

AGENDA ITEM 3

PLANNING (DEVELOPMENT CONTROL) COMMITTEE – 10th September 2015

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
84498	Land at Ayres Road, Old Trafford, M16 7WP	Clifford	1		
84541	61 Bankhall Lane, Hale Barns, WA15 0LN	Hale Barns	10	✓	✓
85237	Evangelical Church, Darley Street, Sale, M33 7TB	Priory	30		✓
85452	Byfield & Lynwood, Green Walk, Bowdon, WA14 2SJ	Bowdon	42		✓
85554	91 Snowden Avenue, Flixton, M41 6EF	Flixton	56		
85741	1C Norris Road, Sale, M33 3QW	Brooklands	61		
85844	3 Midland Terrace, Ashley Road, Hale, WA14 2UX	Hale Central	69	✓	✓
85998	Bowdon Community Association, Jubilee Centre, The Firs, Bowdon, WA14 2TQ	Bowdon	76	✓	
86005	1 Worcester Road, Sale, M33 5DS	St Mary's	91		✓
86196	Land at Cross Street, Sale, M33 7AQ	Ashton on Mersey	99		✓

**SPEAKER(S) AGAINST: Gareth Salthouse
(Emery Planning on
behalf of Neighbour)**

**FOR: Colin Offland
(Applicant)**

REPRESENTATIONS

A further 2 letters (Counsel advice) have been received by the LPA on behalf of the owner of No. 59 Bankhall Lane, with reference to the Committee Report prepared by officers for September Committee, these detail the following points:

- The Opinion suggests that the shortcomings of the committee report are such as to undermine the lawfulness of the Council's decision making process. It notes the following matters:
- The report does not address the statutory duty under s.72 of the Planning (Listed Building and Conservation) Act 1990. It suggests this is a 'fundamental flaw' in the report and that the 'relevant officers within the Council would, in my opinion, need to give a formal consultation response on the issue to inform the Officer's report'.
- There are new cross sections which are 'inaccurate' whilst reference to the relative height of the application proposal is 'partial' throughout the report and therefore open to challenge. The increased separation distance from the objector's property is referenced ten times whilst the height difference is only mentioned [inaccurately] once. It is considered that this partial and incomplete provision of material facts for committee is misleading for the committee on a central issue.
- The committee report misrepresents the height difference between the existing single storey element to the rear of No.61 and the proposed replacement dwelling.
- It concludes that the report continues to be an inaccurate and insufficient document which presents the Committee with an incomplete and partial assessment of the proposed development.
- The council has not given adequate time for members or the planning agents acting on behalf of the objector to assess the new cross sections submitted to the LPA on 09/09/2015

OBSERVATIONS

- Counsel advise, submitted by the neighbour, states that the report does not make a direct reference to Section 72 of the Planning (Listed Building and Conservation) Act 1990, which imposes a duty upon the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In this respect the advice states that officers have not paid *special* attention when considering the demolition of the existing dwelling on site. Reference is made at paragraph 3 of the Officer report to advice in NPPF (para 32), although the report does not specifically detail s.72 of the Planning (Listed Building and Conservation)

Act 1990. Special attention has however, been paid to the consideration of the loss of the existing building at number 61 Bankhall Lane. This aspect of the development is detailed within the Officer report, Para's. 3 and 4 - Loss of existing building. It is considered that the demolition of the dwelling is acceptable, as it only makes a neutral contribution to the South Hale Conservation Area. Furthermore, it is considered that the proposed replacement dwelling will enhance and improve the setting, character and appearance of the South Hale Conservation Area; as such its demolition is considered acceptable.

- The applicant's architects have confirmed that the submitted cross sections are accurate; a detailed survey was conducted of both the applicant's dwelling (No. 61) and neighbour's dwelling (No.59) in order to prepare the cross sections, which have been submitted to the LPA. Two cross sections were submitted with the latest amended plans, one through the study and the other through the dining room of No.61. The section relating to the dining room was posted on the Council's website on 15th July, although unfortunately the section through the study was not posted on the website until 9 September. An amended section through the kitchen) was also posted on the website on 9 September.
- The objectors have expressed some concern at the labelling and detail contained within the applicant's cross sections and the fact that only one of them had been posted on the website until yesterday. However, it is considered that the section through the dining room (the one posted on the website on 15 July) adequately demonstrated the relationship that the proposed dwelling would have with the house at No.61. The additional sections relating to the kitchen and study further clarified the relationship of the proposed dwelling to that at No. 61. All sections demonstrate that the 25 degree line referred to by the objectors has been met in respect of the dining room, kitchen and study.
- The objector's claim that they have not had adequate time to consider the two additional cross sections posted on the Council's website yesterday. A senior council officer showed the section through the study to the applicant's planning consultant at a site meeting on 17th July, when a thorough tour of the objector's property was undertaken and impacts assessed. The kitchen window to No 61 has the same relationship to the proposed dwelling as the dining room (ie the proposed section is the same), although it is acknowledged that the existing relationship / outlook from the objectors kitchen window to the proposed dwelling will change (it changes from single storey to what is effectively two storey height). It is considered that the objector is aware of this relationship between their house and the proposed dwelling, although it is acknowledged that they do not like it.
- The occupants of No.59 have indicated there is an error in paragraph 29 of the Officer report which sought to clarify the difference in height between the existing single storey extension to the rear of the existing house at No

59 and the proposed dwelling. This error is corrected in the paragraph below:-

Delete 3rd bullet point of Para. 29 and replace with the following bullet point:

- There would be an increase in height and massing towards the rear end of the proposed dwelling, particularly when compared to the single storey element of the existing house at 61 (the proposed dwelling is 3.75m higher than the eaves height of the existing single storey element at No 61; and 2.25m higher than the ridge height of the existing single storey element at No 61). However this would not be a traditional two storey rectangular structure but a curved one, the dwelling would curve away from the boundary lessening the impact of the development.
- The final bullet point of Paragraph 29 of the Officer's report (page 24) indicates that the proposed dwelling would not have a materially worse impact on light and outlook to No. 59 than the existing house at No. 61.

Delete the final bullet point in paragraph 29 and replace with the following bullet point:

- It is not considered that the proposed dwelling would result in a level of harm to the occupiers of No 59 in terms of impact on light and outlook to warrant a refusal of planning permission.

Page 30 85237/FUL/15: Evangelical Church, Darley Street, Sale

SPEAKER(S)

AGAINST:

FOR:

**George Perrin
(Applicant)**

OBSERVATIONS

The Council's Housing Services team has confirmed that a financial contribution of £42,000 will be required towards off-site affordable housing. It is also recommended that an additional condition is attached requiring that the Transport Regulation Order (TRO) shall be amended to allow access to the rear parking spaces.

RECOMMENDATION: MINDED TO GRANT SUBJECT TO A LEGAL AGREEMENT and the conditions listed on the original report: -

- (i) That the application will propose a satisfactory development for the site upon completion of a legal agreement which will secure a financial contribution of £42,000 towards off-site affordable housing provision.

- (ii) In the circumstances where the Section 106 Agreement has not been completed within 3 months of the date of this resolution, the final determination of the application shall be delegated to the Head of Planning Services.
- (iii) That upon satisfactory completion of the above legal agreement, planning permission be granted subject to the conditions listed on the original Committee report and

14. Prior to the first occupation of any of the residential units hereby permitted, the Transport Regulation Order (TRO) shall be amended to allow access to the rear parking spaces.

Page 42 85452/FUL/15: Byfield & Lynwood, Green Walk, Bowdon

SPEAKER(S)

AGAINST:

FOR:

**Tom Flanagan
(Agent)**

REPRESENTATIONS

Neighbours

Further to the receipt of amended plans a second letter has been received from the neighbouring property Enville Cottage, stating that the amendments do not address their original concerns.

RECOMMENDATION

The viability issues are still being assessed. Notwithstanding further information submitted on behalf of the applicant, it is considered by the Council that the scheme may still be viable with an affordable housing contribution. Further discussion is required in relation to this issue.

On this basis it is recommended that the application be deferred for further consideration of the issue of viability.

Page 61 85741/HHA/15: 1C Norris Road, Sale

REPRESENTATIONS

Cllr Mrs Dixon's grounds for calling in the application are that the erection of a garage in the rear garden of 1C Norris Road at 1.5m from the boundary with 1 Westwood Drive would change the street scene with the loss of high foliage and greenery, which Brooklands has strived to keep.

Neighbour re-consultation was carried on the basis of the amended plans where the detached garage has been re-positioned to be sited 1.8m from the boundary

with No. 1 Westwood Drive and 1.5m from the shared boundary with No. 1b Norris Road. The garage has been reduced in height and in length in the amended scheme at the request of the LPA. The amended location is at the request of the applicant.

A further letter of objection has been received from the occupiers of 1b Norris Road on the basis of the re-consultation raising the following concerns:

- As the garage has been moved considerably closer to the boundary than first indicated at 3.5m, and the hedge is normally trimmed to approximately 2m, the top of the garage will be visible from the house and garden if it is 1.5m from the boundary.
- The hedge cannot be maintained high enough to obscure the garage as this would affect light into the lounge window, which is only 1 metre from the hedge.
- Loss of privacy due to the proposed window.
- Proximity of the door and side window of the proposed garage to the shared boundary, which would not be the case if it was in its original position of 3.5m away from the shared boundary.

A further comment has been received from the occupiers of 1b Norris Road, stating that they were assured by the owner that the plans online are incorrect and that there was no window proposed in the rear of the garage and that the height of the garage has been lowered to 2.5m. Confirmation has been requested that this is the case.

A further representation has been received from the occupier of 1b Norris Road, making the following comments: -

We wish to express our grave concerns that the information given to us by the owner of 1c Norris Road varies from the version of the plans submitted to the Council in respect of the garage. We were also told by the owner that the garage will be level with the side elevation of the house which is 1m from the boundary whereas the planning officer advised it was 1.5m. If this is so, the gable end will be very visible from our house. With a window facing our house and garden this will greatly impinge on our privacy. We ask you to take this into consideration as obscured windows do not offer complete protection, particularly when our house is lit up. From the plans it also shows a window to the side of the garage so it seems rather pointless to have so many windows.

OBSERVATIONS

Whilst it is acknowledged that the amended scheme sites the garage closer to the shared boundary with No. 1b Norris Road, at a distance of 1.5m reduced from 3.5m, the amended location would not be considered to unduly over-dominate the house or garden of No. 1b Norris Road due to the separation distance and the 2m boundary hedge along the shared boundary. It is acknowledged that the garage would be visible however it is not considered that it would appear unduly overbearing in that location. There would be no loss of privacy due to the proposed window as it is sited at 2.3m above the internal floor level. Furthermore

the garage door and window would not be considered to result in a loss of privacy due to the non-habitable nature of the garage and that they would be screened by the boundary hedge. The amended scheme is therefore recommended for approval.

In relation to the latest comment received from the occupiers of 1b Norris Road no further amendments to the garage have been received. The height of the garage is 2.37m to the eaves and 3.4m to the ridge and there is a small high level window in the rear elevation. It is recommended that an additional condition should be attached to ensure that this is obscure glazed.

RECOMMENDATION

Condition 8: Obscure glazing to window in rear elevation of garage.

Page 69 85844/HHA/15: 3 Midland Terrace, Ashley Road, Hale

SPEAKER(S)	AGAINST:	Raymond McDaid (On behalf of Neighbour)
	FOR:	George Tsiantar (Agent)

REPRESENTATIONS

- Councillor Mrs Young has raised the following concern, in-line with previous comments raised by Councillor Mitchell. Relating to the proposed extensions resulting in harm to the setting and character of the row of cottages, as well as the Hale Station Conservation Area.

1 further neighbour representation summarised below:

- Loss of ambient daylight as a result of the proposed extensions
- Loss of views due to the erection of the proposed extensions
- Feeling of enclosure from the proposed extensions
- Loss of enjoyment of garden space as a result of the proposed extensions
- Proposal would sit at odds with general rhythm of development within the row of cottages
- Proposal would fail to comply with councils SPD 4 householder extension guidelines – with reference to rear extensions
- Proposal would not preserve or enhance the Hale Station Conservation Area
- Proposal not in line with policies from the NPPF, in terms of the adhering to the dimensions of sustainable development
- Proposal would not comply with Permitted Development guidelines

FOR:

REPRESENTATIONS

Since the report was finalised, letters of objection have received from 3 additional addresses and from Caulmert Consultancy and CBO Transport on behalf of the Bowdon Croquet Club. Additional points raised are summarized under the Observations section below:-

OBSERVATIONS

It is considered that some of the points raised in the letters received since the completion of the committee report are already covered in the main report. However, the following observations relate to the additional issues raised.

The objection submitted by Caulmert Consultants contends that for various reasons the application should not have been validated and that the Council should not determine the application without requesting the necessary surveys and making necessary amendments to the scheme.

The adopted Validation Checklist dated April 2014 states that:-

*“Once adopted, if the information which is required by the checklist is not included with an application and is considered by the Local Planning Authority to be reasonable and necessary in order to assess the application, the **authority will be entitled to declare the application invalid**”.*

This therefore gives discretion for the LPA to consider whether it is reasonable and necessary to require information in relation to a specific application.

In this instance, the LPA consider that the Council can determine the application for the following reasons:-

Red Edged Site Plan

The location plan has been amended so that the site edged red includes the land required for access from the public highway. As this land is owned by the Council and not a third party there is no requirement to serve notice on any additional landowner as a result of this. In addition, the plans originally submitted and consulted on show that vehicular access to the proposed Community Centre would be taken from The Firs.

Crime Prevention Plan

This was not considered a necessary requirement at validation stage as the proposed Community Centre would not introduce a new use to the site as it replaces an existing Community Centre. However a condition is recommended to

be added to ensure that the developer identifies and implements appropriate crime impact measures.

Ecological and Biodiversity Survey

This was not required at validation stage as the building to be demolished is a prefabricated building and such buildings generally have little opportunity for roosting bats. However as a result of the concern raised, the GM Ecology Unit was advised of the proposals to demolish the building and remove some trees / shrubs and confirmation was sought that the LPA had taken the correct approach at the time of validation. The Principal Ecologist at GMEU has confirmed that he had done a bat survey in the area previously and that bats in the area were not associated with the Community Centre site and that this was not surprising as the building has only low potential to support bats and that there are lots of other excellent buildings for bats nearby. Therefore the GMEU would not require that a bat survey is submitted prior to deciding the application, but *advise* the applicant that bats are around and that they can, and do, turn up in unlikely places. If bats are found at any time during works then works must cease immediately and advice sought from a suitably qualified person about how best to proceed. An informative is added accordingly.

Heritage Assessment

It is not uncommon for Heritage Assessments to be incorporated into Design and Access Statements as is the case with this application where the Design and Access Statement includes a section on "Heritage Issues". This sets out how the proposal has had regard to heritage assets, including the Stamford Arms and Griffin pubs and the Cinnamon Club. The Council's Validation Checklist states that 'The level of detail should be proportionate to the importance of the heritage asset'. In this instance as the site comprised a surface level car park and 1970's prefabricated building it was considered that the level of information provided was proportionate and appropriate.

It is considered that the level of detail submitted was sufficient to understand the potential impact of the proposal on the significance of any heritage assets affected. Samples of materials to be used would be required to be submitted by condition.

Tree Survey

The Council's Senior Arboricultural Planner was consulted on the application at pre-application stage and assessed the trees on the site. As a result of this it was identified that the mature London Plane Trees on the St Mary's Road frontage should be retained as they positively contributed to the streetscene. The application was therefore submitted on this basis and tree protection and retention conditions attached.

Community Engagement

As acknowledged by the objector, this is not a 'Major' application. However, with regard to pre-application Community Engagement a meeting was held with the Community by the applicants following the submission of this application previously in 2013. The points made were considered but the current application was considered to be the best solution on the site to ensure the long term retention of the Community Centre in Bowdon. In addition, as part of this application two sets of neighbour notification letters have been sent out to local residents and the application was advertised both on site and in the local newspaper. The Council has therefore satisfied the legal requirements in terms in relation to consultation on the planning application.

Highways

The LHA has considered the specific land uses associated with the development proposals and for these uses is satisfied that sufficient off-street car parking provision for the proposed specific uses is made in the application and therefore has no objections to the proposals.

Furthermore, the LHA has commented as follows – “It is recognised that proposal for the application site removes some of the informal off street parking in this area, however, parking surveys were undertaken by the Council and the typical demands for parking on the areas currently accessed from both The Firs and St Mary’s Road was observed to be 40 or less during daytime hours with a higher demand at weekend evenings, typically around 60 to 70 vehicles were observed to be parked. These surveys were undertaken in January and February 2013.”

Residential Amenity

The objection also contends that the dwellings would contravene Trafford Council’s own space standards in SPG1 as the two middle dwellings would have bedroom windows looking directly towards each other. This has been addressed with amended plans and these windows will now be obscure glazed with an additional small rear facing (onto the Community Centre) window for outlook.

The impact of the proposal on the viability of the Croquet Club is not a planning matter.

RECOMMENDATION

It is considered that the following condition should be attached:

16. Crime Impact Measures

Informatives relating to Bats & Nesting Birds are also recommended.

Page 91 86005/HHA/15: 1 Worcester Road, Sale

SPEAKER(S)

AGAINST:

FOR:

**Ryan Campbell
(Applicant)**

CONSULTATIONS

LHA – No objections

OBSERVATIONS

Amended 'Existing Floor Plans & Elevations' drawing (HDB/1312-01) submitted correcting an error identified in the 'Existing Roof Plan'

Page 99 86196/FUL/15: Land at Cross Street, Sale

SPEAKER(S)

AGAINST:

FOR:

**Paul Westhead
(Applicant)**

CONSULTATIONS

LHA: Confirm that two disabled parking bays will be acceptable

GM Police Design for Security: Are not able to support this proposal and disappointed that a Crime Impact Statement has not been submitted.

Concerned about the large open communal car park and service area to the rear of the building. The residential car park should be secured with vehicular/self-closing pedestrian gates, controlled by fob or proximity reader both on access into and egress from the car park.

The commercial car park should also be secured outside of normal working hours. A strategy should be developed to manage out-of-hours access, residential through-access and servicing access.

The main entrance to the apartments should front onto Cross Street, in order to maximise surveillance over it and over any visitors to the building, with a 'secure lobby' arrangement to allow for deliveries without providing access to all floors of the building. A secondary residents' only entrance should be taken off the rear residents car park.

The sides and rears of the properties should be defined and enclosed as private space by 2100mm high walls or robust timber fencing (1800mm high between private plots).

The front elevations of the dwellings should be protected by some defensible space, defined by low-level railings (e.g. 1200mm high), to clearly indicate they are separate from the street in ownership/control of the residents themselves. Lighting should be provided to the front and rear of the properties, operated by photo-electric cell and to all access roads, parking areas and building entrances to an adequate and uniform level (as defined within BS 5489), so as not to allow any areas of pooling/shadowing.

The Council has considered the applicant's viability assessment and, on the basis of the information provided to date, it is accepted that the developer profit won't exceed 20% and that the level of profit is such that it won't support a contribution to affordable housing. It is also relevant that the scheme does provide benefits in terms of physical improvements to the area.

OBSERVATIONS

It is recommended that Condition 12 is amended to require that the concerns raised by GM Police Design for Security are addressed where possible. However, it is recognized that the provision of pedestrian entrances at the front of the building was not required at the time of the outline application and it is considered that it would not be reasonable to require this amendment to the scheme.

It is also recommended that Condition 13 should specify opening hours of between 0700 – 2300 and that, in order to address concerns previously raised by Pollution and Licensing, Condition 14 should stipulate that servicing and deliveries shall not take place outside the hours of 09.30 to 21.00.

The applicant's affordable housing statement is accepted, any profit made on the proposed development will go towards affordable housing provision in Trafford. The recommendation therefore changes from one of 'Minded to Grant' to 'Grant'.

RECOMMENDATION

Change recommendation from 'Minded to Grant' to 'Grant'

12. Compliance with crime prevention measures

13. Opening hours – 0700 to 2300 hours

14. Servicing, delivery and waste collection not to take place outside the hours of 09:30 to 21.00 hours

**HELEN JONES
DEPUTY CHIEF EXECUTIVE**

**FOR FURTHER INFORMATION PLEASE CONTACT:
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