

AGENDA ITEM 3

PLANNING (DEVELOPMENT CONTROL) COMMITTEE – 5 June 2014

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

1.1 This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

1.2 Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chairman.

2.0 ITEM 4 – APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against	For
<u>80126</u>	221 Marsland Road, Sale, M33 3NR	Brooklands	1		
<u>80912</u>	Windswood, 4 Park Road, Bowdon, WA14 3JF	Bowdon	12		
<u>80962</u>	Windswood, 4 Park Road, Bowdon, WA14 3JF	Bowdon	17		
<u>81228</u>	Land at Manchester Road, adjacent to Beaconsfield Road and Viaduct Road, Broadheath	Broadheath	29		
<u>81797</u>	Unit 17, Textilose Road, Trafford Park, M17 1WA	Gorse Hill	43		
<u>81810</u>	Robins & Day, 253 Washway Road, Sale, M33 4BL	Brooklands	51		
<u>82159</u>	Site at Bonville Road, Bowdon, WA14 4QP	Bowdon	60		
<u>82483</u>	HSS Hire Service Group Ltd, Circle House, Lostock Road, Urmston, M41 0HS	Davyhulme East	69		
<u>82558</u>	96 Framingham Road, Sale, M33 3RN	Village	75		

<u>82598</u>	3 Grange Avenue, Hale, WA15 8ED	Hale Central	79		
<u>82661</u>	302 Northenden Road, Sale, M33 2PA	Sale Moor	84		
<u>82704</u>	Former St John the Baptist Church & Presbytery, Thorley Lane, Timperley, WA15 7AZ	Village	90		

Part 1

Page 1 80126/FULL/2013: 221 Marsland Road, Sale

REPRESENTATIONS

Two letters of support have been received from neighbouring residents on Marsland Road, which state the following: -

- They have had to look at the wasteland for many years and welcome a change of scenery.
- They look forward to seeing the development.
- The three dwellings are tastefully designed, not of excessive size for the site, which utilize materials and features that are sympathetic to most of the mature building in this corner of Brooklands.
- The provision of garage spaces should mitigate any slight increase in traffic.

A letter has been received from a neighbouring resident of Heywood Road, which states that they are in agreement with the proposed semi-detached dwellinghouses, but are concerned and object to the proposed detached property as they consider it will affect the light into their back garden.

RESIDENTIAL AMENITY

The concerns raised by a neighbouring resident of Heywood Road regarding a loss of light to their rear garden are noted. The proposed development would be situated to the north of this neighbouring property. The applicant has submitted a solar study, which shows what changes in shading of neighbouring properties and gardens that may occur as a result of the proposed development. The solar study indicates that there would be no change in the light provided to the properties and rear gardens of Heywood Road. It is therefore considered that the proposed development would not result in undue loss of light to neighbouring properties.

Page 12 80912/CAC/2013: Windswood, 4 Park Road, Bowdon

REPRESENTATIONS

One additional letter of objection have been received from a resident who has previously raised concerns and wishes to reiterate these concerns which have been reported on the officers report to committee.

Page 17 80962/FULL/2013: Windswood, 4 Park Road, Bowdon

REPRESENTATIONS

Three additional letters of objection have been received from residents who have previously raised concerns and wish to reiterate these concerns which have been reported on the officers report to committee.

RECOMMENDATION

Condition 11 – Provision and retention of parking spaces

Condition 12 – Details of balcony screens to be submitted prior to works commencing.

Page 29 81228/FULL/2013: Land at Manchester Road, adjacent to Beaconsfield Road and Viaduct Road, Broadheath

SPEAKER(S)	AGAINST:	Brenda Houraghan (Chair of Broadheath Partnership)
	FOR:	Jennie Johnson (Applicant)

Consultations

Pollution and Licensing-The recommendations in the acoustic report submitted by the applicant shall be implemented (with reference to acoustic screening/boundary treatments and noise from plant and equipment)

An appropriate system for the adequate dispersal of cooking odours from the kitchen shall be installed. Details of the proposed system shall be submitted for approval prior to installation.

The Air Quality Management Area (AQMA) runs along the A56, and includes this junction. Therefore the proposed site is within the AQMA in respect of Nitrogen Dioxide. An air quality assessment has not been requested as it does not fall

within the criteria for requesting one. Please note there are many other Nurseries and Schools sited within the AQMA.

In addition to this, Pollution and Licensing can confirm that they are happy with the proposed hours of operation referred to in the acoustic report and understand it will be conditioned accordingly once confirmation has been received from the agent.

Observations

Air Quality

Based on Pollution and licensing comments there is no objection in terms of the proximity of the external play area to the A56.

Paragraph 5

Add – With the works to No. 1 proposed it is concluded the impact on the property would be limited.

Paragraph 18

Add - There is a possibility of parents parking on Beaconsfield Road which may cause some disamenity. It is considered however that the combination of parking provision, cycle parking and a robust management plan would help mitigate this to a degree whereby it would be unreasonable to refuse the application on this basis.

Recommendation

Additional conditions as follows:

15. Implementation of recommendations of submitted acoustic report
16. Details to be submitted of system for dispersal of cooking odours
17. Details of Sustainable urban drainage scheme, designed to meet SFRA guidelines – reducing surface water runoff by 50% to be submitted
18. Crime Impact Statement to adhere to principles of Secured by Design
19. No external lighting other than in accordance with a scheme to be submitted and approved.
20. Management plan to be submitted and approved – to minimise impact on amenities of local residents. This should seek to prevent parents and staff from parking on nearby residential streets; and should detail use of external play areas.
21. Restriction of use condition – to a day nursery and no other use including any other use in Class D1

Amendments to proposed conditions as follows:

Condition 5 - notwithstanding the submitted plans 10 cycle parking spaces shall be provided within the curtilage of the building.

Condition 8 - the 6 car parking spaces fronting Viaduct Road shall only be used for staff parking and should be marked and signed accordingly.

Condition 13 - specify hours of use as 07:00hrs until 19:00hrs

Page 43 81797/FULL/2013: Unit 17, Textile Road, Trafford Park

REPRESENTATIONS

The occupants of Unit 14 (which adjoins the application site) have stated they have no objections to the proposal.

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

Condition 7 - Number of visitors using trampoline area to be restricted to 60 at any one time.

Condition 8 - Submission of a management plan outlining pre-booking system detailing how the number of visitors using the trampoline area will be limited and monitored, ensuring that the monitoring is available for inspection by the LPA.

Page 51 81810/FULL/2013: Robins & Day, 253 Washway Road, Sale

**SPEAKER(S) AGAINST: John Bowhay
(Neighbour)**

FOR:

REPRESENTATIONS

Four further letters of objection received, making the following additional comments: -

- The impact of the lights is exacerbated by the reflective effects of the roofs and bonnets of the surrounding parked cars.
- Even in the summer, the external lights are switched on at 5pm (despite it not being dark until 9.30pm) and are not switched off until 10.30pm. The garage management has been contacted about this on numerous occasions and has said this will be looked into but nothing changes.
- A further source of nuisance is the showroom lights, which are left on through the night.
- If the lights are required for security, then the gates on each side of the building should be closed to isolate the large area of the site that contains no vehicles for sale, which will obviate the need for any additional lighting in that area.

- The development of this garage in a residential area has already had a huge detrimental impact on nearby neighbours creating noise and on-street car parking problems. The current proposal will cause more distress for residents.

Two of the above letters state that they are pleased that the revised plans show two x 6m high columns to be removed and replaced with bollard lighting but raise the following additional points: -

- Will there be a maximum timeframe for these works to take place?
- The dividing fence where the bollard lighting is to be sited is a picket fence. Would it be possible for this to be converted to a solid fence as one of the bollards is immediately adjacent to the fence.
- The change in timing for the lights from 11pm to 9pm is also appreciated. However, in previous correspondence, it has been requested that the luminaires mounted on the south side of the building should be lowered or shuttering added in order to prevent the radiating bright white glare. Could screening also be attached to the security control light poles at the back of the building as well as on the south side and the lights that are being retained from dusk till dawn? There is no evidence of this on the revised plans.

OBSERVATIONS

Regard has been given to the additional comments and concerns raised in the further objections that have been received; it is, however, considered that none of the points raised would justify a change to the recommendation.

Page 60 82159/FULL/2014: Site at Bonville Road, Bowdon

SPEAKER(S)	AGAINST:	Brian Rodden (Neighbour)
	FOR:	Ian Jones (Agent)

REPRESENTATIONS

Following the amendments made to the original scheme and the subsequent consultation with neighbours; three further letters of objection have been received from residents who had previously raised made objections which have been reported on the officer's report to committee. The neighbours wish to reiterate their previous concerns as reported.

SPEAKER(S) AGAINST:

**FOR: Chris Geddes
(Agent)**

APPLICANT'S SUBMISSION

The recommendation as set out in the report recommends an overage clause to require an additional payment (to a maximum of £1,163,880.48) in the event that the developer's level of net profit is better than predicted in the viability appraisal.

The developer has advised that they would not be prepared to accept an overage clause and as an alternative way forward for commercial expediency and in an effort to reach an agreed position, they have given an undertaking to

- i) contribute £230,000 towards all S106 contributions and
- ii) commence the development within 12 months of planning permission in order to assist the Council's housing delivery and if they do not, a second viability appraisal will be submitted on the development's actual commencement and a higher contribution paid if the appraisal shows in excess of £230,000 can be paid.

The reasoning provided by the developer for not being prepared to accept an overage clause is summarised as follows: -

- The developer needs certainty of all development costs prior to completing the purchase of the land. This is a single phased development with no opportunity to adjust the land purchase price at the end of the development to take account of any increased S106 contributions after the land has been purchased.
- A request to pay a deferred contribution from this development after planning permission has been granted will have to be paid from the developer's profit which is not at all appropriate.
- National Planning Guidance in respect of viability and single phased developments indicates that viability assessment in decision-taking should

be based on current costs and values. Planning applications should be considered in today's circumstances. However, where a scheme requires phased delivery over the longer term, changes in the value of development and changes in costs of delivery may be considered.

- The RICS Professional Guidance "Financial viability in planning" refers to re-appraisals and viability reviews and states that "such re-appraisals are generally suited to phased schemes over a longer term rather than a single phase scheme to be implemented immediately, which requires certainty". The guidance states "From a technical perspective, so called 'overage' arrangements (post development appraisals) are not considered appropriate, as development risk at the time of implementation cannot be accounted in respect of the inevitable uncertainty of undertaking a development.
- This application is for a single phase development, on land which is being purchased on a "subject to planning approval" basis, and as such any form of review/ re-appraisal is not appropriate.

The increased contribution of £230,000 is explained by a difference in the empty property costs applied to the viability appraisal. The submitted viability appraisal shows a surplus of c47.5k, when empty property costs (holding costs) are included and when an average selling rate of 1 unit per month is used. This was queried by officers and in light of the fact that over the life of the development in a potentially rising market the empty property costs (holding costs) may not be as high as predicted, the developer has agreed to accept the removal of all but £10,000 of empty property costs from the appraisal and an improved average selling rate of c1.25 apartments per month

CONSULTATIONS

LHA – In response to the amended plans referred to in the report, the LHA confirm that the proposals are acceptable. The amended plans include pedestrian access added to the south end of the site, 2 motorcycle spaces provided within the car park and the vehicle access into the car park widened to 4.5m. The LHA comment the motorcycle parking spaces need to be lockable points and this requirement can be incorporated into the condition requiring the provision and retention of car parking (Condition 12).

Pollution & Licensing – Recommend that any permission is subject to a condition requiring an assessment of the noise level at the most exposed residential property arising from the operation of all of the air source heat pumps and sub-station and any other associated plant and equipment at the quietest time that they will be operating. A noise survey at the most exposed residential

property will be required in order to establish the minimum background noise climate. The condition should also include acoustic details of any proposed enclosure to be approved.

OBSERVATIONS

The applicant's reasoning for not being prepared to accept the overage clause is not necessarily accepted. The viability appraisal submitted with the application and accepted by officers is based on a profit margin of 20% and this return would not be affected by the overage clause. The type of 'overage' clause that would be included in the S106 agreement would allow the developer this profit margin and would only seek to take a 50% share of any additional profit over and above the 20% level, up to a maximum of the full S106 figure i.e. the overage is only required to 'claw back' any profit over and above that which the developer anticipates at this time if the development turns out to be more favourable than envisaged in the viability appraisal.

Notwithstanding this concern the reference to the NPPG and the RICS guidance on the use of overage arrangements, as summarised above, is acknowledged. This does suggest that for larger schemes which require phased delivery (as opposed to smaller single phased schemes), changes in costs may be considered, however it does not preclude the use of overage agreements where negotiated with the applicant, as has been the practice in Trafford in accordance with SPD 1.

In this particular case it is also relevant to take into account that the proposed development is otherwise considered an acceptable scheme that would provide sheltered accommodation in an entirely appropriate location, making efficient use of previously developed land, will make a positive contribution towards the Council's housing land supply and will bring economic and social benefits. Furthermore the developer has given an undertaking to commence the development within 12 months of planning permission which gives some certainty that the scheme would be delivered in the short-term.

The developer's explanation as to how they could afford the revised offer of a total and final contribution of £230,000 with no overage clause, as opposed to a contribution of £47,593 as set out in the report, is explained by the empty property costs being reduced from the earlier appraisal.

With regards to the other proposed undertaking, that the developer will commence development within 12 months of planning permission and if they do not, a second viability appraisal will be submitted on the development's actual commencement and a higher amount paid if that shows in excess of £230,000 can be paid, then the higher amount will be paid prior to occupation, this is considered to be reasonable. As this forms part of the applicant's argument for not including an overage agreement, it is considered reasonable to commit the developer to this proposal.

It is concluded that the developer's viability appraisal demonstrates that the proposed development would not be viable with the required financial contribution of £1,163,880.48 and that a contribution of £230,000 is viable, whilst in relation to overage it is considered that in the particular circumstances it would be acceptable not to include an overage clause in the legal agreement. The legal agreement would require the £230,000 to be paid prior to the first occupation of the development.

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT and the conditions as set out in the report, amended to reflect a higher financial contribution, requirement for an overage clause deleted, requirement for development to commence within 12 months unless a revised viability appraisal is submitted, amend Condition 1 and add a condition requiring an acoustic assessment, as follows: -

- (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 £230,000 split between: £213,417 towards Affordable Housing; £483 towards Highway and Active Travel infrastructure; £1,932 towards Public Transport Schemes; £2,691 towards Specific Green Infrastructure (to be reduced by £310 per tree planted on site in accordance with an approved landscaping scheme); £11,477 towards Spatial Green Infrastructure, Sports and Recreation and
- (B) To commence the development within 12 months beginning with the date of the planning permission, or not later than the expiration of three (3) years in the event that a revised viability appraisal is submitted and agreed by the Local Planning Authority.
- (C) In the circumstances where the legal agreement has not been completed by the 7 July 2014, the final determination of the application shall be delegated to the Head of Planning Services.
- (D) The conditions as set out in the report, with condition 1 amended and an additional condition as follows: -

The development shall commence within 12 months beginning with the date of this permission, or not later than the expiration of three (3) years in the event that a revised viability appraisal is submitted and agreed.

Prior to the air source heat pumps, sub-station and any other associated plant and equipment being installed on the site, the developer shall engage

the services of a suitably qualified acoustic consultant to undertake an assessment of the noise level at the most exposed residential property arising from the operation of the proposed air source heat pumps, sub-station and any other associated plant and equipment at the quietest time that they will be operating. A noise survey at the most exposed residential property will be required in order to establish the minimum background (L_{A90}) noise climate. All measurements and assessments should be undertaken in accordance with British Standard BS 4142: 1997. The assessments, together with details of any acoustic enclosure, shall be submitted to and approved in writing by the Local Planning Authority prior to the air source heat pumps, sub-station and any other associated plant and equipment being installed on the site and they shall be installed in accordance with the approved details.

MRS. HELEN JONES

**CORPORATE DIRECTOR ECONOMIC GROWTH & PROSPERITY AND
INTERIM CORPORATE DIRECTOR OF ENVIRONMENT, TRANSPORT AND
OPERATIONS**

FOR FURTHER INFORMATION PLEASE CONTACT:

Rob Haslam, Head of Planning

**Planning Department, P O Box No 96, Waterside House, Sale Waterside,
Sale, M33 7ZF**

Telephone 0161 912 3149