

AGENDA ITEM 5

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 12th October 2023

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
<u>104225</u>	Bow Green Farm, Bow Lane Bowdon, WA14 3BX	Bowdon	1	✓	✓
<u>106995</u>	Bow Green Farm, Bow Lane Bowdon, WA14 3BX	Bowdon	39	✓	✓
<u>109337</u>	160 Higher Road Urmston, M41 9BH	Urmston	56	✓	Cllr K Procter
<u>110896</u>	177 Sylvan Avenue Timperley, WA15 6AE	Timperley North	88		
<u>111137</u>	St Ambrose College, Hale Road, Hale Barns WA15 0HE	Hale Barns & Timperley South	99	Cllr Evans ✓	
<u>111430</u>	1 Prestbury Avenue Altrincham, WA15 8HY	Altrincham	116	✓	
<u>111473</u>	30 Minehead Avenue Flixton, M41 6FD	Flixton	126		✓
<u>111687</u>	2 George Street Altrincham, WA14 1SG	Altrincham	137		

SPEAKER(S)	AGAINST:	Bill Dixon (Neighbour)
	FOR:	Joe Smith (Agent)

104225/FUL/21 & 106995/LBC/22: Bow Green Farm, Bow Lane, Bowdon

FURTHER SUBMISSION FROM THE APPLICANT/CONSULTEE RESPONSE

In response to a request from the LHA the applicant has provided additional information relating to the proposal's future impact on the adjacent public right of way (PROW).

Following discussions the PROW consultee has confirmed planning permission, if approved, should include the following informative, which is in part based on the additional information by the applicant:

Vehicular access to the development is provided by a track which is also a definitive right of way, footpath no. 18, Bowdon. The status of the right of way is 'FOOTPATH' and as such the public hold rights to use the track only on foot, vehicular access to the development is private use. The applicant has advised of their possession of a Statement of Truth signed by surrounding landowners confirming the access track is owned by the applicant. The applicant has advised the Council that responsibility ultimately lies with the applicant but in practice the vehicle access is to be maintained contractually with the future tenant(s) of Bow Green Farm.

The PROW consultee has also suggested the proposed Construction Environmental Management Plan (CEMP) condition should be amended to include an additional section to ensure continued public access to the PROW during construction, as well as a further condition requiring the submission of before and after photographs to gauge the impact of the development on the vehicle access track.

ADDITIONAL REPRESENTATIONS

Following the re-advertisement of the final amended scheme Officers have received additional representations from two neighbouring occupants who had previously objected to the proposal, the latest objections confirming the amended scheme does not address their concerns, and the additional objections repeating those previously provided apart from the following:

- Demolition and construction traffic would create unwarranted additional hazards both to pedestrians walking along or crossing Bow Lane at the existing access point on the crown of the bend (i.e. between farm track gate

and gate opposite onto public footpath) and to vehicles progressing along Bow Lane and manoeuvring around the bend.

- If the proposal is to proceed some form of traffic calming / speed management measures will be needed for the whole stretch of Bow Lane between the two ends of Oakwood Lane. No provision is made for these in the plans. Nor is there any provision for the management of safety associated with vehicles exiting the site from the hard core provision and out from the Pool Bank farm track.
- There is no provision for the preservation of public access along the farm track past Pool Bank Farm towards the water treatment works.
- There is no provision for ensuring the safety of pedestrians either during construction or following occupation of the properties along the farm track towards Pool Bank Farm nor along Bow Lane itself. The proposal as it stands is extremely hazardous to other road users, both vehicular and pedestrian and is raising the risks to an unacceptable extent of a severe accident potentially leading to death.

ADDITIONAL OBSERVATIONS

In response to the additional neighbour comments, Officers state as follows:

The LHA has not objected to the site's location at a bend in the road. Planning permission, if granted, would be subject to a CEMP condition which would address parking arrangements for site operative and visitor vehicles, the management of deliveries, the loading and unloading of plant and materials, and the storage of plant and materials used in constructing the development. The LHA considers that, subject to the CEMP condition and conditions requiring the provision and retention of car parking, cycle parking and bin storage, the proposed development would be acceptable in terms of highway safety impacts. The PROW consultee has confirmed no objection with reference to the proposal's potential impact on the adjacent PROW, this consultee requiring the amendment of the CEMP condition and an additional condition to ensure the proposal's PROW impact is acceptable.

The CEMP condition should be amended and an additional condition should be added to reflect the requirements of the PROW consultee.

Should planning permission be granted it should include the informative proposed by the PROW consultee.

RECOMMENDATION

The wording of condition 9 (CEMP) to be amended as follows:

No development, including demolition, shall take place until a Pre-Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. The CEMP shall include details of the proposed measures to manage and mitigate the main environmental effects. The CEMP shall address, but not be limited to the following matters:

- a) *Suitable hours of construction and pre-construction (including demolition) activity (in accordance with Trafford Council's recommended hours of operation for construction works);*
- b) *the parking of vehicles of site operatives and visitors (all within the site);*
- c) *loading and unloading of plant and materials, and deliveries to the site (all within the site), including times of/arrangements for access/egress;*
- d) *The management of deliveries to including details of any proposed delivery booking system;*
- e) *storage of plant and materials used in constructing the development;*
- f) *the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;*
- g) *wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;*
- h) *measures to control the emission of dust and dirt during demolition and construction and procedures to be adopted in response to complaints of fugitive dust emissions;*
- i) *a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);*
- j) *measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity (refer to BS5228);*
- k) *information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;*
- l) *information to be made available for members of the public;*
- m) *nuisance complaints procedure;*
- n) *details of the measures to be taken by the Developer during the construction period to ensure safe public access along the definitive public footpath;*
- o) *contact details of site manager to be advertised at the site in case of issues arising. The development shall be implemented in accordance with the approved CEMP.*

The development shall be implemented in accordance with the approved CEMP. Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties, users of the highway and the adjacent public right of way, having regard to Policy

L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

The following additional condition (No. 34) shall be added:

The development hereby permitted shall not be occupied unless and until a scheme of restoration in relation to the adjacent public right of way (including a pre-commencement and post-construction dilapidation photographic survey of the public right of way) has been submitted to and approved in writing by the Local Planning Authority and any works required as part of the scheme of restoration have been implemented in accordance with the approved scheme.

Reason: To ensure the development results in an acceptable impact on the PROW, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

The following informative to be added:

Vehicular access to the development is provided by a track which is also a definitive right of way, footpath no. 18, Bowdon. The status of the right of way is 'FOOTPATH' and as such the public hold rights to use the track only on foot, vehicular access to the development is private use. The applicant has advised of their possession of a Statement of Truth signed by surrounding landowners confirming the access track is owned by the applicant. The applicant has advised the Council that responsibility ultimately lies with the applicant but in practice the vehicle access is to be maintained contractually with the future tenant(s) of Bow Green Farm.

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109337/FUL/22: 160 Higher Road, Urmston

SPEAKER(S)

AGAINST:

**John Honess
(Neighbour)**

FOR:

Councillor K Procter

REPRESENTATIONS

The agent has queried the reporting of all representations as 'objections' where one representation has asked about the height of a fence and another has asked a question regarding the alley.

Taking into consideration the full wording of the representations, it is considered accurate to include these as objections to the proposal.

SPEAKER(S) **AGAINST: John Kidd & David Zuker
(Neighbour)
Written Statement
Councillor Evans**

FOR:

REPRESENTATIONS

The description of the proposed development was amended slightly for clarity purposes to include reference to the proposed increase in hours relating solely to the MUGA pitches. Following this neighbouring residents (including those who provided unsolicited comments) were re-consulted on the application to ensure that they are aware of the change in description. Following this re-consultation and notification of the date of the Planning Committee meeting, further comments have been received from residents of The Coppice, Ashmead and Wicker Lane, all of which have previously commented on the application. The additional comments received express concerns regarding the existing situation on site, disturbances they experience and breaches of conditions.

The College has advised that they are installing lighting screens to the two floodlights at the southern end of the MUGA pitch (the tennis courts do not have floodlights), adjacent to the residential properties on The Coppice, to further prevent light spill to these residential properties. The College has agreed to a condition, which is detailed within the main Committee report (number 2), that requires the College to submit for approval a 'Pitch Management Plan' prior to the first use of the extended hours. This management plan will include (but not restricted to) details of physical measures to prevent noise, equipment maintenance, a complaint procedure and a code of conduct for pitch users and will also secure the details of the light screens for the floodlights. This will help to ensure that the use of the pitches is operated in a way that does not result in harmful noise and disturbance to neighbouring residents.

A condition relating to the revised hours of use, now number 10 within the main Committee report (previously condition 24 of the original planning permission 74747/FULL/2010), also includes reference to the hours of use of the existing floodlighting, to be in accordance with the hours of use permitted for the pitches. Reference to floodlighting has been added to this condition to prevent disturbance from lighting to neighbouring residents later into the night after the pitches are no longer in use.

A question has also be raised by a neighbour regarding attaching a condition preventing the College from applying to extend the hours of use for a number of years. Such a condition would not be reasonable and would pass the six tests for planning conditions set out in paragraph 55 of the NPPF.

RECOMMENDATION

The recommendation to approve the application is unchanged. Condition 2 is amended to reference the light screens:

2. Prior to the implementation of the extended hours of use hereby approved for the MUGA pitches, a Pitch Management Plan shall be submitted to and approved in writing to the Local Planning Authority. The Pitch Management Plan shall include but not be restricted to physical measures to prevent noise, equipment maintenance, complaint procedure and a code of conduct for pitch users and details (specification and timescales for installation) of the floodlight screens. The MUGA pitches shall thereafter be used only in accordance with the approved Pitch Management Plan.

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

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111430/HHA/23: 1 Prestbury Avenue, Altrincham

SPEAKER(S)

AGAINST:

**Bryan & Susan Ford
(Neighbour)**

Written Statement

FOR:

OBSERVATIONS

The plan numbers referred to in the approved plans condition (Condition 2) on the main report do not refer to the latest plans. It is recommended that this condition is updated to reflect the latest amended plans.

RECOMMENDATION

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted, amended plans, numbers: A100 REV F, A103 REV F and the 1:1250 OS based red edged plan, A105 REV E.

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

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111473/HHA/23: 30 Minehead Avenue, Flixton

SPEAKER(S)

AGAINST:

FOR:

**Phillip O'Sullivan
(Applicant)**

REPRESENTATIONS

Further representations have been received from the occupiers of two properties that have commented on the application previously, making the following comments: -

- Trafford Council should be working for the council tax payers of Trafford. One hundred percent of the residents who were consulted on the application objected to it. Not one person in Minehead Avenue or Bude Avenue is in support of it. The applicant is not a resident or taxpayer of Trafford. Therefore, surely Trafford council should be supporting its tax paying residents and refusing this application.
- There will be a considerable reduction of light to a neighbouring property, which is already affected by the trees.

OBSERVATIONS

The statement in one of the representations that one hundred per cent of the residents who were consulted on the application objected to it is not correct. Ten neighbouring properties were consulted on the application and six have objected.

One of the representations received suggests that, due to their particular personal circumstances, the development may have more impact on this neighbours in terms of loss of light than might otherwise be anticipated. Officers have had regard to this in assessing the proposal but have concluded that it would nevertheless not have an unacceptable impact on residential amenity.

EQUALITIES

The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.

Issues have been raised in the representations that relate to equalities and as such, in making an assessment of the application proposals, it is necessary to have regard to the Public Sector Equality Duty. If it is known that a decision could have an impact on persons with (a) protected characteristic(s), then this cannot be disregarded, whether or not that is material to the planning merits of the case.

Officers have had regard to this in making an assessment of the impacts of the proposed development but it does not alter their overall conclusion on the acceptability of the proposals in planning terms.

There is no change to the recommendation.

RICHARD ROE, CORPORATE DIRECTOR, PLACE

FOR FURTHER INFORMATION PLEASE CONTACT:

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