

## AGENDA ITEM 6

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 10<sup>th</sup> November 2022

**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="#">107558</a>	Land At Stretford Mall Chester Road, Stretford	Stretford	1		✓
<a href="#">107854</a>	Sale West Estate Bounded By Firs Way, Cherry Lane, Woodhouse Lane And Manor Avenue, Sale	St Marys	41	Cllr Duncan	✓
<a href="#">108288</a>	Cibo Hale , 6 - 10 Victoria Road, Hale, WA15 9AF	Hale Central	84	✓	✓ Cllr Mrs Young
<a href="#">108435</a>	209 Kentmere Road Timperley, WA15 7NT	Village	113	✓	✓
<a href="#">108516</a>	Templemoor Infant School Nursery Close, Sale M33 2EG	Sale Moor	121		
<a href="#">108872</a>	Land Bound By Elsinore Road And Skerton Road Stretford, M16 0WF	Longford	140		

**SPEAKER(S) AGAINST:**

**FOR: Rhian Smith  
(Agent)**

**APPLICANT'S SUBMISSION**

The applicant has submitted amended proposed floor plans for the multi-storey car park in order to accurately reflect the parking arrangements set out in the submitted Transport Statement. An amended landscaping plan and planting plan has also been submitted to include additional soft landscaping within the surface car park and to identify the species of plants to be used as part of the landscaping scheme. Officers have reviewed these plans and are satisfied that the application remains acceptable, and the recommendation remains as per the Committee Report.

**CONDITIONS**

Following discussions with the applicant, it is recommended that the wording for condition numbers 10 and 12-18 is amended to clarify that demolition work, but no above-ground construction work can take place before the required information is submitted to the Local Planning Authority. It is also recommended that condition 2 is amended to include the amended plans referred to above.

It is also recommended that the timeframe for the submission of information required by condition 11 is amended:

Condition 11:

*Notwithstanding any description of materials in the application, no above-ground construction works (excluding demolition works) shall take place until a schedule for the issue of samples and specifications of all materials (including the type, colour and texture of the materials) to be used on all external elevations of the buildings to be altered (including the multi-storey car park) has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include a timetable for the submission of samples and specifications of all materials to be used (including bricks, windows, doors and rainwater goods) and shall detail what information/samples will be submitted for each material. All samples and specifications shall then be submitted to and approved in writing by the Local Planning Authority in accordance with the agreed timescale set out in the approved schedule and prior to use on the development. The development shall thereafter 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 the architect's original design intent, Policy L7 of the*

*Trafford Core Strategy and the requirements of the National Planning Policy Framework.*

**Page 41**                    **107854/RES/22: Sale West Estate Bounded By Firs Way, Cherry Lane, Woodhouse Lane And Manor Avenue, Sale**

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	<b>Councillor Duncan</b>
	<b>FOR:</b>	<b>Heather Lindley-Clapp (Agent)</b>

## **CONSULTATIONS**

**Lead Local Flood Authority (LLFA)** – No objections with regards the amended plans

**Trafford Council Arboriculturist** – No objections with regards the amended plans

## **REPRESENTATIONS**

Following reconsultation on amended plans a further representation has been received, summarised as follows:-

- No objections to landscaping proposals (around Haydock Avenue) as long as existing amenity space remains open plan.
- Object to any plans to erect fencing and gates to the rear of 20-26 Haydock Avenue.

## **LAYOUT, SCALE AND APPEARANCE**

The applicant has provided updated plans which detail some additional fenestration on the side gable elevations to the new properties at zones B,D,E & G which face towards the road side or parking court area. These amendments are considered acceptable and provide more interest and detail to the elevations.

## **RESIDENTIAL AMENITY**

The applicant has provided an updated site layout plan for zone E2 which details a distance of 15m is now retained from the east side (blank) gable elevation of the new property and the rear elevation of 128 Hurst Avenue which has a number of habitable windows at ground and first floor level. This distance complies with advice within the Councils SPG New Residential Guidance in relation to preventing overshadowing and loss of light.

## **ACCESS, HIGHWAYS AND PARKING**

The LHA had requested that the applicant provide clarification in relation to the proposed surfaces for roads, parking courts and pavements. The applicant has

subsequently confirmed that they intend to use the same highways standard surfacing as used within phase 1. An appropriate condition is therefore recommended to ensure the final surfacing detail and timetable for the works to be undertaken is submitted for approval prior to the occupation of any of the dwellings hereby approved. In relation to the parking arrangement for Zone F, the LHA have requested that some amendments are made to the demarcated spaces to ensure pedestrian safety and improve accessibility space. The LHA are satisfied that this detail can be secured through an appropriate condition.

The applicant has also provided an update to the LHA with regards footpath improvements and the scope for additional works/improvements to widen footpaths. The applicant has advised that wherever possible (in terms of ownership and wider site constraints) all pedestrian routes have been widened within the areas proposed under phase 2.

### **TREES & LANDSCAPING**

The applicant has provided updated landscaping plans which now detail metal railings in lieu of low level fencing to front/side of properties and also the provision of boundary walls (2.1m in height) along public facing boundaries. These changes to the landscaping relate to zones A, B, D, E, F & G.

### **EQUALITIES**

The applicant has provided updated plans to now provide accessible parking to three of the zones which had initially not included any provision. Zone A will have one of its four parking spaces demarcated as accessible parking. Zone B1 will have two parking spaces allocated as accessible within an area of seven new demarcated spaces. Zone B2 has two new parking spaces, one of these now demarcated as accessible parking.

The applicant has also confirmed that the ground floor apartments will have accessible wet rooms which are building regulation category M4(3) standard for wheelchair users. The bedroom and lounge areas are restricted in terms of size and they could not be fully classified as M4(3) standard but for the purposes of the building regulations are M4(2) standard (accessible and adaptable dwellings). On balance, and given that there is no adopted planning policy which requires a specific number of accessible dwellings to be provided, this is considered to be an appropriate design solution to maximise the accessibility of the units given the constraints of the scheme.

### **RECOMMENDATION**

A number of conditions have been updated since the publication of the officers report for the reasons stated below, the revised wording of the conditions are also included below.

Condition 1 (Approved Plans) – Amended to reference updated plan numbers.  
Condition 5 (Landscaping) – Amended to reference updated plan numbers.

Condition 12 (Drainage) – Amended to include details of drainage maintenance and management responsibility.

Condition 13 (Waste Management) – Amended to reference updated plan numbers

Condition 15 (Crime Impact Statement) – Amended to correct typo

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

- Drwg No: 11284-AEW-XX-XX-DR-A-0710 Rev.9 – Phase 2 Location Plan
- Drwg No: 11284-AEW-XX-XX-DR-A-0713 Rev.P5 – Zone A - Proposed Site Plan
- Drwg No: 11284-AEW-B-XX-DR-A-0566 Rev.P2 – Zone A - House Type B – 2B4P - Elevations & Floor Plans
- Drwg No: 11284-AEW-XX-XX-DR-A-0714 Rev.P3 – Zone A - Proposed Street Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0723 Rev.P9 – Zone B - Proposed Site Plan
- Drwg No: 11284-AEW-R-XX-DR-A-0564 Rev.P4 – Zone B - House Type R – 1B2P – GA Plans
- Drwg No: 11284-AEW-R-XX-DR-A-0565 Rev.P3 – Zone B – House Type R – 1B2P – GA Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0724 Rev.P5 – Zone B - Proposed Street Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0733 Rev.P11 – Zone D Proposed Site Plan
- Drwg No: 11284-AEW-R-XX-DR-A-0567 Rev.P4 – Zone D – House Type R -1B2P – GA Plans
- Drwg No: 11284-AEW-R-XX-DR-A-0568 Rev.P3 – Zone D – House Type R – 1B2P – GA Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0734 Rev.P3 – Zone D – Proposed Street Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0743 Rev.P9 – Zone E - Proposed Site Plan
- Drwg No: 11284-AEW-S-XX-DR-A-0569 Rev.P4 – Zone E Block 1 – House Type S – 1B2p – GA Plans
- Drwg No: 11284-AEW-S-XX-DR-A-0570 Rev.P3 – Zone E Block 1 – House Type S – 1B2P – GA Elevations
- Drwg No: 11284-AEW-R-XX-DR-A-0571 Rev.P4 – Zone E Block 2 – House Type R – 1B2P – GA Plans
- Drwg No: 11284-AEW-R-XX-DR-A-0572 Rev.P3 – Zone E Block 2 – House Type R – 1B2P – GA Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0744 Rev.P4 – Zone E – Proposed Street Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0753 Rev.P12 – Zone F – Proposed Site Plan

- Drwg No: 11284-AEW-T-XX-DR-A-0580 Rev.P4 – Zone F – Apartment Block Type T – 1B2P/2B4P – GA Plans
- Drwg No: 11284-AEW-T-XX-DR-A-0581 Rev.P4 – Zone F – Apartment Block Type T – 1B2P/2B4P – GA Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0754 Rev P5 – Zone F – Proposed Street Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0763 Rev P6 – Zone G – Proposed Site Plan
- Drwg No: 11284-AEW-S-XX-DR-A-0574 Rev.P4 – Zone G – House Type S – 1B2P – GA Plans
- Drwg No: 11284-AEW-S-XX-DR-A-0575 Rev.P4 – Zone G – House Type S – 1B2P – GA Elevations
- Drwg No: 11284-AEW-XX-XX-DR-A-0764 Rev.P3 – Zone G – Proposed Street Elevations

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

**(Amended Condition 5)** - (a) The landscaping works shall be carried out in accordance with the approved details (either prior to the first occupation of the development hereby approved or within the next planting season following final occupation of the development), as specified on the submitted plans:-

- Drwg No:2045-EXA-00-GF-DR-L-120 Rev.A – Zone A General Arrangement
- Drwg No:2045-EXA-00-GF-DR-L-110 Rev.B – Zone B General Arrangement
- Drwg No:2045-EXA-00-GF-DR-L-130 Rev.C – Zone D General Arrangement
- Drwg No:2045-EXA-00-GF-DR-L-140 Rev.C – Zone E General Arrangement
- Drwg No:2045-EXA-00-GF-DR-L-150 Rev.F – Zone F General Arrangement
- Drwg No:2045-EXA-00-GF-DR-L-160 Rev.B – Zone G General Arrangement
- Drwg No:2045-EXA-00-GF-DR-L-220 Rev.A – Zone A Planting Plan
- Drwg No:2045-EXA-00-GF-DR-L-210 Rev.B – Zone B Planting Plan
- Drwg No:2045-EXA-00-GF-DR-L-230 Rev.C – Zone D Planting Plan
- Drwg No:2045-EXA-00-GF-DR-L-240 Rev.C – Zone E Planting Plan
- Drwg No:2045-EXA-00-GF-DR-L-250 Rev.E – Zone F Planting Plan
- Drwg No:2045-EXA-00-GF-DR-L-260 Rev.B – Zone G Planting Plan
- Drwg No:2045-EXA-00-GF-DR-L-620 – Zone A Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-610 – Zone B Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-630 – Zone D Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-640 – Zone E Details – Surface and Edging

- Drwg No:2045-EXA-00-GF-DR-L-650 – Zone F Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-660 – Zone G Details – Surface and Edging
- Drwg No:2045-EXA-00-GF-DR-L-621- Zone A Details - Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-611 Rev.B – Zone B Details - Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-631 – Zone D Details - Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-641 – Zone E Details – Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-651 – Zone F Details – Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-661 – Zone G Details – Boundaries
- Drwg No:2045-EXA-00-GF-DR-L-710 – Zone B Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-730 – Zone D Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-740 – Zone E Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-750 – Zone F Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-760 – Zone G Details – Tree Pit
- Drwg No:2045-EXA-00-GF-DR-L-721 – Zone A Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-711 – Zone B Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-731 – Zone D Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-741 – Zone E Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-751 – Zone F Details - Planting
- Drwg No:2045-EXA-00-GF-DR-L-761 – Zone G Details – Planting
- Ridge Drwg No:SWP2-RDG-ZZ-00-DR-C-03002 Rev.P01 – External Works GA Zone “A”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03003 Rev.P01 - External Works GA Zone “B”
- Ridge Drwg No: 5017608-RDG-ZZ-00-DR-C-03004 Rev.P01 – External Works GA Zone “D”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03005 Rev.P01 – External Works GA Zone “E”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03006 Rev.P02 – External works GA Zone “F”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03007 Rev.P01 – External Works GA Zone “G”
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-03001 Rev.P01 – External Works GA Overview of Zones
- Drwg No:1987-EXA-00-XX-DR-L-606 Rev.P01 - Neighbourhood Hard Landscape Details
- Drwg No:1987-EXA-00-XX-DR-L-702 Rev.P01 – Neighbourhood Soft Landscape Details
- Drwg No:1987-EXA-01-XX-DR-L-119 Rev.C – Catterick Neighbourhood Plan
- Drwg No:1987-EXA-00-XX-DR-L-120 Rev.C – Haydock and Lingfield Neighbourhood Plan
- Drwg No:1987-EXA-XX-XX-DR-L-121 Rev.P01 – Northern Pedestrian Route Plan
- Play Equipment Document – Irwell Valley Housing Association – Sale West Play Areas (Playdale playgrounds) Scheme No: 23877/GTM.
- Irwell Valley Homes – Open Space/Play Area Maintenance Strategy

(b) 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.

**(Amended Condition 12)** The drainage for the development hereby approved shall be carried out in accordance with the following drainage strategy and plans:-

- Drainage Strategy - Ridge Job No: 5017608 – Drainage Planning Conditions Discharge – Application 100206/HYB/20 (10/02/2021).
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01001 Rev.P02 – Drainage General Arrangement Zone A.
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01002 Rev.P01 – Drainage General Arrangement Zone B
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01004 Rev.P01 – Drainage General Arrangement Zone D
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01005 Rev.P01 – Drainage General Arrangement Zone E
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01006 Rev.P02 – Drainage General Arrangement Zone F
- Ridge Drwg No: SWP2-RDG-ZZ-00-DR-C-01007 Rev.P01 – Drainage General Arrangement Zone G
- Drainage Management and Maintenance responsibility of Irwell Valley Homes (e-mail confirmation dated 15.09.2022 Nexus Planning).

Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to Policy L5 and L7 of the Trafford Core Strategy and the NPPF.

**(Amended Condition 13)** The development hereby shall be carried out in accordance with the approved waste management strategy for each development zone and as detailed in the following plans:

- Drwg No: 11284-AEW-XX-XX-DR-A-0715 Rev.P3 – Zone A
- Drwg No: 11284-AEW-XX-XX-DR-A-0725 Rev.P3 – Zone B
- Drwg No: 11284-AEW-XX-XX-DR-A-0735 Rev.P5 – Zone D
- Drwg No: 11284-AEW-XX-XX-DR-A-0745 Rev.P4 – Zone E
- Drwg No: 11284-AEW-XX-XX-DR-A-0755 Rev.P4 – Zone F



- Drwg No: 11284-AEW-XX-XX-DR-A-0765 Rev.P4 – Zone G

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.

**(Amended Condition 15)** - The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section three and four of the submitted Crime Impact Statement Version B:04.03.20 2019/0744/CIS/01 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.

**(Additional Condition – Condition 17)** - Notwithstanding the submitted details, no dwellings within Phase 2 of the development hereby approved shall be occupied unless and until a scheme and timetable for the surfacing of car parking courts, roads and pavements as shown on the approved drawings has first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme and timetable.

Reason: In the interests of visual amenity and highway safety having regard to Policies L4 and L7 of the Trafford Core Strategy.

**(Additional Condition - Condition 18)** – Prior to any works taking place, a scheme detailing the car parking layout for Zone F 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: In the interests of residential amenity and highway safety having regard to Policies L4 and L7 of the Trafford Core Strategy. The parking layout scheme is required prior to development taking place to ensure details are incorporated into the design of the development zone.

**Page 84**                      **108288/FUL/22: Cibo Hale, 6 - 10 Victoria Road, Hale**

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	<b>Patrick Franks (Neighbour)</b>
	<b>FOR:</b>	<b>Marco Valboni (Applicant) Councillor Mrs Young</b>

## **REPRESENTATIONS**

Since the publication of the Planning Committee report, a further letter of objection has been received from a local resident of Hale which raises concerns regarding the accuracy of the submitted plans to what has been built on site and thus if planning permission is granted, what consent is actually granted for. The objection also states that the scheme as built is ugly and excessive.

Since the publication of the Planning Committee report, 2 further letters of support have been received from a resident of Hale and a local business owner. A summary of the comments made are: -

- It is well designed, sympathetic to its surroundings and a beautiful addition to the community.
- The glass roof aids with privacy and controls all noise.
- It is vital to support local enterprises when so many businesses are faltering.
- The terrace is a magnificent addition to the restaurant.

A letter of support has been received from Hale Civic Society, which states the following: -

- Umbrellas and parasols would not be in keeping and potential health and safety hazard.
- Cibo has enhanced this corner of Hale and the terrace has brought more people into the restaurant and village.
- The neighbours support it and those that frequent the village enjoy it.
- This year the village received a Britain in Bloom gold award and the judges remarked on Cibo restaurant, with its green wall and the terrace bringing together sustainability, rurality and creativity.
- Why put 62 jobs at risk with the majority of the employees being local?
- Concerns regarding Hale Station and its listed building far outweigh a terrace that is liked and welcomed by the majority of the community.

To clarify, as referred to in paragraph 47 of the main Planning Committee report, the applicant has submitted a petition in support of the development which states they "consider it a well-designed feature that supports the appearance of Hale and vibrancy of the local area". It is understood that the petition has been signed by 100 customers of the restaurant. No addresses of the signatories have been provided and therefore only limited weight can be attached to the petition.

Since the submission of the first petition, a further 23 signatories have been received. No addresses of the signatories have been provided and therefore only limited weight can be attached to the petition. Signatories provided brief comments on both of the petitions received, which support the appearance of the development and wish for the trees to be retained.

## **APPLICANT'S SUBMISSION**

The applicant has submitted further statements in support of the application. A summary of their comments is provided below: -

- Parasols had previously been used at the site at ground floor level, though had shown to be a safety hazard, blowing over in windy conditions and unusable in rainy weather. The use of parasols at first floor level would be more of a safety hazard in windy weather. The structure that has been erected has been built with the intention to be used in all weather.
- The development is not a permanent structure that cannot be removed and has been provided in a way that does not damage the existing building structure. A condition could be imposed requiring the roof area to be returned to its original state if Cibo were to vacate the premises, and a further condition could be imposed requiring the existing decorative appearance to be maintained if planning permission was granted.
- The applicant purchased the property as they knew demand was there as evidenced by the restaurant being well-used by local residents, though could not accommodate the level of demand. Owning the property enabled them to make changes to the building, including expanding into the upstairs and onto the roof terrace. The property was acquired with the business plan to enable it to expand upstairs and onto the roof to make the business viable.
- Cibo is a key attractor to Hale District Centre and key part of the provision of its vitality and viability and therefore its continued successful operation, which is strongly supported by neighbours and local residents, ensures the vitality of the District Centre.
- The internal first floor area typically accommodates 28 covers, with a private dining area accommodation an additional 8 spaces, which is not well used. The ambience of the first floor level is created by the open doors to the terrace, the atmosphere on the terrace and the views of the surrounding area. This creates the 'continental European approach' which is at the heart of the Cibo operation. The terrace is a key attractor to the Cibo operation. The removal of that atmosphere and attraction reduces significantly the attraction of using the first floor.
- There will be an inherent difficulty in attracting new business to the site if they close, meaning a likely period of vacancy greater than three years.
- They will not be in a position to sell the property due to the purchase cost and the current estimated value of the site.
- There are significant overheads associated with a business like Cibo, which drives the requirement for a greater number of covers to ensure a viable operation. A significant number in the reduction of covers will result in the unviable nature of the business.
- They will not be in a position to sell the property if the application is refused and will need to close, with values not forecast to return for at least three years. The headquarters would be relocated back to Wilmslow, with the majority of staff made redundant and reduced back of house / administrative staff required due to the reduction in the Cibo operations with its flagship operation closing.

- The fit out costs of circa £900,000 has been spent on the whole fit out since acquisition, which is not an unrealistic or excessive amount.
- Acknowledge that volume of representations in itself is not a ground for refusing or approving applications and nor do letters in themselves constitute public benefits. However a large number of representations make reference to planning grounds to support the application in terms of design, scale and appearance amongst other matters.
- Hale has suffered a number of restaurant failures in recent months and other businesses are available for sale. The current picture for the restaurant industry both nationally and locally within Hale is declining. Leisure provision is an important part of the vitality of Hale.
- The conservation area would not exist if the village centre did not, therefore the heritage that should be protected includes protecting the Centre as location of commerce and service that meets commercial needs.

The applicant has provided links to industry journals, magazines and news articles regarding the current economic climate and the restaurant industry. They have also submitted a document identifying a number of vacant commercial properties within the Hale District Centre and units that the applicant understands will be becoming vacant very soon.

### Amended Plans

Following concerns raised by a local resident identifying discrepancies in the submitted plans and what has been built, the applicant has submitted amended plans which show an increase in the height of the canopy from that shown on the previously submitted plans. The height of the canopy referred to in the main Planning Committee report, detailed in the 'Executive Summary' and 'Proposal' sections and paragraphs 31 and 34 is amended to increase from 3.11 to 3.44m. For the avoidance of doubt, the proposed canopy sits directly underneath the eaves to the front elevation.

The amended plans also show that the existing timber sash windows to the bay windows on the front elevation have been replaced with new aluminum framed windows, with mullion and transom details. The windows are powder coated dark grey. The plans submitted with the application for Officers to assess stated that the timber sash windows would be retained and painted grey. The three timber original windows in the central section have also been replaced with glazed aluminum doors powder coated grey. The impact of these amendments is discussed in the 'Observations' section below.

### **OBSERVATIONS ON APPLICANT'S COMMENTS**

The applicant did not seek pre-application advice or planning permission for the proposed development nor did they prior to the purchase of the building, despite stating that the business plan in purchasing the property was reliant on extending the restaurant into the first floor level and the formation of the roof terrace which they are now seeking to retain. From the information provided by the applicant's

agent, it is therefore understood that the applicant purchased the building knowing that the business would be unviable without the roof terrace. The applicant also states that they have invested £900,000 into the fit out of the premises. Evidence has not been provided of what exactly this has covered, however it is assumed that it includes the single storey side extension with retractable roof, which the Council granted planning permission for in October 2020, ref: 101313/FUL/20. This extension provided an additional sheltered dining area, which could also provide a 'continental' dining experience (like the applicant states they are seeking with the roof terrace) as it includes a retractable roof.

Prior to investing in the roof terrace the applicant did seek and was granted planning permission for a roof terrace, which was different to that which was built. The plans originally submitted under the extant planning permission 103732/FUL/21 proposed a larger roof terrace than that approved, which proposed a larger roof terrace area and a glass balustrade projecting off the parapet wall. Following concerns from Officers, the applicant submitted amended plans to reduce the area covered by the roof terrace, ensuring that it did not project beyond the side wall of the existing building and set the glass balustrade back, providing planting in front to soften the appearance of the development. The reduced and amended roof terrace was subsequently approved with conditions. The applicant was therefore fully aware of the Council's views regarding a roof terrace and the scale of development that would be considered acceptable in this location prior to carry out the works that have taken place.

Comments submitted regarding the viability of the business without the roof terrace are noted, however little factual evidence has been provided to demonstrate these claims. Early on in the assessment of the application, Officers advised the applicant that they could submit evidence to support their viability claims specific to their business. The applicant has submitted a number of articles and links to industry journals, magazines and news articles regarding the current economic climate and the restaurant industry. These provide an overview of the economic climate rather than site specific evidence.

The applicant's comments regarding the significant overheads of businesses like *Cibo* and that a significant number in the reduction of covers will result in the business becoming unviable are noted. However Officer's note that the applicant states that the unauthorised roof terrace can accommodate up to 46 covers, which is 16 covers greater than the permitted roof terrace (ref: 103732/FUL/21). Officers do not consider that the loss of 16 covers to be a significant number against the overall number of covers provided throughout the restaurant. It is acknowledged that less use of the roof terrace could be made in inclement weather, but it is not the case that the terrace could not be used at all. The applicant has also not provided evidence to demonstrate why the permitted roof terrace would not enable the business to be viable.

If the business is not viable when the restaurant is full, excluding the roof terrace, it should be a matter for the business owner to review their costs and economies of scale, rather than for the Council to have to approve an unsympathetic and harmful addition to the building, which also has a harmful impact on the setting of

the Hale Station Conservation Area, in order enable the business to be viable. It is not for the Council to shoulder the developer's financial risks. The applicant has confirmed that the business plan for the restaurant included covers which did not benefit from the necessary consents. This is a risk he has chosen to take.

This stance is supported by the Planning Inspectorate who stated the following in dismissing an appeal relating to a previously proposed single storey side extension to the restaurant in 2019/2022 (planning application reference 97046/FUL/19): -

*"I have been made aware of the challenging market conditions that the restaurant sector is experiencing, and that the addition of further covers would be commercially expedient. I have also been made aware of the high regard in which the appellant's restaurant business is held. However, there is no substantive evidence that the economic viability of the specific business is dependent on the extension, and even if it were, that other restaurateurs or other businesses would be unable to trade successfully from the appeal site in a manner consistent with Policy W2, of the Trafford Core Strategy which supports town centre uses. Therefore, I do not consider this to weigh in favour of the proposed development."* (Appeal ref: APP/Q4245/W/19/3236465, paragraph 18)

This is the also the test by which Members should consider the assertions made about the closure of the business. It is whether the building is viable as a restaurant (irrespective of occupier), not whether the applicant would himself choose to close. The level of profit and turnover acceptable to this applicant may be higher than another operator. Comparables have been requested, but have not been provided.

Officers do not dispute that part of the historic character of the Hale Station Conservation Area is that it is a commercial centre providing local services. The planning application does not seek to change the use of the site and as such the use of the site does not form part of the recommended reasons for refusal. The Council has supported the commercial use of the site and the existing business in particular through the granting of planning permission for new commercial frontages and awnings to the front elevation in 2018 (ref: 95133/FUL/18), the granting of planning permission for a single storey side extension increasing the seating area of the restaurant in 2020 (ref: 101313/FUL/20) and through the granting of planning permission for a first floor roof terrace to the front in 2021 (ref: 103732/FUL/21).

Officers do not agree with the applicant's argument that the conservation area would not exist if the commercial village centre did not and that therefore the heritage that should be protected includes protecting the Centre as location of commerce and service that meets commercial needs. The Council's Heritage Development Officer notes that the Conservation Area does not solely exist because of the District Centre. It is acknowledged that the diverse independent shops, cafés and amenities contribute the character of the retail centre. Nevertheless, the significance of the Conservation Area derives from the wealth

of buildings of architectural and historic interest which survive from the late 19th century which epitomise the growth of a rural village into a wealthy suburb and thriving retail centre.

Furthermore, the building has been objectively identified by external heritage consultants as a positive contributor and a landmark building, as set out in the Hale Station Conservation Area Action Plan and Management Plan (SPD 5.11 and 11a) which were the subject of extensive public consultation. The character of the Hale Station Conservation Area is defined by active frontages at ground floor level not first floor in Character Zone A: Central Retail Area, which states *“The majority of the shops make use of the ground floor only, with accommodation, offices and storage above, and some additional shop floor space and possibly some residential units”*. It is noted that the first floor was until recently let as an office not a restaurant and this would be an appropriate alternative use consistent with the conservation of the heritage asset.

Comments provided by the applicant do not recognise the building as a landmark building, that it forms key views within the conservation area or that it is a non-designated heritage asset in its own right.

The applicant states that the ambience of the indoor first floor dining area results from the doors being open to the roof terrace and the views of the surrounding area. The applicant has not commented on what impact poor / cold weather has on this arrangement when the doors are more likely to be closed. It also does not acknowledge that there is permission for the use of the outside area and thus this ambience is possible irrespective of permission being granted for the roof. It is also considered that the proposed canopy to the roof terrace and associated furniture and decoration on the roof terrace would also substantially restrict many views of the outside from the first floor indoor seating. It is therefore considered that this does not provide a justified reason that outweighs the harm of the proposed development.

As already discussed above and in the main Planning Committee report, the site has an extant planning permission for an external roof terrace to the front elevation, which is significantly more sympathetically designed. The extant planning permission does not include a large dominating canopy and allows for planting in front of the balustrade in order to minimise its visual impact. Comments regarding the safety of using umbrellas / parasols are noted, however Officers are aware of where they have been successfully used on comparable sites. The extant planning permission also includes conditions restricting the number of tables on the roof terrace to six and requiring the submission of a scheme restricting the number of umbrellas / parasols to 50% of the tables and for them to be removed during periods when the roof terrace is not in use. This would therefore allow for some shade, whilst also enable the first floor original features of the building to still be visible. These conditions were considered necessary in order to further minimise the visual impact of the proposed roof terrace to this positive contributor landmark building and its setting within the conservation area.

Officers do not agree with the applicant's statement that the development does not provide a permanent structure. The proposed canopy cannot be easily taken down when not in use and has been designed to withstand strong weather conditions. It is the applicant's intention that the roof terrace and associated canopy would be provided in perpetuity to serve the business. It is therefore considered that it cannot be viewed as a temporary structure.

Through the submission of amended plans, the applicant has confirmed that the existing timber sash windows to the bay windows on the front elevation have been replaced with new aluminum framed windows, with mullion and transom details. The windows are powder coated dark grey. The applicant has also confirmed that the three proposed doors replacing the central timber windows to the front elevation are also glazed aluminum doors powder coated grey. These replacement windows and aluminum doors are contrary to Policies 8, 14 and 15 of the Hale Station Conservation Area Management Plan (SPD 5.11a), which require: *"like-for-like materials to be used"*, *"where original timber doors and windows survive these should be retained"* and *"replacement windows should be in timber and should represent a significant improvement over the existing"*. It is therefore considered that the replacement of the windows and the proposed three central doors does have a materially harmful impact on the appearance and significance of the building and the setting of the conservation area contrary to policy.

It is noted that the extant consent (ref: 103732/FUL/21) included the replacement of a central window with doors. A condition was attached to this consent requiring the material or the door to be submitted and approved. An application to comply with this condition has never been submitted.

The applicant has confirmed that the annotation on the submitted proposed floor plans was incorrect in regards to the number of covers that are provided on the outside roof terrace. They have confirmed that the roof terrace has the ability to accommodate up to 46 covers, with a configuration designed typically to accommodate between 34 and 46 covers, with an average of 40 covers.

#### Relevant case law

In considering this application, particularly the fallback position of the extant planning permission for the roof terrace, and the requirement to minimise harm to heritage assets, Members should be mindful of the recent judgment in *Council of the City of Newcastle upon Tyne vs. Secretary of State for Levelling Up, Housing and Communities [2022] EWHC (Admin)*. This found that where it is considered that a proposal does minimise harm to heritage assets, this does not change the absolute level of harm caused to the heritage asset, or its scaling within 'less than substantial'. This still needs to be weighed against the public benefits of the proposal, with great weight being given to the assets conservation (and with regard given to development plan policy and the relevant paragraphs of the NPPF).



## Conclusion

The additional comments and information provided by the applicant have been reviewed by Officers. Despite requests, no substantive or credible evidence has been provided by the applicant that demonstrates why the business could not operate viably without the roof terrace or with the permitted roof terrace as previously approved. It is considered that information submitted by the applicant since the publication of the report does not provide any additional justification which would provide greater weight to the public benefits of the proposal. Only negligible weight can be given to the potential closure of the business.

The level of support from local residents and patrons of the restaurant is acknowledged. However it is considered that the public benefits that arise from the development do not outweigh the identified less than substantial harm (in the moderate range) that results to the Hale Station Conservation Area and the aesthetic and historic significance of the landmark positive contributor building, itself a non-designated heritage asset.

As evidenced through previously approved modifications and extensions to the property, the Council is supportive of the use and current business, however, the harm arising from the current unauthorised works to the roof are considered too significant and do not minimise harm.

The reasons for refusal as set out in the main Planning Committee report therefore has been updated to include reference to the provision of aluminum windows and doors.

## **RECOMMENDATION:**

As a result of the latest set of amended plans confirming the material of the windows and doors installed at first floor level to the front elevation to be aluminum and not timber and this contrary to SPD5.11a, it is recommended that the first refusal reason is amended to the following to include this: -

1. The proposed development, by reason of the size, siting and materials of the roof canopy, the positioning of the balustrade and the installation of aluminium windows and doors would be at odds with the character, appearance and architectural style of the building, obscure the architectural features at first floor level and would result in "less than substantial" harm to Hale Station Conservation Area, and moderate harm to the significance of a landmark positive contributor to the Conservation Area, which is itself a non-designated heritage asset. The public benefits of the development do not outweigh this harm and, as such, the proposal is contrary to Policies R1 and L7 of the Trafford Core Strategy, the Hale Station Conservation Area Appraisal and Management Plan and policy contained within the National Planning Policy Framework.

**SPEAKER(S)**

**AGAINST:**

**Sajan Chacko  
(Neighbour)**

**FOR:**

**Alan Ferguson  
(Applicant)**

### **APPLICANT'S SUBMISSION**

Revised plans were received on 3<sup>rd</sup> November by request of Planning Officer. While accurate in measurements, the previous plans did not show the full detail of the fencing for which permission is sought. Revised plans and elevations have now been submitted, which clearly show the concrete base of the fence panels. The plans and elevations remain otherwise unchanged.

### **RECOMENDATION**

Recommendation remains unchanged – Approve subject to conditions, but with alteration to condition 2 – Approved Plans.

### **CONDITIONS**

Condition 2 – to be updated as follows:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1259/03 and 1259/04 received 3<sup>rd</sup> November 2022.

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

**RICHARD ROE, CORPORATE DIRECTOR, PLACE**

**FOR FURTHER INFORMATION PLEASE CONTACT:**

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