

AGENDA ITEM 6

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 9th September 21

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
103057	9 Bow Green Road Bowdon, WA14 3LX	Bowdon	1	✓	✓ Cllr. Whetton
104042	47 - 49 Stamford New Road, Altrincham, WA14 1DS	Altrincham	27		
104348	Garricks Head Hotel, Moorside Road, Flixton, M41 5SH	Flixton	43		
104642	Telecommunications Site Ctil 125598 Vf 79739, Rooftop Of Bridgewater House, Park Road, Altrincham, WA14 5DL	Broadheath	54	✓	✓

**SPEAKER(S) AGAINST: Farouk Miah
(Neighbour)**

Statement read out only

**FOR: Dr Z Rab Alvi
(Applicant)**

Cllr Michael Whetton

PLANNING HISTORY

In response to the objector comments, a further history application is reported: -

86414/OUT/15 – Outline planning permission for the erection of eight semi-detached houses following demolition of existing house (consent sought for access, layout and scale with all other matters reserved) – Withdrawn – 23/02/2016.

ADDITIONAL REPRESENTATIONS

Two further letters of objection have been received, including a letter from a Planning Consultant representing one of the objectors. Both of these objectors had previously objected with their latest representations raising the following additional points:

- The amended location plan has not resulted in any material change compared to the original.
- The amended proposed side elevation plan with missing front wall line added has the same plan reference as the original submitted in December 2020, and does not include any additions or corrections or provide any clarity in relation to the missing front wall line. The plan therefore does nothing to provide additional information on the scheme nor does it address any of the fundamental concerns previously raised with the development.
- The amended proposed second floor and roof plan has been corrected through the inclusion of the word 'balconies' on the proposed second floor balcony areas, which whilst welcome does not address the objectors concerns relating to the proposal's amenity impacts.
- A concern that Officers appear to accept the loss of existing trees on site to facilitate the development without requiring an arboricultural assessment.
- The Committee report gives weight to the previous approval on site (application reference 93111/FUL/17), despite this consent having now expired. Whilst the policy framework remains unchanged, the fact remains that the permission has expired and therefore the proposal should be judged on its own merits.

- The current proposal is a further application on a wider site which has been the subject of an extensive number of planning applications since 2010, none of which have been implemented where consent has been granted. The applicant is therefore clearly seeking to simply submit one application after another, and is asking the Council to determine numerous effectively duplicate applications. This creates undue uncertainty and stress for neighbouring residents, and we would ask that the council seek to now refuse to determine further applications on this site.
- The Committee report does not refer to the previously withdrawn application (reference 86414/OUT/15) for eight dwellings on the wider site. It is important to include this scheme and the clarity that this previous application was withdrawn as Officers considered eight dwellings to represent a gross overdevelopment of the site. This is also a material consideration which should be brought to members' attention when deliberating the application, in circumstances where the applicant is now simply seeking to secure eight units on the site in a piecemeal fashion as they are aware that the LPA would not approve if they sought to achieve this scale of development in one application.
- The Committee report accepts that the site is too small to accommodate the proposed development, alongside those previously approved whilst maintaining sufficient separation distances, further highlighting that this development represents overdevelopment of the plot and detrimental residential amenity.

A further letter has also been circulated to Members by the Planning Consultant, re-iterating points raised in the previous objection letters and stating that they were not able to address the Committee directly as someone else is understood to be presenting their objection.

FURTHER COMMENTS FROM APPLICANT

Three additional letters have been received from the applicant: -

A letter noting that the published Committee report does not refer to the comments received from six individuals supporting the application.

A letter responding to the further letter of objection drafted by the Planning Consultant on behalf of one of the neighbouring occupants, the applicant's letter stating the letter of objection is incorrect in its allegation that the proposal would result in an unacceptable overlooking/privacy impact on the neighbouring property, with the applicant stating the proposal would exceed the minimum required separation distances. The applicant also states that the neighbouring occupant has erected a substantial boundary treatment, which, together with the retained TPO protected boundary trees, provides adequate screening between the two plots. The applicant has submitted photographs of the boundary treatment.

A letter commenting that the statement in paragraph 26 of the report that "the local area currently does not contain any semi-detached dwellings" is incorrect.

The letter states that semi-detached dwellings have recently been approved on nearby roads – 100723/FUL/20 on Blueberry Road and 97828/FUL/19 on Eyebrook Road; an appeal in relation to a pair of semi-detached dwellings was allowed by the Planning Inspectorate on land to the south of the application site (96397/FUL/18); a pair of semi-detached dwellings at 23 Stanhope Road has been constructed and is considered to be a successful addition to the streetscene (89674/FUL/16); planning permission has been granted for the conversion of an existing dwelling to form two dwellings at 38 Bow Green Road (91526/FUL/17) and it is noted that there are semi-detached dwellings at numbers 2, 4, 6 and 8 Bow Green Road that were probably constructed in the nineteenth century.

REPRESENTATIONS SUPPORTING THE PROPOSAL

Six letters have been received in support of the application proposals, making the following comments: -

- The current application should be approved because it is simply the resubmission of a previously approved scheme, and complies with relevant planning policies.
- The proposal should be approved with reference to the ‘tilted balance’ test set down at NPPF paragraph 11 d) ii) due to the Council’s lack of a five year land supply.
- The application should be supported being the redevelopment of brownfield land.
- The proposal is well designed and would result in an acceptable visual impact. It would not result in an overdevelopment of the plot.
- The LPA has previously approved semi-detached in the local area. There are also semi-detached dwellings to the north on Bow Green Road.
- The proposal would not result in an unacceptable highways safety impact.
- Grounds of concern have been raised by ‘serial’ objectors.
- None of the objections are material considerations in planning terms.
- Many of the issues raised against the proposal are simply copies of past objections on previous applications.
- The current proposal is separate from the scheme approved at the corner plot to the south.
- The proposed gym rooms would support the health of future occupants.
- The application should have been approved within the initial eight week period.

ADDITIONAL OBSERVATIONS

Officers make the following points in response to the additional concerns raised by objectors and the comments made by the applicant:

Further Representations

- The objector states that the amended location plan has not resulted in any material change from the original. However, the amended location plan indicates the plot for the two currently proposed dwellings edged in red, with

the corner plot to the south edged in blue (to show that this is additional land in the applicant's ownership but is outside the application site). The previous location plan submitted in January 2021 showed both plots within the red edged application site. An amended plan is attached to the end of the AIR to reflect the amended red edged site and to supersede that on the main Committee report. It is also noted that references in the Site section of the report to an L-shaped plot relate to the original site with the amended application site now being rectangular in shape. References to "the northern element" relate to the amended application site with "the southern element" being the area now outside the site and within the blue edge.

- The amended side elevation plan retains the same reference as the original version of this plan because the latest plan simply reflects a correction of the original, the original not including a vertical line indicating the front elevation of the proposed flat roofed two storey front projection. This plan has not been amended directly in response to objector concerns.
- The amended proposed second floor and roof plan has been corrected to ensure the effective application of proposed condition No. 18 which seeks to ensure acceptable privacy screening for all elements marked as 'balcony' on the proposed internal layout plans. These plans have not been amended directly in response to objector concerns.
- The arborist consultee has confirmed no objection to the proposal subject to a standard tree protection condition. Officers consider off-site trees to be located too far from the proposal to be impacted directly by the proposal. A tree protection condition is recommended.
- It is considered that significant weight can be given to the previous permission on this site notwithstanding the fact that it has now expired because there is no change in policy at either local or national level that would materially change the assessment of the acceptability of the proposal. The proposed development is considered to be acceptable on its own merits with a recommendation of approval made to the Planning Committee.
- The applicant has a right to submit repeated planning applications and the planning authority cannot refuse to determine these.
- The previously withdrawn application (86414/OUT/15) is summarised above. Whilst it is stated that the applicant is seeking to secure eight units on the site in a piecemeal fashion, the current application does not propose any greater density of development than has previously been permitted.
- Whilst the distance between the proposed gable of the southern dwelling (Plot 2) and the approved (but as yet unbuilt) rear facing habitable room windows of the dwellings within Plot 4 immediately to the south would be less than the guideline of 15m, this relationship has previously been approved through the earlier applications on both plots.
- It is noted that there are a number of permissions for semi-detached dwellings in the surrounding area (including on this wider site) as set out by the applicant. However, none of the properties have been built apart from those at 23 Stanhope Road, which is not in the immediate context. The dwellings at 2, 4, 6 and 8 Bow Green Road are also not in the immediate context.

RECOMMENDATION

The recommendation of approval is unchanged.

Page 43 104348/FUL/21: Garricks Head Hotel, Moorside Road, Flixton

The Environmental Health (Nuisance) consultee had provided the following initial comment regarding the proposed smoking shelter:

A Noise Management Plan (NMP) dated 3rd July 2020 for the operation of the pub was approved by discharge of condition of granted planning permission ref. 100149/FUL/20 [101312/CND/20]. The NMP made reference to how a smoking area was to be managed in order to minimise impact of nuisance to local residents. The Plan stipulated that the smoking shelter would not be used after 23:00 hrs with doors kept closed except for access and egress and that the area would be regularly monitored to ensure noise is kept to a minimum. I would request that the NMP is updated to support the current application making reference to the new smoking shelter with the same control measures to be implemented.

The applicant has now confirmed that they are unable to provide an updated Noise Management Plan for this consultee to review prior to the Planning Committee.

FINAL RESPONSE FROM ENVIRONMENTAL HEALTH (NUISANCE) CONSULTÉE

In response the consultee has confirmed no objection to the proposed development subject to a condition requiring that a revised NMP accounting for the proposed amended smoking shelter is submitted for the LPA's approval prior to the new smoking shelter being first brought into use.

RECOMMENDATION

The recommendation is unchanged with condition 4 being amended as per the following:

4. The approved smoking shelter shall not be brought into use unless and until a revised Noise Management Plan for the public house (with reference to the new smoking shelter) has been submitted to and approved in writing by the Local Planning Authority. The public house shall be operated in accordance with the revised Noise Management Plan at all times thereafter.

Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and guidance in the NPPF.

highways egress to change the overall planning balance. That would seem wholly inappropriate;

- The Council's acceptance of the revised highways egress is dependent on additional traffic surveys which have not been carried out;
- Planning decision-making is a statutory process and decisions made should not lightly be put aside and should always have regard to evidence; and
- The change in position put forward by officers should not be authorised.

In responding to these points; the first application (98127/FUL/19) and the second application (103414/FUL/21) were materially different (as explained in the officer report regarding the second application) and different conclusions were reached. The representation has misunderstood the position of the Council in regard to the acceptability of the revised vehicular egress; additional traffic surveys would only be required if the Council was required to continue to defend its position regarding the potentially unacceptable highway safety impacts arising from the originally proposed egress (as proposed in 98127/FUL/19).

In respect of the planning balance, this is a matter of planning judgement for the decision maker. Members, in approving planning application 103414/FUL/21, determined that the planning balance did indeed weigh in favour of the application and that the materially different highways position was determinative when having regard to the totality of harms versus benefits. The representation suggests that this is 'wholly inappropriate' but it is a decision that Members have already made, in accordance with a reasoned and detailed officer justification, and which has already been found to be robust by the High Court (albeit this is subject to a renewal hearing).

The representation refers to a 'change in position' by the Council which should not be authorised. This is not a change in position but rather is intended to ensure consistency; the authorisation being sought is for the Council's stance to reflect the position it took in approving application ref. 103414/FUL/21 since the two proposals are now the same.

A further representation has been received from Altrincham & Bowdon Civic Society and the Altrincham Neighbourhood Business Forum, who are also Rule 6 parties at the inquiry. In summary this representation opposes the officers' recommendation on this item. It set out a number of issues around the merits of the two previous planning applications, but these are not relevant to the consideration of the report. No plans need to be presented to Planning and Development Management Committee to support this report as they do not differ from that of the approved scheme Planning Application 103414/FUL/21 granted in April 2021. The representation also makes a request to defer the application, however officers consider that members have all the relevant information required to make a decision.

Recommendation

That the Planning and Development Management Committee authorises officers to formally take the position that the Council will no longer contest the appeal.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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