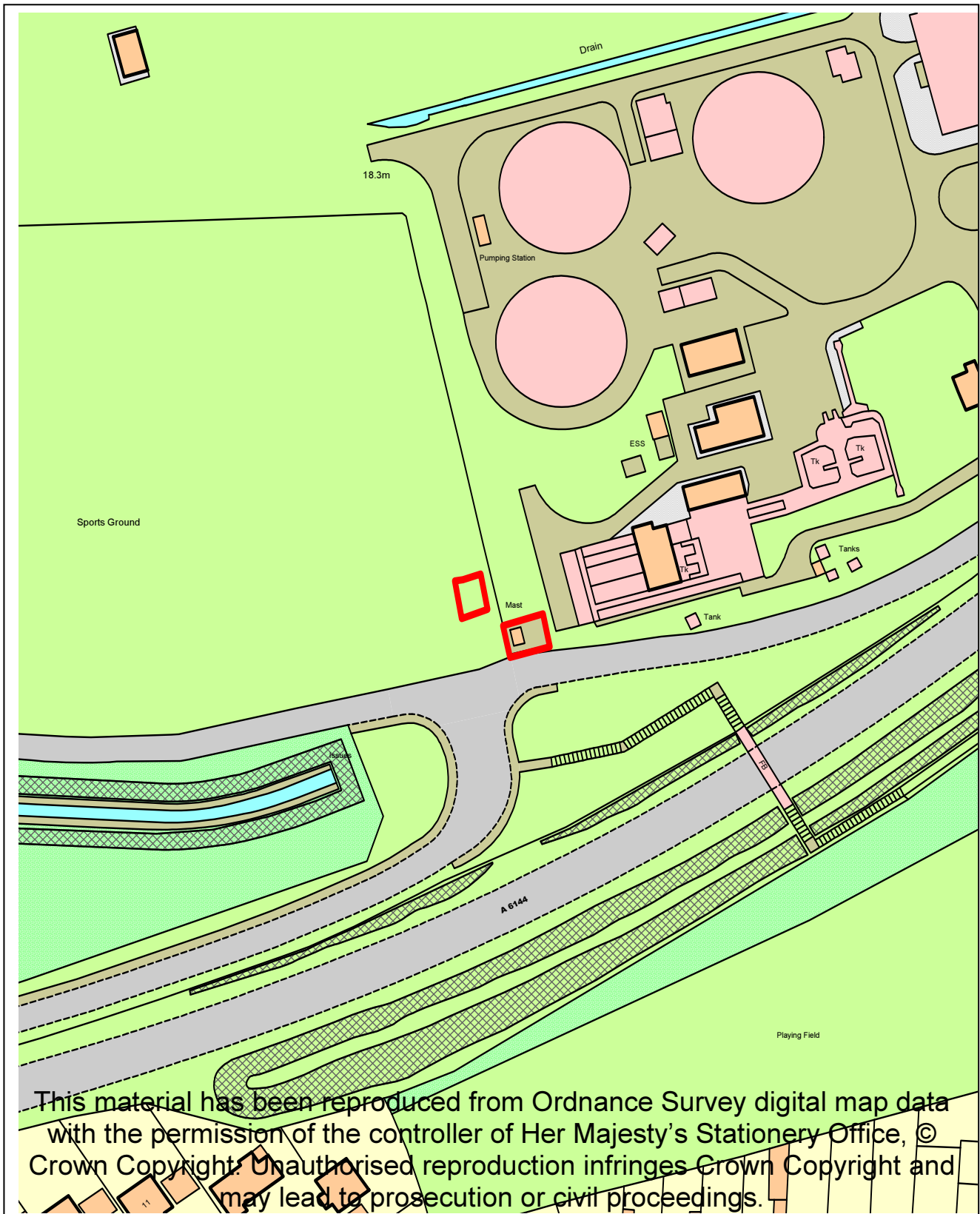
8. The mast is separated from the nearest residential properties on Hawthorn Lane by Carrington Spur and therefore it is not considered that the mast will appear as a prominent feature in this direction and only glimpsed views are seen above the landscaping which runs parallel to Carrington Spur.
9. There is an existing school to the south west of the site, All Saints RC Primary School and nursery. The proposed location of the mast will move further away from the school than the existing mast.
10. The proposed replacement mast will be at a higher land level by approximately 1m and is proposed some 9m further into the open playing fields of the sports club and green belt. Whilst the existing location of the mast is considered preferable, it is not considered that this increase in land level or siting back from Banky Lane would increase the prominence of the mast to the extent that would result in loss of visual amenity. As such the proposal is considered satisfactory in accordance with policy L7 in relation to visual amenity.
11. In relation to health considerations the applicant has submitted a statement of conformity with ICNIRP public exposure guidelines which the government has adopted. The NPPF advises that authorities should not determine health safeguards if the proposal meets International Commission guidelines for public exposure.

RECOMMENDATION: GRANT subject to the following conditions

That planning permission be GRANTED subject to the following conditions: -

1. Standard Time Limit
2. Details in accordance with approved plans
3. Mast to be coloured grey and cabinets to be coloured green unless otherwise agreed in writing.
4. Existing mast to be removed within 1 month of erection of replacement mast

MH



LOCATION PLAN FOR APPLICATION No: - 79442/FULL/2012
 Scale 1:1250 for identification purposes only.
 Chief Planning Officer
 PO Box 96, Waterside House, Sale Waterside, Tatton Road, Sale M33 7ZF
Top of this page points North

VARIATION OF CONDITION 1 OF PLANNING PERMISSION 77622/FULL/2011 TO ALLOW CONTINUED USE OF LAND AS MARKET AND RETENTION OF STALLS, STEEL STORAGE CONTAINERS AND MOBILE TOILET BLOCK FOR A FURTHER PERIOD OF 12 MONTHS.

Land at Smithy Lane, Partington, M31 4RB

APPLICANT: Ms Louise Morrissey

AGENT: Turley Associates

RECOMMENDATION: MINDED TO GRANT SUBJECT TO EXPIRY OF STATUTORY CONSULTATION PERIOD

SITE

The application site is located towards the western end of the area of open space that lies between Smithy Lane and Manchester New Road in the centre of Partington.

The market stalls and dark green steel containers are permanently in situ and are sited on a tarmac area with grass and mature trees to the north and east. A portable toilet block is sited to the north, adjacent to Manchester New Road.

There are eighteen parking spaces marked out on Smithy Lane, to the south and east of the application site.

The vacant site of the former Greyhound public house lies on the opposite side of the road to the north. To the south, a number of retail units within the shopping centre have now been demolished pending the proposed shopping centre redevelopment. There are also residential properties to the north and west, the nearest being approximately 40 metres from the application site.

PROPOSAL

The application proposes the continued use of the site for a market, together with the retention of the stalls, containers and portable toilet block for a further temporary period of twelve months. The previous temporary permission, 77662/FULL/2011, expired on 8th December 2012.

The market operates on 2 days per week, Tuesdays and Saturdays. In total, there are 5 container stalls and 14 open stalls.

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PRINCIPAL RELEVANT CORE STRATEGY POLICIES

SO2 - Regenerate

SO4 - Revitalise town centres

Place Objectives for Partington;

PAO10 - To improve and enhance the existing retail offer within the local shopping centre to create a more vital and vibrant centre.

PAO11 - To maximise employment opportunities within a redeveloped local shopping centre

L3 – Regeneration and reducing inequalities

L4 – Sustainable transport and accessibility

W1 – Economy

W2 – Town centres and retail

PROPOSALS MAP NOTATION

None but the site is adjacent to Partington town centre

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

PRINCIPAL RSS POLICIES

None relevant

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RELEVANT PLANNING HISTORY

77662/FULL/2011

Renewal of planning permission for use of land as market for temporary period of 12 months, retention of stalls, steel storage containers and mobile toilet block – Approved – 8th December 2011

75594/FULL/2010 - Renewal of planning permission for use of land as market for temporary period of 12 months, retention of stalls, steel storage containers and mobile toilet block – Permitted – 19th October 2010

H/LPA/67556 – Renewal of planning permission for use of land as market for temporary period of three years, retention of stalls, steel storage containers and mobile toilet block – Permitted 17th September 2007

H/LPA/64801 – Use of land as market for one year, retention of stalls, storage containers, mobile toilet block and planters – Land at Smithy Lane, Partington – Permitted – 7th August 2006

H/LPA/56090 – Use of land as market for temporary period (3 years), siting of stalls, steel storage containers, mobile toilet block and planters – Land at Smithy Lane, Partington – Permitted – 17th April 2003

Adjacent shopping centre site:

79361/RM/2012

Approval of alternative reserved matters of appearance, landscaping, layout and scale for the demolition of existing shopping centre and erection of new shopping centre comprising Class A1 (Retail), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A5 (takeaways). Class B1 (offices) and Class D1 (non-residential institutions) and provision of associated car parking, village square, improvements to public open space and other associated highway works. Approved 17th December 2012

CONSULTATIONS

LHA: Comments incorporated into Observations section of report

Pollution and Licensing: No comments received to date

Strategic Planning and Developments: Comments incorporated into Observations section of report

Partington Parish Council: No comments received to date. Any comments will be incorporated into the Additional Information Report.

Positive Partington Partnership: No comments received to date

REPRESENTATIONS

None received to date, however the statutory consultation period does not expire until 11th January 2013. Any representations received will be reported in the Additional Information Report.

OBSERVATIONS

INTRODUCTION

1. The application proposes a variation of Condition 1 of planning permission 77662/FULL/2011 to allow the retention of the market on the existing site for a further period of twelve months. Planning permission H/LPA/56090 was originally granted for the use of this site as a market for a three year period on 17th April 2003. A further 12 month permission, H/LPA/64801, was granted in 2006 and a further three year permission, H/LPA/67556, was granted in 2007. Following this permission, 75594/FULL/2010, was granted on 19th October 2010 and expired on 14th October 2011 and then application 77662/FULL/2011 was granted on 8th December 2011 and expired on 8th December 2012.
2. The current market site forms part of the area of the proposed new shopping centre development by Peel Investments (North) Ltd. The letter accompanying the application states Peel have been working to bring forward the shopping centre development over the last 18 months and this has required applications to vary the approved outline parameters of the development in order to meet operational requirements of the anchor tenants. This has also required submission of two reserved matters applications due to changes in operator requirements and it has therefore taken longer to secure the required planning permissions for the shopping centre than anticipated.
3. The most recent reserved matters application for the shopping centre was approved at the 13th December Planning Committee meeting. The reserved matters scheme includes permanent facilities for the market. Demolition of parts of the shopping centre has already been carried out and the applicant advises that they are intending to progress with development on site as soon as possible. The applicant advises that it is hoped that the market will be able to relocate to its new and permanent home within 12 months. The granting of a further 12 month permission would ensure the continued use of the land as a market until the new development is completed.

PRINCIPLE OF DEVELOPMENT

4. The proposal to retain the market in its current location for a further 12 month period is not in conflict with the essential provisions of the shopping policies of the Core Strategy. There are therefore no land use policy objections to this

proposal pending the redevelopment of the adjacent shopping centre which includes provision for permanent.

5. In most cases, it is not normally considered appropriate to continue to grant a series of temporary permissions over a number of years. However, a temporary permission can be used to allow a development for a limited period prior to its relocation elsewhere and Circular 11/95, The Use of Conditions in Planning Permissions, states that a further temporary permission may be justified where redevelopment proposals have been postponed. It is considered that this is the case in relation to the current application site as the shopping centre redevelopment proposals have not commenced as quickly as was originally anticipated. It is therefore considered that, in these particular circumstances, it would not be inappropriate to grant a further permission.

VISUAL AMENITY

6. The area between Smithy Lane and Manchester New Road provides a pleasant green space and visual buffer for the town centre. The stalls, steel containers and portable toilet block are relatively prominent in this location and are not particularly attractive visually. They have also previously been defaced by graffiti, although they have been cleaned and repainted. However, the structures are dark green in colour and most are set back from Manchester New Road with some screening by existing trees.
7. It is considered that, in terms of visual amenity, this form of development would not be acceptable in this location on a permanent basis. However, it is important to provide a site for the market until such time as a more suitable permanent solution is found and it is therefore considered that the proposal would be acceptable on a further temporary basis. Detailed permission has now been granted for the reserved matters associated with the new shopping centre development and this includes permanent facilities and redevelopment of the market area. As such it is considered appropriate to grant a further 12 month permission for the market.

TRAFFIC AND CAR PARKING

8. The LHA has raised no objections to the retention of the market in highway terms. There are eighteen parking spaces marked out on Smithy Lane, to the south and east of the application site and it is therefore considered that there is sufficient space for traders' vehicles.

CONCLUSION

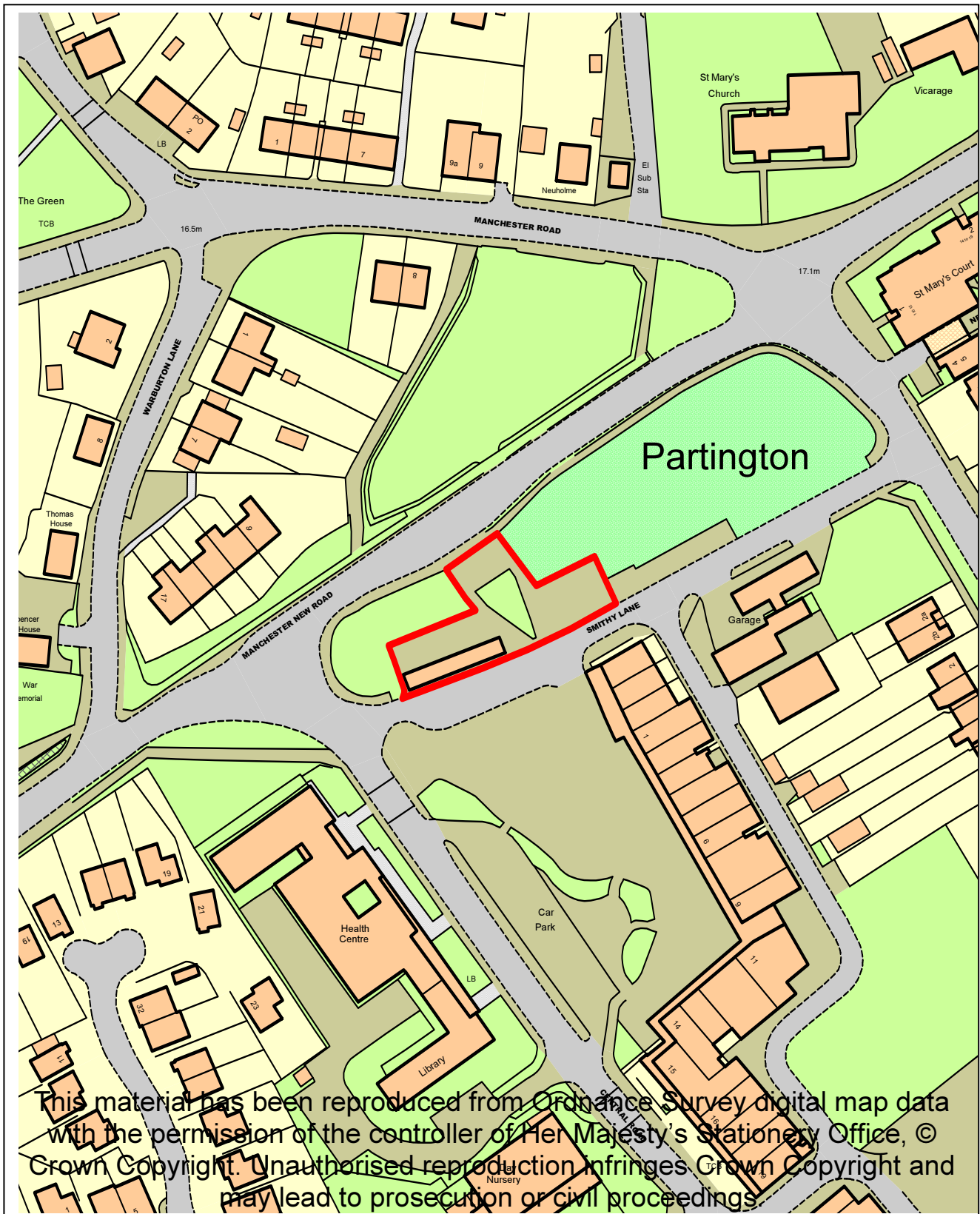
9. The proposed development is considered to be acceptable in this location on a further temporary basis. The development would permit the retention of the market as a facility within Partington, pending the town centre redevelopment proposals and the provision of a more suitable, permanent site which has now been approved. It is therefore recommended that a further temporary, twelve month planning permission should be granted.
10. The statutory consultation period following the posting of the site notice for this application does not expire until 11th January 2013. Therefore it is recommended that the Committee resolve to grant planning permission subject to no further representations being received within the statutory

consultation period which raise any new issues which have not been considered.

RECOMMENDATION: MINDED TO GRANT subject to the expiry of the statutory consultation period and no representations being received which raise any new issues that have not already been considered and subject to the following conditions:-

1. The planning permission is granted for a limited period expiring on 10th January 2014. All buildings, structures, works and uses of land or other development hereby permitted shall be removed and/or discontinued and the land re-instated to its former condition at or before the expiration of the period specified in this condition.

MH



LOCATION PLAN FOR APPLICATION No: - 79625/VAR/2012
 Scale 1:1250 for identification purposes only.
 Chief Planning Officer
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