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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE MEETING

Date: Thursday, 14 December 2017

Time: 6.30 pm

**Place: Committee Suite, Trafford Town Hall, Talbot Road, Stretford, Manchester
M32 0TH**

AGENDA	ITEM
1. ATTENDANCES	
To note attendances, including Officers and any apologies for absence.	
2. MINUTES	
To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 9 th November, 2017.	2
3. ADDITIONAL INFORMATION REPORT	
To consider a report of the Head of Planning and Development, to be tabled at the meeting.	
4. APPLICATIONS FOR PERMISSION TO DEVELOP ETC	
To consider the attached reports of the Head of Planning and Development.	4
5. HOUSES IN MULTIPLE OCCUPATION (HMOS): ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR THE CHANGE OF USE OF DWELLINGS TO SMALL HMOS AND NOTING OF ASSOCIATED DRAFT SPD	
To consider the attached report of the Head of Planning and Development.	5

6. URGENT BUSINESS (IF ANY)

Any other item or items which by reason of special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

THERESA GRANT

Chief Executive

Membership of the Committee

Councillors Mrs. V. Ward (Chairman), Mrs. J. Reilly (Vice-Chairman), Dr. K. Barclay, D. Bunting, M. Cornes, N. Evans, T. Fishwick, P. Gratrix, E. Malik, D. O'Sullivan, B. Sharp, L. Walsh and J.A. Wright

Further Information

For help, advice and information about this meeting please contact:

Michelle Cody, Democratic & Scrutiny Officer

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This agenda was issued on **5th December, 2017** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

9th NOVEMBER, 2017

PRESENT:

Councillor Mrs. Ward (In the Chair),
Councillors Dr. Barclay, Bunting, Cornes, N. Evans, Fishwick, Gratrix, Malik, O'Sullivan,
Mrs. Reilly, Sharp, Walsh and Wright.

In attendance: Head of Planning and Development (Mrs. R. Coley),
Planning and Development Manager – West Area (Mrs. S. Lowes),
Senior Planning and Development Officer (Mr. J. Davis),
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),
Solicitor (Ms. J. Cobern),
Trainee Solicitor (Ms. M. Dhaliwal),
Democratic & Scrutiny Officer (Miss M. Cody).

ANNOUNCEMENTS

The Chairman welcomed Ms. Mannie Dhaliwal, Trainee Solicitor, to the meeting.

29. MINUTES

RESOLVED: That the Minutes of the meeting held on 12th October, 2017, be approved as a correct record and signed by the Chairman.

30. ADDITIONAL INFORMATION REPORT

The Head of Planning and Development submitted a report informing Members of additional information received regarding applications for planning permission to be determined by the Committee.

RESOLVED: That the report be received and noted.

31. APPLICATIONS FOR PERMISSION TO DEVELOP ETC

(a) Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined

Application No., Name of Applicant, Address or Site

Description

91513/FUL/17 – Mr. Raza – 24-26 Moss Road, Stretford.

Change of use of No. 24 Moss Road at ground floor from A1 to A1/A3/A5, erection of external flue to the rear of No.24 Moss Road, subdivision of existing first floor living accommodation to 4 No. studio flats and an external staircase to the rear to provide access to the first floor accommodation with

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external alterations to rear.

91554/FUL/17 – ParkingEye Ltd. –
Land to the side and rear of Victoria
Parade, Urmston.

Application for the retention of the integrated
Automatic Number Plate Recognition (ANPR)
car park management system including 2 no.
cameras, 2 no. external cabinets and a Pay
and Display unit.

91850/FUL/17 – Mrs. Andrejczak –
22 Northenden Road, Sale.

Change of use from cafe (A3) to takeaway
(A5) and erection of external flue.

(b) Application Deferred

Application No., Name of
Applicant, Address or Site

Description

89582/FUL/16 – Mr. Kirkman –
Bowdon Lawn Tennis Club, Elcho
Road, Bowdon.

Works in conjunction with new court surface
to include new kerbing, retaining wall, steps,
patio area, ramp for disabled access, ramp for
machinery access and new fencing; variation
of condition 6 of planning approval
86115/FUL/15 (Erection of 9 no. floodlighting
columns (10 no. luminaires) at 6.7 metres
high to courts 4 and 5) to allow for amended
lighting scheme as submitted within proposed
light contour drawing 1453-05 Rev B.

[Consideration of Application 89582/FUL/16 was deferred in order to allow sufficient
time to fully consider the late objection received on the day of the meeting.]

**32. APPLICATION FOR PLANNING PERMISSION 91934/FUL/17 – SALE SPORTS CLUB
AND HALES & BROWN – SALE SPORTS CLUB, CLARENDON CRESCENT, SALE**

The Head of Planning and Development submitted a report concerning an application for
planning permission for the demolition of the existing Clubhouse and separate Pavilion
and erection of replacement Clubhouse/Pavilion, an indoor tennis centre, relocated
cricket nets and associated sporting facilities and 14no. residential dwellings, (with
maximum 12m high demountable/retractable protective ball stop netting and supporting
poles), construction of new vehicular and pedestrian access off Clarendon Crescent and
Dane Road and associated external works.

RESOLVED: That Members are minded to grant planning permission for the
development and that the determination of the application hereafter be deferred
and delegated to the Head of Planning and Development as follows:-

- (i) To consider further representations from Sport England, and if they raise no
objection following consideration of the applicants latest ball stop safety
fencing proposal, to continue to determine the application accordingly.

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- (ii) To complete a suitable Legal Agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - A contribution of £210,000 towards the provision of off-site affordable housing.
- (iii) To carry out minor drafting amendments to any planning condition.
- (iv) To have discretion to determine the application appropriately in the circumstances where a S106 Agreement has not been completed within three months of the resolution to grant planning permission.
- (v) That upon the satisfactory completion of the above Legal Agreement that planning permission be granted subject to the conditions now determined (unless amended by (iii) above).

33. APPLICATION FOR PLANNING PERMISSION 91984/FUL/17 – LEVERTECH – 50-78 HIGHER ROAD, URMSTON

The Head of Planning and Development submitted a report concerning an application for planning permission for the demolition of the existing building and the adjacent church and erection of a mixed development of four storeys high with 29 no. residential units and office space.

RESOLVED: That Members are minded to grant planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

- (i) To complete a suitable Legal Agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - Six affordable housing units within the scheme.
- (ii) That upon the satisfactory completion of the above Legal Agreement that planning permission be granted subject to the conditions now determined.

34. APPLICATION FOR VARIATION 92210/VAR/17 – MR. HASHIMI – 1 MARS LAND ROAD, SALE

[Note: Councillor Gratrix declared a Personal Interest in Application 92210/VAR/17 as his son resides nearby.]

The Head of Planning and Development submitted a report concerning an application for the variation of condition 3 on planning permission 82837/FULL/2014 (Change of use of ground floor of premises from Use Class A3 (Restaurants and Cafes) to Use Class A5 (Hot Food Take-away). Alterations to shop front and installation of flue to rear of premises.). To extend the opening hours.

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It was moved and seconded that planning permission be refused.

The motion was put to the vote and declared carried.

RESOLVED: That the application for variation be refused for the following reasons:-

The proposed extension of opening hours would have a detrimental impact on the residential amenity of the occupiers of nearby residential properties in particular by reason of an increase in noise and disturbance from customers attracted to the premises and vehicular and pedestrian comings and goings at unsociable hours. As such, the proposal would be contrary to Policy L7 of Trafford Council's Core Strategy.

35. PROPOSED STOPPING UP OF HIGHWAY AT BEACONSFIELD ROAD, BROADHEATH WA14 5LQ

A report was submitted advising Members of an application made to the Secretary of State for Transport under s247 of the Town and Country Planning Act 1990 to stop up an area of highway in Broadheath to enable development to be carried out in accordance with planning permission applied for under reference 91381/FUL/17.

RESOLVED: That no objection be raised to the application.

36. PROPOSED STOPPING UP OF HIGHWAY AT CORNBROOK PARK ROAD, OLD TRAFFORD M15 4EE

A report was submitted advising Members of an application made to the Secretary of State for Transport under s247 of the Town and Country Planning Act 1990 to stop up an area of highway in Old Trafford to enable development to be carried out in accordance with planning permission applied for under reference 90991/FUL/17.

RESOLVED: That no objection be raised to the application.

37. PROPOSED STOPPING UP OF HIGHWAY AT TRAFFORD WHARF ROAD AND WHARF END, TRAFFORD PARK M17 1AG

A report was submitted advising Members of an application made to the Secretary of State for Transport under s247 of the Town and Country Planning Act 1990 to stop up an area of highway in Old Trafford to enable development to be carried out in accordance with planning permission applied for under reference 90738/FUL/17.

RESOLVED: That no objection be raised to the application.

38. SECTION 106 AND CIL UPDATE: APRIL 2017 – SEPTEMBER 2017

The Head of Planning and Development submitted a report informing the Committee about the latest set of monitoring data for S106 Agreements and CIL Notices.

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RESOLVED: That the contents of the report be noted.

The meeting commenced at 6.30 pm and concluded at 8.19 pm.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14th DECEMBER 2017

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

PURPOSE

To consider applications for planning permission and related matters to be determined by the Committee.

RECOMMENDATIONS

As set out in the individual reports attached. Planning conditions referenced in reports are substantially in the form in which they will appear in the decision notice. Correction of typographical errors and minor drafting revisions which do not alter the thrust or purpose of the condition may take place before the decision notice is issued.

FINANCIAL IMPLICATIONS

None unless specified in an individual report.

STAFFING IMPLICATIONS

None unless specified in an individual report.

PROPERTY IMPLICATIONS

None unless specified in an individual report.

Further information from: Planning Services

Proper Officer for the purposes of the L.G.A. 1972, s.100D (Background papers):

Head of Planning and Development

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Trafford Local Plan: Core Strategy.
2. The GM Joint Waste Development Plan Document.
3. The GM Joint Minerals Development Plan Document.
4. The Revised Trafford Unitary Development Plan (2006).
5. Supplementary Planning Documents specifically referred to in the reports.
6. Government advice (National Planning Policy Framework, Circulars, practice guidance etc.).
7. The application file (as per the number at the head of each report).
8. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
9. Any additional information specifically referred to in each report.

These Background Documents are available for inspection at Planning Services, 1st Floor, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH.

TRAFFORD BOROUGH COUNCIL

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14th December 2017

Report of the Head of Planning and Development

INDEX OF APPLICATIONS FOR PERMISSION TO DEVELOP etc. PLACED ON THE AGENDA FOR DECISION BY THE COMMITTEE

Applications for Planning Permission				
Application	Site Address/Location of Development	Ward	Page	Recommendation
89582	Bowdon Lawn Tennis Club Elcho Road, Bowdon, WA14 2TH	Bowdon	1	Grant
90945	Altrincham Boys Grammar School, Marlborough Road, Bowdon, WA14 2RW	Hale Central	19	Grant
91223	8 Arthog Drive, Hale Barns, WA15 0NB	Hale Barns	46	Grant
91289	Wellington School, Wellington Road, Timperley, WA15 7RH	Timperley	58	Grant
91426	Bowdon Lawn Tennis Club, Elcho Road, Bowdon, WA14 2TH	Bowdon	76	Grant
91563	Stretford Shopping Mall, Chester Road, Stretford	Stretford	91	Grant
91936	Halliwell House, 2 Rappax Road, Hale Barns, WA15 0NR	Hale Barns	108	Grant
91948	Royal Works, Edge Lane, Stretford	Stretford	119	Refuse
92545	6 Hazel Road, Altrincham, WA14 1HL	Altrincham	151	Grant
92584	8 Stretton Avenue, Sale, M33 5EG	St Mary's	163	Grant

WARD: Bowdon

89582/FUL/16

DEPARTURE: No

Works in conjunction with new court surface to include new kerbing, retaining wall, steps, patio area, ramp for disabled access, ramp for machinery access and new fencing.

Bowdon Lawn Tennis Club , Elcho Road, Bowdon, WA14 2TH

APPLICANT: Mr Kirkman

AGENT: Kirkman Architects

RECOMMENDATION: GRANT

The application is reported to Planning and Development Management Committee as more than 6 representations contrary to officer recommendation have been received.

SITE

The application site comprises an existing tennis club with 8 no. grass courts and 5 no. all weather courts. There is an existing car park accessed off Green Walk with parking for approximately 40 cars.

The surrounding area is predominantly residential and is bounded by residential properties on all sides with the exception of the north east boundary which adjoins Altrincham Grammar School for Girls.

The Club is accessed from Green Walk with the car park fronting onto Green Walk. A separate locked pedestrian entrance is located on Elcho Road.

Courts 6-9 are located at the northern end of the Club and lie adjacent to Green Courts and the school fields. There is an existing hedge which runs along the north western boundary with Green Courts and along the north eastern boundary with the school. The hedge is within the application site and measures approximately 4 metres in height. The courts themselves and the area around the existing Clubhouse is grassed up to the southern boundary of the site, to Court 5 to the west and Heather Courts to the south west of the Clubhouse (with the exception of a small patio area with low level planting) . There is a belt of trees outside of the application site along the access road from Green Courts to the school grounds.

There are existing chain link fences around the courts and this extends to form the boundary to the driveway to Corrib Stables.

There is an existing single storey greenkeeper's cabin with pitched roof located adjacent to the boundary with Heather Courts with small steps built into the slope leading to the upper level.

The application site is located within the Devisdale Conservation Area.

PROPOSAL

The application relates specifically to works to courts 6 to 9. The proposals detail various works which are required to support the change of court surface as approved under application reference 84577/FUL/14:-

- Erection of new retaining wall behind courts 6 & 8 as part of the court extension which would bring the courts up to Lawn Tennis Association standard sizes;
- Erection of new chain link fences around the courts;
- Provision of disabled access ramp;
- Provision of ramp to allow machinery access;
- Provision of new access steps;
- Extension of existing patio area;
- New kerbing;
- Associated planting;

The proposal would not result in any increased floor area.

This application does not include any changes to the lighting scheme approved under application 86115/FUL/15 in relation to courts 4 and 5. This is to be dealt with under application 91426/VAR/17 also on this agenda.

DEVELOPMENT PLAN

For the purpose of this application the Development Plan in Trafford comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 – Design

R1 – Historic Environment

R2 – Natural Environment

R5 – Open Space and Recreation

PROPOSALS MAP NOTATION

Protected Open Space

The Devisdale Conservation Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

SPD5.10 Devisdale Conservation Area Appraisal (July 2016)

SPD5.10a Conservation Area Management Plan (July 2016)

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

OTHER LEGISLATION

Planning (Listed Buildings and Conservation Areas) Act 1990

RELEVANT PLANNING HISTORY

91426/FUL/17 – Application for variation of condition 6 (development to be carried out in accordance with approved lighting scheme) of planning approval 86115/FUL/15 (Erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5) to allow LED lamps and amended lighting scheme.

Pending consideration – this application is also on this agenda.

86115/FUL/15 – Erection of 9 no. floodlighting columns (10 no. luminaires) and 6.7 metres high to courts 4 and 5.
Approved with conditions 14th March 2016

84577/FUL/14 – Resurfacing of courts 6-9 with an artificial grass surface.
Approved with conditions 30 March 2015

84338/FUL/14 – Erection of 12 no. floodlighting columns with maximum height of 8m.
Approved with conditions 30 March 2015

H/54978 – Demolition of existing clubhouse and erection of new clubhouse comprising clubroom and bar, kitchen, changing accommodation and ancillary facilities.
Approved with conditions 5 November 2002

H/47151 – Construction of an additional all-weather tennis court to south west of existing court with 3.6m high chain link fence to north west and south east sides.
Approved with conditions 19 May 1999

H/42226 – Erection of 9 no. 6m high lighting columns and light fittings to illuminate 2 no. existing all-weather tennis courts.
Non-determination

H/40641 – Erection of 18 no. 6m high lighting columns and light fittings to illuminate 4 no. existing all weather tennis courts.
Refused 24 May 1995

H/32447 – Construction of an all-weather tennis court and erection of a 3.5m high chain link fence surround.
Approved with conditions 19 December 1990

H/27497 – Erection of 9 ten metre high columns to floodlight two tennis courts.
Refused 17 August 1988

APPLICANT'S SUBMISSION

A Design and Access Statement and Heritage Assessment have been submitted as part of the application.

CONSULTATIONS

Pollution & Licensing – No objection

United Utilities – No comments received at the time of writing this report

Electricity North West – The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the

development does not encroach over either the land or any ancillary rights of access or cable easements. Informatives are to be included in any approval.

REPRESENTATIONS

Letters of objection have been received from 9 neighbouring addresses and Bowdon Conservation Group. The main points raised are summarised below:

Loss of trees

- The proposed size and positioning of the new fence line around courts 6-9 would pose a risk to the established line of firs and other trees dividing the tennis club from Green Courts;
- Would serve to remove screening to the courts from neighbouring properties and greenspace and at night time they would help in screening the light spill that would emanate from the approved new lighting system;
- The trees contribute to the verdant setting of the conservation area and their loss would result in harm to the character and appearance of the area;
- Loss of light and noise barrier to the detriment of neighbouring amenity;
- Removal of trees would be harmful to the neighbouring area and environment;
- The current planning application does not refer to the removal of these conifers which need planning permission for their removal;
- A Section 211 notification is required for hedge specimens provided that one or more stems exceeds a diameter of 75mm at 1.5m above ground;
- The Government Planning Portal advises that works deemed necessary for implementation of a planning consent are exempt from the requirement to submit a Section 211 notification only if they were expressly mentioned as such in the planning application. Application 84338/FUL/14 (Erection of 12 no. floodlighting columns with maximum height of 8 metres) includes no reference to remove vegetation;
- Request plan of proposed vegetation removal;
- Application 84338/FUL/14 confirmed that these trees were not to be taken out;
- There is no need for their removal as there is sufficient room to erect a screen inside the boundary;
- The mixture of evergreen and deciduous trees add a green back drop to the club and surrounding houses;
- The trees should be protected with Tree Preservation Orders;
- The application proposes the planting of a new hedge to the north of the existing club house along the eastern boundary of the proposed fence. This hedge will give some mitigation from light and fence views from Corrib Stable. A similar hedge could be required to the south end of the club house again on the eastern boundary of the new court surface to provide similar relief to Heather Court and Riseley;
- The arboriculture officer's assessment is based on his incorrect understanding that the site is not within a Conservation Area and this could lead to an unsound decision.

Impact on Conservation Area

- Loss of trees and replacement fencing will result in further erosion of the character of the Conservation Area;
- Adverse impact on Green Courts and the element of privacy, winding roads and open space that is listed as an attractive element in the CAA. The loss of the hedge and impact on the privacy of Green Courts are material considerations;
- The loss of the hedge or privacy of the roadway have not been taken into consideration with the impact on the Conservation Area. For this reason the report could lead to an unsound decision on the part of the planning committee;
- There is no assessment of the loss of the hedge/trees on sky glow, light spill or glare on the wider Conservation Area and in accordance with Policy 47 of the CAMP;
- Loss of hedge/trees would result in greater spread of light towards the playing fields and the Devisdale;
- The light is almost certain to be more visible as glare and to cause more reflection on the neighbouring hard surfaces leading to more sky glow. Neither of these potential sources of light pollution have been measured and so the claim that there will be no additional significant impact on the character of the conservation area has not been properly evidenced and substantiated;
- The grass courts, surrounded by a well-maintained Leylandii hedge and timber fence on two sides are listed as forming part of the special character of the Conservation Area within the CAA. It would therefore follow that the loss of the hedge and impact on the privacy of Green Courts are material considerations.

Residential Amenity

- Incorrect location plans that show the houses at 31 and 32 Green Courts to be much smaller than they actually are. There are far more windows affected by potential light pollution than would appear otherwise to be the case, that may have affected the assessments of light penetration into the houses. The Council has been advised of this on numerous occasions;
- If, as the report claims, there would be no substantial impact on the amenity of the residents of Green Courts adjacent to courts 6 to 9, this is quite possible that this would be because of their own hedges providing the shield. The LPA and Members should ascertain the extent to which the applicant is relying on the existing landscaping of neighbouring residential properties to mitigate the amenity impact of their proposal.

Extended Patio

- Increased noise and disturbance to neighbouring properties.

Safety

- The proposal to use the school access road to transport 1000s of tonnes of aggregate during construction would require a traffic management system

Other Matters

- The Council previously accepted that the presence of vegetation along the boundary would limit harm to neighbouring residents as a result of floodlighting;
- No lighting assessment has been provided online for the public to view and assess;
- The original lighting scheme has the north point pointing in the wrong direction. This mistake is compounded in section 3 of the officer observations as the officer report refers to the north and east fence lines when they are actually the northwest and north east fence lines.
- The lighting proposal also involves the use of LED lights that were not proposed under the original scheme. LED lights can be far brighter than traditional floodlights and can produce a far greater reflection leading to increased sky-glow;
- The report describes any change that it does perceive in impact on the character of the conservation area in incremental terms. The correct legal test is not whether this proposal would be significantly worse than the original approved scheme but whether the amended scheme would cause significant harm in relation to the current situation. The report poses the wrong test of significance and is therefore flawed and misleading.

OBSERVATIONS

BACKGROUND

1. Bowdon Lawn Tennis Club is an established club with a total of 13 courts, 8 of which are grass and 5 with an all-weather surface.
2. There is a detailed history of applications relating to improving the facilities at the club with floodlighting and resurfacing of some of the courts. Courts 6 to 9 are currently grass however permission was granted under application reference 84577/FUL/14 for resurfacing with an artificial grass.

Loss of hedge

3. Whilst a number of objections have been raised regarding the loss of the hedge on the north western and north eastern boundaries of the site, it should be noted that these works do not require any type of permission or consent under the Planning Acts. Nevertheless an amended lighting report has been submitted for information which shows the extent of light spillage from the already approved floodlighting for courts 4-9 (86115/FUL/15), to provide a comparison between the approved scheme and the impact of the loss of the hedge.
4. However, a subsequent application ref: 91426/FUL/17 also on this agenda seeks to apply for formal approval of an updated lighting assessment with respect of planning permission (86115/FUL/15) floodlight for courts 4 & 5, through a variation of condition application. This is the appropriate mechanism by which to consider the impact of any removal of the hedge.

5. A representation received on behalf of some of the neighbouring resident's raises objection to the felling of 97 trees on boundaries of courts 6 to 9. It is their interpretation that a notice under Section 211 of the Town and Country Planning Act (1990) *"ought to have been submitted to appraise the Council of the proposed works because all but one of the 97 trees ... are of dimensions that exceed the minimum size for such notification. Such notification is required for hedge specimens provided that one or more stems exceeds a diameter of 75mm at 1.5 metres above ground."*
6. Following advice from the Council's Arboriculturist, it is officers' view that the 97 plants cannot be considered as rows of individual trees, as they collectively form clipped, formal hedges that have been regularly maintained to a high standard for many years. The height of the plants within the hedges has been limited by management. The hedges in question are not old, neglected hedges that have evolved into rows of trees, nor are they hedgerows within which individual trees have been spared the shears or flail; in both those situations, the individual trees or groups of trees could be afforded the protection of a Tree Preservation Order or enjoy a measure of protection if standing within a designated conservation area. However as the hedge does not comprise individual trees this is not the case in this circumstance.
7. The relevant legislation and 'best practice' have been examined and nothing has been found to suggest that formal hedging should receive the same consideration in law as individual trees, groups of trees or woodlands.
8. Regarding the same matter, a 'Hedge Removal Notice' was submitted by the applicant on 30th August 2016. Local authorities do not issue Hedgerow Replacement Notices; the LPA receives the notice from the person managing the hedgerow and places details of the proposed hedgerow removal on a register, in accordance with The Hedgerow Regulations 1997. The Councils understanding is that a 'hedgerow' is a hedge composed of one or more native species, bordering agricultural land in a rural setting. Guidance of the GOV.UK website relating to the regulations actually makes reference to 'countryside hedgerows.'
9. The hedge in question at Bowdon Lawn Tennis Club is a formal clipped hedge composed of a monoculture of Western Red Cedar (*Thuja plicata*) and does not come within the scope of the Hedgerow Regulations 1997.
10. The removal of the hedge impacts on approved lighting schemes relating to Courts 4 to 5 (86115/FUL/15 which application 91426/VAR/17 also on this agenda seeks to vary), and Courts 6 to 9 (84338/FUL/14). As such if the hedge is removed, either in association with the works subject of this application or otherwise, permission 84338/FUL/14 cannot be implemented unless a subsequent Section 73 application to vary the relevant conditions is submitted and granted, and permission 86115/FUL/16 cannot be implemented if Members refuse application 91426/VAR/17, elsewhere on this agenda.

PRINCIPLE OF DEVELOPMENT

11. Paragraph 70 of National Planning Policy Framework (NPPF) advises that planning policies and decisions should plan positively for the provision and use of sports venues. Paragraph 73 continues that *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”*
12. Policy R5 of the Trafford Core Strategy (Open Space, Sport & Recreation) advises that the Council should seek to protect existing and secure the provision of areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose.
13. Improvements to existing sports facilities are therefore acceptable in principle and the main considerations in this application are the impact on residential amenity, design and impact on the character and appearance of the Conservation Area and streetscene more generally.
14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area” in the determination of planning applications.
15. Paragraph 132 of NPPF establishes that when considering the impact of a proposed development of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
16. The NPPF sets out that harm can either be substantial or less than substantial. Case law has established that there can be degrees of less than substantial harm. There will also be cases where development affects heritage assets but from which no harm arises. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para 134).
17. Policy R1 of the Trafford Core Strategy states that:-

All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic

significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”

IMPACT ON THE DESIGNATED HERITAGE ASSET

18. The application is located within the Devisdale Conservation Area.
19. The relevant Conservation Area documents are the Devisdale Conservation Area Appraisal (CAA) (July 2016) and the Devisdale Conservation Area Management Plan (CAMP) (July 2016).

The significance of the heritage asset

20. The special character of the Devisdale Conservation Area derives from its value as an historic area of enclosed land on the summit of Bowdon Hill. The topography and landscape of the area is important, and includes the wooded north slope of Bowdon Hill and the gentler west slope descending towards Dunham Massey. The residential properties are characterised by large plots, grand houses, magnificent gardens, sweeping drives, coach houses, tree-lined streets and a vast mix of revival architectural styles. The area is also characterised by gradients and associated views, and the open space of The Devisdale is much valued common land, used extensively today by pedestrians. The area also has high ecological and arboricultural value in particular.

The application site

21. The CAA and CAMP subdivide the area into different character zones. The application site falls within Character Zone B: The Devisdale (the car park is within Character Zone C: Southern Residential Area). The part of the site to which this application relates falls fully within Character Zone B.
22. The Conservation Area Appraisal identifies that the majority of Character Zone B *“is made up of open space, park, gardens and woodland, combining considerable variety of habitat and thereby encouraging bio-diversity. ...Bowdon Lawn Tennis Club combines a car park screened by trees along the Green Walk boundary, with herbaceous borders in front of the courts and within the car park. Beyond this are five Astroturf courts surrounded by high green netting with a thick beech hedge separating them into two sections. Further north, the clubhouse is located in the middle of the grass courts, which are surrounded by a well-maintained leylandii hedge and timber fence on two sides.”*

The proposal

23. Policy R1 states that “All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing

features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”

24. Policy L7 of the Trafford Core Strategy states that development should be appropriate in its context; make best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and be compatible with the surrounding area.
25. The following policies of the CAMP are relevant.

Policy 5

Ensure that adaptations to 21st century uses are sensitive to the historic character and appearance of the building; balancing the need for new facilities with the retention of original features, detailing and decorative materials.

Policy 23

Mature trees should be retained as their loss greatly diminishes character as well as wildlife habitats. Trees, shrubs and exotic planting schemes associated with the Earl of Stamford’s estate are of high significance.

Policy 28

The open spaces within the Conservation Area, including the Memorial Garden, sports grounds, the Dunham Road woodland, The Devisdale and Denzell Gardens, are to be maintained and conserved.

Policy 37

Timber fencing is used in some areas as a traditional means of enclosure. Chestnut paling and other traditional forms of fencing should be repaired on a like-for-like basis. Replacement with a more ornate treatment or a modern form of fencing is unacceptable.

Policy 40

Modern treatment such as high brick walls, modern timber panel fencing and tall metal railings are not acceptable.

Policy 47

Lighting for sports pitches within the Conservation Area should not spill over into surrounding residential areas. Lighting from the Bowdon Lawn Tennis Club or Grammar School should not be visible from The Devisdale or surrounding housing estates. Lighting columns should be lower than surrounding planting and should make use of energy-efficient LEDs with warm bulbs.

26. A description of Bowdon Lawn Tennis Club is provided within paragraph 4.3.55 of the CAA and states that *“Further north, the clubhouse is located in the middle of*

the grass courts, which are surrounded by a well-maintained leylandii hedge and timber fence on two sides.” This is not identifying these features as important features within the Conservation Area as the neighbour representation implies, rather it is describing the areas of open space as part of the appraisal in the same way that other features such as the beech hedge, car park, herbaceous borders, astroturf courts and green netting are also mentioned. The hedge which is to be removed under this application comprises Western Red Cedar (*Thuja plicata*). As there is no leylandii hedge within the site it is assumed that there is an error within the CAA and the hedge referred to is that which is to be removed under this application. Notwithstanding this, any reference to the hedge within the CAA or CAMP does not change the fact that permission is not required for its removal and the LPA therefore has no control over its loss. In relation to this particular application the ability of the club to remove the hedge without reference to the Local Planning Authority is an important fallback position which should be given significant weight in the determination of this application.

27. The majority of the works applied for result from the need to address the change in levels between courts 1-5 and 6-9. At present there is a grassed bank which drops down to a lower level adjacent to the clubhouse.
28. A new concrete kerb is required for the retention of the hard court surface. This is to be set in 300mm from the fence line around the perimeter of courts 6 to 9 together with the construction of a retaining wall to address the change in levels between courts 5 and 6. Planters are proposed either side of the new steps to provide additional landscaping within the site. These works are required in association with the resurfacing of the courts and are considered to be appropriate in scale and character to the existing use and character of the site. The works would not impact on the wider character and setting of the Devisdale Conservation Area.
29. It is proposed to extend the patio from the side of the existing clubhouse and extend the patio area to the boundary with the courts to the north and Heather Court to the south west, with the provision of new steps to address the change in levels. This area is currently grassed and it is considered by the applicant that this will aid safety under foot replacing the need to walk across the grass whilst also allowing for additional outdoor seating. This area is considered to be relatively small in relation to the overall size of the site.
30. The provision of a disabled access ramp will provide improved access to all courts and the clubhouse. An additional ramp is proposed to provide improved access for the machinery required for maintaining the site. It is considered that the proposed hard landscaping works would not detract from the overall open and green character of the site.
31. The proposed new chain link fence would be a maximum of 3.6m in height and is to be sited around the perimeter of courts 6 to 9 and between courts 6 and 8 and

7 and 9. Whilst not a traditional means of enclosure within the wider Conservation Area, it is considered to be appropriate to the existing and historic use of the site as a tennis club and in keeping with existing boundary treatments within the site.

32. Natural stone is proposed for the patio and steps, natural stone walling and timber sleepers for the retaining walls and hard landscaped areas. These materials are considered to be appropriate to the site within the setting of the Conservation Area.
33. The proposed works as discussed above would be facilitated by the removal of a hedge located north western and north eastern boundaries. Within planning application 86115/FUL/15 (approval of floodlighting on courts 4-5), a lighting report was submitted which included this hedge within its light spillage calculations. An amended lighting report has been submitted within this application, which removes this hedge and demonstrates the subsequent light spillage. However, permission 86115/FUL/15 could not be implemented without first varying the relevant conditions (as sought under ref. 91426/VAR/16 and reported elsewhere on this agenda) and therefore any impact from the removal of the hedge on any lighting scheme is not relevant to the application subject of this report. The proposals subject of this application could come forward entirely independently of any floodlighting scheme and does not rely on the floodlighting being in place for this scheme to be implemented. If the impact of the removal of the hedge on the lighting scheme is considered to be unacceptable, then this should be controlled through a decision in relation to 91426/VAR/16. If Members are minded to refuse this application they should be mindful that it would not prevent the loss of the hedge and that the report on 91426/VAR/16 considers the impact of the floodlighting without the hedge in place.

Consideration of harm

34. It is considered that the works to resurface the courts, install additional fencing and form extended outdoor areas would be appropriate to the existing use of the site and would not be detrimental to the character, significance and setting of the Devisdale Conservation Area or the street scene more generally.
35. The Council has no control over the loss of the hedge and permission is not required for its removal. However its removal does mean that planning permissions ref: 86115/FUL/15 and 84338/FUL/14 cannot be implemented.
36. In arriving at this recommendation, considerable importance and weight has been given to the desirability of preserving this designated heritage asset. Overall the proposals are considered to be in compliance with policies L7 and R1 of Core Strategy and the NPPF.

LANDSCAPING

37. The proposed hard and soft landscaping works which form part of this application (as listed under the proposals section of this report) are considered to be minor in terms of any impact they would create on the open space that is characteristic of this part of the Conservation Area. The proposed materials and design are considered to be appropriate to the character of the existing site and the setting of the tennis club within the Conservation Area more generally.

RESIDENTIAL AMENITY

38. In relation to residential amenity, Policy L7 of the Core Strategy states development must not prejudice the amenity of the occupants of adjacent properties by reason of being overbearing, overshadowing, overlooking or visual intrusion.
39. The proposed physical works around the clubhouse would be modest and would not result in any impact on the amenity of neighbouring properties. Concern has been raised regarding increased noise as a result of an increase in outdoor seating in close proximity to neighbouring residential properties. The proposed patio would extend up to the boundary with Heather Courts although in practice, the part of the patio that is most likely to be used for sitting out (excluding areas around the steps and ramps) is approximately 12 metres from the boundary. There are currently no conditions relating to hours of use of the clubhouse although it is acknowledged that the provision of a patio and outdoor seating may encourage more people to stay at the club and sit out when they may have previously stayed inside the clubhouse or left the site altogether.
40. The cut off time for the use of the floodlights at the club is 21.30 on any day. It is therefore considered to be reasonable and appropriate to restrict the use of the patio for outdoor seating/drinking in line with these times to prevent undue impact on the amenity of neighbouring residents.
41. The impact of the alterations to the lighting scheme arising from the removal of the hedge on residential amenity is considered in the report on 91426/VAR/16 and is not relevant to the consideration of this particular application.
42. As such the proposal is considered to be acceptable and would not result in harm to the surrounding residential properties. Therefore the proposal is considered to be in compliance with Policy L7 of the Core Strategy.

HIGHWAYS & PARKING

43. Policy L7 of the Core Strategy states development must incorporate sufficient off-street car and cycle parking, manoeuvring and operational space. The car parking standards set out in the Core Strategy specify the requirements which

each development will normally be expected to provide, although every planning application is treated on its own merits.

44. The proposal involves no changes to the access or existing car park and it is considered that there would be no impact as a result of the proposal upon these existing arrangements.

DEVELOPER CONTRIBUTIONS

45. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'leisure' development, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
46. No other planning obligations are required.

OTHER MATTERS

47. Concerns have been raised regarding inaccuracies in the location plan with regard to the relationship with neighbouring properties on Green Courts. Under the consideration of an earlier application (86115/FUL/15) distances to boundaries were measured on site within residents' gardens with the occupiers present. These were subsequently checked against the submitted plans and it was considered that the plans represented an accurate depiction of the relationship between the courts and the neighbouring gardens. A subsequent Ombudsman complaint dealt with this issue and the Ombudsman's final decision considered that "any minor discrepancy in the position of the houses would not have affected the Council's decision to grant planning permission." The LPA have therefore considered the current applications on the same basis.
48. The updated lighting contour plans were made available online to the public on 8th November 2017.
49. Any inaccuracies in terms of compass points on submitted drawings have been noted and these are correctly referenced within the officer report.
50. All reference to any vegetation outside of the site along with the hedge in question has been removed from the updated lighting assessment.

CONCLUSIONS

51. The proposal has been assessed against the development plan and national guidance and it is considered that the proposed development will not result in undue harm to the amenity of neighbouring residents or the character and appearance of the conservation area, subject to the inclusion of conditions.

52. Considerable importance and weight has been given to the desirability of preserving the setting of the designated heritage asset (the Devisdale Conservation Area). The proposed development is not considered to result in harm to the significance of the conservation area.
53. The proposed scheme complies with policies L5, L7, R1 and R5 of the Trafford Core Strategy and the NPPF and therefore it is recommended that planning permission is granted subject to the conditions listed below.

RECOMMENDATION

GRANT subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with details shown on the submitted plans, numbers 1425-01 Rev A, 1425-13 and 1425-14.

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

3. The fencing hereby approved shall be powder coated prior to its installation in a colour which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the fence shall be retained in that colour.

Reason: In the interests of visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. The use of the patio hereby approved shall only take place between the hours of 08:00 – 21:30 Monday to Sunday.

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

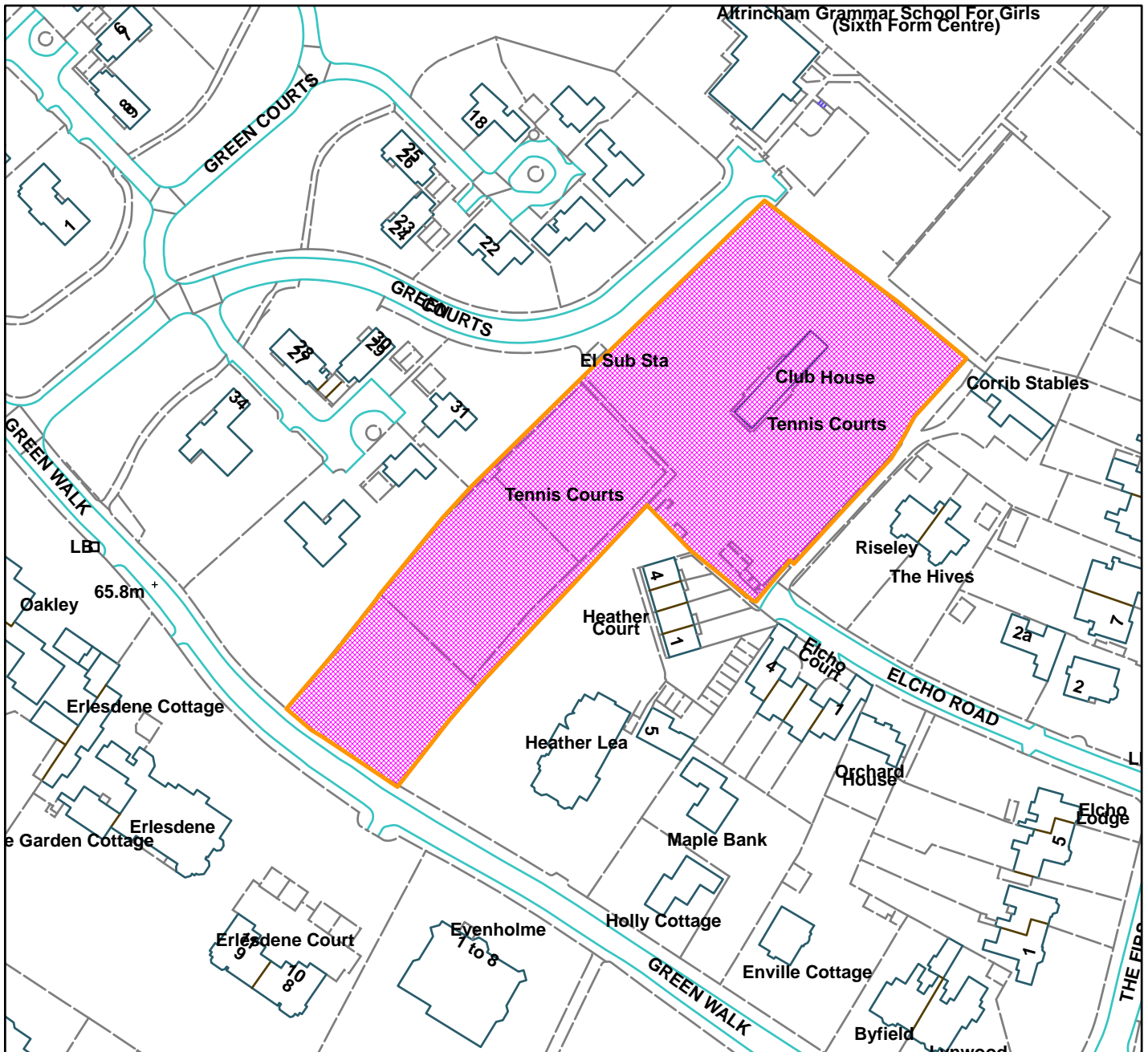
5. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and full specification of materials to be used for the approved patio areas, steps, ramps and stone planters have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall 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 location, the nature of the proposed development and having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

JE



Bowdon Lawn Tennis Club, Elcho Road, Bowdon (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

WARD: Hale Central

90945/FUL/17

DEPARTURE: No

Creation of Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union and football activities with new artificial grass pitch surface, new perimeter ball-stop fencing, new hard standing areas for pedestrian access, goals storage and maintenance access; new floodlights.

Altrincham Boys Grammar School, Marlborough Road, Bowdon, WA14 2RW

APPLICANT: Mr Gartside

AGENT: Surfacing Standards Ltd

RECOMMENDATION: GRANT

The application is reported to Planning and Development Management Committee as more than 6 representations contrary to officer recommendation have been received.

SITE

The school is situated on Marlborough Road in Altrincham with a range of buildings fronting Marlborough Road and extensive playing fields to the rear running up to the railway line that runs along the eastern boundary of the site.

The school is in a predominantly residential area and is bounded by residential properties on Marlborough Road along the western frontage; Blenheim Close, Pheasant Rise, South Downs Road and Greenside Drive to the south; Cecil Road to the east on the opposite side of the railway; and Heath Road, Seddon Road, Spring Road and Peel Avenue to the north. The school is adjacent to the Hale Station (north-west) and Bowdon (north-east) Conservation Areas but no part of the grounds are within any of these areas.

A modern sports hall was erected at the site following approval in 2006 together with the creation of artificial sports pitches and new car parking. This building is located to the southern end of the buildings fronting Marlborough Road, set back approximately 80 metres from the boundary with Marlborough Road with car parking to the front.

The site for the proposed new pitch is on part of the existing grassed playing fields which is currently marked with existing sports pitches to the north of the site adjacent to end of Seddon Road and Heath Road.

PROPOSAL

Planning permission is sought to create a new external sports pitch with associated features including:

- Installation of new Artificial Grass Pitch (AGP) to offer a full sized rugby union and football pitch as well as a variety of training areas within the same enclosed playing space to support development plans into grassroots sport (3G artificial turf coloured green);
- Installation of new 4.5m to 8.0m high ball stop fencing to the AGP perimeter (powder coated Dark Green);
- Installation of new 1.2m to 2.0m high pitch perimeter barrier internally within the pitch enclosure, to segregate the field of play from adjoining Respect spectator area;
- 2.0m high natural timber acoustic barrier along north and part north western and part north eastern perimeter.
- Installation of new hard standing areas adjoining the AGP perimeter complete with associated porous asphalt surfacing (grey/black) and matching ball stop fencing for pedestrian access, goals storage, spectator viewing space and maintenance access;
- Installation of new floodlight system comprising 6 x 15m high columns with 20 luminaires. Four columns would be sited within the four corners of the pitch and two would be sited centrally to either side. The corner columns would have three luminaires whilst the central columns would have 4.

VALUE ADDED:-

Further to negotiation, the school have agreed to a reduction in the proposed hours of operation from:

09:00 to 21:00 Monday to Friday
09:00 to 17:00 Saturday
09:00 to 17:00 Sundays and Bank Holidays

To:

0900 to 1900 hours Monday to Friday
1000 to 1700 hours Saturday
At no time on Sundays and Bank Holidays

The impact of the proposed development will therefore be assessed in accordance with the proposed new hours of use and not those stated in the application form and supporting documents.

DEVELOPMENT PLAN

For the purpose of this application the Development Plan in Trafford comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility
 L5 – Climate Change
 L7 – Design
 L8 – Planning Obligations
 R1 – Historic Environment
 R2 – Natural Environment
 R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

Protected Open Space

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

OSR5 – Protected Open Space

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

OTHER LEGISLATION

Planning (Listed Buildings and Conservation Areas) Act 1990

SUPPLEMENTARY PLANNING DOCUMENTS

Revised SPD1: Planning Obligations (adopted July 2014)

SPD3: Parking Standards and Design (adopted February 2012)
SPD5.9: Bowdon Conservation Area Appraisal (adopted July 2016)
SPD5.9: Bowdon Conservation Area Management Plan (adopted July 2016)
SPD5.11: Hale Station Conservation Area Appraisal (adopted July 2016)
SPD5.11a: Hale Station Conservation Area Management Plan (July 2016)

RELEVANT PLANNING HISTORY

79919/FULL/2013 – Erection of sub-station and enclosure.
Approved with conditions 21 March 2013

78566/FULL/2012 – Erection of two storey building to form Physics Department including air source heat pump and associated fencing and landscaping.
Approved with conditions 16 August 2012

74381/FULL/2009 – Erection of two storey extension to form technology department following partial demolition of existing building.
Approved with conditions 9 February 2010

H/64924 – Erection of sports hall building with associated car parking with new access onto Marlborough Road, and landscaping. Construction of artificial surface sports pitch and tennis courts with associated fencing. Extension to hardsurfaced playground area. Extension to playing field area incorporating land reclamation/raising.
Approved with conditions 2 November 2006

H/64378 – Erection of two-storey extension to form 6 classrooms, office and store.
Approved with conditions 1 June 2006

APPLICANT'S SUBMISSION

A Planning Statement, Design and Access Statement, Heritage Assessment, Noise Impact Assessment and other documents comprising details of floodlighting performance, luminaire details and proposed materials schedule have been submitted in support of the application.

The Planning Statement summarises that:

- The proposed Artificial Grass Pitch (AGP) will replace existing grass pitch provision with better quality provision, thereby providing access to greater quantity of provision in a suitable location and supported by effective and appropriate management arrangements, whilst implementing best practice construction techniques to minimise waste and pollution; in accordance with Achieving Sustainable Development of the National Planning Policy Framework (2012).
- The proposal would give rise to a considerable benefit to the wider community through the provision of an enhanced playing facility and the opportunity for

usage throughout the year, in accordance with Section 8 – Promoting Healthy Communities of the National Planning Policy Framework (2012).

- The proposal would ensure that surface water run-off is effectively managed and does not increase flood risk elsewhere, in accordance with Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change of the National Planning Policy Framework (2012).
- The proposal would ensure that noise emission created by use of the development is not expected to adversely affect nearby residents by way of noise, in accordance with Section 11 – Conserving and enhancing the natural environment of the National Planning Policy Framework (2012).
- The proposal would ensure that performance of the proposed artificial lighting (floodlighting) system complies with an Environmental Zone E2 (ILP) which is rural surrounding with low district brightness, for example a village or relatively dark outer suburban locations, in accordance with Section 11 – Conserving and enhancing the natural environment of the National Planning Policy Framework (2012).
- Equally, the proposal satisfies relevant sections of Trafford Council’s planning policies.
- The proposal satisfies Sport England’s E5 – the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.
- The AGP and associated facilities would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area. The proposal will complement the immediate surroundings within the sports complex and will not appear inappropriate to any view looking into the Altrincham Grammar School for Boys campus.
- The proposal would not result in an unacceptable impact to any residential amenity.
- The proposal provides adequate on-site parking and necessary traffic management to meet the needs of the development and would not result in any harm to the safety of the surrounding public highway network.

CONSULTATIONS

Local Highway Authority- The LHA have no objection to this application on highway grounds.

Lead Local Flood Authority – The LLFA have no objection to the proposed development subject to conditions requiring the submission of a full detailed drainage design and the submission of a scheme identifying a porous material to be used in the hard surfacing or directing runoff to a permeable or porous area.

United Utilities:- no objection subject to conditions and informatives

Sport England – no objection subject to a condition requiring the submission of a community use agreement.

GMEU – Raise no objection. In the interests of wildlife and public amenity, floodlighting should be time-limited and excessive light spill avoided.

Pollution & Licensing (Nuisance) – No objection subject to compliance with the recommended conditions in order to safeguard and protect residential amenity due to the potential impact of noise and disturbance.

REPRESENTATIONS

Letters of objection have been received from 87 neighbouring addresses and an additional 11 unsolicited letters. Representations have also been received from Altrincham & Bowdon Civic Society, Councillor Patricia Young, Graham Brady MP and Seddon and Heath Road Residents Association. The main points raised are summarised below:

Design and appearance

- Lighting columns should be telescopic to reduce visual impact on neighbouring properties;
- Given the size of the playing field, why does the AGP have to be built so close to neighbours?
- Impact of additional structures of fences, sheds and lighting would change the nature and appearance of the area.

Protected Open Space

- Additional structures through the building of fencing, netting and tall floodlighting constitutes building on a protected site;
- The playing fields would become an enclosed space as opposed to an open space;
- Impact on open, green space;
- The development would result in the loss of a school playing field without adequate justification;

Light pollution

- Application ignores glare and scattered light. The existing pitch causes considerable glare in Heath Road despite being considerably further away;
- Increased lighting from floodlights will light up neighbouring properties;
- Whilst the impact of the floodlights will meet the required standards, there will be an increase in light pollution reaching nearby houses and gardens;
- Illuminations should cease at 9pm;

Trees

- The trees along the boundary with Heath Road are within feet of the edge of the development and provide a measure of sound and light diffusion. These should be retained;
- It would appear that the plan is to cut back the trees inside the property along Heath Road, presumably to minimize leaf droppage onto the playing area. This is an unacceptable method of tree management;
- Cutting back the trees on one side will cause the trees to shoot on the other side and eventually make them unbalanced and unstable;
- Existing trees are deciduous;

Noise

- Conditions should be attached to any planning consent to restrict the use of the AGP to football and rugby only;
- Increased levels of noise from sports activities and increased traffic;
- Current pitch games already bring very audible bad language and bad manners;
- There are already several noisy, early morning delivery and bin lorries on site;
- The existing noise levels from the all-weather pitch are far beyond Sport England guidelines and has led to a severe lack of amenity for the local residents;
- The proposed sound barrier is inadequate and counterproductive;
- The proposal is likely to at least double the existing noise up to 9pm at night;
- The development will generate noise levels in excess of Sport England guidelines and the application depends on the erection of a noise barrier only 2m high around part of the artificial pitch. This would have very little effect and will amplify the noise of pedestrians and cars travelling along the small access road between nearby properties and the barrier;
- The school has acknowledged that it is increasing the number of pupils it is accepting each year (an extra form from September), thereby resulting in additional journeys made by car each day during peak periods;
- Recent Conservation Area designation means many houses are unable to have double glazing;
- The appended document SSL2069 Appendix G AGP Noise Impact Assessment prepared by Hann Tucker Associate is not available on the portal.

Traffic and Parking

- Lack of car parking in the proposed development;
- Traffic associated with the school has already reached saturation point;
- The increased traffic and car park use should be reviewed in line with current demands, together with the construction and use of the planned new school extension;
- Increased parking and disruption to neighbouring roads;
- The increased traffic volumes will cause a massive issue for local residents especially when the overspill car park is removed to make way for the new extension;

- Heath Road already suffers from traffic congestion and parking issues and the possibility of even more traffic is totally unacceptable;
- As the new pitch would be used by external teams and organisations, rather than limiting the congestion period, it would become a continual congestion period until 9pm on week days and 5pm on weekends.

Wildlife

- Trees, hedges, greenery and wildlife will be affected;
- The playing fields abut a wildlife conservation area which is home to many rare breeds and a buzzard. This could all be affected by the noise and floodlights proposed;
- The increased noise levels and lighting will cause disruption and disturbance to the large colony of bats and owls that roost in trees bordering neighbouring properties;

Environment

- Adverse impact on the environment as a result of replacing grass fields and natural habitat with an artificial pitch;
- Increase in traffic and associated CO2 and diesel particulate pollution;

Proposed Hours of Use

- An end time of 7pm would be more acceptable;

Extension

- Planned new building will exacerbate the increased noise and shouting from the proposed additional pitch;

Amenity

- The use of the school is almost 24 hours, affecting the amenity of neighbouring residents;
- Loss of privacy to neighbouring residents;
- Overlooking of adjacent properties by players and spectators;
- Increased harm as a result in creeping development at the school in recent years;
- The nearest dwelling in Seddon Road would be only 20m from the proposed Artificial Grass Pitch. This is far closer than the minimum 40m recommended by Sport England;
- Allowing the facilities to be used on Sunday seems excessive. A suggestion is that Saturday use should end at 4pm and, if at all, Sunday use should cease at mid-day;
- Adult fixtures should be restricted to daytime hours at weekends only and evenings restricted to training only and they are likely to generate a greater noise;

- The proposed scheme should be considered within the context of the existing all weather pitch which is already causing a severe lack of amenities to the local residents;
- The application is much more suited to a new build commercial “Sports Village” or Leisure Complex, not a school.

Increased Usage

- If the proposed 4G pitch is used to the same degree as the existing pitch, more people would be using the leisure facilities in the evenings, compared to school attendance and use during the day;
- The proposal would result in large sports tournaments and competitions at the weekends;
- The proposed scheme must be looked at within the context of the existing all weather pitch which is already causing a severe lack of amenity to the local residents;
- The application must also be considered within the context of the new proposed school extension which will create further loss of amenities, due to parking issues and noise enhancement;
- There has been incremental planning applications and stealth;

Access

- It was a feature of the application for the original sports development that access to it should be from Marlborough Road. There is nothing in the new application dealing with this matter when it seems likely that the ‘natural’ access may be from Heath Road;

Heritage

- Adverse impact on the Hale Station Conservation Area;
- The scheme is entirely inappropriate for a residential suburban setting within a Conservation Area;
- The recently designated Conservation Area is described as “tranquil” and the school field as having “protected status”;

Need

- Adequate sporting facilities already exist locally;
- The proposal appears to have little justification beyond income generation;
- It is stated that TLCIC is currently turning away numerous applications to use the existing facility. No evidence to support this statement is provided;
- Need for the development to improve the school’s sports facilities and enhance community use should not take precedence over harm caused to residential amenity;
- The current sand-based pitch is used extensively by football teams for training sessions after school in the winter, when floodlighting is used;

Other Matters

- The removal of the playing fields will cause a loss of amenities to the Scouts and Guides on site. The hut is directly opposite the development and the proposal will also endanger the children who use the hut at least 4 evenings every week as it abuts right up to the curb of the road which has no footpath;
- Failure to meaningfully consult with neighbours both by the Council and the School;
- Supporting documents submitted with the application were unavailable to view;
- Any existing water-logging could be dealt with through a suitable drainage system;
- Unclear whether proposed hours of operation are to 9pm or 10pm;
- Use of the Marlborough Road access for construction traffic completely negates any prospect of the Grammar Car Park being used as a pick-up/drop off zone or of the Grammar car park entrances being reversed to assist traffic flow on Marlborough Road until such time as the work is complete;
- Concerns regarding enforceability of management plan to control noise and disturbance;
- Hardstanding should be constructed of a porous material;
- When the existing astroturf was first approved in 2006, condition 11 states that it was intended only for registered clubs whereas nowadays anyone can book it for friends or casual 5 a side matches with ensuing noise and lack of control. Trafford Leisure Trust appear to be in breach of this condition;

OBSERVATIONS

BACKGROUND

1. This application is for the creation of an Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union and football activities with new artificial grass pitch surface, new perimeter ball-stop fencing, new hard standing areas for pedestrian access, goals storage and maintenance access; new floodlights.
2. In 2008 the school acquired a floodlit 3G Astroturf pitch and a purpose built sport centre which is also available for the benefit of the local community.
3. The proposed new Artificial Grass Pitch (AGP) will allow an increase in the number of outdoor lessons and sporting sessions that can be run during the school day (between 09:00 and 15:30). Outside of the school curriculum and extra-curricular activities, as with the existing 3G Astroturf pitch, it is envisaged that the new AGP will be available to other local sports clubs.
4. The supporting information submitted with the application states that there is also a known demand for this type of facility during the school holiday periods for local children's sports camps and commercially organised adult football leagues and it is anticipated that the proposed facility will serve some of this need.

PRINCIPLE OF DEVELOPMENT

5. Paragraph 70 of National Planning Policy Framework (NPPF) advises that planning policies and decisions should plan positively for the provision and use of sports venues. Paragraph 73 continues that “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.” Paragraph 74 of NPPF sets out that existing open space and playing fields should not be built on unless:
 - An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
6. Policy R5 of the Trafford Core Strategy (Open Space, Sport & Recreation) advises that the Council should seek to protect existing and secure the provision of areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose.
7. The principle of creating additional sporting facilities for the use within the school grounds is acceptable subject to the development not resulting in any loss of open space, causing detrimental harm to the spacious character and appearance of the grounds of the school, the adjacent Conservation Areas or to the amenity of neighbouring residents and not impacting on the local highway network. These issues are addressed below.

PROTECTED OPEN SPACE

8. The site is allocated as Protected Open Space. Policy R5 of the Trafford Core Strategy advises that green spaces are important to local communities. The availability of open space, sport and recreation facilities are key factors to the quality of life and physical well-being of people. Paragraph 25.17 advises that “*an unacceptable loss of open space, sport or recreation facilities is deemed to be that which leads to a loss in quantity which could not be replaced with an area of equivalent or better quality in a suitable location to meet present and predicted future demand.*”
9. Sport England has considered the application in the light of the National Planning Policy Framework (particularly paragraph 74) and Sport England’s policy on planning applications affecting playing fields ‘A Sporting Future for the Playing Fields of England.’

10. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

11. The proposal is for a floodlit full size Artificial Grass Pitch (AGP) for rugby and football. It will be positioned next to an existing smaller AGP and it will replace an existing 9v9 football pitch, two training pitches and a cricket pitch.
12. The AGP will replicate the activities on the natural turf pitches and the cricket pitch will be relocated to the south of the playing field.
13. The Planning Statement says community use will be put in place for Bowdon RUFC, Altrincham Kersal RUFC, Altrincham FC and Altrincham JFC.

Assessment Against Sport England Policy

14. This application relates to the provision of an outdoor sports facility on the existing playing field at the site. It therefore needs to be considered against exception E5 of the Sports England's policy 'A Sporting Future for the Playing Fields of England.', which states:

"The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields."

15. In order to establish whether there is a strategic need for the AGP and sporting benefits that outweigh the loss of natural turf playing field the following matters have been considered in consultation with the Football Association and Rugby Football Union:
 - Meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision) – the emerging Trafford Council Playing Pitch Strategy identifies a need for 3G AGP's in this area for both football and rugby. Both the FA and RFU are supportive of the proposal.
 - Fully secures sport related benefits for the local community – the planning statement suggests community use by a number of local community sports clubs but no community use agreement has been submitted with the application. A community use agreement will be required to secure the sporting benefits of this scheme, this would be through a planning condition added to any planning permission.
16. In line with Sport England policy, proposals to replace natural turf playing field with a AGP have been identified as a local need and would secure sport related benefits for the local community. Whilst a reduction in the proposed hours of use has been

sought, it is considered that the development could still provide sport related benefits for the local community, particularly on a Saturday and during school holidays. A condition requiring the submission of a community use agreement is therefore considered to be necessary and the principle of development is considered acceptable. Sport England have set out that they raise no objections to the development as it is considered to comply with exception E5.

17. The proposal is considered to be in accordance with policy R5 of the Core Strategy and the NPPF and would continue to provide outdoor sport facilities in conjunction with the educational use of the site.

DESIGN AND APPEARANCE

18. Policy L7 of the Core Strategy requires development to be appropriate in its context; make best use of opportunities to improve the character and quality of an area; and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, and boundary treatment.
19. Policy R1 states that *“All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”*
20. The Design and Access Statement advises that “in terms of design standards, the schedule of works necessary to implement the proposal are designed in accordance with, and must be constructed in full compliance with..” the technical guidance and performance quality standards as set out in the document which are appropriate to external sports facilities.”
21. In addition to the creation of the AGP itself, the proposal would result in the addition of associated lighting columns, fences and gates. The ball stop fencing (up to 8m high) and the 15m high floodlighting columns are the features that would be most visible from outside of the site. All of the associated structures are considered to be a common feature of sports grounds and as such are not considered to be out of keeping with the application setting nor be unduly harmful to the outlook from adjacent residential properties. The impact on the adjacent Conservation Area is addressed in more detail in the following section of this report.

IMPACT ON ADJACENT DESIGNATED HERITAGE ASSETS

22. The boundary for Hale Station Conservation Area runs along the northern boundary of the site, encompassing most of the neighbouring residents of Seddon Road and some on Heath Road.

23. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area” in the determination of planning applications.
24. Paragraph 132 of NPPF establishes that when considering the impact of a proposed development of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
25. The NPPF sets out that harm can either be substantial or less than substantial. Case law has established that there can be degrees of less than substantial harm. There will also be cases where development affects heritage assets but from which no harm arises. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para 134).
26. Paragraph 56 of NPPF advises that *“The Government attaches a great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
27. In relation to matters of design, Policy L7 of the Core Strategy states development must:
- Be appropriate in its context;
 - Make best use of opportunities to improve the character and quality of an area;
 - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment.
28. Policy R1 of the Trafford Core Strategy states that:-
- “All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets”.*
29. The Bowdon Conservation Area boundary sits on the opposite side of Marlborough Road to the Grammar School and the only part of Marlborough Road that is included within the Conservation Area is the Mercure Hotel. The proposed siting of the AGP is therefore some distance from the boundary and separated by the main school

buildings. It is therefore considered that the proposal would have no impact on the Bowdon Conservation Area and as such the following assessment is in relation to the Hale Station Conservation Area only.

The significance of the designated heritage asset

30. Hale Station Conservation Area is centred on the attractive Italianate station buildings that epitomise the growth of a rural village into a wealthy suburb and thriving retail centre, all within 30 years at the end of the 19th century. It is one of the best surviving examples in the borough.
31. The arterial route of Ashley Road bisects the railway line and is significant for its diverse independent shops, cafes and amenities that represent the heart of the Hale economy. The varied textures of the Arts and Crafts movement can be seen at first floor level while on the ground floor the shop fronts vary considerably from traditional Victorian window displays to modern illuminated fascias.
32. Branching out from Ashley Road are late 19th and early 20th century streets of speculative suburban villas, developed for the growing middle classes. They represent an early element of suburbanisation and illustrate the changes that occurred in the landscaping in the 19th century. Their importance cannot be overstated for setting the pattern for English suburban housing, following on a smaller scale into the Edwardian and inter-war periods.
33. The large suburban villa is a key characteristic of Hale Station Conservation Area; one of the wealthiest residential areas in the country. The architecture is both narrow in design and yet widely varied at the same time. The residential properties are designed in the Arts and Crafts style, strongly drawing on the turn-of-the-century Domestic Revival architecture but each building is individual, with fanciful asymmetrical plan forms, decorative timber and plasterwork and contrasting brick colours and patterns. Many original features have survived.

The application site

34. The adoption of the Hale Station Conservation Area Appraisal and Management Plan in July 2016 saw changes to the boundary of the Conservation Area through two extension areas. The application site adjoins Extension Area A: Seddon Road and Heath Road (Character Zone E). Paragraph 7.1.4 of the CAA provides the following description:

“These leafy suburban streets of detached and semi-detached houses date between the 1880s and 1910s and are well-preserved examples of the late 19th century vernacular style seen across South Trafford. These streets fit in well with the wider narrative seen in other Character Zones of the Conservation Area. These streets should be included within the boundary in order to strengthen the

special architectural and historic interest of the Conservation Area and to afford them an additional level of protection from inappropriate development.”

35. Paragraph 2.3.18 of the CAMP advises that *“Character Zone E incorporates two streets of Arts & Crafts style houses from the early to mid-20th century. Seddon Road and Heath Road are high quality, well-preserved examples of Arts & Crafts architecture, with strong Domestic Revival and vernacular elements.”*
36. Paragraph 4.7.64 of the CAA states that *“The houses on Heath Road are included within the boundary extension due to their high-quality and illustrative value of the Arts and Crafts style seen across the Conservation Area.”*

The Proposal and Consideration of Harm

37. The application is for additional sports facilities within the existing school grounds. As identified above, the significance of the Hale Station Conservation Area derives primarily from the architecture of the buildings and the example of early suburbanisation. It is considered that the proposed development would not detract from this and as such there would be no harm to the character and setting of the adjacent Conservation Area.
38. Whilst it is identified that the proposal would result in some light spillage into the conservation area, this is very limited in its intensity, scope and extent and is not considered to result in any harm to the significance of the conservation area.

Conclusion

39. It is considered that the proposed development would result in no harm to the character and setting of the adjacent designated heritage asset. In arriving at this recommendation, considerable importance and weight has been given to the desirability of preserving the Hale Station Conservation Area.

RESIDENTIAL AMENITY

40. Policy L7.3 of the Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
41. Policy L5.13 states that development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measure can be put into place.
42. The surrounding area is predominantly residential with dwellings sited to the north and east of the proposed development.

Proximity to Neighbouring Dwellings

43. Concern has been raised by neighbouring residents with regard to the proximity of the new pitch to existing properties. The Design and Access Statement advises that during a feasibility study, the optimum location for the proposed AGP at Altrincham Grammar School for Boys was considered. Considerations included:
- Convenient proximity to changing rooms;
 - Convenient proximity to welfare accommodation;
 - Convenient proximity to reception facilities;
 - Convenient proximity to management and supervision offices;
 - Convenient proximity of vehicular parking areas;
 - Avoidance of unacceptable impact to residential neighbours (noise, visual and artificial lighting) or the ability for impact to residential neighbours (noise, visual and artificial lighting) or the ability for impact mitigation measures;
 - Adequate future arrangement of playing pitches (for summer and winter sports);
 - Minimal impact as possible to local ecology and biodiversity.

Noise

44. The application site has been used by the school for many years for various sports activities with no recorded incidence of complaint by Pollution and Licensing. The existing floodlit pitch on the site has operated without any record of complaint (apart from those that were received around the time that this application was submitted). The proposed pitch is located closer to the residential properties on Seddon and Heath Roads than the existing.
45. A number of noise related documents have been produced in relation to this application by both the applicant and the objectors to the proposal. These documents have been reviewed and include; Noise impact assessment prepared by Hann Tucker (March 2016) and a further report in June 2016 on behalf of the school, in response to the report submitted by the objectors prepared by Echo Acoustics who were commissioned by the residents to assess the noise from the use of the proposed AGP. A Technical Memorandum, produced by Echo Acoustics on 31st August 2017 has also been reviewed.
46. The historical use of the school grounds during normal school hours cannot be disputed. It would also be reasonable to expect a certain number of after school activities to take place on this proposed AGP.
47. However noise between the hours of 19:00 and 21:00 of an unpredictable and sporadic nature associated with the playing of sport has the potential to disturb children going to sleep, and may impact upon residents enjoyment of the amenity of their homes both indoors and outdoors. The number and proximity of spectators due to vocal support may also potentially impact upon the overall noise in the area. It is considered that weekday use of the facility up until 21:00 hours Monday to

Friday could constitute an unreasonable interference for residents living in the immediate vicinity.

48. In previous similar applications, the timetable agreed was 09:00 to 19:00 Monday to Friday and 10:00 to 17:00 Saturdays with no usage Sundays and Bank Holidays. The same restriction is recommended to be applied in this case and this has been agreed with the application. This is considered to constitute an appropriate balance between the needs of the school and the protection of neighbouring resident's amenity. On this basis it is considered that the proposal would not result in undue noise harmful to residential living conditions.

Lighting

49. The National Planning Policy Guidance (NPPG) provides advice on Light Pollution and acknowledges that artificial light *provides "valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development."* It recognises however that it can be *"obtrusive and cause disturbance and harm through the creation of light pollution."*
50. The proposed floodlights would only be needed in the darker autumn and winter months. Cold temperatures and adverse weather conditions particularly during winter means that the use of the floodlights into the evening is likely to be at a time when residents are not sitting out in their garden and will have curtains drawn. The use of the floodlights for only part of the year and until no later than 7pm is not considered to be significantly harmful to the amenity of the neighbouring residents from skyglow, light spillage or glare nor will it significantly change the character of the area.
51. The lighting assessment/associated lighting documentation has been reviewed by Pollution and Licensing and it is considered that the cumulative impact of the floodlighting scheme for the proposed AGP together with the existing floodlighting scheme on site, falls within the guidelines set out in the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and officers considered that there would be no significant undue harm to residential amenity on this basis.

Privacy and Overlooking

52. The northern end of the site for the proposed AGP currently comprises a 9v9 football pitch for use by u12/u13s. The proposed new pitch would not be sited any closer to neighbouring dwellings than the existing and it is therefore considered that there would be no significant increase in loss of privacy or overlooking as a result of the proposed development. The pitch is to be built at existing ground levels.
53. The layout of the proposed AGP and the positioning of the pitch barriers and hardstanding indicates that most spectators would be likely to be positioned along

the western side of the pitch and therefore not immediately behind the closest residents on Seddon Road or Heath Road.

Boundary Treatment

54. It is generally accepted within the arboricultural industry, and proven by tests in the field, that trees do not significantly reduce the levels of noise unless the tree belt is several metres deep and the species therein have large, thick leaves e.g. cherry laurel. Trees and shrubs make effective glare baffles and it is recommended that any existing deciduous tree belts are bolstered with evergreen planting. A landscaping condition is therefore suggested to further limit impact.

Conclusion

55. It is considered that in line with the proposed amended hours of operation that the proposed development would not result in undue harm to residential living conditions. Whilst the proposal would result in an intensification of the use of floodlighting within the school site this is considered to be appropriate and through the use of conditions would be managed in order to limit undue harm through noise and disturbance to surrounding residential properties. Further to this the Councils Pollution and Licensing Section have not raised any objections to the application subject to conditions. As such the proposal would be in accordance with Policy L7 of the Core Strategy.

PARKING & HIGHWAYS

56. The Local Highway Authority (LHA) has been consulted on the proposal and raised no objections.

Appropriateness of Access

57. No changes to the existing access are proposed.

58. Construction access is to be from Marlborough Road through the existing car park and is considered appropriate.

Servicing Arrangements

59. Servicing arrangements are unaffected by the proposals.

Car Parking, including disabled provision

60. No changes to the existing car parking provision are proposed. The use of the facility would be restricted to the students during the day, the use of the facility by local community groups outside school times is likely to increase the traffic movements on Marlborough Road, however, as these movements are not during the busy school drop off and pick up times it is unlikely this will create a severe impact

on traffic and parking in the vicinity of the site. Parking outside school times will be provided for the users of the facility in the school's existing car park for the sports facilities with additional parking available in the school's North Car Park therefore not resulting in increased parking on Marlborough Road.

Conclusion

61. The proposal is considered to be acceptable on the grounds of highway safety and parking in accordance with guidance set out in the Council's SPD3: Parking Standards and Design and Core Strategy Policy L4.

IMPACT ON ECOLOGY AND VALUE CHARACTER OF THE AREA

Trees

62. It is noted that no trees are to be removed to allow for the scheme however the standard tree protection condition requiring a tree protection plan is recommended to be attached to any permission. Objectors have raised concern in regards to part of the proposed works to cut back the trees inside the property along Heath Road, presumably to minimise leaf droppage onto the AGP. Ideally, all tree work should comply with British Standard 3998: 2010 – 'Tree work. Recommendations', but it is by no means unusual for the crowns of trees to be pruned back to provide clearance from buildings, street furniture and, indeed, sports surfaces. These trees are not protected and the Local Planning Authority does not have any control over works to them.

Wildlife

63. GMEU have advised that the application site currently does not support high quality habitat of use to bats and the site would not form a high-value commuting route for bats. Local ambient lighting levels will already be relatively high, given that the area is built-up. The bat records that GMEU holds for the area are predominantly records of Pipistrelle bats. Pipistrelles are known as urban bats and the available evidence indicates that these bats are less sensitive to artificial lighting than other species.
64. It is therefore considered that the proposal would not have an unacceptable impact on wildlife and ecology in the area and would be in accordance with Policy R2 of the Trafford Core Strategy.

CLIMATE CHANGE AND DRAINAGE

65. Policy L5 of the Core Strategy relates to Climate Change and states that new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.

66. The site is located in a Critical Drainage Area, therefore the new development must demonstrate that it is not at risk of flooding, and will not increase the existing flooding conditions within the site or elsewhere. The surface water management should aim not to increase any runoff, and where practical reduce the rate of the runoff from the site in accordance with the Level 2 Manchester City, Salford City and Trafford Councils Hybrid SFRA.
67. The proposed development is shown to be located directly over a surface water public sewer. The development should be designed so that the risk of damage to the sewer during construction works is removed.
68. The LLFA and United Utilities have been consulted on the application and raise no objection subject to the recommended conditions as set out in the consultation section of this report.

OTHER MATTERS

69. The proposed AGP does not impact on the use of the Scout and Guide hut and there is no evidence to suggest any impact on pedestrian safety.
70. Consultation has been carried out with the neighbouring residents with site notices displayed at the front of the site.
71. The Lead Local Flood Authority are satisfied with the scheme. It is the duty of the Council to determine the application in front of them rather than question why this scheme is required over other possible solutions such as drainage of the existing field.
72. The LHA have raised no objection to the proposed development with regard to access and parking.

DEVELOPER CONTRIBUTIONS

73. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'leisure' development, consequently the development will be liable to a CIL charge rate of £10 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
74. No other planning obligations are required.

CONCLUSION

75. The proposal has been assessed against the development plan and national guidance and it is considered that the proposed development will not result in undue

harm to the amenity of neighbouring residents or the character and appearance of the conservation area, subject to the inclusion of conditions.

76. Considerable importance and weight has been given to the desirability of preserving the setting of the adjacent designated heritage asset (Hale Station Conservation Area). The proposals are not considered to result in any harm. As such the development is not specifically restricted by the NPPF.
77. The proposed scheme complies with policies L4, L7, L8, R1, R2 and R5 of the Trafford Core Strategy and the NPPF and therefore it is recommended that planning permission is granted subject to the conditions listed below.

RECOMMENDATION:

GRANT subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with details shown on the submitted plans, numbers 1425-01 Rev A, 1425-13 and 1425-14.

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

3. No development shall take place until details of the design and layout of the Artificial Grass Pitch, including cross sections and materials, have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Artificial Grass Pitch shall not be constructed other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy L7 of the Trafford Core Strategy and paragraph 74 of National Planning Policy Framework.

4. The development hereby approved shall only be used between the hours of 09:00 to 19:00 hours Monday to Friday and 10:00 hours to 17:00 hours Saturday with no usage on Sundays and Public Holidays and the floodlights hereby approved shall not be illuminated outside of these times.

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

5. The floodlighting hereby permitted shall operate only in accordance with the specification and lighting contours contained in the supporting documentation prepared by Surfacing Standards LTD, Report Reference: SSL2069, Altrincham Grammar School for Boys.

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

6. The floodlighting hereby approved shall not be brought into use unless and until a scheme has been submitted to and approved in writing to minimise light spillage beyond the playing surface and to eliminate the potential for glare at neighbouring properties. The scheme shall include the fitting of baffles and shields focussing downwards onto the pitch and positioning the filament/bulb of the floodlight so that it is not directly visible from within the boundary of adjacent residential properties. The approved scheme shall be fully implemented before the floodlights are first brought into use and retained as such thereafter.

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

7. The floodlights shall be installed and operated so as to ensure a maximum illumination projected by the pitch floodlights does not exceed a level of 5 Lux (Environmental Zone E.2) when measured at the windows of any nearby residential properties.

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

8. The floodlights shall be maintained in a satisfactory manner and all screens, shields, baffles and associated equipment shall be maintained throughout the life of the installation.

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

9. No development shall take place unless and until details of the full detailed drainage design, Sustainable Urban Drainage Scheme and all relevant documents to limit the proposed peak discharge rate of storm water from the development to meet the design principles set out in SSL Planning Statement 'Creation of Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union and football activities with new artificial grass pitch surface, new perimeter ball-stop fencing, new hard standing areas for pedestrian access, goals storage and maintenance access, new floodlights.' Document Ref

SSL2069 Rev C dated 23rd March 2017. The development must also meet the requirements of the Councils Level 2 Hybrid Strategic Flood Risk Assessment (SFRA) have been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until such works, as approved, are implemented in full and they shall be retained and maintained to a standard capable of limiting the peak discharge rate as set out in the SFRA and FRA thereafter.

Reason: To prevent the risk of flooding having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

10. No development shall take place until and unless details of a scheme identifying a porous material to be used in hard surfacing or a scheme directing runoff water from that hard standing to a permeable or porous area or surface, has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

11. No development shall take place unless and until the drainage design is accompanied by full details to demonstrate the discharge runoff rate for the Greenfield site shall not exceed 5 l/s/ha. The scheme shall be implemented in accordance with the approved details and shall be retained and maintained therefore, to meet the requirements of the Manchester City, Salford City and Trafford Council's Level 2 Hybrid Strategic Flood Risk Assessment. The development shall not be brought into use until such works, as approved, are implemented in full and they shall be retained and maintained to a standard set out in the SFRA.

Reason: To prevent the risk of flooding having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

12. Prior to development hereby approved being brought into use, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - (a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company appointed by the school; and
 - (b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development and having regard to Policy L5 of the Trafford Core Strategy and NPPF.

13. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. The development hereby permitted shall not be brought into use until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy L7 of the Trafford Core Strategy and paragraph 74 of the NPPF.

15.
 - a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
 - (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
 - (c) 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.

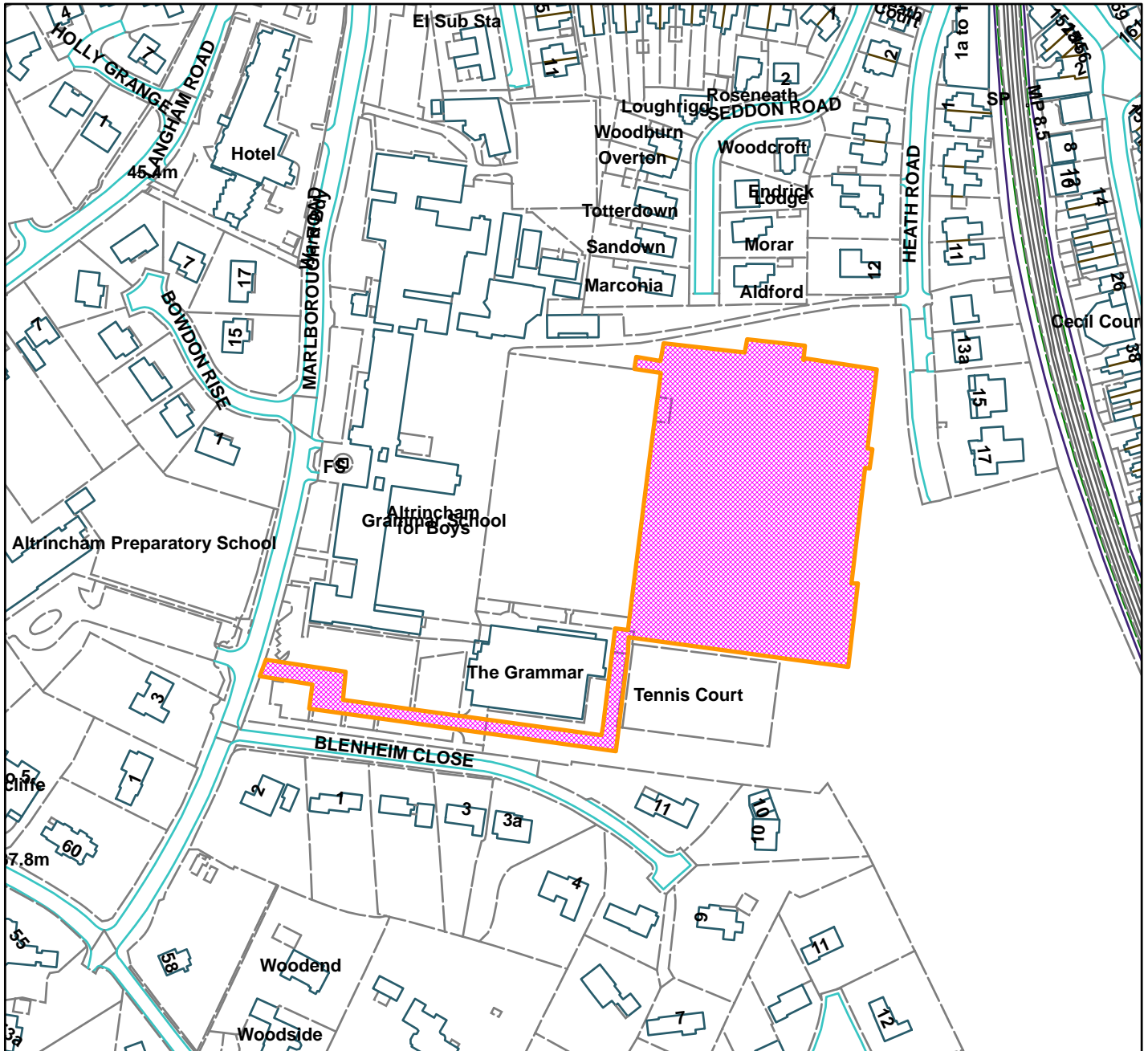
16. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

JE



Altrincham Boys Grammar School, Marlborough Road, Bowdon (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

WARD: Hale Barns

91223/HHA/17

DEPARTURE: No

Erection of a single storey extension to the front and a part single/part double storey extension to the rear. Conversion of the roof space with new rear dormer and a new garden shed to be used as storage / gym and other purposes incidental to the enjoyment of the dwellinghouse.

8 Arthog Drive, Hale Barns, WA15 0NB

APPLICANT: Mr & Mrs Khan

AGENT: Tang and Associates Ltd - Chartered Architects

RECOMMENDATION: GRANT

SITE

The application concerns a two storey semi-detached property located on the west side of Arthog Drive. The property has an existing two storey side extension. It is surrounded by other two storey semi-detached dwellings to either side and facing in Arthog Drive. To the rear of the site is Tolland Lane with a terrace of dwellings on the opposite side of that road facing the rear of the application site.

PROPOSAL

The proposal is to erect a full width single storey rear extension projecting 5m from the rear of the existing dining room and 4m beyond the rear of the existing kitchen, a first floor full width rear extension projecting 1.7m and set in 0.4m from the side boundary with the adjoining dwelling, No. 10 Arthog Drive, and a rear dormer above the proposed first floor extension. Two roof lights are proposed in the front roof slope and one in the side roof slope. The proposal also includes the erection of a brick and tile shed in the rear garden measuring 6.3 by 2.5m which the applicant states is to be used for storage and as a gym and a front extension to the existing garage projecting in line with the existing porch and conversion of the garage to form a cinema room.

Since submission the applicant has revised the plans to erect a hipped roof over the proposed two storey extension rather than a gable and to provide a dormer instead of a three storey extension with a Juliet balcony. The height of the shed has also been reduced, obscure glazing added and the applicant has confirmed the use will be for storage and/or a gym. The proposal now provides for 2 parking spaces.

The increase in floor space of the proposed development would be approximately 70 m².

DEVELOPMENT PLAN

For the purposes of this application, the Development Plan in Trafford Comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility;

L7 – Design

PROPOSALS MAP NOTATION

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

H/56922 Erection of single storey rear extension and rear conservatory to form additional living accommodation-Approved 26/8/03

H26525 Demolition of existing garage and erection of two storey side extension comprising garage and kitchen with two bedrooms over- Approved 18/2/88

H16152 Demolition of garage and erection of new garage and extension to kitchen with two bedrooms over- Approved 13/5/82

APPLICANT'S SUBMISSION

Heritage statement
Bat Survey
CIL Self build residential extension form

CONSULTATIONS

LHA- No changes to access and servicing. The proposals do not look to increase the number of bedrooms in the dwelling; the dwelling is to retain four bedrooms. SPD3: Parking Standards and Design for Trafford state that for a four+ bedroom dwelling in this area, a maximum of three off-street parking spaces are required.

The proposals comprise the conversion of the existing attached single garage to living accommodation; therefore, resulting in the loss of a parking space.

Arthog Drive is an unrestricted residential road. Some neighbouring properties don't benefit from any off-street parking, with some having had extensions carried out and leaving one parking space on the driveway.

Updated plans indicate the existing driveway is to be extended to accommodate two parking spaces. Therefore, retaining the same number of parking spaces as existing. SPD3 Parking Standards and Design state that a driveway parking space is required to be a minimum of 5m long if in front of a blank wall or a minimum of 6m if in front of a house door. The parking spaces outlined on the updated plan are adequate in size to meet the above requirements and can therefore be accepted.

GMEU-No objections to the proposal on nature conservation grounds

REPRESENTATIONS

Councillor Butt has made representations reiterating the comments of neighbours in respect of:

- the size of the shed and potential use
- Disproportionate size of the development
- Loss of privacy and light
- Precedent for other high intensity development
- Lack of parking

Representations have been received from 7 neighbouring properties raising the following issues:

- Description is misleading/ambiguous as garden shed is described as being for living accommodation. Usually used for storage purposes. Windows facing neighbouring property,
- Not 21m between rear and houses on Tolland Lane
- In breach of guidelines in respect of depth of rear extensions

- 3 storey rear extension will appear as a massive wall out of character with the style of the existing properties in the area and will result in overshadowing and be physically dominating. Completely out of place overlooking Tolland Lane
- Roof would obstruct the skyline and cause overshadowing
- Would be out of keeping with other houses on the road
- Overdevelopment given size of the plot and proximity to existing dwellings
- Development would result in an increase in floor space of 237% of original floorspace
- Overlooking from Juliet balcony and velux windows. The Juliette balcony would directly overlook a bedroom window in No. 24 Tolland Lane.
- Single storey front extension would breach the established building line
- Loss of existing garage and extension at front will restrict the space available for carparking. Arthog Drive already has parking problems. Heavily used by people using the shops on Park Road and this will exacerbate the situation.
- Doorways into rooms would be about 1.2m high and would not technically work.
- Additional noise
- Additional hardstanding which would be inadvisable given the limited area to facilitate natural drainage of the site.

Following re-consultation on the revised scheme 10 representations have been received. The following concerns have been raised:-

- The amendments do not address the previous issues raised
- This is a massive overdevelopment of the site, not in fitting with the rest of the properties on the road. Extensions to the front and rear of the property as well as up 3 stories will produce a building completely out of character with the rest of the road.
- Third floor looks like a loft
- Removal of garage and some of the driveway which will increase the number of cars required to park on the road. This is already a very busy road used as a cut through for cars and also school children.
- Revised layout showing two parking spaces will result in a reduction in on street parking
- Hardly any planting remaining
- The proposed 3 stories will compromise the privacy of the adjacent properties on Arthog Drive and Tolland Lane.
- Loss of light and overshadowing
- Windows at front and rear should match adjoining property
- Concerned regarding use of the brickwork shed as business or extra living space.
- Additional noise
- Obstructs skyline
- Would reduce the Tolland Lane 'cottage look'
- Noise and possible leaks from bathroom located on party wall
- Not clear how roof will link with adjoining property

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The application concerns a residential property in a residential area and the principle of extensions to the property would therefore be acceptable. The main issues are therefore of amenity and design and appearance.

RESIDENTIAL AMENITY

2. In relation to matters of amenity protection Policy L7 of the Trafford Core Strategy advises, development must:
 - Be compatible with the surrounding area; and
 - Not prejudice the amenity of the future occupiers of the development and/or occupants
 - of adjacent properties by reason of overbearing, overshadowing, overlooking, visual
 - intrusion, noise and/or disturbance, odour or in any other way.
3. SPD 4: A Guide for Designing House Extensions and Alterations offers the following relevant guidance in respect of rear extensions (Para 3.4.1): All rear extensions should avoid overshadowing, physically dominating or overlooking neighbouring dwellings. Large extensions which restrict light to a large part of a neighbouring garden for sitting out and/or which block light to the habitable rooms of a neighbouring dwelling will not be considered acceptable. Paragraph 3.4.2 indicates the most common situation where harm may be caused to the neighbouring property is in the instance of terraced and semi-detached properties however these guidelines also apply to detached properties. Normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of semi- detached and terraced properties and 4m for detached properties. If the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g, if an extension is 1m from the side boundary, the projection may be increased to 4m for a semi-detached or terraced extension. Paragraph 3.4.3 advises that 2 storey rear extensions should not project more than 1.5m close to a shared boundary but with similar provisions to those for single storey extensions if the extension is set away from the boundary.
4. The proposed single storey rear extension will project 5m in close proximity (0.4m) to the boundary with No 10 Arthog Drive. That property already has a single storey extension on the boundary projecting 1.7m. The impact of the proposed extension on the adjoining property will therefore be similar to a 3.3m extension at a distance of 0.4m from the boundary. It is therefore considered that it would comply with guidance and not have an undue impact on the amenity of No. 10.

5. No. 6 Arthog Drive has an existing two storey side extension and single storey rear extension at a distance of 1.9m from the side boundary. The proposed single storey extension will project 3.3m beyond this extension at a distance of 1.1m from the side boundary on the applicant's side. It is therefore considered that the extension will comply with the guidance and not have an undue impact on the amenity of that property.
6. The proposed first floor will project 1.7m at a distance of 0.4m from the boundary with No. 10 Arthog Drive and at a distance of 1.1m from No.6 Arthog Drive and will therefore comply with the Guidance in SPG4.
7. Paragraph 2.15.2 of SPG4 advises that extensions which would result in the windows of a habitable room (e.g. living room or bedroom) being sited less than 10.5m from the site boundary overlooking a neighbouring private garden area are not likely to be considered acceptable, unless there is adequate screening such as significant mature evergreen planting or intervening buildings. Where windows are proposed above first floor e.g. second storey or dormer windows, the above figure should be increased by 3m to 13.5m.
8. In this case there will be 9.3m between the single storey extension and the rear boundary and 12.5m at first and 13m at second floor level. However the rear boundary is to a road and not a private garden area as specified in the guidance and the proposal exceeds the figure to the front gardens of the properties on Tolland Lane.
9. Paragraph 2.15.3 SPD 4 states "Window to window distances of 21m between principal elevations (habitable room windows in properties that are directly facing each other) will normally be acceptable as long as account is taken of the fact that the facing properties may need, in fairness to be extended also". There will be approximately 18m at ground floor level, 21m at first floor level and 21.5m at second floor level between the windows in the rear of 8 Arthog Drive and the front elevations of properties in Tolland Lane. At ground floor level screening will be provided by the existing fencing. At first and second floor level the proposal will comply with the guidance. It is therefore considered that the proposal will not result in undue overlooking of the windows in the front elevations of the properties in Tolland Lane. In addition, the proposed rooflights in the side and rear elevations would be higher than 1.7m above floor level and will therefore not result in unacceptable overlooking.
10. Windows are proposed in the shed facing towards No.10 Arthog Drive. There is an existing fence 1.7m high and some planting and the building would be approximately 7.5m from the boundary with that property. The applicant has agreed to the use of obscure glazing in the shed and it is therefore considered that it will not result in a loss of privacy. The applicant has confirmed that the shed will be used either for storage or as a gym and it is therefore proposed that a condition be applied to any planning consent restricting its use for these purposes or for

purposes incidental to the enjoyment of the dwellinghouse (i.e. not main habitable rooms). The shed would be approximately 200mm from the boundary with No. 6 and would be approximately 1.8m to eaves level and 2.5m to the ridge and, given this modest height, it is considered that it would not have an unacceptable overbearing impact on that neighbouring property.

11. It is therefore considered that the proposed development would not have an unacceptable impact on the residential amenity of neighbouring properties and would comply with the SPD4 guidelines and Policy L7 of the Core Strategy in this respect.

DESIGN AND VISUAL AMENITY

12. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment - good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
13. In relation to matters of design, Policy L7 of the Core Strategy states development must:
 - Be appropriate in its context;
 - Make best use of opportunities to improve the character and quality of an area and
 - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment ;
14. SPD4 advises in paragraph 2.2.1 that it is important that extensions should reflect the character, scale and form of the original dwelling by matching and harmonising with the existing architectural style and detailing. Ill-designed or excessively large extensions can spoil the appearance of a property. Careful consideration should be given to the individual details of the original property in designing any extension to help maintain and reinforce the style of the main dwelling and help an extension to blend in with the street scene.
15. The design of the proposed two storey rear extension and single storey extension, as amended, is considered appropriate. The hipped roof of the two storey extension would be in keeping with the design of the main roof. The dormer would have a pitched roof, would be set down from the ridge and set in from the eaves and would retain space to either side. The lean to roof of the single storey extension would also not appear out of keeping with the existing dwelling.

16. Although together with existing extensions to the original dwelling, the proposed extensions represent a significant increase over the size of the original building, they are considered to be in keeping with the character of the original property and, as discussed in the above section they meet the Council's guidelines in respect of amenity. A similar or larger dormer could be built on the existing rear roof slope under permitted development rights. A similar or larger scale outbuilding could also be built under permitted development rights subject to it not exceeding more than half the garden area.
17. At the front of the property the bay windows and first floor windows will remain as existing. The window replacing the existing garage door will reflect the design of the first floor window above. The proposed canopy and the porch doors are considered appropriate for a building of this type.
18. The shed will be positioned adjacent to the rear boundary of the site with Tolland Lane but, given its small scale and low height to eaves and ridge and the fact that other nearby properties also have sheds close to the boundary with Tolland Lane, it is considered that it will not have an unacceptable impact in the street scene.
19. The application site as well as its immediate context are not part of the South Hale Conservation area. The building of 8 Arthog Drive is of no particular architectural importance and the proposed works would not be visible from the Conservation Area. It is therefore considered that the proposal will not result in any harm to the Conservation Area and in arriving at this conclusion, considerable importance and weight has been given to the desirability of preserving the character of the Conservation Area.
20. It is therefore considered that the proposed extensions and outbuilding would be acceptable in terms of visual amenity and would comply with Policy L7 of the Core Strategy and guidance within the NPPF in this respect.

PARKING

21. SPD3: Parking Standards and Design for Trafford state that for a four+ bedroom dwelling in this area, a maximum of three off-street parking spaces are required. The proposals comprise the conversion of the existing attached single garage to living accommodation; therefore, resulting in the loss of a parking space. The property will have room to accommodate two parking spaces on the driveway, as such, there will be a shortfall of one space.
22. Arthog Drive is an unrestricted residential road. Some neighbouring properties do not benefit from any off-street parking, with some having extensions that have left just one parking space on the driveway. Given the above situation, in relation to neighbouring properties, the shortfall of one parking space can be accepted on this occasion and would not be detrimental to road safety or unduly detrimental to the

amenity of other road users. It is therefore considered that the proposed development would be acceptable in terms of the Council's SPD3 parking standards and Policy L4 of the Core Strategy.

ECOLOGY

23. A bat scoping survey was submitted in connection with the application. No evidence of the presence of bats was identified, and the building was found to offer negligible roosting potential for bats, no mitigation or compensation is considered necessary.

DEVELOPER CONTRIBUTIONS

24. The proposal is for less than 100 square metres of additional accommodation and would not therefore be CIL chargeable.

CONCLUSION

25. It is considered that the proposed scheme is acceptable in terms of design and visual amenity, residential amenity and highway safety and would comply with Policies L4, and L7 of the Trafford Core Strategy and guidance in the NPPF. As such it is recommended that planning permission should be granted.

RECOMMENDATION:

GRANT subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 9345/011 Revision C, 9345/021 Rev C, 9345/031 Rev D and the proposed loft plan.

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

3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's

adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

4. Notwithstanding the plans hereby approved and prior to the creation of the parking area, a scheme identifying a porous material to be used in the hard standing for the car parking area or a scheme directing run-off water from that hard standing to a permeable or porous area or surface within the curtilage of the dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To prevent localised flooding in accordance with Policies L7, R3 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

5. The development hereby permitted shall not be brought into use until the means of access and the parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the shed shall be fitted with, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

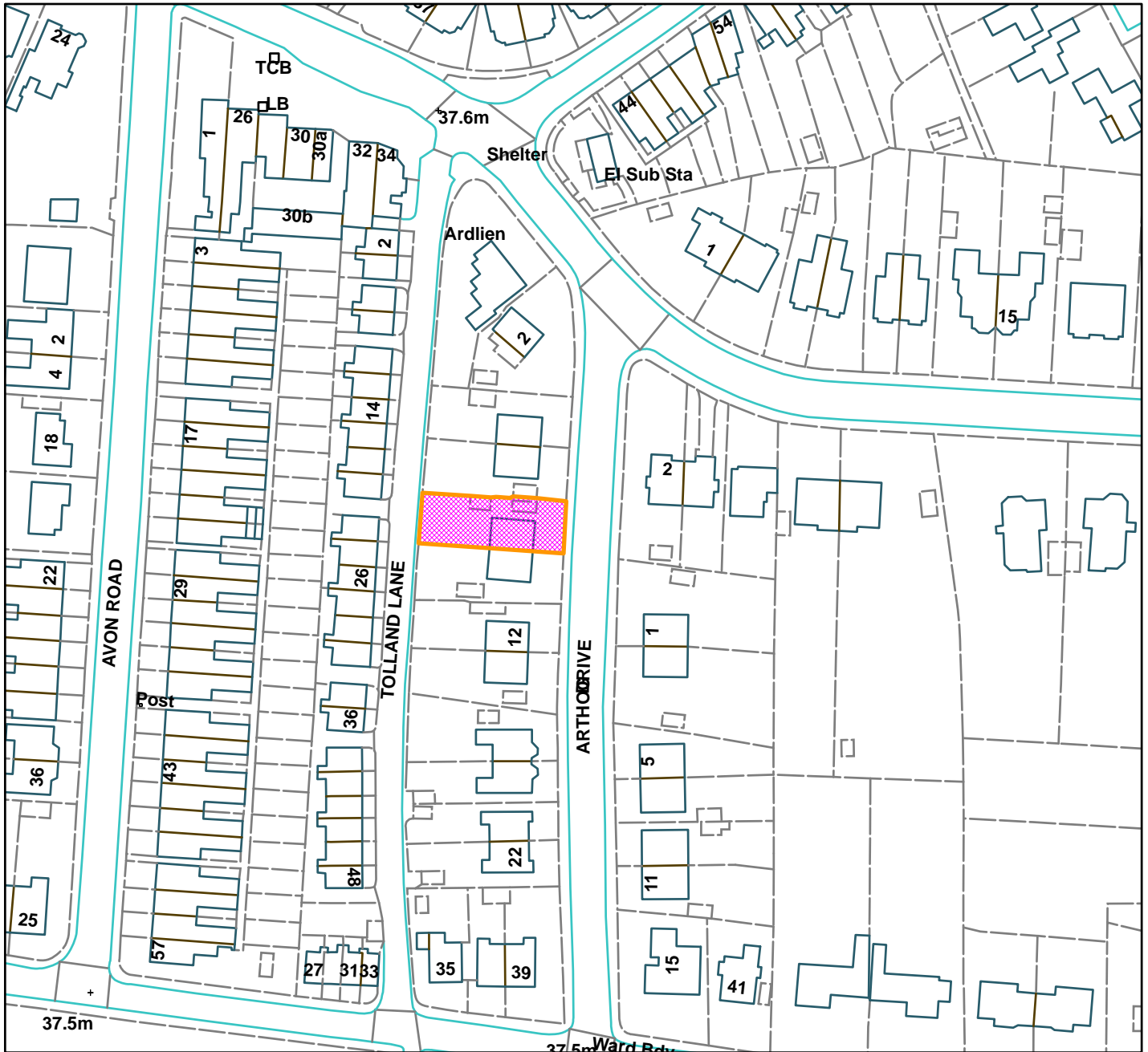
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof), the shed hereby permitted shall not be occupied at any time other than for storage purposes or as a gym ancillary to the use as a single dwellinghouse of the dwelling known as 8 Arthog Drive or for purposes incidental to the enjoyment of the dwellinghouse known as 8 Arthog Drive.

Reason: To prevent an overdevelopment of the site and loss of amenity to adjoining residential properties having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

CMR



8 Arthog Drive, Hale Barns (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

WARD: Timperley

91289/FUL/17

DEPARTURE: No

Floodlighting scheme to existing All-weather pitch (erection of 8 no. 11.8 metre high floodlighting columns).

Wellington School, Wellington Road, Timperley, WA15 7RH

APPLICANT: Wellington School

AGENT: N/A

RECOMMENDATION: GRANT

This application has been called in to the Planning Development Management Committee by Councillor Jane Brophy for the reasons set out within the main body of this report.

SITE

Wellington School is an Academy providing co-educational facilities for approximately 1300 pupils, of which 160 are within the school's sixth form.

The application site is located within a predominantly residential area of Timperley and covers an area of approximately 3.98ha comprising the main school buildings to the north and eastern peripheries within incidental amenity space, car parking facilities to the west and an all-weather non-illuminated pitch to the southern aspect alongside additional netball and hockey pitches to the east which are allocated as Protected Open Space within Trafford's UDP Proposals Map. The school is accessed via both Wellington Road and Moss Lane.

The school is bound by a mixture of residential properties sited alongside Forest Drive to the north, Lynton Grove to the south, Moss Lane to the east and Wellington Road to the west.

PROPOSAL

This application proposes the erection of 8no. 11.8m high floodlighting columns measuring 200mm at ground level and tapering to 100mm at the base of the floodlight support to the existing all-weather sports pitch. The columns would be hinged at 6.5m to allow for maintenance and be positioned on the four corners of the pitch, plus two equidistant from one another on both the northern and southern side.

Each column will support two floodlights (16 in total), each manufactured by Philips and titled '*Philips double asymmetrical Optivision 12 No. MVP507 1xMHN-FC2000W/400V/740/62*' with zero upward light ratio.

The intensity of the illumination for the current application has been confirmed by the Exterior Sports Lighting Assessment (244034919) as averaging 250lux for the whole surface whilst the maximum level reached to any ground floor window in the neighbouring residential properties would be 3.75 lux.

It is to be confirmed through the Additional Information Report whether the maximum level reached to any ground floor window in the neighbouring residential properties can be reduced to 2 lux.

The proposed hours of operation are 15:00-18:00 hours Mondays to Fridays.

DEVELOPMENT PLAN

For the purposes of this application, the Development Plan in Trafford Comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L7 – Design
R2 – Natural Environment
R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

Protected Open Space

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

OSR6 – Protected Open Space

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

84555/FUL/14 - Floodlighting scheme to existing All-weather pitch (erection of 8 no. 14 metre high floodlighting columns). Withdrawn prior to determination February 2015

80937/COND/2013 - Application for approval of details reserved by conditions of grant of planning permission 77259/FULL/2011. Condition numbers: 4 & 6. Discharged September 2014.

80846/NMA/2013 - Application for Non-Material Amendment to previously approved application 77259/FULL/2011 to include a "goal recess" at either end of proposed Multi Use Games Area (MUGA). Approved June 2013.

77259/FULL/2011 - Formation of synthetic sports pitch (97.4m x 61m) surrounded by 3m high fencing around pitch for use by school children only. Planting of trees along southern boundary. Refused. Subsequently allowed via appeal APP/Q4245/A/12/2172715 October 2012 subject to conditions.

74571/FULL/2010 - Formation of synthetic football pitch for exclusive use by schools during term time. Erection of eight floodlighting columns and 3m high fencing around pitch. Application refused on 13th October 2010. A subsequent appeal was dismissed on 1st June 2011.

APPLICANT'S SUBMISSION

The following documents have been submitted in the support of the application:

- Design and Access Statement (incorporating Planning Statement); and
- Exterior Sports Lighting Report – 244034919

The Design and Access Statement (page 17) states that the proposal will ensure that the maximum benefit can be derived from Wellington School's existing sports facilities, will provide extra-curricular sporting activities for the whole school year, will help the

school to develop health and sporting excellence and will enhance the sustainability of the school.

CONSULTATIONS

Pollution and Licensing (Nuisance and Noise) – No objection subject to conditions requesting 1) that the floodlighting be introduced in accordance with the submitted details and lighting contour details; 2) The floodlights including baffles and shields, should be fitted, focussed and concentrated downwards and shall be agreed on site by the LPA; and 3) The use be restricted between Mondays and Fridays between 15:00 and 18:00 hours.

Local Highway Authority (LHA) – No objection

Sport England – No objection

Street Lighting – No response received.

REPRESENTATIONS

In the determination of this application a call in request by Councillor Jane Brophy has been received alongside 49 letters of representation from 29 separate addresses.

One representation received from a Councillor: -

- Floodlighting for Wellington School has been discussed at Planning Committee in the past and has also been to the Planning Inspector so calling it in again would recognise the history as well as ongoing local objections;
- Floodlights will be taller than street lights;
- While the height of the floodlights has been reduced to 11.8 m from 14 m, it is still concerning that the eight lighting columns will significantly detract from the visual amenity;
- Even at 11.8 m tall, they are over 3 m (9 feet) taller than the street lights and will tower over the roofs of homes adjoining the school fields, and are as close as 10m from surrounding gardens;
- The time the school plans using the lights is admittedly short, yet they will be visible throughout the year 24/7;
- Residents are naturally concerned about the possibility that, in the future, the school may ask for planning permission to extend the hours from 6pm to 9pm to utilise these assets;
- The extra parking of cars on match days is a considerable concern to residents as well. Many local residents could have difficulty accessing their own driveways;
- The columns will mean that the residents at the rear of the apartment blocks on Wellington Road will have the lighting columns very close to the views out of their windows, and like others who border the school, when the lights are on will be able to see the direct light from the lights facing the playing surface; and

- Whilst the spread of lighting overspill may have improved over previous plans, the sky will still be lit with a glow which will be seen from some 1/4mile away and there will be overspill onto the windows of neighbouring homes and of course a space that was previously dark will now be illuminated.

The 49 letters of representation received detail the following summarised concerns:

Design

- The floodlights will impact upon the character and appearance of the area;
- Appear visually intrusive from the rear gardens of adjoining properties;
- It is virtually impossible to soften the impacts of such development;
- The floodlights would be twice the height of surrounding houses and dominate the immediate area;
- The floodlights are higher than the standard for street lighting (50-60% higher) and would be inappropriate within this residential location.

Loss of amenity

- The height of the floodlights will cause light spill to the detriment of surrounding neighbouring properties;
- The level of noise generation will be increased;
- There is excessive glare from existing 8m high LED streetlights which impact upon residential properties. This proposal will have a far greater impact;
- It will intrude and potentially affect people's sleep;
- The floodlights will impact upon views of the stars and moonlit sky on an early winter evening;
- The impact of views can only be assessed by neighbours themselves;
- The light columns are now only 12m high and therefore the beam angle will be further angled thus producing more intensity and glare in neighbouring windows;
- It is impossible for the Lighting Assessment to make a statement that the proposed development would have no harmful impact upon neighbouring occupiers;
- One property is 10m from a column which would represent a significant visual impact upon the amenities of the occupants.

Highway safety

- The proposal will cause an increase in congestion during rush hour which is already of concern;
- The level of car parking is insufficient to meet the needs of this development;
- Parking will occur across driveways to avoid extra walking to their destinations;
- The school currently finishes around 3pm however the use of the all-weather pitch will create a further period of traffic disturbance later in the day.

Demonstrable need

- The school does not need the floodlights as sunset occurs between 16:00 and 16:30 between winter months. An additional 1.5hrs will not make much difference;
- The school has a legal right in perpetuity to use the floodlights at Timperley Cricket Club with the crossing built specifically to enable a safe crossing for school pupils;
- Trafford Council are keen to improve parks and sports facilities for children and young people however this does not extend directly to supporting school development and their decision should not be based on that.

Previous applications

- The 2010 application was refused and dismissed at appeal for a similar scheme;
- The Inspector rejected the application on the grounds that it would be obtrusive and detrimental to the amenity of occupiers;
- Referencing the appeal decision, the floodlit pitch would occupy a greater illuminated area where there is presently no light – completely dominating the appearance of the sports pitch;
- An application has been refused for floodlighting in 2010, 2013 and withdrawn prior to determination in 2014.

Miscellaneous

- Permitting the development will encourage the school to apply for an increased operational use at a later date;
- Permitting the development will encourage the school to rent out the all-weather pitch at a later date;
- The floodlights will contribute to the UK's carbon footprint;
- The application has not adhered to paragraph 72 which encourages schools to identify and resolve key planning issues before applications are submitted;
- The school has not consulted all adjoining neighbours and not made every effort to engage local residents;
- The permission should be retractable in the event the school is permitted such development and does not adhere to conditions;
- The school are intent on repeating this waste of time, money and resources on a regular basis; and
- Impact negatively on property prices.

There have been no letters or emails of support for the proposed development however a number of residents acknowledged the need for improved sporting facilities and efforts made by the school in trying to negate the concerns raised previously.

OBSERVATIONS

BACKGROUND

1. In the determination of this application it is recognised that Wellington School has previously submitted two successive applications for the erection of floodlighting, the first (74571/FULL/2010) being refused by the Planning and Development Management Committee on the 13th October 2010. A subsequent appeal was dismissed on the 1st June 2011 due to the Inspector siting that '*on this constrained site, the scheme proposed would contravene Policy D1 of the Trafford Unitary District Plan [sic], which seeks development compatible with the surroundings that does not prejudice the amenity of the occupiers of adjacent property* (p.3, Appeal Ref. APP/Q4245/A/11/2143219)'.
2. The second application (84555/FUL/14) was due to be presented to the Committee with a recommendation of refusal however prior to consideration was withdrawn. The Committee report cited two recommended reasons for refusal, one detailing the obtrusive scaling of the lighting columns when read in proximity to site boundaries and the second owing to the levels of illumination which would be detrimental to the amenity of occupiers of adjacent residential properties.
3. The two applications detailed above represent material considerations in the determination of this application with the weight afforded to the Inspector's decision being of greater significance.

PRINCIPLE OF DEVELOPMENT

4. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development whereby proposals which accord with the development plan should be approved without delay.
5. Paragraph 17 of the NPPF specifies one of the strategic planning principles to be the improvement of health, social and cultural wellbeing for all with the deliverability of sufficient community and cultural facilities and services to meet local needs.
6. Paragraph 70 of the NPPF aims to plan positively for the deliverability of social, recreational and cultural facilities and services for community.
7. Paragraph 72 of the NPPF goes on to attach great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local planning authorities should therefore take a proactive, positive and collaborative approach to meeting this requirement through the expansion and alteration of schools with the identification and resolution of key planning issues negated prior to an application's submission.

8. The area in which the proposed floodlights are to be positioned is designated public open space within the Trafford UDP Proposals Map. It is not considered however that there would be any material impact upon the protection of the open space with the facility securing and improving upon the provisions of the existing playing pitch.
9. As indicated within the supporting statement the proposal seeks to maximise the usability of Wellington School's existing sporting facility, providing extra-curricular sporting activities for the whole school year, helping the school to develop health and sporting excellence and enhancing the sustainability of the school, and as such, the principle of development is acceptable subject to the development being acceptable in terms of design and appearance; impact upon residential amenity; parking and highway safety; and trees, landscaping and ecology.
10. The key issue for consideration is whether the proposal would result in such detriment to the visual amenity of the area and the living conditions of the occupants of the residential properties which adjoin the site as to outweigh the benefits for the school of improvements to playing field facilities taking into account the policy guidance in the NPPF in relation to taking a proactive and positive approach to alterations to schools. In relation to this, it is important to note that the publication of the NPPF is an important material change in circumstances since the Inspector's appeal decision in 2011.

VISUAL AMENITY

11. Policy L7 of the Core Strategy requires development to be appropriate in its context; make best use of opportunities to improve the character and quality of an area; and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, and boundary treatment.
12. The proposal would result in the erection of 8 lighting columns measuring 11.8m in height. Whilst it is recognised that this would exceed the height of standard street lights by approximately 4m, the floodlighting columns would not be readily visible from outside the site given the degree of concealment from surrounding buildings, mature and extensive boundary treatments, and the distances in excess of 35m at the closest point to the streetscape along Wellington Road (No.67).
13. In respect to outlook from nearby dwellings, it is not considered that the columns and associated floodlights would be unduly harmful or visually intrusive to adjacent residential properties, being only 200mm in width and tapering to 100mm at 11.8m above ground level. The columns would therefore appear relatively slender as viewed from the private amenity areas of adjoining residential properties.

14. It is recognised that, at the time of the appeal in 2011, the Inspector stated that although of slender profile, the floodlighting columns would be highly prominent and visible throughout the day and would have a dominating and adverse effect on the appearance of the sports field and the outlook from residential properties. However, at that time the Inspector was considering 15m high columns with a greater width (300mm > 100mm) as opposed to the reduced 11.8m high columns with a lessened width (200mm > 100mm) in the current application. He was also considering them in conjunction with the proposed 3m high fencing which has subsequently been allowed in a further appeal decision, and together with the impact of the proposed illumination which has also been reduced in the current application and is discussed below.
15. Taking this into account together with the guidance in the NPPF in relation to taking a positive and proactive approach to school proposals, which is a material change in circumstances since the Inspector's appeal decision in 2011, it is considered that the floodlighting columns as now proposed are significantly reduced in scale from the appeal proposal and, on balance, it is considered that they would not have a significant unacceptable impact on visual amenity or the outlook of neighbouring properties that would outweigh the benefits of this facility to the school in terms of providing extra-curricular sporting activities on site for the whole school year.

IMPACT ON RESIDENTIAL AMENITY

16. Paragraph 17 of the NPPF seeks to ensure a good standard of amenity is maintained for all existing and future occupants of land and buildings.
17. Paragraph 123 states that planning policies and decisions *"should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development."*
18. Paragraph 125 states that *"By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*
19. This is supported by Policy L7 of the Trafford Core Strategy which requires new development to be compatible within its surroundings and not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties.
20. In addition, Policy L5 states that *"Development that has the potential to cause adverse pollution (of air, light, water, ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place."*

21. The National Planning Policy Guidance (NPPG) provides advice on Light Pollution and acknowledges that artificial light provides “*valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development.*” It does however recognise that it can be “*obtrusive and cause disturbance and harm through the creation of light pollution.*” As noted previously the site is located within a predominantly residential area with residential properties located to the south, west and eastern boundaries.
22. The proposed development has been carefully considered by the Council’s Pollution and Licencing department who raise no overall objection to the proposed development given its compliance with ILP (Institution of Lighting Professionals) Guidance Notes for the Reduction of Obtrusive Light (GN01 2011). In this regard the Environmental Zone 3 criteria will be complied with at the nearest sensitive property which as viewed within Table 2 of the Guidance Notes is comparable to suburban locations. The Environmental Health Officer (EHO) therefore considers that subject to restrictions on the use of the floodlights to 15:00 until 18:00 Monday – Friday, the development will not have an unacceptable detrimental impact upon the amenities of adjoining residents through noise or light spill to warrant a reason for refusal.
23. The EHO has, however, requested the attachment of three conditions to any grant of planning permission to ensure the amenities of neighbouring occupiers are maintained in perpetuity. As summarised, the EHO has requested that the floodlights be used and at all times be in accordance with the submitted plans and lighting contour details to ensure a maximum illumination level of 10 LUX (Environmental Zone E.3) projected by the pitch floodlights shall not be exceeded at the windows of any nearby residential properties. Additionally, the floodlights (including the baffles and shields) should be fitted, focused and concentrated downwards on the pitch in order to minimise light spillage beyond the playing surface and to eliminate the potential of nearby properties to experience glare.

Having regard to the hours of use, the EHO has requested that the operational hours for floodlights hereby recommended for approval be restricted between Mondays to Fridays at 15:00 to 18:00 hours.

24. In the determination of this application it is important to make a comparison between the floodlighting proposals in the previous applications and in the current application. Accordingly, the table below sets out the differences between the current scheme and these previous proposals:

	74571/FULL/2010 (refused and dismissed at appeal)	84555/FUL/14 (withdrawn prior to determination)	Current proposal	Improvement YES/NO
Column height	15m	14m	11.8m	YES
Column width	300mm > 100mm	300mm >100mm	200mm >100mm	YES
LUX levels on playing field surface	290	350	250	YES
Maximum LUX levels to ground floor window of neighbouring residential properties	2	5	3.75 2 (TBC in AIR¹)	YES
Maximum LUX levels to first floor window of neighbouring residential properties	No figures provided	No figures provided	1	Information not applicable
Operating hours	9:00 – 18:30 Monday to Friday and 10 evenings per year 9:00 – 21:30 Monday to Friday	15:30 – 19:00 Monday to Friday (potentially increased during school holidays however was yet to be confirmed)	15:00-18:00 Monday to Friday	YES

25. As evidenced above, it is considered that cumulatively the proposed development represents a significant improvement upon the previously submitted schemes since:

- The columns are between 2.2-3.2m lower;
- The columns have been reduced in width by 100mm at ground level;
- The LUX levels on the playing field surface have been reduced by 40 LUX from the 2011 proposals and 100 LUX from the 2014 application.

¹ To be confirmed in Additional Information Report

- The maximum LUX levels to ground floor windows are 3 LUX lower than proposed in the 2014 application and currently 1.75 higher than that proposed in the 2011 application;
- It has been confirmed that the maximum LUX levels to first floor windows of neighbouring residential properties would be 1 LUX; and
- The operational hours have been considerably reduced from the 2010 application which sought the use of the floodlights throughout the day up to 18.30 Monday to Friday and up to 21:30 on 10 evenings of the year. A reduction by 30 minutes has been shown from the proposals in 2014.

26. It is important to mention, however, that notwithstanding the proposals clear compliance with ILP Guidance Notes, the Inspector in the dismissal of the appeal in relation to 74571/FULL/2010 considered within Paragraph 8 that *“while I, and the Council, accept that the proposal meets these recommendations, I have no information of how they were formulated or any details of surveyed data on which they might be based. Without such data I find these conclusions to be extremely broad, and attach little weight to them”*. Notwithstanding these comments, the ILP Guidelines have been formulated by a professional body – The Institution of Lighting Professionals, which has extensive knowledge and a clear understanding of the impacts of obtrusive light. Furthermore, the ILP Guidelines are the accepted objective method of assessment for this type of development and therefore represent a significant material consideration in the determination of this application and should be afforded great weight.

27. In meeting the ILP Guidelines for an the Environmental Zone 3 criteria and thus remaining comparable to suburban areas of low district brightness, it is the view of the Officers that this development will not have any significant impact upon the amenity of adjoining residential properties through light spill. Additionally, at first floor level, the maximum LUX level has been calculated as 1 (at Nos.67-69 Wellington Road) and 0 to all other properties. As such it is not envisaged that the light spillage would be detrimental to the amenities of neighbouring occupiers to an unacceptable degree.

28. The Inspector goes onto to state in paragraph 9 that *“Notwithstanding the relatively low levels of light spilling from the playing surface onto houses and gardens, residents would see, at very close quarters, a large brightly illuminated area which has previously been dark during the normal hours of darkness. In my view, this effect would be emphasised by the size of the playing surface in relation to the field in which it is set”* and *“When floodlit to a height of 15m, this illuminated area would completely dominate the appearance of the sports field”*.

29. It is recognised that for three hours each day (15:00 till 18:00 and predominantly during autumn/winter months as opposed to throughout the year) the pitch will be floodlit and therefore there would be a significant change in the character of this area and the outlook from residential properties for these limited periods of time. However, the operating hours for the floodlights are not considered unsociable,

nor would it be at time of year when residents are likely to be spending a significant amount of time in their gardens. The Inspector recognised that the proposal at that time to use the floodlights until 18:30 coincided broadly with the end of the evening rush hour and did not intrude into the quieter part of the evening. The proposed hours of use have now been reduced further to 18:00.

30. It is therefore recognised that whilst the Inspector placed great weight upon the proximity of the playing pitch to residential properties and the creation of a large brightly lit illuminated area, the impact of this would be reduced from the scheme dismissed at appeal (2011) with the height of the columns reduced by 3.2m, width reduced by 100mm and LUX levels on the playing field surface further reduced from 290 to 250. Ultimately, this would reduce the visual impact associated with the illumination as viewed from the neighbouring habitable room windows to a more acceptable level. In addition, the duration would be reduced by half an hour each day with the previously requested 10 evenings throughout the year (when the lights could have operated until 21.30) being omitted from this scheme.
31. It is also considered that the illumination would be viewed in context with the backdrop of the existing built form as viewed from the residential properties along Wellington Road and Lynton Grove. As confirmed by the supporting information, the lighting within the school buildings largely remains on during the periods of operation for the playing pitch and therefore whilst acknowledging the darkness usually attributed to the playing pitch and the break in development this creates between surrounding built forms (particularly at first floor level), the site is located within a suburban area whereby the backdrop is not characterised by its openness or rural characteristics. The applicant's Design and Access Statement states that as a result of the proposed restrictions to the hours of use, the rest of the school will be fully operational at the times of use and therefore the floodlit pitch will be seen against the backdrop of the two storey school, with lights from windows, amenity lighting, security lighting and lighting from the car park. Consequently, it is considered that the separation distances provided, in addition to the provision of established boundary treatments and the reduced illuminance levels would ameliorate the impact attributed by this development to a reasonable level.
32. As demonstrated by the table above, the current proposal represents a significant improvement on both previous schemes in terms of reduced hours of operation, reduced height and width of the columns, reduced levels of illumination and level of light spillage.
33. In conclusion, whilst it is recognised that there would be an element of visual impact created for limited periods of time through permitting this development, it is not considered that the impacts would be so severe as to warrant a reason for refusal. The proposal is a significant improvement upon the previously submitted applications with sufficient evidence provided for the Pollution and Licencing

department to raise no overall objection to the erection of floodlighting at Wellington School. Taking into account the:

- Guidance in the NPPF in relation to making a positive and proactive approach to school proposals, which is a material change in circumstances since the Inspector's appeal decision in 2011; and
- The improvements compared with the previous proposals (the proposed reduction in operating hours, reduction in the height of the lighting columns and reduction in levels of illumination and light spillage)

It is considered that the development will not result in unacceptable harm to the amenity of neighbouring residents that would outweigh the benefits of this facility to the school in terms of providing extra-curricular sporting activities on site for the whole school year.

34. It is therefore considered that, on balance, the proposal complies with policies L5 and L7 of the Trafford Core Strategy and the relevant paragraphs of the NPPF.

PARKING AND HIGHWAY SAFETY

35. Policy L7 of the Trafford Core Strategy requires development to incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety, the provision of sufficient and appropriate off-street car and cycle parking.

36. The application has been reviewed by the Local Highway Authority (LHA) who raises no objection to the proposed development.

Servicing Arrangements

37. Servicing arrangements are unaffected by the proposals.

Appropriateness of Access

38. There are no changes to the existing access.

39. Whilst the concerns raised by neighbouring residential occupants are noted, the all-weather pitch will remain in use for pupils only and not for the wider community. This is controlled by and will remain enforceable through Condition 3 of the allowed appeal for the sports pitch (77259/FULL/2011), which states that *"the synthetic sports pitch hereby permitted shall be available for use only by pupils and staff of the school and by other children of school age competing in organised sports fixtures against pupils representing the school."* As such the erection of floodlighting and the resulting usability of the pitch for an extended period of time are not considered by the LHA to create a significant increase in traffic generation throughout this period or at rush hour to detrimentally impact upon highway safety or level of congestion. Additionally, vehicular access and

egress is considered acceptable with sufficient car parking provision made available within the school grounds to facilitate the increased use of the site until 18:00hrs.

40. Matters of additional traffic and disturbance were also assessed by the Planning Inspector in the determination of the appeal in relation to 74571/FULL/2010 whereby it was stated within Paragraph 13 that “...*In relation to the possible generation of additional traffic, I see no evidence to justify the view that the proposed use would materially change traffic conditions around the site*”.

41. The proposal is therefore considered compliant with Policy L7 of the Trafford Core Strategy.

TREES, LANDSCAPING AND ECOLOGY

42. Policy R2 of the Core Strategy seeks to ensure the protection and enhancement of the natural environment with woodland, hedgerows and trees being considered Borough assets.

43. The proposed columns are considered to be located at a sufficient distance from the adjacent landscaping to not cause any detrimental harm upon the root systems.

44. The proposal is compliant with Policy R2 of the Trafford Core Strategy.

MISCELLANIOUS

Justification for the development

45. In respect to the representations received to date, whilst it is recognised that the school utilises pitches at Timperley Cricket Club, the applicant has stated that the lag time in carrying equipment and for the pupils to reach the pitches reduces the efficiency of the school and increases footfall along Stockport Road. Additionally, it also reduces the usability and efficiency of Timperley Cricket Club itself which remains a community facility and as a result of this application would be capable of offering an enhanced service to further meet the needs of the local community in accordance with the provisions of the NPPF.

Prospective use of the playing pitch

46. A number of representations have referenced the school's possible future intentions of either increasing the hours of operation of the floodlights, or allowing for the pitch to be rented out externally at a later stage. Whilst the concerns raised are noted, the Local Planning Authority has a duty to determine each application on its own merits with any such matters also being controlled by

suitably worded conditions (including the existing condition on the sports pitch restricting wider community use).

Impact upon property prices

47. The impact of development upon property prices does not form a material consideration in the determination of planning applications.

CONCLUSION

48. The proposal has been assessed against the development plan and national guidance and, on balance, it is considered that the proposed reduction in operating hours, reduction in the height of the lighting columns and reduction in levels of illumination and light spillage will mean that the development will not result in unacceptable harm to the amenity of neighbouring residents or the character and appearance of the area that would outweigh the benefits of this facility to the school in terms of providing extra-curricular sporting activities on site for the whole school year.

49. Considerable weight has been afforded to the conclusions in the assessment of the previous schemes in 2011 and 2014 (including the Inspector's appeal decision). However it is considered, on balance and having regard to the guidance in the NPPF in relation to taking a positive and proactive approach to school proposals, that the proposal would represent a significant improvement upon the previous schemes and sufficiently overcomes the concerns raised by the Inspector in the dismissal of 74571/FULL/2010. It is therefore considered that, subject to the attachment of necessary conditions to ensure the amenities of neighbouring occupants remain intact, the proposal complies with policies L4, L5, L7, R2, R5 of the Trafford Core Strategy and the relevant overarching guidance contained within the NPPF. As such, it is recommended that planning permission is granted subject to the conditions listed below.

RECOMMENDATION:

GRANT subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted Site Location Plan BLA-MUK214-07 Rev E and Proposed Floodlighting dwg.01 rev A and the lighting

contour details set out in the submitted Lighting Assessment, Exterior Sports Lighting – 244034919.

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

3. The floodlights hereby permitted shall only be used and operated in accordance with the submitted details and the lighting contour details hereby approved, and the floodlights shall be installed and operated so as to ensure a maximum illumination level of 10 Lux is not exceeded at the windows of any nearby residential properties.

Reason: In the interests of the amenities of nearby residents having regard to Policy L7 of the Trafford Core Strategy

4. The floodlighting hereby approved shall not be brought into use unless and until a scheme has been submitted to and approved in writing to minimise light spillage beyond the playing surface and to eliminate the potential for glare at neighbouring properties. The scheme shall include the fitting of baffles and shields focussing downwards onto the pitch and positioning the filament/bulb of the floodlight so that it is not directly visible from within the boundary of adjacent residential properties. The approved scheme shall be fully implemented before the floodlights are first brought into use and retained as such thereafter

Reason: In the interests of the amenities of nearby residents having regard to Policy L7 of the Trafford Core Strategy

5. The use of the floodlights hereby permitted shall be restricted to the following times:

Mondays to Fridays 1500 to 1800 hours

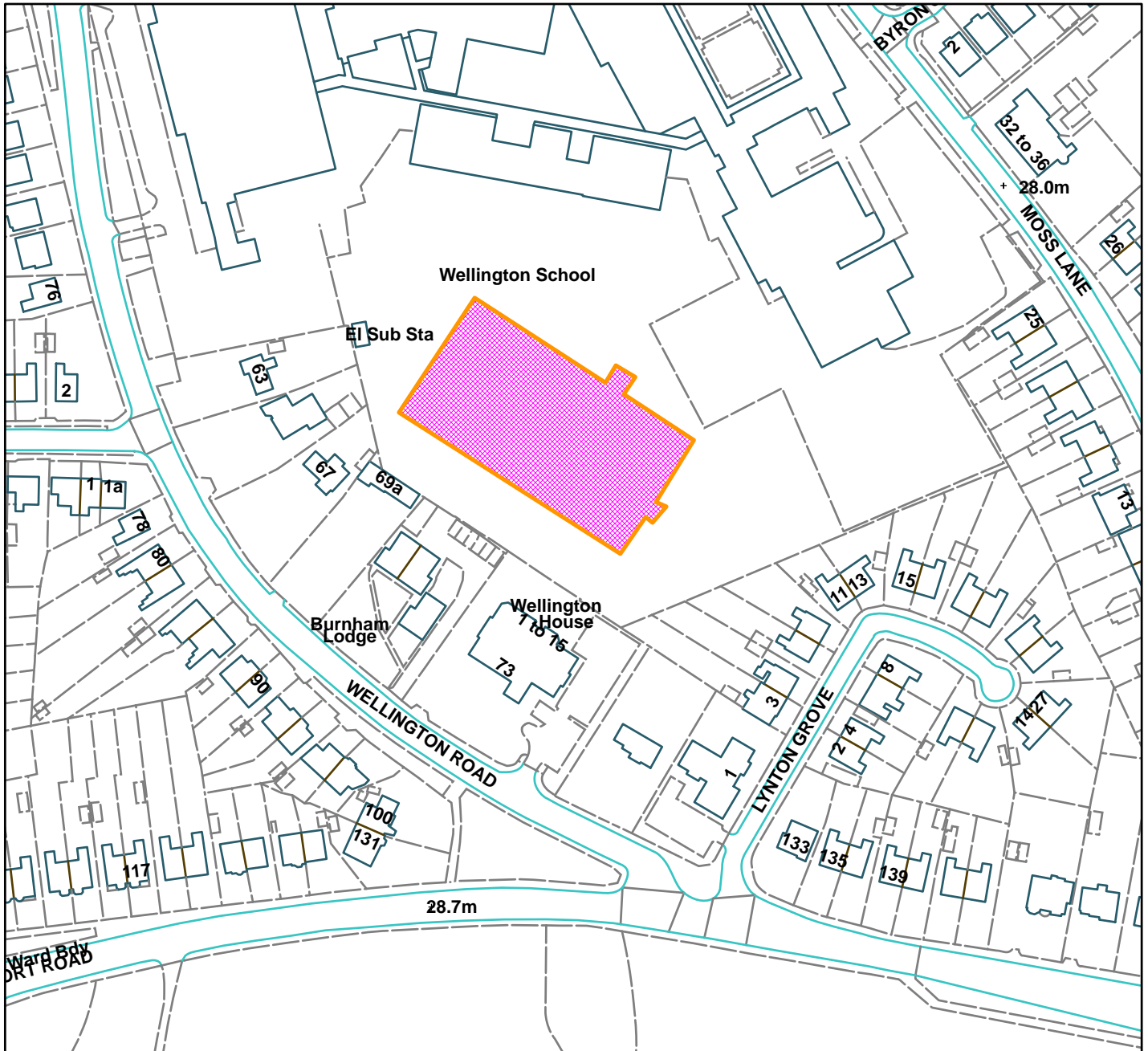
and there shall be no use or operation of the floodlights outside of these times.

Reason: In the interests of the amenities of nearby residents having regard to Policy L7 of the Trafford Core Strategy

AW



Wellington School, Wellington Road, Timperley (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

Application for variation of condition 2 (approved plans) and variation of condition 6 (development to be carried out in accordance with approved lighting scheme) of planning approval 86115/FUL/15 (Erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5) to allow LED lamps and amended lighting scheme.

Bowdon Lawn Tennis Club , Elcho Road, Bowdon, WA14 2TH

APPLICANT: Bowdon Lawn Tennis Club

AGENT: CT Planning

RECOMMENDATION: GRANT

The application is reported to Planning and Development Management Committee as more than 6 representations contrary to officer recommendation have been received.

SITE

The application site comprises an existing tennis club with 8 no. grass courts and 5 no. all weather courts. There is an existing car park accessed off Green Walk with parking for approximately 40 cars.

The surrounding area is predominantly residential and is bounded by residential properties on all sides with the exception of the north east boundary which adjoins Altrincham Grammar School for Girls.

The Club is accessed from Green Walk with the car park fronting onto Green Walk. A separate locked pedestrian entrance is located on Elcho Road.

This application relates specifically to courts 4 and 5 which are all-weather courts and are located centrally to the northern end of the Club and lie adjacent to the residential properties on Green Courts.

The application site is located within the Devisdale Conservation Area.

PROPOSAL

This application seeks to vary conditions 2 and 6 attached to approval 86115/FUL/15 to allow for an amended lighting scheme to be considered as the previous lighting scheme had included the hedge to the rear of courts 6 and 9 (this hedge is shown to be

removed under the proposal being considered within application 89582/FUL/16 which is also due for determination at this meeting), in addition to allowing LED lamps within the floodlighting columns.

VALUE ADDED:- The application as originally submitted also sought to remove the requirement for non-retractable columns however this element has now been removed from the proposal.

DEVELOPMENT PLAN

For the purpose of this application the Development Plan in Trafford comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 – Design

R1 – Historic Environment

R2 – Natural Environment

R5 – Open Space and Recreation

PROPOSALS MAP NOTATION

Protected Open Space

The Devisdale Conservation Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

SPD5.10 Devisdale Conservation Area Appraisal (July 2016)

SPD5.10a Conservation Area Management Plan (July 2016)

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

OTHER LEGISLATION

Planning (Listed Buildings and Conservation Areas) Act 1990

RELEVANT PLANNING HISTORY

89582/FUL/16 – Works in conjunction with new court surface to include new kerbing, retaining wall, steps, patio area, ramp for disabled access, ramp for machinery access and new fencing.

Pending consideration – this application is also due for determination by the Committee at this meeting.

86115/FUL/15 – Erection of 9 no. floodlighting columns (10 no. luminaires) and 6.7 metres high to courts 4 and 5.

Approved with conditions 14th March 2016

84577/FUL/14 – Resurfacing of courts 6-9 with an artificial grass surface.

Approved with conditions 30 March 2015

84338/FUL/14 – Erection of 12 no. floodlighting columns with maximum height of 8m.

Approved with conditions 30 March 2015

H/54978 – Demolition of existing clubhouse and erection of new clubhouse comprising clubroom and bar, kitchen, changing accommodation and ancillary facilities.

Approved with conditions 5 November 2002

H/47151 – Construction of an additional all-weather tennis court to south west of existing court with 3.6m high chain link fence to north west and south east sides.

Approved with conditions 19 May 1999

H/42226 – Erection of 9 no. 6m high lighting columns and light fittings to illuminate 2 no. existing all-weather tennis courts.

Non-determination

H/40641 – Erection of 18 no. 6m high lighting columns and light fittings to illuminate 4 no. existing all weather tennis courts.
Refused 24 May 1995

H/32447 – Construction of an all-weather tennis court and erection of a 3.5m high chain link fence surround.
Approved with conditions 19 December 1990

H/27497 – Erection of 9 ten metre high columns to floodlight two tennis courts.
Refused 17 August 1988

APPLICANT'S SUBMISSION

A Planning Statement and Lighting Report have been submitted as part of the application.

CONSULTATIONS

Pollution and Licensing – No objection

REPRESENTATIONS

Letters of objection have been received from 12 neighbouring addresses and Bowdon Conservation Group. The main points raised are summarised below:

- Exacerbation of constant noise of machinery and players up to 10 o'clock at night;
- Permanent columns will have a negative visual impact on neighbouring properties and the Conservation Area in general;
- There is no basis for non-retractable lighting other than cost;
- SPD5.9a advises that lighting should not be visible from surrounding houses and that columns should be lower than surrounding planting;
- No site notices published;
- Adverse impact on residential amenity from noise;
- Adverse impact on wildlife;
- The proposed floodlighting at the tennis courts has the potential to directly impact foraging, commuting and roosting bats. Further survey work is required to determine the potential impact on bats;
- Greater intensity of light spillage into neighbouring gardens than previously approved;
- The lighting report underestimates the impact of light pollution on neighbouring properties;
- The harsh cold colour temperature of the bulb should be softened;
- Detrimental impact on the character of the Conservation Area as a result of the lighting levels;

- Potentially harmful impact on wildlife (including in the nearby Devisdale which is a Site of Biological Importance (Grade C) and a Local Nature Conservation Site);
- Unacceptable disturbance to residential amenity contrary to specific recommendations of adopted Supplementary Planning Documents for this Conservation Area;
- The main purpose of the change in the type of light fittings is to increase the intensity of illumination;
- Members were advised at the Planning Committee meeting when the lights for courts 4 and 5 were approved that these courts are for the junior members and therefore the higher levels of illumination now proposed are not needed;

OBSERVATIONS

BACKGROUND

1. Bowdon Lawn Tennis Club is an established club with a total of 13 courts, 8 of which are grass and 5 with an all-weather surface.
2. There is a detailed history of applications relating to improving the facilities at the club with floodlighting and resurfacing of some of the courts. Planning permission was granted under approval 86115/FUL/15 for the erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5.
3. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission reference 86115/FUL/15 (Erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5) granted on 14th March 2016. The proposed amendments are detailed within the proposal section of this report above.
4. The proposed development remains as approved in all other regards. The following report will assess the acceptability of the minor material changes as proposed under section 73 of the Town and Country Planning Act (1990) (as amended) through the variation of conditions 2 and 6 of planning permission 86442/FUL/15.
5. Condition 2 of the approval states that:

“The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 4360.99, 1453-05 Rev A and 1453-04 Rev A, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To clarify the permission, having regard to Policy L7 and R1 of the Trafford Core Strategy.”
6. Condition 6 of the approval states that:

“The development shall be carried out in accordance with the lighting scheme detailed within the Illuminance Pro Lighting Systems report Bowdon Lawn Tennis Club, dated 10-12-2015. A verification report shall be submitted to and approved in writing by the Local Planning Authority which confirms that the approved lighting scheme has been installed before the lighting is first brought into use.

Reason: In the interests of visual and residential amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.”

7. This application seeks permission to vary the type of lighting within the development from metal halide to LED and to agree an amended lighting scheme due to the removal of a hedge which facilitates works proposed within 89582/FUL/16 also on this agenda. Application 89582/FUL/16 relates to works to adjacent courts 6-9 for which the removal of the hedge on the north western and north eastern boundaries is required. Within extant planning permission 86115/FUL/15 the lighting report when considering the cumulative impact of all the proposed floodlighting within the site included the hedge to the rear of courts 6-9 within its light spillage calculations and this formed part of the approved lighting scheme. The impact of the removal of the hedge in terms of light spillage and the proposed new LED lighting are therefore being considered under this application.

PRINCIPLE OF DEVELOPMENT

8. Paragraph 70 of National Planning Policy Framework (NPPF) advises that planning policies and decisions should plan positively for the provision and use of sports venues. Paragraph 73 continues that *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”*
9. Policy R5 of the Trafford Core Strategy (Open Space, Sport & Recreation) advises that the Council should seek to protect existing and secure the provision of areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose.
10. Improvements to existing sports facilities are therefore acceptable in principle and the main considerations in this application are the impact on residential amenity, design and impact on the character of the Conservation Area and streetscene more generally.
11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area” in the determination of planning applications.

12. Paragraph 132 of NPPF establishes that when considering the impact of a proposed development of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
13. The NPPF sets out that harm can either be substantial or less than substantial. Case law has established that there can be degrees of less than substantial harm. There will also be cases where development affects heritage assets but from which no harm arises. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para 134).
14. Policy R1 of the Trafford Core Strategy states that:-
- “All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”
15. The main issues to be considered under this application are the impact on the Heritage Asset, residential amenity and highways and parking.

IMPACT ON THE DESIGNATED HERITAGE ASSET

16. The application is located within the Devisdale Conservation Area.
17. The relevant Conservation Area documents are the Devisdale Conservation Area Appraisal (July 2016) and the Devisdale Conservation Area Management Plan (July 2016).

The significance of the heritage asset

18. The special character of the Devisdale Conservation Area derives from its value as an historic area of enclosed land on the summit of Bowdon Hill. The topography and landscape of the area is important, and includes the wooded north slope of Bowdon Hill and the gentler west slope descending towards Dunham Massey. The residential properties are characterised by large plots, grand houses, magnificent gardens, sweeping drives, coach houses, tree-lined streets and a vast mix of revival architectural styles. The area is also characterised by gradients and associated views, and the open space of The Devisdale is much valued common land, used extensively today by pedestrians. The area also has high ecological and arboricultural value in particular.

The application site

19. The CAA and CAMP subdivide the area into different character zones. The application site falls within Character Zone B: The Devisdale (the car park is within Character Zone C: Southern Residential Area). The part of the site to which this application relates falls fully within Character Zone B.
20. The Conservation Area Appraisal identifies that the majority of Character Zone B *“is made up of open space, park, gardens and woodland, combining considerable variety of habitat and thereby encouraging bio-diversity. ...Bowdon Lawn Tennis Club combines a car park screened by trees along the Green Walk boundary, with herbaceous borders in front of the courts and within the car park. Beyond this are five Astroturf courts surrounded by high green netting with a thick beech hedge separating them into two sections. Further north, the clubhouse is located in the middle of the grass courts, which are surrounded by a well-maintained leylandii hedge and timber fence on two sides.”*

The proposal

21. Policy R1 states that “All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”
22. Policy L7 of the Trafford Core Strategy states that development should be appropriate in its context; make best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and be compatible with the surrounding area.
23. The following policies of the CAMP are relevant.

Policy 5

Ensure those adaptations to 21st century uses are sensitive to the historic character and appearance of the building; balancing the need for new facilities with the retention of original features, detailing and decorative materials.

Policy 23

Mature trees should be retained at their loss greatly diminishes character as well as a wildlife habitats. Trees, shrubs and exotic planting schemes associated with the Earl of Stamford's estate are of high significance.

Policy 28

The open spaces within the Conservation Area, including the Memorial Garden, sports grounds, the Dunham Road woodland, The Devisdale and Denzell Gardens, are to be maintained and conserved.

Policy 47

Lighting for sports pitches within the Conservation Area should not spill over into surrounding residential areas. Lighting from the Bowdon Lawn Tennis Club or Grammar School should not be visible from the Devisdale or surrounding housing estates. Lighting columns should be lower than surrounding planting and should make use of energy-efficient LEDs with warm bulbs.

24. The replacement of the approved metal halide lighting with LED lamps is therefore in accordance with the guidance in the CAMP which has been adopted since the determination of application 86115/FUL/15. A condition is required to ensure that the colour of the bulbs is sufficiently warm to prevent any adverse impact on visual amenity.
25. The change in the type of lighting and the subsequent removal of the hedge associated with the planning reference 89582/FUL/16 (but in the latter case which could be undertaken at any point, either in association with those proposals or otherwise), currently under consideration on the adjacent courts, would result in a marginal increase in the amount of light spillage outside of the courts inside and outside of the site boundary. Outside of the tennis club itself, light spillage is limited to a small amount into neighbouring gardens (addressed under the residential amenity section of this report) and within Green Court to the north, along the access road to the school grounds. The light spillage would not spread on to any areas of open space, the Devisdale or school playing fields.
26. A description of Bowdon Lawn Tennis Club is provided within paragraph 4.3.55 of the CAA and states that *“Further north, the clubhouse is located in the middle of the grass courts, which are surrounded by a well-maintained leylandii hedge and timber fence on two sides.”* This is not identifying these features as important features within the Conservation Area, rather it is describing the areas of open space as part of the appraisal in the same way that other features such as the beech hedge, car park, herbaceous borders, astroturf courts and green netting are also mentioned. The hedge which is to be removed under this application comprises Western Red Cedar (*Thuja plicata*). As there is no leylandii hedge within the site it is assumed that there is an error within the CAA and the hedge referred to is that which is to be removed under this application. Notwithstanding this, any reference to the hedge within the CAA or CAMP does not change the fact that permission is not required for its removal and the LPA therefore has no control over its loss.

Consideration of harm

27. The extant planning permission ref: 86115/FUL/15 was considered to result in less than substantial harm to the Conservation Area. The proposal was considered to be in accordance with Policy R5 of the Trafford Core Strategy in terms of promoting leisure uses in the interest of meeting the needs of residents and assisting the continuing provision of this leisure facility within this part of the Conservation Area which is characterised by its open space and community use. It was considered that the public benefit as identified above would outweigh the limited harm caused by the proposed floodlights and that it was in accordance with Paragraph 134 of NPPF.
28. The use of LED lamps is considered to be in accordance with the CAMP and would not be detrimental to the character and setting of the Conservation Area. When measured against the baseline, i.e. without the floodlighting in place, the level of harm arising from light spillage, glare and skyglow on the character and appearance and therefore the significance of the conservation area is considered to be 'less than substantial'. The impact of the floodlighting approved under permission 86115/FUL/15 was also considered to cause less than substantial harm to the Conservation Area. The overall impact of the lighting scheme on the Conservation Area without the hedge in place would be slightly greater than the previous approval but as there are degrees of 'less than substantial harm' and substantial harm is an extremely high bar, it is not considered that the level of harm would tip into 'substantial'. The public benefits of the proposal, namely assisting with the continued provision and enhancement of the leisure facility within this part of the Conservation Area which is characterised by its open space and community use are however considered to outweigh the identified 'less than substantial' harm. The tennis club itself contributes to the significance of the conservation area.
29. The proposal therefore is considered to preserve the character and appearance of the conservation area in accordance with Policy R1 of the Core Strategy and the guidance set out in the NPPF.
30. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving this designated heritage asset. The proposal is considered to be in compliance with policies L7 and R1 of Core Strategy and the NPPF.

RESIDENTIAL AMENITY

Lighting

31. The National Planning Policy Guidance (NPPG) provides advice on Light Pollution and acknowledges that artificial light provides "valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development." It recognises however that it can be "obtrusive and cause disturbance and harm through the creation of light pollution."

32. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). Policy L7 of the Trafford Core strategy states that in relation to matters of amenity protection development must not prejudice the amenity of adjacent properties. Further to which Core Strategy policy L5 states that development that has the potential to cause adverse pollution of light will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.
33. Guidance Notes for the Reduction of Obtrusive Light GN01:2011 prepared by the Institution of Lighting Professionals identify five different Environmental Zones from E0 (protected) to E4 (urban) based on the individual characteristics of the site. These guidance notes state that within a suburban location (E3) the maximum spillage onto neighbouring windows should not exceed 10 lux and this is reduced to 5 lux for a rural (village or a relatively dark outer suburban (E2) location).
34. It is acknowledged that the floodlights will result in some additional light spillage due to the loss of the hedge and change in lighting design, into the rear of neighbouring gardens, namely 31 and 33 Green Courts and Heather Court. Nevertheless the lighting report shows that both the 5 lux and 10 lux lines remain some distance from the walls/windows of these properties (approximately 5m at the closest point). Whilst there would be a small increase in the amount of spillage into garden areas, this is not considered to be significant and would not result in any significant harm to the residential amenity of these occupiers. The hours of use of the floodlights are to be conditioned as previously approved.
35. The updated lighting contours provided in the lighting assessment reference 4074C are considered to indicate that the impact on sensitive receptors would be minimal and no objection is raised by Pollution and Licensing. It is recommended however that a condition is included with any decision notice should the application be granted to require the submission of a verification report to confirm that the approved lighting scheme has been installed in accordance with the approved Illuminance Pro Lighting Systems report reference 4074c and dated 17/10/2017.
36. As such the variation of the proposed lighting scheme to allow for LED lamps and updated lighting scheme following the removal of the hedge is not considered to result in any significant harm to residential amenity, and as such is considered to be in accordance within Policy L7 of the Core Strategy.

ECOLOGY

37. The proposal would not have any additional impact on ecology and wildlife over and above the approved scheme (86115/FUL/15).

HIGHWAYS & PARKING

38. The proposal would not have any additional impact on highways and parking over and above the approved scheme (86115/FUL/15).

DEVELOPER CONTRIBUTIONS

39. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'leisure' development, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

40. No other planning obligations are required.

OTHER MATTERS

41. If this application is refused by Members, application 89582/FUL/16 cannot be implemented in so far as the works that require the removal of the hedge. This is a matter to be addressed by the applicant however and should not have any bearing on the decision of the Committee.

CONCLUSIONS

42. The proposal has been assessed against the development plan and national guidance and it is considered that the proposed development will not result in undue harm to the amenity of neighbouring residents and would preserve and enhance the character and appearance of the conservation area, subject to the inclusion of conditions.

43. Considerable importance and weight has been given to the desirability of preserving the setting of the designated heritage asset (the Devisdale Conservation Area). The proposals are considered to result in less than substantial harm which is outweighed by the public benefit of the development.

44. The proposed scheme complies with policies L5, L7, R1 and R5 of the Trafford Core Strategy and the NPPF and therefore it is recommended that planning permission is granted to allow the variation of conditions subject to the conditions listed below.

RECOMMENDATION:

GRANT subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with details shown on the submitted Location Plan and plans submitted within the Illuminance Pro Lighting Scheme report reference 4074C dated 17th October 2017.

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

3. Notwithstanding the details submitted to date, no development shall be carried out unless and until details (including details of its colour temperature (Kelvin) of the proposed bulbs for the LED lamps have been submitted to and approved in writing by the Local Planning Authority and retained in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and to ensure a warm bulb is used, having regard to Policies L7 and R1 of the Trafford Core Strategy.

4. The floodlighting columns hereby approved shall be powder coated prior to their installation in Holly Green or an alternative colour which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the columns shall be retained in that colour.

Reason: In the interests of visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

5. The floodlights hereby approved shall not be illuminated outside the following times: 15:30 to 21:30 hours on any day.

Reason: In the interests of public and visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

6. The floodlighting hereby approved shall not be brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority, which confirms that the lighting scheme detailed within the Illuminance Pro Lighting Scheme report reference 4074C has been installed in accordance this approved scheme.

Reason: In the interests of visual and residential amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

7. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of planning permission 86115/ FUL/15, the approved lighting columns on

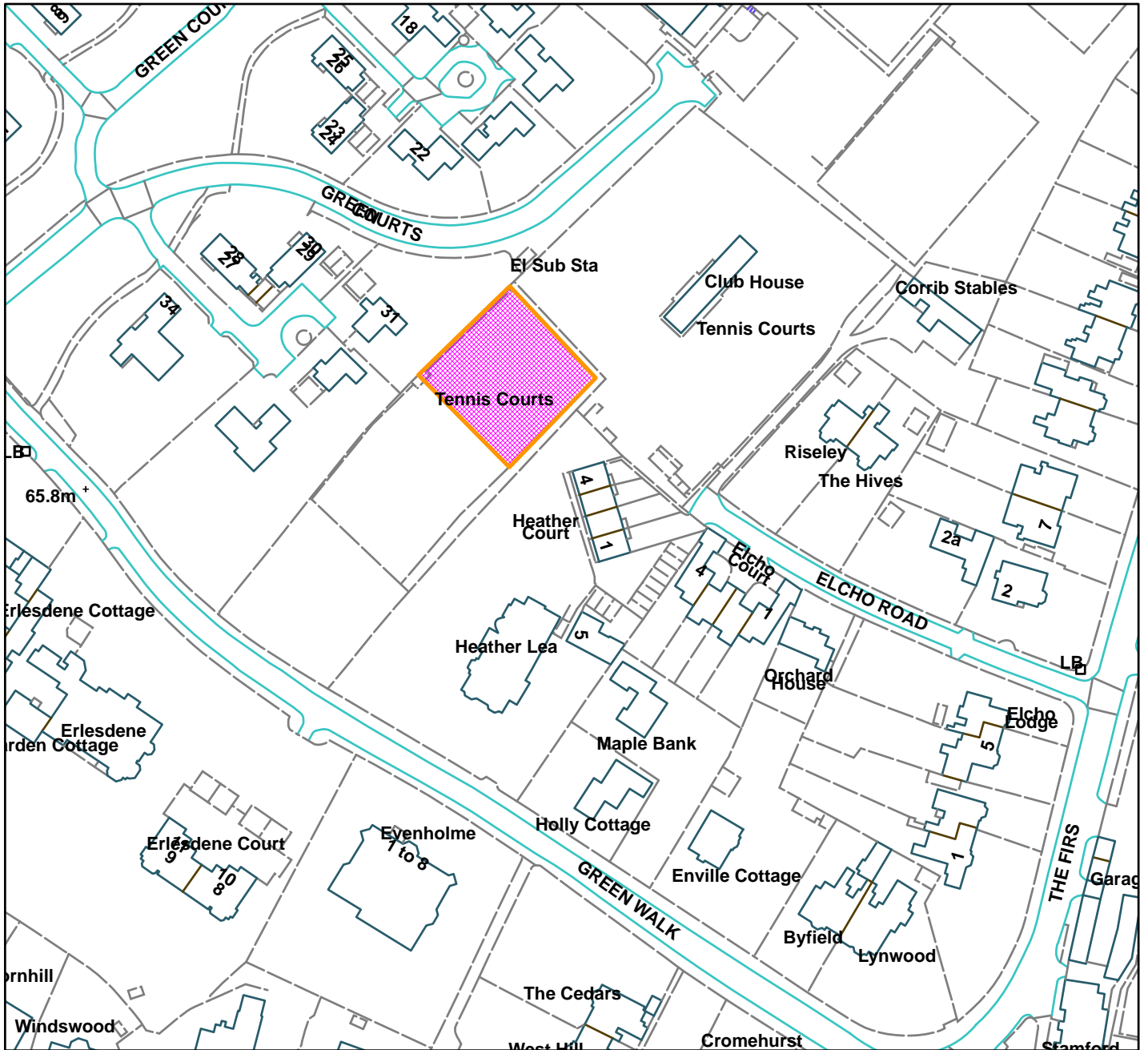
courts 4 and 5 shall be of a retractable design and shall be kept in their retractable position at all times outside of the authorised hours of use. The specific retractable design of the columns shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The columns shall be thereafter retained in accordance with the agreed details.

Reason: In the interests of visual and residential amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

JE



Bowdon Lawn Tennis Club, Elcho Road, Bowdon (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

WARD: Stretford

91563/FUL/17

DEPARTURE: No

Demolition of part of shopping centre, minor alterations to car park and new facades to retained building.

Stretford Shopping Mall, Chester Road, Stretford

APPLICANT: Lunar Stretford Sarl

AGENT: Planning Works Ltd

RECOMMENDATION: GRANT

SITE

Stretford Mall occupies a prominent site at the junction of Kingsway and the A56 in Stretford Town Centre. Stretford Mall was opened in 1969 and is one of the original Arndale Centres. The Mall has been subject to a number of extensions and extensive remodelling works over the years with the overall site area approximately 6ha. The existing Mall building is predominantly two storey and is clad in concrete panels, brick work and large areas of glazing.

The site has its main active frontage facing towards the A56 (east side) which includes a number of commercial units, set back from these is a six storey office building which is the largest building within the site and dominates the streetscene along this part of the A56. Vehicular access to this building is directly from the A56 with an undercroft ground level access beneath the office building leading to a courtyard area of parking behind the building. A recessed pedestrian entrance to the Mall is located towards the northern side of the A56 elevation beside the former post office building.

The main pedestrian accesses to the Mall complex are located on the north and north-western elevations of the existing building with an additional pedestrian access to the southern end of the building. A one way access road from the A56 is located to the southern boundary of the site which provides access to an area of customer car-parking and a servicing area.

Along the Kingsway side of the site (north side) a service access road including a parking area for taxis is located. Visible on this side of the Mall is the Multi-storey car-park with access ramp which serves the site. This northern side of the overall site includes back of house elevations of units of the Mall that have varied designs having all been constructed at different periods.

To the west and south of the Stretford Mall site are residential properties, mainly two storey terraces, on Barton Road, Wellington Street and Church Street. An existing surface level car park lies between the Mall complex and these residential properties with the main vehicular access to the Mall car parks from Kingsway.

Located immediately to the south side of the site on the opposite side of the access road is St Matthews Church a Grade II listed building, within the graveyard of the church is a grade II listed structure namely a cross base. A public house O'Brien's is attached to the mall building and occupies a site at the very southern extremity of the Mall. On the opposite side of the A56 from the Mall site (east side) are predominantly residential properties and a number of individual commercial developments located along the A56.

The site is located within a Critical Drainage Area as identified within the Council's Strategic Flood Risk Assessment. The entire site is also allocated as falling within Flood Zone 1 (lowest risk of flooding) for the purposes of the Environment Agency flood maps. Chester Road and Kingsway are located within Air Quality Management Areas both of which border the wider Stretford Mall site.

PROPOSAL

This application seeks the demolition of a section of the Mall, specifically the existing market hall part of the building and adjacent units at the southern side of the building. The demolition works do not include O'Brien's public house but do include the redundant public toilet block to the rear of O'Brien's. Works include making good the exposed elevations to effectively form a new entrance to the Mall on the south side of the building. Works also include minor reconfiguration of a section of car-parking located to the rear of the market hall proposed to be demolished and landscaping works across the cleared area of land. For the purposes of this application the red line application site relates only to the southern section of the building and part of the western car park, which comprises a site area of approximately 0.6hectares.

The demolition works will result in a reduction of the overall retail space within the Mall site by approximately 4,600 sqm (after demolition the remaining retail area of the Mall will be approximately 32,800sqm). Following the clearance of the demolished section of building an area of approximately 0.3hectares will be created. It has been suggested by the applicant that this area will be subject of redevelopment proposals at a later period.

DEVELOPMENT PLAN

For the purposes of this application, the Development Plan in Trafford comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

STO 6, STO 8, STO 9, STO 11 – Stretford Place Objectives

L4 – Sustainable transport and accessibility

L5 – Climate change

L7 – Design

L8 – Planning Obligations

W1 – Economy

W2 – Town Centres and Retail

R2 – Natural Environment

R3 – Green Infrastructure

PROPOSALS MAP NOTATION

Stretford Town Centre

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S8 – Development in Stretford Town Centre

OTHER MATERIAL CONSIDERATIONS

Trafford Local Plan; Land Allocations Consultations Draft - January 2014

Stretford Town Centre Masterplan - January 2014

Stretford Town Centre (Refreshed Masterplan) Consultation Draft 2017

SPD1: Planning Obligations 2014

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

Stretford Mall has an extensive planning history the most recent relevant planning applications include:-

84892/FUL/15 - Extension to western side of shopping centre (Unit 5A) to create new foodstore (Aldi) and subdivision of existing unit to create four kiosk units. Alterations to existing parking area and landscaping works – Approved 19th May 2015

79391/FULL/2012 - Extension to western side of shopping centre (Unit 5A) to create foodstore and subdivision of existing unit to create four kiosk units. Application approved with conditions 30.04.2013

H/62230 - Two storey extension to Stretford Mall to form:

1. Extension to Wilkinsons to form additional retail floorspace and staff accommodation at ground and first floor;
2. 4 no. new retail units at ground floor (each of A1, A2, A3 and A5);
3. B1 office space at first floor with access at ground level;
4. Extension to and amalgamation of units 67/68 to form new retail unit within Broady Street mall;
5. New glazed entrance to Broady Street mall;
6. Ancillary works to vehicular access/car parking.

Application approved with conditions 27.10.2005

APPLICANT'S SUBMISSION

The applicant has submitted the following documents in support of the application which will be referred to where relevant within this report:-

- Design and Access Statement
- Planning Statement
- Bat Survey
- Heritage Statement
- Demolition Statement
- Phase 1 Environmental Study

CONSULTATIONS

Local Highway Authority (LHA) – No objections. Further comments are discussed in detail in the observations section of the report.

Pollution & Housing (Nuisance) – No Objections, recommend condition included to control hours of use of operation of heavy plant and machinery.

Pollution & Housing (Contaminated Land) – No objections

Greater Manchester Ecology Unit (GMEU) – No objections

Greater Manchester Police (Design for Security) – No objections, recommend condition regarding secured by design compliance. Further comments are discussed in detail in the observations section of the report.

REPRESENTATIONS

Neighbours:- Eight separate letters of objection have been received; three of these letters have been received on behalf of O'Brien's public house (one from the landlords, one from a planning consultant on behalf of the landlords and one from the brewery, Carlsberg). The areas of concern raised from all representations are as follows:-

- Concern that the proposed demolition has not fully assessed the amount of asbestos in the site (raising concerns for those working in the area and the general public).
- Noise and vibration will impact the public house
- O'Brien's as a tenant of 25 years plus believe they should have been offered consultation with the Mall regarding this application prior to its submission.
- Stall holders given deadline to vacate and cannot afford to relocate
- Allowing this demolition is disregarding the small business person – better to have a variety of stores than reliance on large multi-national companies
- Wrigley's the butchers forced to leave the centre after 48 years a local independent trader.
- Concern that the real reason for demolition is not to do with the units not being able to be let. There is a genuine demand for these units and this planning application should be disregarded on commercial grounds
- Closing the access road from the A56 during works will result in shoppers going to other shopping centres and will impact on HGV deliveries to the public house and other units in the shopping centre. St Matthews Church use the Chester Road entrance for funerals, weddings and often use the car parking area at the Mall as they have limited room at the church site.
- Disabled parking bays will be lost
- Proposed area to be tarmacked after demolition will attract anti-social behaviour and look unsightly
- The works will result in the building looking unfinished
- Trolley bays not needed at this end of the shopping centre.
- Proposal is contrary to aspirations of the emerging Land Allocations Plan (Policy STR1.1) with the demolition of the majority of the site with no guarantee of future plans for redevelopment.
- A long term vacant site could impact on trade for O'Brien's (left in isolation missing passing trade) contrary to Paragraph 70 of the NPPF which aims to guard against valued facilities and services.
- The adjacent St Matthews Hall is used by vulnerable adults, disabled children and very young children – No impact analysis has been done regarding these users.
- The vicar of St Matthews's church has asked who will pay for any damage done to the church through vibration or loss of earnings from groups unable to use the Church Hall.

OBSERVATIONS

BACKGROUND

1. The applicant has provided some details outlining the reason behind the proposed works. The applicant acquired the mall in July 2014 from the receivers. The Mall had gone into receivership in March 2010, and suffered from underinvestment in this period. A number of larger retailers such as Wilkinson's, TJ Hughes, Vodafone, B & M and Argos vacated premises in the Mall. The Mall has been successful in attracting Aldi to the site but there remains a significant amount of available retail space, in particular to the southern section of the Mall.
2. Taking into account units occupied on a temporary basis or where a lease can be broken on one month's notice, within the mall 48% of shop units are vacant, 25% of major shop units are vacant and 33% of kiosks are vacant. In relation to the southern section of the Mall, 100% of shop units are vacant, 100% of major shop units are vacant and 50% of kiosks/stalls are vacant. The demand for retail units within the Mall has significantly diminished over the years and without decisive action to address the supply/demand dynamics, this trend will continue. The demolition of the southern section of the Mall will increase retailer confidence as the void areas will be removed leaving a more vibrant mall.

PRINCIPLE OF DEVELOPMENT

3. The supporting planning statement submitted with the application states that the proposal forms part of the current owners' strategy to improve the attractiveness of the centre and reverse the decline it has suffered in recent years. The proposals are centred on the southern end of the Mall. The applicants state that despite there being continued efforts by the letting agents, there remains significant available retail space in every part of the Mall but in particular the southern section of the Mall in which all the shop units are vacant.
4. Core Strategy Stretford Place Objectives are relevant to the consideration of this application. Place Objective STO 6 is 'To explore opportunities to realise the full development / redevelopment potential of the town centre and surrounding area'. Place Objective STO 8 is 'To focus economic activity on the town centre to provide employment for local residents'. Place Objective STO 9 is 'To enhance the retail offer of the town centre, maximising opportunities for the re-use or redevelopment of unused, under used or derelict land including diversification to other uses including offices, leisure, cultural and residential'. Place Objective STO 11 is 'To protect and enhance the vitality and viability of the local shopping provision'.
5. Policy W2.6 in the adopted Core Strategy states that within Stretford, the regeneration of the town centre and adjacent area will be the focus. The Council considers that the following can be delivered:

- New/improved retail floorspace to enhance the offer of the town centre, in particular within Stretford Mall and immediate vicinity;
 - New/updated commercial office accommodation and family orientated leisure facilities;
 - New residential (apartment and family) accommodation (250 units);
 - Public realm enhancements and accessibility improvements around the A56 Chester Rd – A5145 Edge Lane/Kingsway junction and between the town centre and the Metrolink station; and
 - Securing the active reuse and preservation of the Essoldo building.
6. Within the emerging Trafford Local Plan: Land Allocations Consultation Draft (January 2014) the site is also located within the proposed Stretford Town Centre boundary, although the emerging plan identifies a larger area than that allocated in the UDP.
 7. Policy STR1.1 Stretford Mall of the Land Allocations Consultation Draft states that the Council will support the expansion, reconfiguration and redevelopment of Stretford Mall.
 8. The Stretford Town Centre Masterplan (2014) identifies a number of development sites of which Stretford Mall is one. The masterplan proposes the retention of the majority of the existing mall which can be remodelled to create a more outward facing development. The remodelling would focus on the creation of more active frontages at key locations and the improvement of the physical attractiveness of the Mall. This includes scope for some demolition works and the delivery of a wider mix of town centre uses.
 9. The Refreshed Stretford Town Centre Masterplan (Consultation Draft September 2017) is currently out to consultation. The document acknowledges the submission of this planning application and seeks to ensure that the site maximises its potential with a suitable landmark development. Development should be outward facing and support the delivery of a wider mix of town centre uses.
 10. Given the current run down nature of the appearance of the Mall and the high vacancy rates within it, the proposed demolition of its southern end represents an excellent opportunity to re-develop and invigorate this part of the town centre. The planning policies detailed above and the Stretford Masterplan and Refreshed Masterplan all support the principle of the demolition of this part of the Mall and the opportunities it presents in terms of redevelopment to improve the appearance and mix of uses in the town centre.

DESIGN, LAYOUT & STREETSCENE

11. In relation to matters of design, Policy L7 of the Core Strategy states

development must:

- Be appropriate in its context;
 - Make best use of opportunities to improve the character and quality of an area;
 - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment.
12. The demolition works will include the market hall; unit 31, the largest unit within the southern section of the Mall; consecutive units 15-21B all within the Mall and units 132,133A and 133B all of which front onto Chester Road along the south-east elevation. The existing pedestrian entrance to the Mall on the southern side comprises a glazed elevation and the majority of the building to be demolished consists of painted concrete panels and rendered elevations with glazed yellow brickwork on the service /car parking elevation. The building has a flat roof structure with various elements of roof plant extending across the roof(s) of the building.
13. Following discussions with the applicant, revised design details have been submitted to improve the quality of the design and materials proposed to the retained building following the demolition works. A large, glazed double height new main entrance will be created on the southern elevation, heavily recessed behind a new brick surround. To the east of the entrance, the existing building will be clad in a decorative metal mesh panel at high level with a decorative brick wall below. A service yard to the rear of the retained building to the Chester Road frontage will be screened by a 3 metre high brick pier wall which will include green wall panels. Whilst the cleared site will eventually come forward for redevelopment proposals, the exposed building elevations will form the new southern façade of the Mall. Providing quality materials are used, the proposed alterations should create a high quality, outward facing frontage to the Mall. A condition is recommended to require the submission of material samples to ensure that their quality is appropriate.
14. The section of building retained immediately adjoining O'Brien's will be finished in a white render along the eastern elevation facing Chester Road to match the front elevation of O'Brien's. The side of the building facing towards the Mall when demolition works are completed will be finished in a suitable brick.
15. Core Strategy Policy W2.11 indicates that developments are required to deliver high quality public realm. Core Strategy Policy L7.1 states that development must enhance the streetscene or character of the area through the use of appropriate hard and soft landscaping proposals. The applicant proposes to cover the majority of the cleared site with topsoil and grass seed, surrounded by a knee rail fence. The site layout plan has been amended to now include a pedestrian pathway through the cleared site which will extend in a southerly

direction from the new entrance to adjoin with the existing area of public realm hardstanding in front of O'Brien's pub. A second pedestrian pathway will extend from the new Mall entrance in a diagonal direction towards the existing footway on Chester Road.

16. At this stage, no specific landscaping details are provided as part of the planning application other than the proposal to grass seed the cleared area. As the applicant has not yet provided a masterplan for the re-development of this part of the Mall showing how and when redevelopment is likely to come forward, there is a possibility that the site may not be redeveloped for several years. It is considered that if a contract has not been let for the redevelopment of the cleared site within 12 months of the completion of the demolition works, then a better quality landscaping scheme, including tree planting, should be provided to improve this area of public realm in accordance with Policy W2.11. A suitably worded planning condition can address this issue.
17. A temporary construction site hoarding will be used to enclose the site during demolition and construction works.
18. It is considered that the revised design of the scheme is acceptable and would not result in material harm to the streetscene or character of the area in compliance with Core Strategy Policies L5 and L7 and the NPPF.

IMPACT ON RESIDENTIAL AMENITY

19. Policy L7 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.
20. The nearest residential properties to the proposal site are located along Church Street to the west side of the site. 33 Church Street is an end terrace property with its rear elevation facing towards the southern end of the building proposed to be demolished and is the nearest residential dwelling to the Mall building retaining a distance of approximately 50m.
21. The main impact to be considered with regards residential amenity from the proposed works will relate to the noise and disturbance associated with demolition works. The Council's Pollution & Housing section have considered the proposal and have raised no objection subject to including a condition to ensure no operation of heavy machinery before 8am. An appropriate condition will also be attached restricting hours of operation of construction activity in line with Trafford Council's considerate contractor hours of operation. In addition it is considered appropriate to condition the submitted demolition method statement which includes measures to mitigate impact on noise, dust, waste (including industry standards for disposal of asbestos controlled under separate legislation)

and vibration works.

HIGHWAYS & PARKING

22. Policy L7 states that 'In relation to matters of functionality, development must:

- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
- Provide sufficient off-street car and cycle parking, maneuvering and operational space

23. For the purposes of this application and the red line boundary as submitted, the car park area immediately to the west side of the section of Mall to be demolished (behind O'Brien's pub) has a total of approximately 50 car-parking spaces including approximately 10 spaces allocated to market stall holders. Following reconfiguration of the parking area, the total parking provision will be reduced to 35 spaces in this area, comprising 28 standard spaces and 8 parent and child spaces. Not all of the car park to the west of the site is included within the redevelopment works and this includes a row of nine accessible spaces which will not be lost as a result of the proposed works and a row of approximately 16 standard spaces along the boundary of the car park with Church Street.

24. Overall the Stretford Mall site has in excess of 900 parking spaces and the proposed reduction in parking numbers is considered to be minimal, particularly bearing in mind the loss of retail floorspace. The LHA have raised no objection.

25. The principal vehicular access for shoppers (but also for some servicing) is off Kingsway. Surface car parking as indicated surrounds the Mall on its southern and western sides, with a multi-storey car park attached to the northern side of the Mall building. Additionally, there is also a service access off the A56 mid-way along the site boundary as well as a secondary access off the A56 in the south east corner of the site.

26. The applicant has proposed that access to the site for demolition and re-construction vehicles will be via Chester Road. Site vehicle movements will be timed to avoid busy periods whenever possible and to avoid stacking of vehicles on public roads. Access and egress to the service areas for the adjoining occupiers and emergency services will be maintained at all times and the access road from Chester Road will not be closed during demolition works.

27. The LHA recommended that site vehicle movements should take place outside the peak am and pm time periods (08:00 to 10:00hrs and 16:00 to 18:00hrs). This can be controlled through a Construction Management Plan.

28. All general demolition waste arising will be removed as the demolition works progress and will not be accumulated on site. It is recommended that affected roadways will be regularly swept and cleaned by water bowser sweepers as required this will be controlled through the inclusion of an appropriate Construction Management condition.

IMPACT ON HERITAGE ASSETS

29. NPPF (paragraph 131) states that local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

30. Policy 132 of the NPPF states the more significant the heritage asset, the greater the presumption in favour of its conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

31. Policy R1 of the Trafford Core Strategy identifies that the significance, character and appearance of heritage assets are qualities that will be protected, maintained and enhanced.

32. When assessing the impact of the development on the setting of the listed buildings, due regard must be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting when determining applications for planning permission.

33. The nearest listed buildings to the development site are St Matthew's Church and a former cross base within the graveyard of St Matthew's, both grade II listed and located immediately to the south side of the site. The church originates from the early 1840s and is constructed predominantly in red brick with ashlar dressings. The church is a typical form of design for a 19th Century Anglican church featuring elements of Gothic style, particularly with regards the main tower on the west side of the building. The church was designed by W. Hayley Esq, a prominent 19th century Manchester architect who designed a wide range of ecclesiastical buildings. The church has an association with Sir Thomas Joseph de Trafford who gifted the church the land upon which it is constructed.

34. The listing description for the former cross base in St Matthews church yard indicates that the cross base (later used as a sundial base) is said to be medieval

in origin and its form consists of roughly hewn stone and cubic in shape. One side has been refaced and inscribed in 1863 to commemorate its removal from the junction of Chester Road and King Street.

35. The applicant has undertaken a heritage impact assessment with regards the proposed development upon St Matthew's Church. The assessment concludes that there is no historical functional relationship between the listed church and associated cross base and the proposal site. With regards demolition works it is identified that the removal of part of the wall will have a neutral impact on the setting of the heritage assets. The proposed new façade treatment is also considered to have a neutral impact, and would reflect the scale and massing of the existing facades already present on the application site.
36. It is considered that the applicant's assessment of the proposals on heritage assets is accurate and no harm would arise to the setting of St. Matthew's Church and the former cross base. Other heritage assets, more remote from the site, are too distant for any harm to arise to their settings. In arriving at this conclusion, considerable importance and weight has been given to the desirability of preserving heritage assets.

CRIME & SECURITY

37. Core Strategy policy L7.4 relates to matters of design and security and states that development must be designed in a way that reduces opportunities for crime and that does not have an adverse impact on public safety.
38. Greater Manchester Police Design for Security has been consulted on the proposed works. They have raised no objections subject to a condition attached requesting that the scheme should be Secured By Design compliant (i.e. new windows, doors, shutters, glazing) and that any future application for works on the vacant site of the market hall should be the subject of a Crime Impact Statement at pre-planning application stage.

ECOLOGY

39. The applicant has submitted an inspection and assessment survey with regards the status of bats & breeding birds in relation to the proposed development. The report concluded that there was no evidence of breeding birds or presence of bats following a survey of the building in May 2017. The survey was considered by the Greater Manchester Ecology Unit who have raised no objections to the proposed works.

CONTAMINATION

40. NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions,

including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. The Council's Pollution and Housing section have reviewed the submitted Phase 1 Environmental Study and have no objections with regards the proposed development in relation to ground contamination matters.

DEVELOPER CONTRIBUTIONS

41. The proposed development is not considered to generate any developer contributions having regard to Policy L8 of the Trafford Core Strategy and SPD1: Planning Obligations.

CONCLUSION

42. The application site is located within Stretford Town Centre as defined on the RUDP Proposals Map. The site is located within an accessible and sustainable town centre location. It is considered that the design amendments proposed to the retained parts of the Mall will provide an attractive new southern entrance, whilst the wider demolition works will provide an excellent opportunity in due course to re-develop and revitalise this part of the town centre as a shopping and leisure destination.
43. Other issues including design & crime, highways and parking, pollution, heritage and ecology have all been considered to be acceptable and in accordance with the Development Plan, or where necessary can be satisfactorily managed or mitigated through the imposition of planning conditions. Having considered all material planning considerations within the overall balance, it is recommended that the application is approved, subject to conditions outlined below.

RECOMMENDATION: GRANT subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-

- Pozzoni Drawing No: P4723_1000 Location Plan
- Pozzoni Drawing No: P4723_1100 Rev.A Existing Site Plan
- Pozzoni Drawing No: P4723_1200 Rev.D Proposed GA Site Plan
- Pozzoni Drawing No: P4723_1201 Rev.C Proposed GA Ground Floor Plan
- Pozzoni Drawing No: P4723_1202 Rev.B Proposed GA First Floor Plan
- Pozzoni Drawing No: P4723_1350 Rev.E Proposed GA Elevations

- Pozzoni Drawing No: P4723_1351 Rev.A Feature Elevation Treatments
- Pozzoni Drawing No: P4723_SK011 Rev.B Rendered Elevations
- Pozzoni Drawing No: P4723_1150 Demolition Site Plan
- Pozzoni Drawing No: P4723_1151 Demolition Ground Floor Plan
- Pozzoni Drawing No: P4723_1152 Demolition First Floor Plan
- Pozzoni Drawing No: P4723_1310 Demolition Elevations

Reason: To clarify the permission, having regard to Policies L3, L4, L5, L7, W2 and, R3, of the Trafford Core Strategy and the requirements of the National Planning Policy Framework

3. Notwithstanding any description of materials in the application, no above ground demolition or construction works shall take place until samples, including sample brick panels, and a full specification of materials to be used externally on the remodelled building, including detailed drawings for all areas of decorative brickwork, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework. Material details required prior to demolition as building elevations will be exposed at point of demolition.

4. a) Notwithstanding the details shown on the approved plans, no demolition or construction shall take place until full details of the grass seeding, knee rail fence and hardsurfacing works proposed on the revised site layout plan reference P4723_1200 Rev.D have been submitted to and approved in writing by the Local Planning Authority. Should a contract (or equivalent firm commitment) for carrying out works of redevelopment of the cleared site (for which planning permission has been granted) have not been made within 12 months of the completion of the demolition works hereby approved, a revised landscaping scheme, which provides for the provision of tree planting within the cleared site, shall be submitted to and approved in writing by the Local Planning Authority. The details of the scheme proposed on plan reference P4723_1200 Rev.D shall include top soil provision, seed mix, planting specification and details of the formation of paths and the knee rail fence. The revised landscaping scheme shall include details of any earthworks, hard surfaced areas and materials, planting plans, specifications and schedules for tree planting (including planting size, species and numbers/densities), and a scheme for the timing / phasing of implementation works.

(b) The landscaping works for both schemes shall be carried out, as required by (a) above, in accordance with the approved scheme for timing / phasing of implementation.

(c) 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 and the nature of the proposed development and in accordance with Trafford Core Strategy Policies L7 and W2.11 and the National Planning Policy Framework.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i. the parking of vehicles of site operatives and visitors ii. the method of demolition and the temporary storage of demolition materials, and removal of demolition materials from the site, iii. loading and unloading of plant and materials iv. storage of plant and materials used in both the demolition works and in constructing the development v. the access, egress and routing of demolition and construction traffic to the site vi. days and hours of demolition and construction activity on site, including the arrival and departure of construction vehicles to the site which should be timed to take place outside the peak am and pm time periods (07:00 to 0900 and 16:00 to 18:00hrs) vii. wheel washing facilities, including measures for keeping the highway clean viii. measures to control the emission of dust, dirt, noise and vibration during demolition and construction; ix. a scheme for recycling/disposing of waste resulting from demolition and construction works and x. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. No works of demolition or construction shall take place until a scheme to demonstrate how Secured by Design principles will be incorporated into the new building facades and the areas of public realm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development has regard to crime prevention and community safety in accordance with Policy L7 of the Trafford Core Strategy and the NPPF and that relevant details are incorporated into the scheme at the design stage.

7. No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall only be lit in accordance with the approved scheme.

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

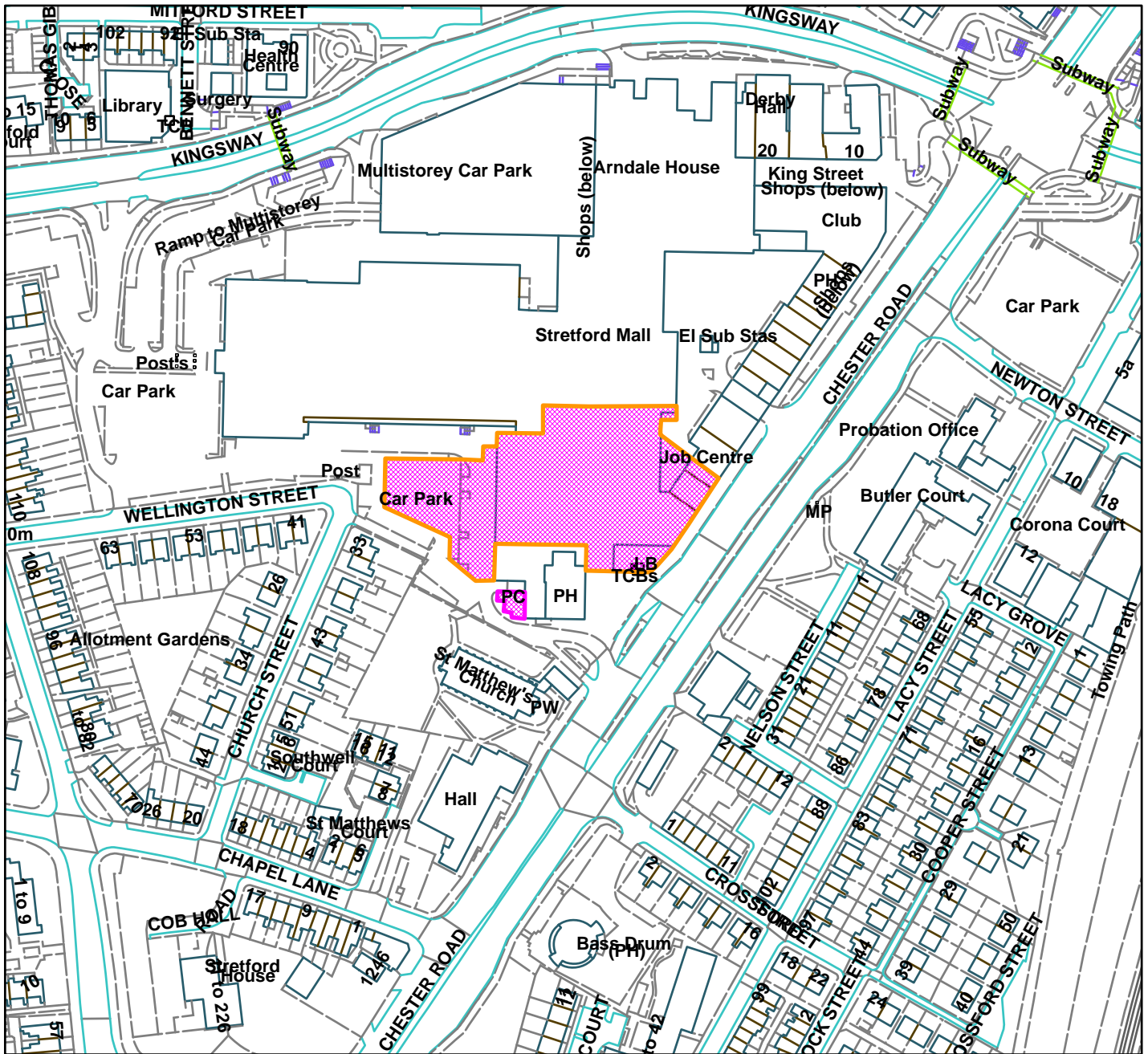
8. No works of demolition or construction shall take place until a scheme for the provision of community art work panels shown on drawing no.P4723_1350 Rev.E has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the means by which the community will be engaged in the production / design of the panels, and a timetable for implementation. Development shall take place in accordance with the approved scheme and with the engagement of the community.

Reason: In the interest of visual amenity and in accordance with Policies W2.6 and L7 of the Trafford Core Strategy. The scheme is required prior to commencement to enable sufficient time for the meaningful engagement of the community in the production of the panels and to avoid unnecessary delay in their implementation.

CM



Stretford Shopping Mall, Chester Road, Stretford (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

WARD: Hale Barns

91936/FUL/17

DEPARTURE: No

Conversion of the existing dwelling into 4no 2.bed apartments.

Halliwell House, 2 Rappax Road, Hale Barns, Altrincham, WA15 0NR

APPLICANT: Wide Avenue

AGENT: Strutt & Parker LLP

RECOMMENDATION: GRANT

SITE

The application site comprises a large, two-storey detached dwelling situated on the corner of Rappax Road and Bankhall Lane. The property is elevated above street level and is located close to the northeastern corner of the site. The site has previously been subdivided with the erection of 2 no. additional dwellings to the south and south west of the property, accessed off Rappax Road. These dwellings are separated from the application property by a wall alongside the driveway. The application property is the largest of these dwellings and now sits within approximately 0.5 hectares of land and includes a large rear terrace and generous gardens. There is an existing single storey outbuilding located within the front south eastern corner of the site.

The property is located within the South Hale Conservation Area.

PROPOSAL

The application proposes the conversion of the property into 4 apartments, two at ground floor and two at first floor. There will be no change to the appearance of the building and no resulting change to the floorspace. 10 car parking spaces will be provided at the front of the building and the applicant has confirmed that no additional hardstanding is proposed in order to achieve this. The existing swimming pool at basement level will be used by occupiers of the apartments and no other changes are proposed to the basement or outbuilding.

DEVELOPMENT PLAN

For the purposes of this application, the Development Plan in Trafford Comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes

the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 – Land for New Homes
L2 – Meeting Housing Needs
L4 – Sustainable Transport & Accessibility
L5 – Climate Change
L7 – Design
L8 – Planning Obligations
R1 – Historic Environment

PROPOSALS MAP NOTATION

South Hale Conservation Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Conservation Areas

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

There have been a significant number of applications on this site. The most relevant are listed below.

89005/FUL/16 Erection of a new detached dwelling Application withdrawn 22nd November 2017

88329/FUL/16 - Conversion of single dwelling into 5 apartments with extensions and alterations. (Revised scheme following refusal of 87381/FUL/16). Application Withdrawn

87381FUL/16 – Conversion of single dwelling into 5 apartments with extensions and

alterations.

Refused 17th March 2016. Appeal dismissed – 29th June 2016

85090/FUL/15 – Erection of 4 bed dwellinghouse with detached garage and new vehicle access.

Application withdrawn

84729/FUL/15 – Erection of a one bedroomed single storey dwellinghouse

Refused 28th May 2015

82864/CLEUD/2014 – Application for a Lawful Development Certificate for existing single storey outbuilding.

Approved 3rd October 2014

80608/FULL/2013 – Retention and conversion of outbuilding into a two bedroomed annexe with associated landscaping works.

Refused 1st July 2013

76694/FULL/2011 – Proposed new entrance to site with reinstatement of existing entrance; repositioning of existing timber fence and rockery within site.

Approved with conditions 13th December 2011 H/65657 – Construction of underground swimming pool beneath a refurbished terrace.

Approved with conditions 7th March 2007

H/64044 – Erection of two detached dwellings; creation of new access and associated hard and soft landscaping.

Approved with conditions 27th July 2006

H/55862 – Erection of 3 detached dwellinghouses, creation of new access and associated hard and soft landscaping.

Approved with conditions 9th June 2003

H/50849 – Variation of condition 1 attached to application H/OUT/43081 (Erection of 3 no. residential units following demolition of existing outbuildings and conversion of Halliwell House into 4 flat units) to allow until 9 September 2002 for the resubmission of reserved matters and until 9 September 2004 for the commencement of development.

Approved with conditions 9th March 2001

H/43081 – Erection of 3 no. residential units following demolition of existing outbuildings and conversion of Halliwell House into 4 no. flat units.

Approved with conditions 3rd September 1997

APPLICANT'S SUBMISSION

CIL questionnaire

Design and Access Statement

Bat Report

Heritage statement

CONSULTATIONS

Drainage: The site is located within a Critical Drainage Area, therefore the new development must demonstrate that it is not at risk of flooding, and will not increase the existing flooding conditions within the site or elsewhere. The surface water management should aim not to increase any runoff, and where practical reduce the rate of runoff from the site with the Level 2 Manchester City, Salford City and Trafford Councils Level 2 SFRA.

The application for the change of use of the proposed development from residential dwelling to apartments is acceptable. It should be noted that no increase in the existing impermeable area within the development site shall be made, and any changes will require the approval of the Local Planning Authority. Any increase of hard standing will require the submission of full detailed drainage design and all relevant documents.

LHA- Vehicular access is to remain as existing, with gated access off Rappax Road being maintained. The LHA consider the access arrangements to be appropriate.

The refuse facilities are considered appropriate.

The site will provide 10 parking spaces for the apartments, including two disabled parking spaces. SPD3: Parking Standards and Design for Trafford states that for a 2-bedroom dwelling in this area, two off-street parking spaces are required. Therefore, for the proposed 4no 2-bed apartments, this would equate to eight parking spaces. The proposals meet the requirements and would provide an additional two spaces which would be suitable for visitor parking. The proposed car parking provision is accepted by the LHA. The applicant must ensure adequate drainage or permeable surfacing is use in any areas of hard standing to ensure localised flooding does not result from the proposals.

Pollution and Housing- No contaminated land comments required on this application.

REPRESENTATIONS

10 letters of objection have been received from neighbouring properties and a further one without an address given raising the following issues

- Would not improve social or environmental conditions
- Cramped provision of parking and access at a 3 way junction potentially hazardous
- Traffic increased to Priory hospital and this proposal would add to this
- Inaccuracies in design and access statement and block plan fails to show 2 new dwellings
- Will not “regenerate an underused urban site”
- No landscaping scheme submitted

- Will result in more hard areas
- South Hale Conservation area characterised by low density and large houses in significant sized plots
- Large houses in area should not be converted to flats, out of keeping with the area
- Loss of internal space and character
- Doesn't make clear what happens to the outbuilding located at front, appears to be advertised as a cottage.

One letter of support has been received on the grounds that there is a shortage of smaller properties with manageable gardens in the area.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The proposal is for the conversion of the existing single family dwellinghouse into 4 no. apartments with associated internal alterations.
2. Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
3. Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
4. The Council does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the schemes contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
5. Whilst the Council's housing policies are considered to be out of date in that it cannot demonstrate a five-year supply of deliverable housing sites, the proposed development achieves many of the aspirations which the Plan policies seek to deliver. Specifically, the proposal contributes towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1

and L2 in that the scheme will deliver new dwellings through the sub-division of an existing property and therefore constitutes development on a brownfield site. The principle of the development is therefore considered to be acceptable.

6. In the case of the earlier application 87381/FUL/16 for the conversion of the property into apartments with various extensions and alterations which was the subject of an appeal the Inspector concluded that the proposal would clearly make a contribution towards meeting the Council's five year supply of housing sites. In that case however the Inspector concluded that the proposed extensions and alterations did not preserve or enhance the Conservation Area and there were no public benefits which would outweigh the less than substantial harm and also the proposed balconies would result in unacceptable levels of overlooking for the occupiers of 2a Rappax Road.
7. It is also noted that an earlier application H43081 was granted consent in September 1997 for the erection of 3 residential units and the conversion of Halliwell House into 4 flats, although this was not implemented.
8. The main areas for consideration of this application are therefore the impact on the character and setting of the South Hale Conservation Area and the street scene more generally, residential amenity and car parking.

RESIDENTIAL AMENITY

9. No external changes are proposed to the building and there are no balconies proposed which would result in additional overlooking. The proposed floor plans will not significantly alter the use of the rooms and together with the existing screening will not result in an undue impact on the residential amenity of the adjoining properties. Although there will be some additional comings and goings the intensity of the development and the spacious character of the area will ensure that these movements do not unduly impact on the peace and quiet of the neighbours and the area.

SOUTH HALE CONSERVATION AREA

10. The application site is located within the South Hale Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, "*special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area*" in the determination of planning applications.
11. One of the key tests of the National Planning Policy Framework (NPPF) in relation to development within Conservation Areas is whether the proposal would result in any substantial harm or loss of irreplaceable heritage assets. The adopted Conservation Area Appraisal (CAA) 5.21 and separate Management

Plan 5.21a which were adopted in March 2017 provide details regarding the special character of the Conservation Area. The Appraisal states that “Houses are set in gardens, which are characterised by a variety of mature trees and shrubs. The low proportion of the gardens given over to hard standing and the space around the properties give South Hale it’s characteristic of spaciousness” and “The special interest of the Conservation Area is enhanced by the cumulative effect created by its spaciousness, the mature landscaping and the compatibility of natural and man-made features”

12. Halliwell House is not identified as a positive contributor in the Conservation Area Appraisal but has architectural merit. It is designed in an Arts and Craft style including the use of brick and render to its walls and rosemary clay tiles to the roof. Despite some alterations over the years it has retained a traditional appearance and like most of the dwellings in this part of the Conservation Area is large and set within a spacious plot with mature landscaping to the main road boundaries.
13. Whilst two substantial additional dwellings have already been erected in the grounds of Halliwell House in recent years, this proposal will not impact upon the character of spaciousness of the area as there will be no external change to the dwelling or additional hardstanding. It is considered that the proposal will not result in any harm to the South Hale Conservation Area and would be in accordance with the policies contained within the Management Plan and in arriving at this decision, considerable importance and weight has been given to the desirability of preserving the character of the Conservation Area.

CHARACTER OF THE AREA

14. As discussed above there will be no external changes to the building or the area of hardstanding and the proposal will not therefore impact upon the street scene or character of the area.

PARKING

15. The site will provide 10 parking spaces for the apartments, including two disabled parking spaces. SPD3: Parking Standards and Design for Trafford states that for a 2-bedroom dwelling in this area, two off-street parking spaces are required. Therefore, for the proposed 4no 2-bed apartments, this would equate to eight parking spaces. The proposals meet the requirements and would provide an additional two spaces which would be suitable for visitor parking.

TREES

16. The application submission includes a tree survey plan and schedule. Although the property stands within a designated conservation area, none of the trees therein are protected by a tree preservation order. As the proposed parking

spaces would encroach upon the Root Protection Areas (RPAs) of retained trees, it will be necessary to install a special load-bearing surface within those areas if the applicant should carry out any alterations to the hardstanding. However, the application does not propose such alterations, which would need to be the subject of a further application. It would also be appropriate to have a condition requiring a tree protection plan to be submitted to ensure that the existing trees are not damaged by vehicles during the works to convert the dwelling to apartments.

DEVELOPER CONTRIBUTIONS

17. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently apartments will be liable to a CIL charge rate of £65 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

18. No other planning obligations are required. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide at least nine additional trees on site as part of the landscaping proposals.

CONCLUSION

19. It is considered that the proposal is acceptable in policy terms and in terms of visual amenity, impact on the South Hale Conservation Area, residential amenity and parking provision and would comply with Policies L4, L7 and R1 of the Trafford Core Strategy and guidance in the NPPF. It is therefore recommended that planning permission should be granted.

RECOMMENDATION:

GRANT subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2017/02/01 Rev B, 2017/02/03, 2017/02/04, 2017/02/05 Rev A, .

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

3. No development shall take place until details of the bin stores, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be completed and made available for use prior to the first occupation of the apartments and shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities at the design stage of the development, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. The car parking spaces as shown on drawing 2017/02/01 Rev B shall be laid out and made available for use before the apartments hereby permitted are first occupied and shall be retained at all times thereafter for their intended purpose.

Reason: In the interests of highway safety and residential amenity having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations; and Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

5. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and the provision of a minimum of 9 additional trees), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) 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 and the nature of the proposed development and in accordance with Policies L7 of the Trafford Core Strategy and the National Planning Policy Framework.

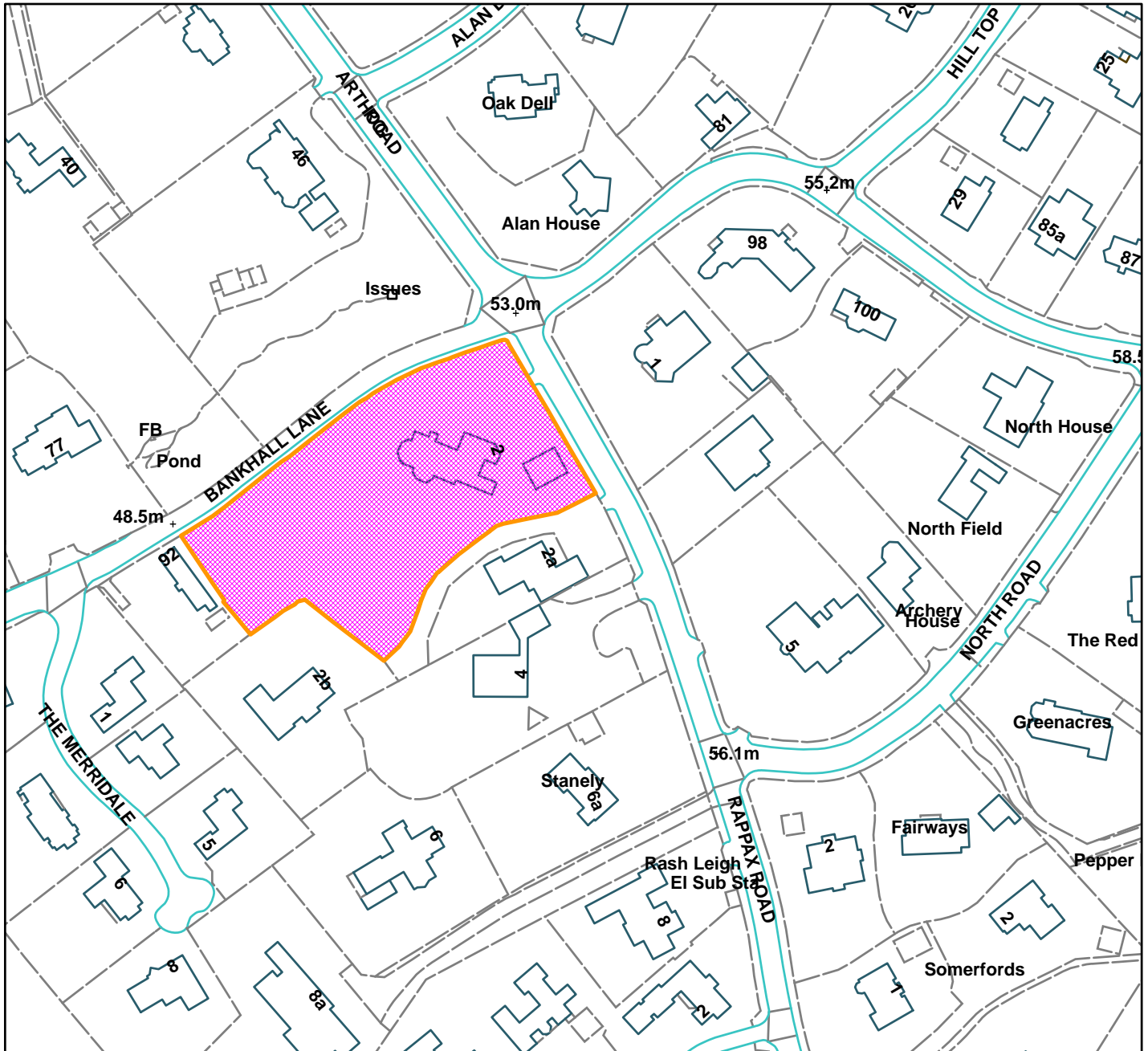
6. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

CR



Halliwell House, 2 Rappax Road, Hale Barns (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

WARD: Stretford

91948/FUL/17

DEPARTURE: No

The erection of 47 dwellings across 40 apartments, 3 townhouses, and 4 semi-detached houses, and a landscaped public open space. Associated alterations to existing vehicular access and formation of internal access road and parking.

Royal Works, Edge Lane, Stretford.

APPLICANT: RCW Stretford Ltd.

AGENT: Savills

RECOMMENDATION: REFUSE

SITE

The application site is located to the south side of Edge Lane, Stretford immediately adjacent to the Bridgewater Canal which is located to the west side of the site and the Altrincham line of the Metrolink network which is located to the east side of the site.

The site comprises a narrow linear parcel of land that measures approximately 0.7 hectares in area and extends for a distance of approximately 470m. Pedestrian and vehicular access to the site is from the north, directly from Edge Lane. The northern most part of the site measures approximately 22m in width and narrows to approximately 8m in width at the southernmost extremity of the site. The northern section of the site is at an elevated level which facilitates vehicular access directly from Edge Lane, the site then slopes down level with the canal banks.

The site has historically been in use for industrial purposes and has been vacant for a number of years. The site had until recently been extensively overgrown with vegetation but works to clear the site have been completed in recent weeks (Late October/Early November 2017).

On the opposite side of the Canal to the west side of the site is a publicly accessible canal towpath beyond which are a number of commercial premises including a Royal Mail sorting centre and a number of private companies within the Corona Court industrial park. This area along the west side of the site and the canal is also characterised by residential dwellings, predominantly two storey terraced and semi-detached dwellings situated along Lacy Street; Lacy Grove; Cooper Street; Crossford Street and Bradshaw Lane which are in the closest proximity to the site.

To the east side of the site beyond the Metrolink line is also residential development, similarly comprising mainly two storey semi-detached dwellings and two storey

apartments along Larch Avenue; Maple Avenue; Rokeby Avenue and Lime Road. A single storey pre-fabricated type building which is used by the Stretford Christian Spiritualist Church is located to the rear of 12 Lime Grove and shares a boundary with the Metrolink land and Edge Lane. To the north side of the site is Edge Lane which bridges over both the canal and Metrolink line; Stretford Metrolink station is located beyond the north side of Edge Lane.

To the south side of the site is Stretford Cemetery which is within Green Belt and an area of Protected Landscape Character. The southern section of the site is allocated on the Revised Unitary Development Plan (RUDP) proposals map as a Wildlife Corridor and the northern section of the site is allocated as an Area for Improvement within the Stretford Town Centre Inset Map which forms part of the RUDP proposals map.

The site is located within a Critical Drainage Area as identified within the Council's Strategic Flood Risk Assessment. The entire site is also allocated as falling within Flood Zone 1 (lowest risk of flooding) for the purposes of the Environment Agency flood maps. A small section of the site along the northern boundary is located within an Air Quality Management area which effectively extends along sections of Edge Lane.

The adjacent Bridgewater Canal is designated as a Site of Biological Importance (SBI) although the application site does not fall within that designation. The site is not within a conservation area nor are there any listed buildings within the site boundaries or immediately adjacent to the site. The nearest listed buildings are the Bridgewater Canal Aqueduct over Hawthorn Road (located to the south of the site) and the former Essoldo Cinema at the junction of Chester Road/Edge Lane which is a Grade II listed building located to the north-west of the site.

PROPOSAL

This application proposes the development of the site for 47 residential units detailed as follows:

- Erection of detached apartment building with lower ground floor/undercroft car parking area and four levels of living accommodation above providing a total of 40 apartments. A total of 28 car parking spaces will be provided within the parking area and 70 cycle spaces double mounted. The apartment building will incorporate two blocks of accommodation referred to as Block A and Block B with both blocks attached to a central core which provides a stairwell and lift access to all five levels. The accommodation within the apartment building will include 16x one bedroom apartments and 24x two bedroom apartments. The accommodation is mirrored in both blocks with each block providing 8x one bedroom apartments and 12x two bedroom apartments respectively. The apartment block is located towards the northern end of the site.
- Three town houses are proposed centrally within the site and are referred to within the applicants submission as Block C. The townhouses form a terrace of three with the ground floor area providing a double garage area with a bedroom

and w.c and stair access. First floor is the main kitchen/living room area; three bedrooms and bathroom at second floor level and a fifth bedroom and external roof terrace at third floor level.

- At the southern end of the site are 2x pairs of semi-detached dwellings (4 x houses) referred to as Block D and Block E. Each of these properties has living accommodation over three levels. Ground floor consists of a single garage space and bedroom with stairwell access. First floor is the kitchen and living room area with three bedrooms provided at second floor level.

All three areas of development within the overall site will be accessed via a new internal access road with minor alterations to the existing vehicular access on to Edge Lane. To the south side of Blocks D and E provision has been made for an additional 13 parking spaces for use by all residential units within the development. At the southernmost part of the site where the narrow configuration of the site restricts further built development it is proposed to landscape this area with a pedestrian path and two decked viewing platforms that can be used as external seating areas on the canal edge with associated soft landscaping.

The residential units will propose a total gross internal floor space of approximately 3,174sq m.

DEVELOPMENT PLAN

For the purposes of this application, the Development Plan in Trafford comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

- L1 – Land for New Homes
- L2 – Meeting Housing Needs
- L3 – Regeneration and Reducing Inequalities
- L4 – Sustainable Transport & Accessibility
- L5 – Climate Change
- L7 – Design
- L8 – Planning Obligations
- R1 – Historic Environment

R2 – Natural Environment
R3 – Green Infrastructure
R4 – Green Belt, Countryside and Other Protected Open Land

SUPPLEMENTARY PLANNING DOCUMENTS

Revised SPD1 – Planning Obligations
SPD3 – Parking Standards & Design
PG1 – New Residential Development
CIL – Charging Schedule July 2014

PROPOSALS MAP NOTATION

Wildlife Corridor
Area for Improvement – Stretford Town Centre Inset Map

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

H3 – Land release for New Housing Development
S8 – Development in Stretford Town Centre

OTHER MATERIAL CONSIDERATIONS

Trafford Local Plan; Land Allocations Consultations Draft - January 2014
Stretford Town Centre Masterplan - January 2014
Stretford Town Centre (Refreshed Masterplan) Consultation Draft 2017
Strategic Housing Land Availability Assessment 2013 Review

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

H/OUT/71775 - Outline planning application (including details of access) for redevelopment of site to provide 31 no. residential units with associated access alterations, landscaping, car parking and other associated works with all other matters reserved for subsequent consideration – Approved 4th July 2014.

H/OUT/69239 - Outline planning application for demolition of existing industrial buildings and redevelopment of site to provide 107 apartments and one restaurant/cafe (A3 unit) totalling 443 sqm gross internal with landscaping, car parking and other associated works including creation of boat moorings along the canal. Consent sought for alterations to existing access to site from Edge Lane with all other matters reserved for subsequent approval. Withdrawn 5th June 2008.

APPLICANT'S SUBMISSION

The applicant has submitted the following documents in support of the application which will be referred to where relevant within this report:-

- Planning Statement
- Statement of Community Involvement
- Viability Appraisal
- Housing Development Statement
- Employment Land Assessment
- CIL Form
- Crime Prevention Statement
- Design & Access Statement
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Drainage Statement
- Ecological Survey
- Air Quality Assessment
- Noise & Vibration statements
- Archaeological & Heritage Statement

CONSULTATIONS

Local Highway Authority – No objections in principle. Further comments are discussed in detail in the observations section of the report.

Trafford Council Estates (Amey) – No comments received.

Pollution & Housing (Contaminated Land) – No objections. A contaminated land condition is recommended.

Pollution & Housing (Air Quality) – No Objections, further comments are discussed in detail in the observations section of the report and a dust management plan condition is recommended.

Pollution & Housing (Noise) – No objections, further comments are discussed in detail in the observations section of the report. It is recommended that conditions are included relating to a noise mitigation plan and a construction environmental management plan.

Lead Local Flood Authority (LLFA)- No objections subject to appropriate drainage conditions. Further comments are discussed in detail in the observations section of the report.

Strategic Planning & Strategic Growth – The main comments discussed within the observations section of this report.

Trafford Council Strategic Growth Services (Sustainability) – No objections, comments discussed within the Observations section of this report

Greater Manchester Ecology Unit (GMEU) – No objections – It is recommended that a condition is included to protect the nature conservation value of the canal.

Greater Manchester Police (GMP) – No objections, subject to a condition requiring the physical security specification listed in the Crime Impact Statement to be implemented.

Environment Agency – No comments received at time of report preparation

Bridgewater Canal Company Ltd (BCCL) – No objections in principle subject to a request to include conditions) relating to:-

- Details of foundation strategy
- Details of access to the canal wall which is to be kept open to BCC
- Details of landscaping to be submitted (including measures to protect canal wall from tree roots)

These issues will be discussed in further detail within the observations section of this report.

United Utilities - No objections subject to conditions relating to foul and surface water disposal and provision of a SUDs system. Further comments are discussed in detail in the Observations section of the report.

Electricity North West – No objection – Applicant advised that there is a live low voltage cable in the area outlined for development which will have to be removed off site to allow the development to proceed.

Transport for Greater Manchester (TfGM Metrolink) – No objections subject to an appropriate condition requiring details of new building design/mitigation measures to reduce noise from adjacent Metrolink line. Further comments on this issue discussed within the Observations section of this report.

Transport for Greater Manchester (TfGM Highways) – No objections subject to a condition requiring submission of a full travel plan. Further general comments will be discussed later within this report.

Greater Manchester Archaeological Advisory Service (GMASS) - No objections, further general comments discussed later within the observations section of this report.

REPRESENTATIONS

Neighbours:- Letters of objection have been received from eight separate addresses, citing the following issues of concern:-

General Comments

- The application refers to a previous consultation, residents not aware of any such consultation by the applicant
- It is believed that the site lies within the Longford Ward. Did the Longford Ward Councillors attend the pre-submission meeting as outlined within the applicants Statement of Community Involvement and were there any records kept of proceedings?
- It would appear that the apartments are already on offer for sale to buy-to-let investors. Does this conflict with information provided to ward Councillors?
- Affordable Housing should be provided on this site in accordance with the requirements of the Council's Core Strategy.
- The site has recently been cleared and it appears levelled in advance of planning permission being granted.
- The agent has signed certificate A on the application form as the applicant rather than as the agent.
- The plans submitted do not demonstrate what the scheme will look like as viewed from the Lime Road estate.
- The proposal would overdevelop the site.
- The suggestion of a public park in a remote part of the site would be unlikely to be a useable public amenity because of its location, and is being made to avoid S106 responsibilities.
- Query as to who the developer is for the development.

Amenity

- The proposal will result in a five storey development that will overlook Rokeby Avenue, invading privacy, especially during the winter months when trees provide no cover.

- The apartment building will dominate the view from Rokeby Avenue and Larch Avenue.
- The apartment building will not reflect the local vernacular with regards housing on the Lime Road estate.
- The three storey town houses and semi-detached dwellings will overlook residents on Cooper Street (these should be two storey)
- Properties on Rokeby Avenue will be overlooked and the development will result in dust and noise.
- The Royal Mail sorting office has raised concerns over the possibility of future occupants of the residential development complaining about the 24hr activities from the Royal Mail facility. In addition the Royal Mail have stated that the applicant's noise assessment does not fully consider the activities at the sorting office.
- The apartments will have a deck access which will overlook Rokeby Ave.

Highways

- The heavily congested Edge Lane will become an even worse black spot especially during school terms and rush hour adding further cars to the highway.
- Traffic exiting Lime Road can often not get through the yellow box as it is blocked with traffic on Edge Lane.
- Royal Mail have stated that the development should not hinder access to their sorting office site and request that a construction management plan condition is included and they would like the opportunity to comment upon its content.
- It is quite likely that traffic trying to leave or enter the proposed site could block traffic and disrupt traffic flow; access to a right turn from that junction would be particularly disruptive.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. NPPF Paragraph 14 indicates that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless: (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or (ii) specific policies in this Framework indicate development should be restricted. The Council does not, at present, have a five year supply of immediately available housing land. Paragraph 49 of the NPPF and subsequent case law indicates that policies within the Development Plan which have implications for the supply of housing have to be considered to be out of date in such circumstances. Consequently, the starting point for the consideration of this application is point (ii) above (the final bullet point of the second limb of NPPF paragraph 14).

2. Heritage policies in the NPPF indicate that it *may* be appropriate to restrict development in this particular case.

Impact on Heritage Assets

3. When assessing the impact of the development on the setting of nearby listed buildings, due regard must be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting when determining applications for planning permission.
4. NPPF (paragraph 131) states that local planning authorities should take account of:
 - a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c. the desirability of new development making a positive contribution to local character and distinctiveness.
5. Policy 132 of the NPPF states the more significant the heritage asset, the greater the presumption in favour of its conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Impact on setting of listed buildings

6. The nearest listed buildings to the development site are the listed aqueduct to the south of the site and the former Essoldo Cinema at the junction of Chester Road/Edge Lane.
7. The listed aqueduct is located approximately 90m from the southern edge of the application site. The aqueduct is Grade II listed (listed June 1987) and originates c.1776 designed by J.Gilbert and J.Brindley engineers. The aqueduct is also known as the Cut Hole Aqueduct and has three segmental arched spans, one over Hawthorn Road and the others over a River Mersey overflow Channel, the Bridgewater Canal flows along this aqueduct. The listing description for the Cut Hole Aqueduct states that *'each of the arches is of brick construction with a keystone and segmental band. The aqueduct was widened to the west in late C18 or early C19. The overflow channel arches are considerably wider and are separated by a triangular cutwater (the wedge of a bridge pier that resists the flow of water). Continuous stone band above the arches. Sometimes referred to as a Cut Hole Aqueduct.'* A second listed aqueduct (known as the Barfoot Aqueduct) is located approximately 0.4km from the Cut Hole Aqueduct in a southerly direction.

8. Whilst the proposed development site boundary is located approximately 90m from the Cut Hole aqueduct it is relevant to note that the nearest part of the proposed buildings to the aqueduct (semi-detached houses block E) are located approximately 320m (0.32km) from the aqueduct. The intervening area from the semi-detached houses to the southern extremity of the site will feature a soft landscaped area with two decked viewing platforms on the canal edge and a bank of car parking (13 x spaces) immediately adjacent to the side of block E. It is considered that the distance retained between the aqueduct and block E along with landscaping improvement works are satisfactory such that the proposed development would not be considered to impact adversely on the setting of the listed aqueduct. It is also relevant to note that the aqueduct structure is located at a lower level to the established ground level of the development site and surrounding land so it is not readily visible from the site. As such there would be no harm caused to the significance of the heritage asset derived from its setting.
9. The former Essoldo Cinema is a grade II listed building (listed 1994). The listing description states *'Cinema, now club. 1936 by Henry Elder of Roberts, Wood and Elder of Manchester, for the Jackson and Newport Cinema circuit with late C20 alterations. Of narrow red brick, with faience tiled façade, with roofs concealed by tall brick walling. Art Deco style. Set-back auditorium with long foyer passage top Chester Road entrance and shorter link to side entrance on Edge Lane set amidst contemporary buildings. The Chester Road entrance was designed to resemble a cash register, with stepped convex surfaces curving upwards and backwards and an attached but advanced rib rising with less curvature designed to carry the vertically-displayed name of the cinema, now bearing the name 'Top Rank'.....foyer murals designed by Fredrick H.Baines, depicting contemporary cinema scenes and each 10x6 feet are thought to survive behind removable coverings. This was amongst the first and is the only survivor of Elder's cinemas....'*
10. The former Essoldo Cinema is a prominent landmark building along Chester Road in Stretford. Located at the junction with Edge Lane the building has its main frontage onto Chester Road (the building extends back with a secondary elevation onto Edge Lane). The northern boundary of the application site retains a distance of approximately 85m to the Edge Lane boundary of the listed building.
11. The nearest part of the proposed development with regards the listed building would be Block A (five levels including basement parking). Block A would be located approximately 70m from the Edge Lane elevation of the former Essoldo Cinema building. Whilst Block A proposes living accommodation over four levels above a parking basement it should be noted that the site level will be at a lower level than Edge Lane and therefore a significant part of

the new building will be screened by the intervening Edge Lane bridge with only the upper level of the new Block A (and Block B) being visible from Edge Lane. The setting of the listed building, it is considered, has been progressively compromised, particularly by the widening of Chester Road (with associated demolitions) and the construction of Stretford Mall in the 1960s / 70s. Further alterations to the setting of the building by new development, particularly where it is not in the immediate vicinity, are unlikely to further compromise the setting. The proposed development is not considered to impact adversely on the setting of the listed building given the intervening distance with glimpses only of the new development possible from the listed building along Edge Lane. Tandem views would be extremely limited. As such there would be no harm caused to the significance of the heritage asset derived from its setting.

12. It is noted within the applicant's submission that the design of Block A and Block B has been influenced in part by the former Essoldo building design with regards incorporating elements of Art Deco design within the two blocks of accommodation, particularly with the curvilinear form of the buildings gables.

Impact on non-designated heritage assets

13. Policy 135 of the NPPF states "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
14. The Bridgewater Canal is considered to be a non-designated heritage asset in itself. The canal is an historical waterway and has been identified as the first arterial canal in Great Britain. It has been an important industrial and commercial thoroughfare historically used as such for years, having opened in 1761. In recent years works have been undertaken to upgrade the towpath which runs alongside the Bridgewater Canal (the Bridgewater Way) and it has become a popular route for pedestrians, cyclists and pleasure craft users.
15. The Bridgewater Canal has been subject to extensive redevelopment along much of its course. In terms of the proposed development, the application site has been redundant for a number of years from its previous industrial use and is currently vacant and appears neglected. The proposed development is a residential development that has been designed to take full advantage of this prominent canal side location. This includes a canal side promenade, discrete viewing platforms and a soft landscaping scheme, all of which are considered to contribute to an appropriately designed scheme. The scheme

would bring about the redevelopment of this longstanding vacant site and in turn improve the character and appearance of the canal in this area.

16. The Watch House building, located on the opposite side of the canal to the south-west of the application site is considered to be a non-designated heritage asset. The building is currently used as a social club for members of a cruising club and is open to members of the public. The building is believed to incorporate two cottages (pre-1846) with an external appearance of painted white brickwork and slate roof with associated stable/out buildings and was used as a staging post for the packet boat service between Runcorn and Manchester.
17. The Watch House retains a distance of approximately 30m to the southern boundary of the application site. The proposed development has no physical attachment to the Watch House site and the nearest part of the development (Block E) is located approximately 255m from the Watch House. Given the extensive distance retained between the building and Block E it is not considered that the redevelopment of the application site will have any detrimental impact on the non-designated heritage asset.

Conclusion on restrictive policy (Heritage)

18. The above assessment of heritage issues demonstrates that it is not appropriate to conclude policies within the NPPF should restrict this development. Accordingly, NPPF Paragraph 14 indicates that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Housing Supply

19. Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
20. The Council does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.

21. Paragraph 47 of the NPPF identifies a clear policy objective to, “*boost significantly the supply of housing*”. In order to meet future housing needs, Core Strategy Policy L1 also seeks to release sufficient land to accommodate a minimum of 12,210 new dwellings (net of clearance) over the plan period to 2026. The policy states that this will be achieved through the delivery of new build, conversion and sub division of existing properties.
22. Whilst the Council’s housing policies are considered to be out of date in that it cannot demonstrate a five-year supply of deliverable housing sites, the scheme achieves some of the aspirations which the policies seek to deliver. It is considered that the application site is located in a sustainable location being immediately adjacent to Stretford Metrolink stop, close to bus routes and also within five minutes’ walk of Stretford Shopping Mall and associated services. Additionally, the proposal would make a positive contribution to the housing land target as set out in Policy L1.2 of the Core Strategy. The application site is identified within the Stretford Refreshed Masterplan (Consultation Draft 2017) as a town centre development site stating that ‘*the site offers potential to deliver new residential accommodation taking advantage of its waterside location.....*’.
23. The majority of the developable area of the site constitutes previously developed land (brownfield land) and given that the Council is currently failing to meet its target of locating 80% of new housing provision on previously developed brownfield land, the development would contribute to this target in accordance with Policy L1.7 of the Core Strategy.
24. In accordance with Policy L2.6 of the Core Strategy the proposed mix of dwelling type and size should contribute to meeting housing needs of the Borough. The proposed development includes a mixture of accommodation which is considered to be acceptable. The mix is:
- 4x 4 bedroom semi-detached dwellinghouses
 - 3x 5 bedroom townhouses
 - Apartments (24x 2 bedroom units & 16x 1 bedroom units)
25. Policy L2 of the Trafford Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough. In order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market: affordable housing. The Borough is significantly underperforming against the 40% affordable homes target when compared to anticipated delivery at this stage in the plan period. The applicant has offered a commuted sum of £60,000 in lieu of on-site affordable housing provision. The total affordable housing requirement on the site, 5 dwellings, equates to a commuted sum of £350,000.

Loss of Employment Land

26. The application site has previously been in use for employment purposes. In accordance with Policy W1.12 of the Core Strategy, the applicant has provided a Loss of Employment Land Assessment. The conclusions of the assessment are summarised as follows:-
- The eastern side of the canal is predominantly residential in nature and a commercial use may not be appropriate in this location in respect of HGV movements/noise generation.
 - The proximity of the site to the town centre and the Metrolink station makes it a suitable and sustainable location for residential development.
 - The site has not been used for employment purposes since at least 2004.
 - Trafford Council are unable to demonstrate a five year supply of land for housing and this site would contribute towards Trafford's housing delivery targets.
 - The site has previously benefited from consent for outline residential development (H/OUT/71775), thereby the Council have accepted previously the use of the site for purposes other than employment use. It is considered there is no material change in circumstances which would result in the Council reviewing this position.
 - Previous attempts at marketing the site have only generated interest from residential developers. Advice from agents employed by the previous owner suggest that the site was not suitable for employment purposes due to its proximity to residential uses and the floor plate requirements of commercial occupiers in terms of office, retail and light industry would not fit easily on site.
27. The site is also allocated within the Trafford Strategic Housing Land Availability Assessment for residential development following the previous grant of outline planning permission.
28. In relation to Core Strategy Policy W1.12: the applicant's Employment Land Assessment refers to Trafford Council's Employment Land Study: Review of the Employment Land Supply portfolio April 2013. This report estimated the expected future demand for employment development land across the Borough up to the period 2026 and an appraisal of the supply of land potentially suitable and available to accommodate demand over that period. The report showed that in 2013 the Borough had an oversupply of employment land of approximately 314 hectares.
29. In the context of Policy W1.12, it is considered that: (i) there is no need for the site to be retained for employment purposes because it will not result in an overall shortfall of employment land within the Borough, (ii) there is a clear need for the housing proposed, (iii) currently there aren't sufficient sites across the Borough to meet the identified housing need, and so it cannot be

said that there are alternative sites available to meet that need, (iv) the proposed use would not compromise the primary function of the locality or the operations of neighbouring uses in that the site sits within a mixed use area, (v) compliance with other policies in the plan is discussed elsewhere within the report.

DESIGN, LAYOUT STREETSCENE

30. In relation to matters of design, Policy L7 of the Core Strategy states development must:

- Be appropriate in its context;
- Make best use of opportunities to improve the character and quality of an area;
- Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment.

31. The proposed apartment building (Block A & Block B) is located towards the north side of the site adjacent to the canal. The building will be five storeys which includes a basement level for car-parking. The apartment building will have an overall height of approximately 14.5m and will incorporate a flat roof design. The building will be positioned at approximately 2m at the nearest point to the canal, with a pedestrian pathway proposed between the building and the canal. The apartment building incorporates a contemporary design including curvilinear gables which, together with the proposed materials alludes to an Art Deco inspired design, acknowledging the former Essoldo Cinema building. Brick is the predominant external material with the upper level (fourth floor) proposed to be clad in a champagne coloured aluminum cladding system.

32. A more standard form of cladding had been proposed originally, but this would not have provided the quality of finish required for a building which adopts a contemporary design approach and sits in such a prominent location on the edge of the canal. It is also considered essential, again particularly because of the contemporary design approach, that a high quality brick is used. This can be controlled by condition were permission to be granted. The applicant has provided cross sections through the proposed fenestration details which show an appropriate form of articulation with deep window reveals. These important details can also be secured by way of an appropriate condition should permission be granted.

33. The apartment building is divided into two blocks of accommodation, separated by an external stairwell and lift shaft with each floor of accommodation accessed from an external deck access along the eastern elevation of the building. Glazed balustrades would be used on the central

stairwell/lift core to emphasize the break between both blocks, whilst the core itself is to be clad in the same aluminium cladding proposed to the upper floor. The apartment building will measure approximately 97.5m in length and incorporates a narrow configuration to address the restrictive and linear form of the application site.

34. The one bedroom apartments will be located at the end of each block of accommodation from first to fourth floor level with the two bedroom apartments located between. The apartments that face towards the canal at first, second and third floor level will have external balconies recessed behind the external brick façade of the building, providing an appropriate degree of depth to the design.
35. Vehicular access to the site is taken from the existing access onto Edge Lane and an access road will extend along the eastern side of the site to serve all three distinct elements of the proposal. Vehicular access to the apartment block will be at its southern end with a turning head to facilitate manouvering. The main pedestrian entrance to the apartment blocks is from a central access point on the eastern elevation leading to the stairwell and central lift core.
36. A cycle parking area is located within the basement area towards the north side of the building, with a refuse/bin store and plant room area towards the south side. The basement area will incorporate arched openings facing towards the canal, these openings would be covered by a metal mesh in black. The applicant has submitted details to demonstrate that some relief to the eastern basement elevation can be incorporated in the form of decorative brickwork.
37. The town houses (Block C) are located to the south side of the apartment block. The townhouses form a terrace of three with the ground floor area providing a double garage area with a bedroom and wc and stair access. First floor is the main kitchen/living room area; three bedrooms and bathroom at second floor level and a fifth bedroom and external roof terrace at third floor level. The terrace block features a contemporary design and takes a similar approach to external materials as the apartment block with the prominent use of brick to the building elevations and an aluminium cladding system to the second and third floor. The third floor of the buildings effectively incorporates a pod, which extends above the second floor level of the building with the open terrace adjacent to the pod.
38. The terrace buildings measure approximately 9m from ground level to ridge line above the second floor of accommodation. The pod structure extends a further three metres above the ridge line and incorporates a flat roof design reflecting the overall roof design of the building. Fenestration includes floor to ceiling height windows, recessed heavily behind the external face of the

building, creating a bold design. The first floor windows are set within a recessed brick panel, with the windows further recessed behind the panel. It is considered that this detailing provides an acceptable degree of articulation. The block measures approximately 29m in length and retains a distance of approximately 3m – 3.5m to the canal edge.

39. Towards the southern end of the site are two pairs of semi-detached dwellings (4 houses) referred to as Block D and Block E. Each of these properties has living accommodation over three levels. Ground floor consists of a single garage space and bedroom with stairwell access. First floor is the kitchen and living room area with three bedrooms provided at second floor level.
40. The dwellinghouses measure approximately 9m from ground level to ridge level. The houses incorporate a contemporary design with a flat roof; brick as the predominant external material over ground and first floor level and the aluminium cladding system at second floor level. The fenestration to the dwellinghouses incorporates vertical and horizontal openings with greater vertical emphasis on the western elevation facing the canal. Each dwellinghouse measures approximately 9.7m in width and a distance of approximately 2m – 3m is retained to the canal.
41. The overall massing of the development involves the larger apartment building being located towards the northern boundary of the site close to existing larger built form along Edge Lane with the townhouses and semi-detached dwellings decreasing in size as the site extends and narrows southwards.
42. Whilst the surrounding area is characterised by predominantly two storey residential properties, there are taller commercial buildings to the north on Edge Lane. It is not considered that the height of the development will appear incongruous in this wider setting.
43. Extensive landscaping is proposed including two timber viewing platforms on the edge of the canal towards the southern end of the site. A pedestrian pathway will extend along the canal side in front of the apartment block and will be restricted for residents only access. The area of soft landscaping which extends towards the southern end of the site and incorporates the viewing platforms will be open to the public as a new canal side promenade.
44. It is considered that the design and layout of the scheme is acceptable and would not result in material harm to the streetscene or character of the area in compliance with Core Strategy Policies L5 and L7 and the NPPF.

IMPACT ON RESIDENTIAL AMENITY

45. Policy L7 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.
46. The Council's adopted SPG for new residential development sets out more detailed guidance and specific distances to be retained between buildings and window to window distances. The SPG refers to buildings of four or more storeys and states where there would be major facing windows; buildings should retain a minimum distance of 24m across public highways and 30m across private gardens. Distances to rear garden boundaries from main windows should be at least 13.5m in order to protect privacy.
47. To the west of the proposed apartment building are light industrial and commercial properties, consequently there would be no residential amenity implications. Nevertheless the separation distance would be between approximately 21m – 24m at ground floor level and more at upper levels with the building set back, thus meeting the recommended separation distance.
48. To the North West, across Edge Lane, residential apartments are located above the commercial units adjacent to the Essoldo building. The proposed apartment building would offer oblique views towards these properties and the separation distance would be approximately 45m. Planning permission has been granted for a scheme on the opposite side of Edge Lane, referred to as the former boat yard development, (H/69278 Approved August 2016) which proposes a four storey building (three storeys of living accommodation above basement garage) and a three storey building (two storeys of living accommodation above basement garage). This development has not yet been implemented. The four storey building will have its side elevation facing towards Edge Lane and will include habitable room windows. The north facing elevation of Block A will retain a distance of approximately 45m to the side elevation of the former boat yard development. The north facing elevation of Block A has habitable kitchen/dining room windows on the four floors of living accommodation facing towards the boatyard development. However given the sufficient intervening distance between both sites there is not considered to be any adverse impact on future occupants of the boat yard development (or vice-versa with regards future occupants of the proposed development site).
49. To the east of the proposed apartment building the closest residential buildings would be located in Rokeby Avenue and Maple Avenue, where the gable elevations would face towards the development site with the Metrolink line running between. Significant foliage exists either side of the Metrolink on

land within the fenced area of the line, particularly immediately to the east of the site. Nevertheless the gable elevations of the residential properties nearby have side windows, and the apartment building due to its size would be clearly visible. It is not understood if these side windows serve habitable rooms but the separation distance would be approximately 37m and this would be in excess of the guidelines for distances between habitable rooms. The eastern elevation of the apartment building includes the deck access to the apartments. From a residential amenity perspective it is considered there wouldn't be a detrimental impact as the external deck area is unlikely to be an area suitable for residents to use as an external sitting out area as it is narrow in configuration specifically for access to all the residential units on that particular level. Notwithstanding this, the distance retained from the external deck area is sufficient to prevent any undue overlooking beyond the eastern boundary of the site.

50. To the south of the apartment block, the proposed town houses would face residential commercial properties to the west along Lacy Street, with a separation distance of approximately 25m. To the east are residential properties in Larch Avenue, their rear elevations facing the development. A distance of approximately 38m across the Metrolink line would be retained between the proposed houses and these properties, well in excess of the guidelines. The townhouses include roof terrace areas; it is considered that the use of these terraces by the occupants of the properties will not have a serious impact on nearby residential properties given the intervening distance, natural screening and the existing Metrolink line between.
51. The southernmost semi-detached houses on the site would face residential two storey houses to the west, on the opposite side of the canal on Cooper Street. These properties enjoy an open aspect with low fences and gardens overlooking the canal and the application site beyond. The separation distance here would be between 30m to 40m approximately; this would exceed the recommended guidelines. The dwellinghouses would also be located adjacent to a two storey building comprising apartments at the southernmost part of Larch Avenue with the Metrolink between. A distance of approximately 33m would be retained at the nearest point between the proposed dwellings and the apartment building, which exceeds the suggested guidelines.
52. A landscaping area is proposed to the southern end of the site as a form of amenity space. The area as stated is indicated to be used by not only residents but also members of the public. The apartment buildings and townhouses have private amenity provision in the form of balcony/roof terrace areas, whilst the townhouses and semi-detached houses are also have their own private decking/garden area fronting towards the canal. The level of amenity space is considered adequate for the site and it is relevant to note the proximity of Victoria Park and Longford Park to the development site.

Noise

53. The applicant has undertaken noise and vibration assessments with regards the impact of the adjacent Metrolink line which concludes that suitable mitigation measures can be introduced to the proposed buildings/development site to abate any noise and vibration impact on future occupants. Such measures include the use of acoustic fencing and standard double glazing with appropriate trickle vents to aid ventilation. The Council's Pollution & Licensing section have accepted the findings of the report and have suggested the inclusion of a condition requesting a detailed noise mitigation plan that will demonstrate how the suggested acoustic remedial works will be achieved. The vibration assessment concludes that for the proposed buildings closest to the Metrolink line, there is low probability of adverse effects from vibration.
54. TfGM have stated that there are no practical measures that TfGM can readily take should noise levels from the Metrolink line be complained about in the future from occupants of the development site.
55. The Royal Mail sorting office has raised concerns over how activity from its 24 hour facility may impact on the amenity of future occupants of the development and complaints that may arise in the future from residents against the Royal Mail. The submitted noise assessment concludes that the level of activities at the Royal Mail site in terms of 'comings and goings' would not have any adverse impact on the amenity of future occupants. The use of the glazing and acoustic vent mitigation measures as detailed above is considered to be sufficient to address any noisy activity from the site. The activity at the Royal Mail site that would be considered to generate noise would relate to staff arriving/leaving in the early hours and vehicular movements in terms of HGV movements at the site.

Air Quality

56. The applicant has submitted an air quality assessment that has been considered and its conclusions accepted by the Council's Pollution & Licensing section. The report refers to mitigation measures to be implemented during any construction period to minimise dust emissions. A condition is suggested therefore for submission of a dust management plan prior to development commencing should the application be approved. The air quality assessment also considered the road traffic emissions that would arise from traffic generated by the proposed development on local air quality. Concentrations were predicted to be below the relevant air quality objectives at all receptor locations and the impact of the development was identified as negligible in accordance with industry guidance.

External Lighting

57. An appropriate condition, should planning permission be granted, could be added, requiring details of any external lighting within the development site to be submitted to the Council for approval prior to its installation on buildings or within the wider site.
58. In conclusion the proposal is considered not to result in material harm to the living conditions of occupiers of neighbouring properties, nor is it considered the amenity of future occupants will be adversely impacted upon with regards the location of the proposed residential accommodation. It is considered therefore to be compliant with Core Strategy Policy L7 and the NPPF.

HIGHWAYS & PARKING

59. Policy L7 states that in relation to matters of functionality, development must:

- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
- Provide sufficient off-street car and cycle parking, maneuvering and operational space

Appropriateness of Access & Highway and Transport Impact

60. The Transport Assessment demonstrates with the use of TRICS (Trip Rate Information Computer System) data and junction modelling that the volume of traffic generated by the development will be modest and will not have a significant impact on the operation of the local highway network.
61. The LHA have considered the visibility splay to the access to the site and turning movements to and from the site, these aspects are all considered to be satisfactory to the LHA

Car-Parking

62. Apartments (Blocks A & B) – SPD3: Parking Standards and Design for Trafford states that in this area, one off-street parking space is required for one bedroom dwellings and two off-street parking spaces are required for two bedroom dwellings. This equates to a maximum parking provision of 64 parking spaces for the apartment block alone. The proposals comprise the provision of 28 parking spaces (this includes four accessible spaces) on the ground floor/basement of the apartment block, 44% of the total number required. A further 9 spaces are located in a parking bay towards the southern end of the site. It is considered by the LHA however that these spaces are likely to be positioned too far away from the apartment block and

unlikely to be attractive for residents of the apartments to use.

63. Townhouses (Block C) and Semi-detached Houses (Blocks D & E) – SPD3: Parking Standards and Design for Trafford states that for dwellings with four plus bedroom dwellings in this area, three off-street parking spaces are required. The townhouses propose five bedrooms and the semi-detached properties propose four bedrooms. Therefore the standards suggest that for 7 dwellings provision should be made for 21 car –parking spaces. The proposed scheme indicate that the townhouses benefit from a double garage accommodating two parking spaces, whilst the semi-detached houses benefit from a single garage accommodating one parking space and an additional designated space in the parking area at the southern end of the site. As such each of houses is provided with two parking spaces, a total of 14 spaces with a shortfall of seven.
64. In summary a total of 85 spaces would be required for the total development with regards the advice contained within SPD3. The applicant is providing a total of 51 spaces (60% provision) for the entire development, a shortfall of 34 spaces.
65. The applicant has provided a Transport Assessment (TA) which includes an evaluation of car ownership levels from 2011 Census data to determine parking requirement for this development. From this data it is estimated that parking demand for the 47 dwellings will be 43 spaces. Allowing for an increase in car ownership levels up to 2020 and additional visitor parking, the TA suggests the overall parking demand is likely to increase up to 49 spaces in a worst case scenario.
66. The applicant has demonstrated in the Transport Assessment and Travel Plan that the site is situated in a sustainable location, being accessible on foot, by cycle and public transport. Local facilities along with bus stops and Stretford Metrolink station are in close proximity of the site. The applicant has submitted a Travel Plan which contains measures to promote alternative modes of transport to the car, targets and review and monitoring details. Based on these factors the proposed level of parking provision (51 spaces) is considered acceptable by the LHA.

Cycle Parking

67. SPD3: Parking Standards and Design for Trafford states that cycle parking provision of one communal space per apartment or one allocated space per bedroom is required. This equates to 40 communal or 64 allocated cycle parking spaces. The proposals include the provision of a ground floor cycle store comprising 70 spaces located within the apartment block. Cycle parking infrastructure should ensure that both wheels and the frame of all types of cycles can be secured to the facility having regard to advice within SPD3.

The applicant has provided details to suggest they intend to use a two tier stacking cycle parking system. This type of system is acceptable, however, an appropriate condition will be attached to require final details of layout and the system to be used, should the application be approved. Cycle parking for the townhouses and semi-detached houses will be within the dedicated garages which has been considered by the LHA and this arrangement is considered acceptable.

Servicing Arrangements

68. The applicant has submitted further swept path analysis which demonstrates that the refuse lorry model used by Trafford Council can access bin storage areas, manoeuvre and turn around within the site to exit in a forward gear. The turning head should be protected to prevent vehicles from parking in it.
69. Therefore subject to the submission of cycle storage details and a Travel Plan, the highway impacts of the proposed development are considered to be acceptable and reflect the objectives of Policies L4 and L7 of the Core Strategy and the NPPF.

ECOLOGY & TREES

70. The applicant has undertaken a preliminary ecological appraisal which has considered the impact of the proposed development on protected species. Although the site is considered to provide potential foraging opportunities for bats, nesting birds and common amphibians, no protected species or barriers to redevelopment of the site were identified.
71. GMEU have been consulted on the proposed development and accept the applicant's ecologist's conclusion that the site is not of a high conservation value. They have indicated however that the report does not refer to the Bridgewater Canal designation as a Site of Biological Importance (SBI). The canal has been designated because it supports aquatic plant communities. The proposed development on this constrained site will be very close to the canal and the application site will therefore require some remediation before main construction works can commence. Such remediation and construction activities have the potential to cause harm to aquatic plant communities in the canal. It is therefore recommended that a condition be attached to any grant of planning approval to ensure the protection of the adjacent canal during remediation and construction. In addition, GMEU have requested that a condition be included, should planning permission be granted, to ensure that the proposed drainage scheme does not result in pollutants being discharged into the canal which would harm aquatic life and that there is no increased risk of flooding from the development.

72. Further conditions are recommended, should planning permission be granted, to ensure no vegetation clearance during bird breeding season and appropriate tree protection measures for the trees along the east of the site boundary within the Metrolink boundary. The applicant's consultant has also suggested that any external lighting scheme should be minimised/shrouded to prevent spillage into the adjacent habitats of the canal and the tree lined tram line which are suitable areas for foraging of bats. An external lighting scheme will be required to be submitted through an appropriately worded condition should planning permission be granted.
73. The application site has recently been cleared of vegetation cover. The ecological survey also recorded vegetation and tree cover within the site at the time of the survey at the end of June 2017. The site was noted for its dense scrub with a small number of silver birch trees located to the southern edge of the site, it was noted that there is extensive tree coverage alongside the site within the Metrolink land with some overhanging limbs to the application site. The applicant has submitted a detailed landscape assessment and is proposing an extensive area of landscaping particularly to the southern end of the site with tree planting; native shrub and ornamental planting. An appropriate tree protection condition and landscaping condition can be attached should planning permission be granted.
74. The Bridgewater Canal Company Ltd have highlighted a concern regarding any proposed tree planting and possible damage to the canal banks from tree roots. Any proposed planting scheme will involve consultation with the Bridgewater Canal Company to ensure appropriate planting is undertaken.

FLOOD RISK, DRAINAGE & CONTAMINATION

75. The application site is located within a Critical Drainage Area and a Canal Breach Zone B (where a canal Breach is unlikely to occur) as identified within the Council's Strategic Flood Risk Assessment. The site is also within a Flood Zone 1 (lowest risk of flooding) with regards the Environment Agency flood maps. The LLFA have recommended appropriate conditions, should planning permission be granted, to require a full drainage strategy and compliance with Trafford Council SFRA criteria including maintenance and management details for the SUDs facility.
76. United Utilities have considered the proposal and recommend conditions, should planning permission be granted, requiring foul and surface water drainage to be on separate systems and a surface water drainage scheme.
77. The applicant has submitted a Flood Risk Assessment which identifies the site as being within Flood Zone 1. The report recommends a drainage scheme that will achieve a 50% reduction in surface water flows in accordance with Trafford SFRA for brownfield sites. Infiltration SUDS

techniques have not been included in the indicative drainage layout as further site investigation work is required to establish if site conditions are suitable.

78. The proposed development is located on land that may have been contaminated by prior commercial and industrial uses; there are several closed landfills within 250m of the site. The Council's Pollution & Licensing section have considered the proposals and have raised no objection to the proposal subject to inclusion of a contaminated land condition.
79. The proposal is therefore considered to be acceptable with regards drainage, flood risk and land contamination in accordance with Policy L5 of the Core Strategy and the NPPF.

CRIME & SECURITY

80. Core Strategy policy L7.4 relates to matters of design and security and states that development must be designed in a way that reduces opportunities for crime and that does not have an adverse impact on public safety.
81. The applicant has submitted a Crime Impact Statement (CIS) in support of the application. Greater Manchester Police have raised no objections to the proposal and have provided general comments regarding physical security measures that the applicant should consider. An appropriate condition can be attached, should planning permission be granted, to ensure the development is completed in accordance with the recommendations within the submitted CIS.

DEVELOPER CONTRIBUTIONS

82. The proposed development would be considered against Trafford Council's Community Infrastructure Levy (CIL) Charging Schedule (July 2014) and Supplementary Planning Document SPD1: Planning Obligations (July 2014).

CIL

83. The site falls within a 'cold charging zone' (Stretford Ward) with regards Trafford Council's CIL Charging Schedule, whereby private market houses are liable for a charge of £20 per sqm (GIA) and apartments are liable for a charge of £0 per sqm (GIA).

SPD1: Planning Obligations

84. This supplementary document sets out Trafford Council's approach to seeking planning obligations for the provision of infrastructure, environmental improvements and affordable housing required in relation to new

development. Contributions sought through SPD1 will be through the established mechanism of a Section 106 agreement.

85. Affordable Housing – Policy L2 of the Trafford Core Strategy seeks to secure appropriate levels of affordable housing in new developments. For the purposes of affordable housing, the proposal site falls within a ‘moderate market’ location (not to be confused with the CIL charging zones which differ). In these moderate market locations a 20% affordable housing target would normally be sought, with the flexibility to increase this to a 25% requirement under ‘good’ market conditions and to decrease it to 10% under ‘poor’ market conditions. The housing market is still considered to be operating under ‘poor’ conditions currently; therefore the proposed development would be required to provide 5 on-site units on an affordable basis.
86. Specific Green Infrastructure – This section of the SPD relates to appropriate tree planting and other forms of Green Infrastructure that would be appropriate to mitigate the impact of the development. Advice within the SPD identifies the provision of 1 tree per residential apartment proposed and 3 trees per residential dwellinghouse. Tree planting is the predominant form of Green Infrastructure provision on development sites and achieved through an appropriate landscape planning condition as the Council prefers to achieve planting on development sites. In addition, other typical Green Infrastructure that can be provided includes hedgerows, green walls and green roofs and can be included within an appropriate landscaping scheme. This development would generate the requirement for the provision of a minimum of approximately 61 trees on site with the possibility of other stated forms of Green Infrastructure being included as part of this provision.

VIABILITY AND AFFORDABLE HOUSING

87. Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 173 states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
88. Policy L1 of the Trafford Core Strategy states that the Council will seek to deliver high quality housing affordable by all sectors of the community by releasing sufficient land to accommodate a minimum of 12,210 new dwellings up to 2026.

89. Policy L2 of the Trafford Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough. In order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market:affordable housing. The Borough is significantly underperforming against the 40% affordable homes target when compared to anticipated delivery at this stage in the plan period.
90. Policy L2 continues by stating that in respect of all qualifying development proposals, appropriate provision should be made to meet the identified need for affordable housing. To take into account issues relating to viability the Borough is split into three broad market locations 'hot', 'moderate' and 'cold' and Stretford is identified as falling within a 'moderate' market location. The Council's Revised SPD1 – Planning Obligations states that the normal 20% affordable housing target in 'moderate market locations' will be reduced to 10% in 'poor' market conditions. The Borough is currently experiencing 'poor' market conditions.
91. Policy L2 also sets out that the expected delivery method of affordable housing would be on site; at least 50% of the affordable housing provision will be required to be accommodation suitable for families; the affordable housing element should reflect the overall mix of unit types on the site and a split of 50:50 in the affordable housing units to be provided between intermediate and social / affordable rented housing units. Further detail on mechanisms to secure affordable housing delivery and provision are included in the Revised SPD1 – Planning Obligations.
92. The applicant has submitted a development viability appraisal with the planning application which initially concluded that no affordable housing contribution could be provided. The applicant's viability appraisal has been independently reviewed by financial viability consultants appointed by the Council.
93. The overriding concern identified by the Council's viability consultants was that the Benchmark Land Value (BLV) for the site (the amount the developer has either paid or undertaken to pay for the site) was too high and had not taken into account the requirements of development plan policies, specifically in this case, the planning obligation requirements in relation to affordable housing provision. Over paying for a development site is part of development risk and is not accepted as justification for an affordable housing provision that is lower than the level that could actually be achieved at the site when an appropriate BLV, consistent with planning policy requirements, is applied.
94. The Council's viability consultants take the view that this scheme can support the full development plan requirement to provide either 5 affordable units on site or, if considered appropriate, an equivalent commuted sum for off-site

provision. Given the small number of affordable units generated, it is unlikely that they would be deliverable on site and therefore it would be more appropriate in this case for the Council to seek a commuted sum, which for this development would be £350,000.

95. Following discussions, the applicant has accepted that the BLV should take into account the requirements of the development plan policies, and this figure has now been reduced accordingly in the latest iteration of the appraisal. Whilst this should normally result in an appraisal demonstrating that the affordable housing provision could be viably delivered, in this case it has not, because adjustments have also been made by the applicant's consultants to the costs associated with the development.
96. Development costs have increased in the applicant's revised appraisal, including the Agency Fees for selling the apartments. The applicant has indicated that all of the apartments have been pre-sold and yet the Agency Fees have increased by 2.5% to a level above that which would normally be expected. The applicants have been asked to verify this information but have been unwilling to do so for commercial confidentiality reasons. The difference in fees equates to the provision of approximately two affordable units.
97. A contingency allowance was clearly identified in the initial appraisal but this has doubled in the latest iteration. This doubling equates to the provision of just under two affordable units. No reliable justification has been given for this alteration.
98. The burden of proof within a development viability appraisal lies with the applicant. In addition to the Agency Fees and contingency allowance referred to above, there are gaps in the evidence provided in relation to other elements of the appraisal, whilst assumptions have been made that require supporting evidence which the applicants have been unable to provide. For example where costs have been questioned they have been removed and equivalent sums have been ascribed to other development costs with no justification. The applicant has been given the opportunity to clarify the questions raised by the Council's consultant but has either been unable or unwilling to do so.
99. The applicant has made an offer of £60,000 for affordable housing provision to the Council. This, together with the discrepancies highlighted above suggests that the proposed scheme could support a fully policy compliant scheme and still be viable. The £60,000 offer from the applicant equates to less than one affordable unit and would therefore fail to meet the identified demand for affordable homes in the Borough that this development should properly provide.

OTHER ISSUES

100. The Bridgewater Canal Company Ltd (BCCL) have requested that three conditions are attached to any grant of planning permission (and which they have asked to be consulted upon) which include submission of foundation details; continued access to canal wall/embankment at all times for the BCC and details of landscaping proposals. Should planning permission be granted, it is considered appropriate to attach conditions relating to foundation design. Details of a landscaping scheme would also be required. Rights of access for the BCCL and the appropriateness of the proposed plants within the landscaping scheme are matters which the applicant should discuss separately with the BCCL.
101. The applicant has submitted an Archaeological Desk Based Assessment (DBA) in accordance with best practice set out in the National Planning Policy Framework paragraph 128. The DBA has been considered by the Greater Manchester Archaeological Advisory Service (GMASS). Comments received from GMASS state that the site had some early field boundaries but these were overbuilt by warehousing and other industrial buildings from the late 19th century. The DBA suggests that an archaeological watching brief would be appropriate mitigation, but given the late date of the former buildings, which have all been demolished, GMAAS consider that there is no requirement for further archaeological mitigation.

PLANNING BALANCE AND CONCLUSIONS

102. Paragraph 14 of the NPPF indicates that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless: (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or (ii) specific policies in this Framework indicate development should be restricted. The Council does not, at present, have a five year supply of immediately available housing land. Paragraph 49 of the NPPF and subsequent case law indicates that policies within the Development Plan which have implications for the supply of housing have to be considered to be out of date in such circumstances.
103. Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. In relation to Paragraph 173, it is acknowledged that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, contributions should, when taking account of the normal cost of development

and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

104. Significant weight has to be afforded to the benefits of the scheme that would flow from the provision of 47 homes in a sustainable location, in addition to the other benefits of the scheme identified earlier in this report. However, these benefits must be weighed against the shortcomings of the proposed development, most notably the material harm that would result from the lack of affordable housing provision against an identified need and shortfall in delivery, a policy requirement supported by policies in the Council's development plan, SPD 1, and the NPPF. The Council has weighed viability in the planning balance in other recent housing proposals where the conclusion has been reached, through a robust assessment of the applicant's viability appraisal, that the schemes would not be viable if providing either the full affordable housing contribution, or otherwise a reduced affordable housing contribution. In all recent cases, the Council has concluded that the shortfall in affordable housing provision has been outweighed by the other benefits of the schemes where a development is not viable otherwise.
105. In this case, it is not accepted that the proposed development cannot support the full affordable housing contribution. The applicant has not been able to demonstrate to the Council's viability consultant that the scheme is not viable with a fully policy compliant affordable housing contribution. This needs to be considered in the light of the Council's significant underprovision against the 40% target for the delivery of affordable housing across the Borough as set out in Policy L2. It is considered that this critically alters the planning balance to the point where the benefits of the scheme are outweighed by the harm caused by the shortfall in the provision of affordable housing. To conclude otherwise would set an unwelcome precedent that the Council is prepared to accept viability appraisals which are not robustly justified and evidenced.
106. In reaching this conclusion, it is acknowledged that the development would not unduly impact upon the residential amenity of existing or future occupants in the vicinity. The scale, massing, siting and design of the proposed development pays due regard to its surroundings and would improve the streetscene on a prominent site on the edge of Streford Town Centre. All relevant policies and considerations have been taken into account.
107. However, on balance, officers do not consider that any public benefit or wider regeneration benefits that may flow from the scheme, including the provision of 47 residential units at a time when the Council does not have a five year supply of deliverable housing sites, outweigh the harm caused to the Council's identified affordable housing needs. The proposal is contrary to the development plan, and even if housing policies are deemed out of date, the adverse consequences of the development significantly and demonstrably

outweigh the benefits and the proposal fails the test in Paragraph 14 of the NPPF. The application is therefore recommended for refusal.

RECOMMENDATION: REFUSE

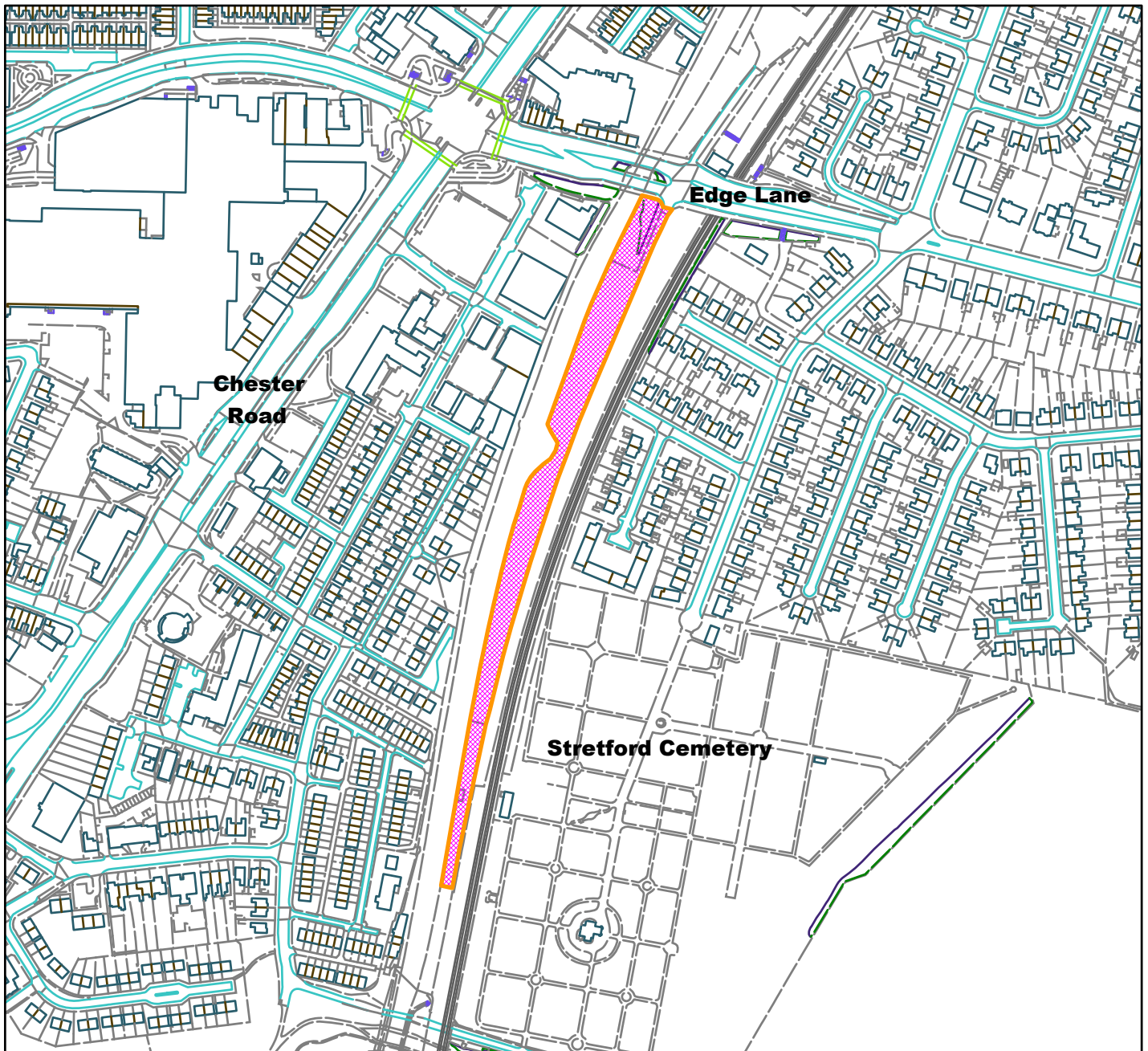
REASON FOR REFUSAL:

1. The applicant has failed to demonstrate that the proposed development will provide the appropriate level of affordable housing taking account of the 'moderate market location' and the financial viability of the proposal. The proposal is therefore contrary to Policy L2 of the adopted Core Strategy and the Council's adopted Revised Supplementary Planning Document 1 (SPD1) – Planning Obligations

CM



Royal Works, Edge Lane, Stretford (site hatched on plan)



Scale: 1:4,065

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

WARD: Altrincham

92545/HHA/17

DEPARTURE: No

Erection of a two storey front and side extension and single storey rear extension. Erection of a detached garage to the rear and new front driveway with dropped kerb.

6 Hazel Road, Altrincham, WA14 1HL

APPLICANT: Mr Chien

AGENT: Tang and Associates Ltd - Chartered Architects

RECOMMENDATION: GRANT

Reported to the Planning and Development Management Committee as the application has received more than six objections contrary to officer's recommendation.

SITE

The application relates to a large end terrace property on Hazel Grove close to the junction with Barrington Road. It forms part of a row of three large terraces which are of a different design to the mainly smaller terraced properties on Hazel Grove. The property is set back from the street and set on land approximately 0.5m higher than the road. Parking is provided to the rear and accessed off of Hart Street.

At the time of the site visit works had commenced on the two storey front/ side extension and single storey rear extension, in addition to the removal of one of the two trees in accordance with planning permission (91743/HHA/17).

The site is not located within a conservation area and none of the building within or surrounding the site are listed. Further to this none of the trees on the site are protected by a Tree Preservation Order. The site however is located within a critical drainage area.

PROPOSAL

Planning permission is sought for the erection of a two storey front/ side extension and single storey rear extension. As well as the erection of a detached garage to the rear, new front driveway with dropped kerb and removal of two existing trees facing Hazel Road.

It is noted the proposed extensions to the main dwelling house (two storey front/side extension, and single storey rear extension) are unchanged from the previously approved scheme: 91743/HHA/17 granted in August 2017. The two storey front/side extension would provide space for a porch, en-suite and dressing room; whilst the

erection of a rear single storey extension would provide additional space for a joint kitchen/ dining room.

The two storey front/side extension would project 2.12m from the front side elevation and would end in line with the existing rear side elevation. The extension would extend 4.11m off the dining room with a 1m canopy. This would cover the existing raised patio area to the front door. The extension would have a pitch roof with height to eaves of 6.72m with a maximum height of 8.14m. The extension would include two large windows to the ground floor side elevation, patio doors to the front and at first floor level a window in the front and side elevation.

The canopy above the front door would have a height to eaves of 3.12m and a maximum height of 3.73m. Below the canopy there would be a glass railing around the raised patio area.

The rear extension would project 1.59m off the existing kitchen to end in line with the existing cloak room and toilet. It would be the full width of the kitchen (2.74m). The extension would have a pitched roof with a height to eaves of 3.81m and a maximum height of 4.81m. The extension would include windows and Juliet balcony to the rear elevation and two rooflights within the roof.

The proposed garage would be located to the rear of the site and accessed off of Hart Street. It would measure approx. 7.6m (D) x 6.3m (W), with an asymmetric gable roof, which would have an eaves line of 2.85m fronting Hart Street and 3.7m from within the site (2.3m from ground level), rising to 4.95m at the ridge. Hart Street is approx. 1.4m lower than the rear garden of the application site. The rear 2 metres of the garage would be used as storage and would be accessible from the rear garden of the site.

The alterations to the front would involve the removal of a 3.7m wide section of the front boundary to create an entrance and to allow for a new driveway to the front of the property.

The increase in floor space of the proposed development would be 70 m².

DEVELOPMENT PLAN

For the purpose of this application the Development Plan in Trafford Comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the

Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L7 – Design

OTHER LOCAL POLICY DOCUMENTS

SPD3 – Parking Standards & Design

SPD4 – A Guide for Designing House Extensions & Alterations

PROPOSALS MAP NOTATION

None relevant to this application

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

91743/HHA/17 - Erection of two storey side extension and single storey rear.
Approved with conditions - 18.08.2017

92384/CND/17 - Application for approval of details reserved by conditions of grant of planning permission 91743/HHA/17. Condition 3 (Submission of samples and specification for the material that will be used externally on the building).
Full discharge of conditions - 15.11.2017

APPLICANT'S SUBMISSION

The applicant replied to case officer's concerns and the representations made. The comments of which are summarised below:

- We were informed that the trees within our site are not protected by a TPO and received the permission to proceed with our extension project.

- Our intentions only extends to a partial removal of the low wall with the plan to retain the existing masonry posts, we do not feel that the change would compromise the street scene.
- To make further effort, we aim to improve the boundary frontage through professional landscaping design once the building project is complete.
- We also wish to bring to your attention that number 2 Hazel Road currently has a converted driveway.

CONSULTATIONS

Local Highways Authority – No objection

REPRESENTATIONS

A total of twelve representations have been received as part of the consultation process, eleven of which were clearly acknowledged as objections. The concerns raised by all those making representations are mostly related to the proposed new driveway and loss of two trees, however specific points are summarised below:

- The works have started prior to planning consent
- Concern raised with regard to the property being converted internally into separate dwelling apartments
- Concern raised with regard to the property being converted to business with clients parking
- Worry that precedent will be set to pave front gardens in area
- The loss of the two trees would impact on the following:
 - Reduced privacy
 - Reduced aesthetic value, character and green space
 - Reduced protection against noise and pollution from the nearby Barrington Road
 - Reduced contribution to the creation of ecosystems for birds and small animals
- Loss of character and appearance from loss of wall and gates
- The driveway would require a retaining wall due to existing levels and therefore the wall should match the existing wall
- Concern that excavation works could lead to the de-stabilisation of the gable end wall of no. 8 and/or of the shared front and rear garden walls.
- Loss of light from rear extension to kitchen window of No.4 Hazel Road
- Additional parking is unnecessary, given the two spaces at the rear
- Highways safety worsened with introduction of driveway
- Increased risk of accidents
- Concern for businesses and the character of the area
- Loss of valuable parking spaces for public that use businesses in the area (i.e. dental practices, vet and visitors to Speakman Court)
- Comments have been removed and comments are no longer being accepted in connection with this application

OBSERVATIONS

DESIGN AND APPEARANCE

1. In relation to matters of design, Policy L7 of the Core Strategy states development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.
2. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).
3. Part of the proposed development namely the two storey front/side extension and single storey rear extension is unchanged from the recently approved scheme, planning reference: 91743/HHA/17. It is noted that at the time of writing the report the approved extensions have been substantially completed. Nevertheless the consideration made in the previous application in relation to these elements is maintained and discussed below.
4. It is considered the two storey front and side extension, given the setback of 2.46m from the principal elevation and lower roof height, would appear subordinate to the host dwelling and whilst visible from the streetscene would integrate well within the host dwelling and would reflect its character. The single storey rear extension lies to the back of the property and so would not affect the street scene, it is however considered to be subordinate to the host dwelling and would reflect its character and appearance. The materials have been submitted to the Local Planning Authority for approval via a discharge of conditions application and were found satisfactory, matching that of the application site and as such the condition was discharged.
5. In addition to the extensions to the main house, this application also includes the garage to the rear and the formation of new entrance and the driveway to the frontage of the site.
6. The character and appearance of the surrounding area is well preserved with mostly continuous boundary treatment along the Hazel Road, except for No.2 Hazel Road, which has a vehicular crossing and driveway to the front. It is of note that the property is not listed; the trees are not protected via a Tree Preservation Order (TPO); and the application site is not located within a conservation area. Thus both aspects (trees and boundary wall) could be removed without requiring planning permission. As such, it was requested that this element was removed from the proposal description; however the applicant wishes that this remains. Although the loss of the trees and part of the boundary wall is considered unfortunate, the proposed development is acceptable, given the fall-back position that these works could be carried out under permitted development. Furthermore, the applicant has

advised that landscape improvements would be made once the building works is considered and in order to protect this frontage and this would be conditioned should planning permission be granted.

7. The application site is bound to the rear by Hart Street, which consists of two rows of terraced properties on the eastern side and a number of garages associated with properties on Hazel Road and Barrington Road on the western side. The proposed garage would be sited to the rear of the property and accessed from Hart Street.
8. The proposed garage would be clearly visible from the public domain and therefore would have an impact upon the street scene. It would be constructed in brick with a pitched tiled roof, which would have a similar eaves line as the neighbouring garages. Therefore it is considered that the proposed would continue the rhythm and pattern of the urban grain within the streetscene. As such it is considered the proposed garage would enhance the character and appearance of the site and wider area by appropriately addressing scale, massing, and design and therefore would be appropriate within its context without harm to visual amenity.
9. Given the above reasons, it is considered that the proposed development would be in accordance with policy L7 of the Trafford Core Strategy, SPD4 and government guidance contained within the NPPF requiring good design.

RESIDENTIAL AMENITY

10. In relation to matters of amenity protection, development must: be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
11. The properties closest to the proposed development would be Nos. 4 & 8 Hazel Road, and Nos. 38 & 40 Hart Street. Each type of impact has been assessed in sub-categories below:

Overlooking/ Privacy

12. In relation to overlooking and loss of privacy, section 2.15 of the SPD4 advises that window to window distances of 21m between principal elevations (habitable room windows in properties that are directly facing each other) will normally be acceptable. In addition, extensions which would result in the windows of a habitable room (e.g. living room or bedroom) being sited less than 10.5m from the site boundary overlooking a neighbouring private garden area are not likely to be considered acceptable.
13. The side extension includes 2no. large ground floor windows to the new porch and a first floor window to an en-suite, all of which are non-habitable rooms. All of these

windows would face the side blank gable wall of no. 8 and so will not impact upon the privacy of the neighbouring occupiers. The side extension would also include one first floor window to a dressing room (non-habitable) in the front elevation. There would be no facing window within neighbouring properties within 21m.

14. The rear extension would include a Juliet balcony which would lie approximately 3m from the boundary with no. 4's rear garden, which extends across part of the rear of no. 6. Although the proposed Juliet balcony would overlook no.4's rear garden, it would not significantly impact upon privacy as the rear garden of no. 4 is already overlooked by the first and second floor windows of no. 6, of which these windows serve a mix of habitable and non-habitable rooms. As such this is not considered to result in undue overlooking over and above the existing conditions.
15. The proposed garage and associated store room would both create non-habitable rooms within the rear elevation facing back onto the main dwelling.
16. As such, the proposals would not result in any undue harm to privacy to the immediate adjoining and adjacent neighbours over and above the existing conditions.

Overbearing/ Visually intrusive

17. Section 3.4 of the SPD4 states that rear single storey extensions can project 3m, plus the distance set in from the boundary. The proposed rear extension would project 1.59m in line with the SPD guidance indicating that the proposal would not appear overbearing or visually intrusive to immediately adjoining neighbours.
18. The side extension would be constructed over the existing patio area to the front door and would not extend beyond the existing principal or side elevations of the property. The extension would face no. 8's blank gable wall and would not be unacceptably overbearing or visually intrusive in accordance with section 3.1 of SPD4.
19. With regard to development in rear gardens section 3.9 states that the height and bulk of garden structures should be minimised and they should not be positioned so close to neighbouring boundaries as to adversely affect neighbouring properties. The proposed garage to the rear would be positioned at the foot of the rear garden, some 11.5m from the main dwelling house and 10m from the rear elevation no. 8 Hazel Road.
20. The ground level of Hart Street and the proposed garage would be approx. 1.4m lower than that of the rear garden of the application site, reducing any impact on the rear elevation of properties on Hazel Road. Nos. 38 and 40 Hart Street would be located opposite the rear of the site, approx. 11m from the proposed garage. The eaves line would reflect that of the existing garages on Hart Street. Therefore it is considered the proposed garage would comply with section 3.9 and would not be

unacceptably overbearing or appear visually intrusive, given the scale, form and location to the detriment of residential amenity.

Loss of light/ Overshadowing

21. The proposed single storey rear extension would project 1.59m from the existing outrigger and therefore the overall projection from the existing morning room window (proposed kitchen) would be approx. 4.15m, set in 1m from the boundary. This would mean a conflict with SPD4 guidance of 0.15m. In this instance, the impact is not considered to be significant and would not result in any undue loss of light or harmful overshadowing to the residential occupiers of no.8 Hazel Road. Furthermore, given the proposed two storey side extension would be constructed over the existing patio area to the front door and would not extend beyond the existing principal or side elevations of the property, it is considered the proposed would not result in undue loss of light or overshadowing to the neighbouring property, no.8. As such due to the size and location of the extension it avoids any undue overshadowing and loss of light which is in accordance with section 3.1 and 3.4 of SPD4.

22. As aforementioned, given the location and scale of the proposed garage – which is positioned at the rear and is single storey – it is considered that the proposal would not result in undue loss of light or overshadowing and therefore would comply with section 3.9.

Conclusion

23. Overall therefore the proposed development is considered to not result in harm to the residential amenity of neighbouring and surrounding residential properties and as such is considered to be in accordance with policy L7 of the Trafford Core Strategy, SPD4 and government guidance contained within the NPPF.

ACCESS, HIGHWAYS AND CAR PARKING

24. SPD3: Parking Standards and Design for Trafford states that for a five bedroom dwelling in this area, three off-street parking spaces are required. The existing property can currently accommodate two vehicles to the rear. The proposal would increase the current parking provision by at least one through the proposed driveway to the front. Therefore the proposed parking spaces would be in accordance with SPD3.

25. The Local Highway Authority (LHA) found the means of access to be satisfactory without harm to pedestrian and highway safety. However the applicant would need to apply to the LHA for the dropped kerb and, if required, to add “H-white bar” (access highlight) marking. This would result in a loss of one on street car parking space however this is considered to not have a undue impact on local parking stresses to cause significant harm.

26. As described within the site description, the application site inclines from Hazel Road towards the property. In the absence of a sectional drawing it is unclear as to how the dropped kerb and new driveway would affect the land levels. Therefore to ensure that the site is satisfactorily landscaped a condition requiring full details of both hard and soft landscaping works, which would include any earthworks, is recommended if planning permission is granted.

27. Given the above, the LHA have no objections to the application on highway grounds and it is therefore considered that the proposal is in accordance with policy L4 of the Core Strategy and SPD3 as the development would not result in undue harm to pedestrian and highway safety or local parking stresses.

OTHER MATTERS

28. A number of objections received relate to the works having start on site without planning permission. Officers can confirm that this application includes the development of the front/side extension and rear extension which have already received planning permission through application Ref: 91743/HHA/17 in addition to other works. This previous decision was issued in August 2017 with a consultation period taking place between 10th July 2017 and 31st July 2017.

29. Two concerns raised through representations were in relation to the potential change of use of the application site. The current application does not include any changes to the existing use and therefore the application has been assessed on the basis that the property is to remain in residential use, any change of use of the property for additional residential units or to a commercial use would require a further planning application.

30. Concerns relating to the construction and building period of the proposed development are unlikely to be significant and can be controlled through Environmental Health legislation for a development of this scale.

31. All public comments received are made available to the public on the Council's website and are not removed. The consultation period lasts for 21 days, after which time comments can no longer be submitted directly through the website, however comments received after this date by other means are still taken in to account but a decision can be made following the conclusion of the consultation process.

DEVELOPER CONTRIBUTIONS

32. No planning obligations are required.

CONCLUSION

33. The proposed extensions and garage are considered to be appropriate additions to the host property, which would not result in harm to the character and appearance of the application site or wider area, nor would they result in harm to the residential amenity of neighbouring and adjoining residential properties. Although considered unfortunate, the proposed driveway and removal of part of the front boundary are considered acceptable in this instance, given the permitted development fall-back position.
34. The proposal is considered acceptable in regards to its impact on the local highway network and would not cause harm to local parking stresses. The proposal is therefore considered to be in compliance with the Trafford Core Strategy Policies L4 and L7 and NPPF.

RECOMMENDATION:

GRANT subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 9370/002 Rev D; 9370/011 Rev C; 9370/021 Rev E; and 9370/221 Rev C.

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy.
- 3 The materials used in any exterior work on the extensions of the main dwelling house shall be carried out in accordance with the approved details submitted as part of application reference: 92384/CND/17.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.
- 4 Notwithstanding any description of materials in the application no above ground construction works of the garage shall take place until samples and / or full specification of materials to be used externally on the garage have been submitted to and approved in writing by the Local Planning Authority. Such

details shall include the type, colour and texture of the materials. Development shall 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 Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

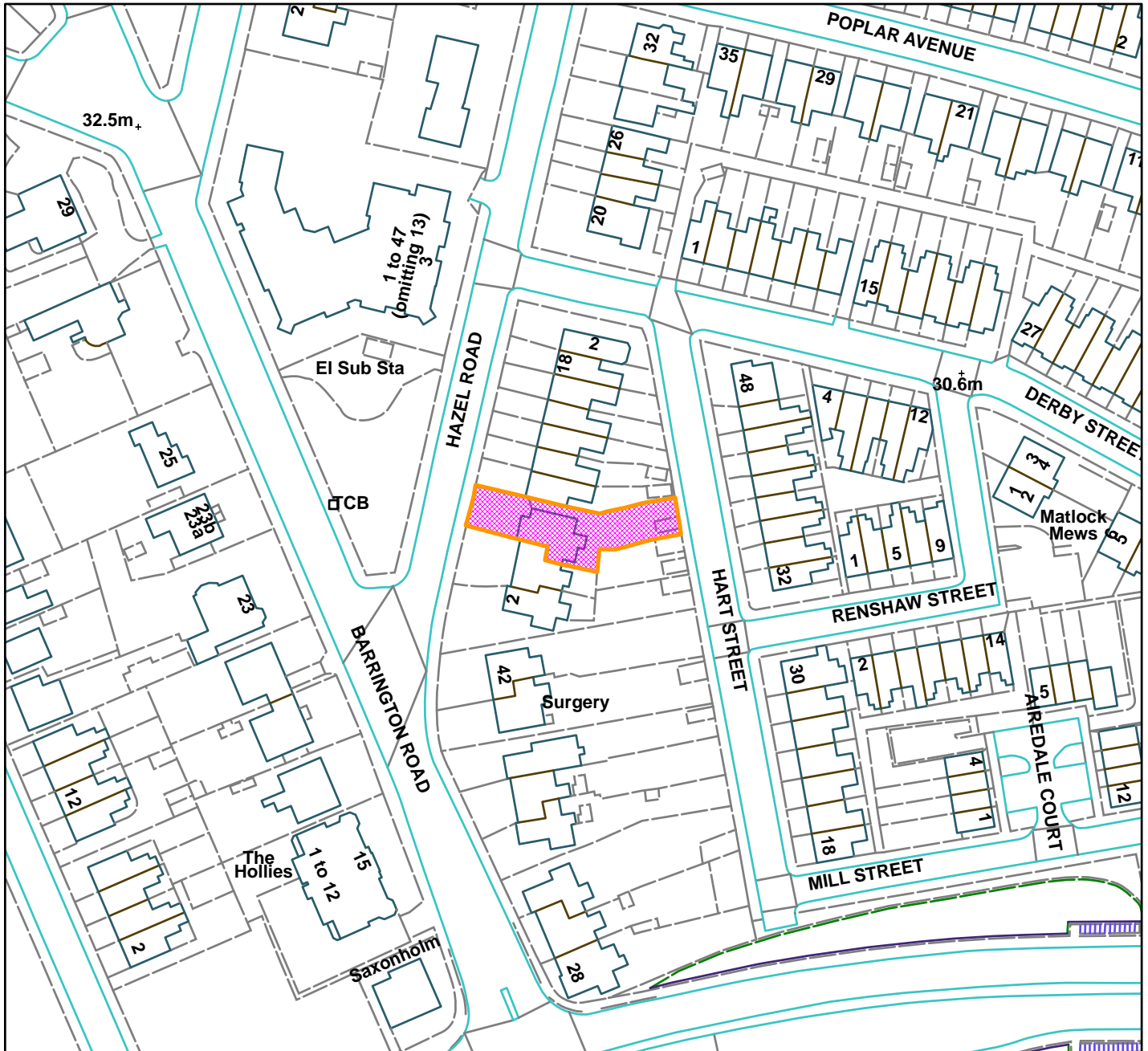
- 5 a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
- (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
- (c) 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.

LT



6 Hazel Road, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

WARD: St Marys

92584/HHA/17

DEPARTURE: NO

Erection of a single storey side extension together with the demolition of the existing garage and erection of a new garage and store.

8 Stretton Avenue, Sale, M33 5EG

APPLICANT: Mr Leech

AGENT: N/A

RECOMMENDATION: GRANT

SITE

The application is reported to the Planning and Development Management Committee as the applicant is an employee of the Council.

SITE

The application site relates to a detached bungalow sited to the south-western side and at the head of the cul-de-sac, Stretton Avenue. It has an existing detached single garage sited to its rear. A number of the neighbouring properties within the cul-de-sac have been previously been extended to their sides and rears and in some cases, appear to have increased the ridge height to accommodate loft conversions and dormer windows.

The application site is located in a predominantly residential area within Sale with the pattern of development consisting of post-war brick built detached bungalows and two-storey detached properties.

PROPOSAL

Planning permission is sought for the erection of a single-storey side extension, to form a utility room, kitchen and snug area. Windows are proposed to the front, side and rear elevations. Roof lights are proposed to the front roof plane of the extension, and within the south-east facing roof plane of the host dwelling. The proposed extension would be constructed in red brick to match that of the host dwelling, whilst its roof form would be hipped to reflect that of the host dwelling.

Planning permission is also sought to demolish the existing single detached garage to the rear and erect a new enlarged single detached garage with store in its place. It would have a dual pitched roof design, constructed in red brick, to match that of the host dwelling.

Other works proposed include the introduction of bi-folding doors to the rear elevation of the host dwelling.

The additional floorspace of the proposed development would be 48 sqm.

ADDED VALUE

Amended plans have been submitted at the request of the case officer which reduce the ridge and eaves height of the proposed garage to match that of the existing garage, and retaining the separation distance to the boundary with No. 6 Stretton Avenue. However, the proposed garage is proposed to have an increased width and depth

DEVELOPMENT PLAN

For the purposes of this application, the Development Plan in Trafford Comprises:

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L7 – Design

PROPOSALS MAP NOTATION

Unallocated

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

None

REPRESENTATIONS

None

OBSERVATIONS

DESIGN AND IMPACT ON THE STREET SCENE

1. Paragraph 58 of the NPPF states that *“The Government attaches great importance to the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Paragraph 64 states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

2. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of design, development must:*

Be appropriate in its context;

Make best use of opportunities to improve the character and quality of an area;

Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and,

Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”.

Garage

3. SPD4 states that *‘any garage extension to the front or that is visible to the public realm should be appropriately designed, modest in scale and not appear prominent in relation to the dwelling or the street scene.’*
4. The guidance within the SPD 4 states that detached garages should normally be set back from the front of the house. The proposed would be set back by

approximately 17m from the back of the pavement a further 1m back from that of the existing garage it would replace.

5. The guidance within the SPD 4 also states that care must be taken to reduce the bulk of such extensions. Garages should be kept simple in form and should be kept as low as possible. The proposed garage whilst approximately 1.4m wider and 5m deeper than that of the existing garage, the 2.6m ridge and 2.1m eaves heights of the existing garage would be retained. As such, the proposed garage would continue to appear modest in its scale and would not appear too prominent within the streetscene.
6. It is considered that the design of the garage would reflect the style of the host property, whilst relating to the host property and surrounding development in its scale, proportion and use of materials.

Side extensions

7. Paragraph 3.1.1 of SPD4 states that side extensions should be appropriately scaled, designed and sited so as to ensure that they do not appear unacceptably prominent, erode the sense of spaciousness within an area and detract from the character of the dwelling.
8. Side extensions can have a prominent impact upon the appearance of the dwelling as they can remove gaps from the street scene which help define the local character.
9. The Councils SPD4 A guide for Designing House Extensions and Alterations, within Fig 12 of Section 3.1 states a: *750 mm gap should be kept for single-storey side extensions to retain through route, maintenance access etc.*
10. The proposed single-storey side extension would be stepped, projecting 2.4m from the side of the original dwelling towards its common shared boundary with No. 10 Stretton Avenue, before projecting a further 0.9m towards this boundary. This would retain a minimum gap of approximately 1.3m to its common shared boundary with No. 10 at its frontage and up to 9m at the rear. Given this and that an approximately minimum gap of 1m would be retained between the proposed new wider garage and the host dwelling to its other side, it is considered that the site would not appear over-developed or cramped, and would retain the impression of space between the properties. Furthermore, retaining access to the rear of the property from either side.
11. The guidance contained within SPD 4 states that side extension should not usually be flush with the front elevation and that roof designs should match and complement the existing roof and should not consist of awkward roof detailing. The proposed extension would be set back 3.7m from the front elevation of the host dwelling. As such the proposal is considered to not appear overly dominant or out

of keeping with the host dwelling. Furthermore, the hipped roof form of the extension would reflect that of the original dwelling. The side extension is considered to be appropriate and reflective of the character and appearance of the host dwelling without harm to the visual amenity of the application site or wider streetscene.

12. The side extension is considered to reflect the character of the existing dwelling and is an acceptable addition in line with the SPD guidance. It is considered that the proposed materials would match or be similar in appearance to the original dwelling and surrounding streetscene.
13. It is considered that the proposed development seeks to reflect the character of the existing property and surrounding area in terms of design, materials and scale and street scene and would be acceptable in this respect in terms of Policy L7 of the Trafford Core Strategy and the Council's SPD4 guidelines.

RESIDENTIAL AMENITY

14. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of amenity protection, development must be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way"*.
15. Paragraph 3.1.1 of SPD4 states that side extensions should not adversely affect the amenities of neighbouring properties.

Privacy and Overlooking

16. Paragraph 2.15.1 of SPD4 states that windows in close proximity to a neighbouring boundary are likely to lead to loss of privacy to a neighbour's house or garden.
17. One habitable opening is proposed to the side elevation of the single-storey side extension facing onto No. 10. However, the side elevation of No. 10's dwelling facing onto the application property is blank and the access space immediately to its side does not form useable outside amenity area. The proposed extension itself would face away from No. 10's dwelling onto No. 10's rear garden. However, any views onto No. 10's rear garden area would be screened by the approximately 2.5m high privet hedge sitting within No. 8's garden area and in part forming the common side boundary between the two properties. Although the window sited to the front elevation of the extension would face back on to the front end of No. 10's dwelling, it would be non-habitable, serving the utility room. Nevertheless, it is recommended that a condition be attached obscure glazing this window in order to ensure the privacy of residential occupiers is protected.

18. Paragraphs 2.15.2-3 of SPD4 state that extensions which would result in the windows of a habitable room (e.g. living room or bedroom) being sited less than 10.5m from the site boundary overlooking a neighbouring private garden area are not likely to be considered acceptable, unless there is adequate screening such as significant mature evergreen planting or intervening buildings and window to window distances of 21m between principal elevations (habitable room windows in properties that are directly facing each other) will normally be acceptable as long as account is taken of the fact that the facing properties may need, in fairness to be extended also.
19. The proposed extension would introduce a habitable opening to its rear elevation facing towards the rear. Not sitting any closer to its common rear boundary with the properties to Dorrington Road than the host dwelling, a minimum separation distance of approximately 13m to this common boundary and approximately 38m to any facing habitable windows would be achieved. This therefore indicates that the proposal would not result in undue overlooking to the properties to the rear.
20. The proposed new garage would not introduce any windows to its elevations.
21. As such, it is considered unlikely that the proposal would result in any undue overlooking or loss of privacy to the neighbouring properties.

Overbearing/visual intrusion

22. Paragraph 2.17.1 of SPD4 states that positioning an extension too close to a neighbouring boundary can result in an uncomfortable sense of enclosure for the neighbouring property. A large expanse of brickwork can be overbearing to the amenities of a neighbouring property. The maintenance of adequate separation distances may help to avoid overbearing relationships between properties.
23. Being sited to the south eastern side of the application site, the closest residential property to the development is no.10 Stretton Avenue. However given the irregular shape of the application site, the extension would splay away from its boundary with No. 10, retaining a minimum gap of approximately 1.3m to its common boundary with No. 10 to its front, increasing to approximately 9m to its rear. As the extension is single storey in height with approximately 2.3m high eaves which would sit just below the approximately 2.5m high privet hedge forming the common boundary between the two properties, it is considered unlikely that the proposed side extension would appear overbearing or visually intrusive to No. 10 and would not unduly impact on residential amenity.
24. The proposed garage would sit approximately 5.4m closer to the rear boundary with the properties to Dorrington Road than the existing garage. Whilst at its closest point it would sit approximately 0.35m away from the rear boundary, it would be largely screened by the existing 2m high timber panel fence forming the rear boundary. Given its relatively modest height and that a similar sized garage

structure, albeit 0.1m lower, could be constructed under permitted development, and that it would face on to the rear extent of No. 6 Dorrington Road's rear garden area, it is unlikely to appear visually intrusive or overbearing to the properties to the rear resulting in harm to residents enjoyment of their rear garden areas.

25. The proposed garage structure would continue to retain an approximately 0.6m separation distance to its common side boundary with No. 6 Stretton Avenue and would not increase in its height. No. 6 has an existing shed to the rear of its rear garden, running immediately parallel to the boundary between the two properties; it is therefore considered unlikely that the additional depth of the proposed garage structure would appear visually intrusive or significantly more overbearing to No. 6.

Loss of light and overshadowing

26. Paragraph 2.16.1 of SPD4 states that an extension positioned too close to a boundary, may cause a loss of sunlight and/or daylight to a neighbour's window or garden. An extension that would overshadow to an unreasonable extent would not be considered acceptable.
27. The proposed extension would be single-storey in height and located between approximately 1.3m and 9m away from its common shared boundary to No. 10 Stretton Avenue. Furthermore, given the approximately 2.5m high privet hedge forming the common boundary between the two properties and that No. 10 has no existing openings to its side elevation facing onto No. 8, it is unlikely that that the proposed extension would result in any significant overshadowing or loss of light to No. 10.
28. Given the siting of the proposed garage in relation to neighbouring properties, No. 6 Stretton Avenue and No. 6 and No. 8 Dorrington Road, and its modest height, it is unlikely that that the proposed garage structure would result in any significant overshadowing or loss of light to the rear garden areas of those properties.
29. As such the proposal is considered to be acceptable in line with the guidance set out in SPD4 and would not result in undue harm to the residential amenity of neighbouring and surrounding properties. As such the proposal is considered to be in accordance with Policy L7 of the Core Strategy.

HIGHWAYS

30. The existing property has 2 no. bedrooms. There would be no increase in the number of bedrooms as a result of the proposed development. The proposed garage meets the requirement of SPD3 for 1 no. off-road parking space, whilst sufficient hardstanding would remain to the front of the property to accommodate at least a further 2 no. off-road parking spaces in line with SPD3 and as such the proposal is acceptable on Highway Grounds.

CONCLUSION

31. The proposed scheme is considered acceptable in terms of design and visual amenity. The proposal would not result in undue harm to the residential amenity of neighbouring and surrounding residential property and would not cause harm to highway and pedestrian safety. As such the development is considered to comply with Policies L4 and L7 of the Trafford Core Strategy and guidance in the NPPF and SPD4. As such it is recommended that planning permission should be granted, subject to conditions.

RECOMMENDATION

GRANT subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended) and by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, 'Location Plan', received 26th September 2017 and on amended plans, numbers 07/2017/02, 07/2017/05B, 07/2017/06, 07/2017/07, and 07/2017/09B, received 9th November 2017.

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

3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

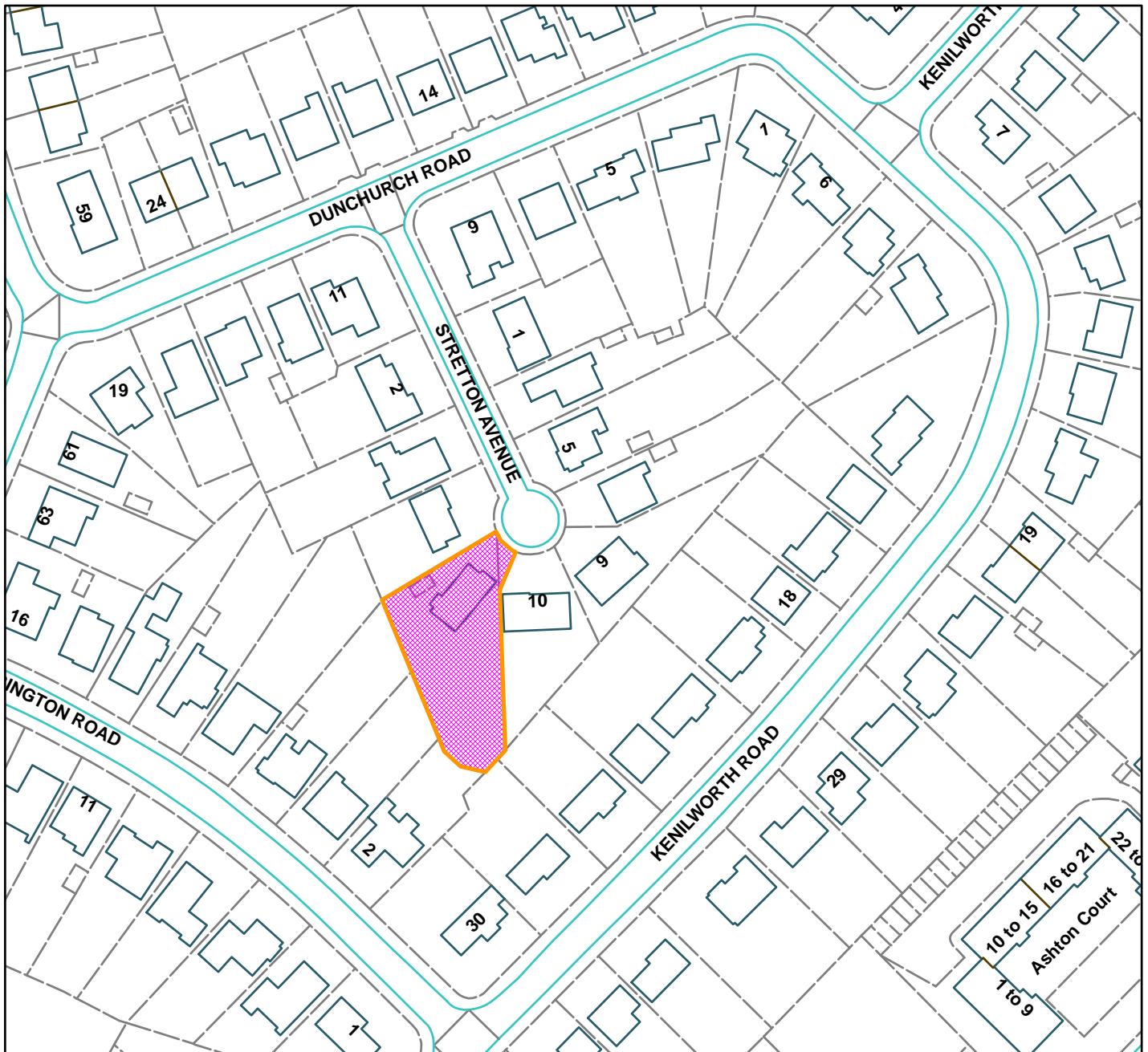
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the ground floor on the front elevation facing north-east shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

BB



8 Stretton Avenue, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/12/2017
Date	04/12/2017
MSA Number	100023172 (2012)

TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 14 December 2017
Report for: Decision
Report of: Head of Planning and Development

Report Title

Houses in Multiple Occupation (HMOs): Article 4 direction to remove permitted development rights for the change of use of dwellings to small HMOs and noting of associated draft SPD.

Summary

This report sets out the reasons behind the proposals to introduce a Borough-wide Article 4 Direction to remove permitted development rights for changes of use from dwellings (Use Class C3) to Houses in Multiple Occupation (Use Class C4). It also details the need for and purpose of the adoption of an associated Supplementary Planning Document (SPD) which, if adopted, would be a material consideration when determining planning applications for changes of use to HMOs.

This report seeks approval from the Committee to make the Article 4 Direction, including undertaking statutory consultation requirements.

The draft proposed Supplementary Planning Document is also included as an appendix to this report as background information and for Members to note.

Recommendation

That the Planning and Development Management Committee:

(i) Resolve that the making of a Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 on a Borough-wide basis to withdraw the permitted development rights to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) is appropriate, and justified, in order to prevent harm to local amenity and the wellbeing of the Trafford area.

(ii) Approve the making of the Article 4(1) Direction for all land within the Borough Boundary the extent of which is shown in Appendix 2.

(iii) Delegate authority to the Director of Legal Services to make the Article 4(1) Direction for all land within the Borough boundary shown on the plan attached at Appendix 2 and delegate to the Director of Growth and Regulatory Services authority to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.

(iv) Confirm that the Borough-wide Article 4(1) Direction will be effective with

immediate effect once made.

(v) Note that following public consultation a further report will be presented to the Planning and Development Management Committee reporting on the outcome of the consultation and recommending whether or not to confirm the Direction.

(vi) Note the contents of the associated draft proposed Supplementary Planning Document which, if adopted, would be a material consideration in the determination of planning applications.

Contact person for access to background papers and further information:

Name: Rebecca Coley

Extension: 4788

1.0 Introduction and Background

- 1.1 A new University campus and associated student accommodation is proposed at a number of locations within Stretford (known as 'University Academy 92') with an anticipated opening date of September 2019. These proposals are likely to be accompanied by a significant number of students moving into the Borough and the Stretford area in particular. The projected number of students attending UA92 is predicted to be 650 at year one (September 2019) increasing to a roll of 6500 by 2028, which will be the maximum number. An application for planning permission for new purpose-built student accommodation on the Lacy Street site in Stretford is expected to be submitted to the Council in early 2018.
- 1.2 There is a need to appropriately manage the delivery of student housing both to ensure the provision of good quality accommodation and to minimise any potential adverse effects on the local market. A new population of students in the area will lead to opportunities for landlords to offer 'student house' type accommodation in Houses of Multiple Occupation (HMOs).
- 1.3 The Town and Country Planning (General Permitted Development) (England) Order 2015 (referred to hereafter as the GPDO) came into force on 15 April 2015. Schedule 2, Part 3 (Class L(b)) of this Order deems a change of use from a use falling within Use Class C3 (dwellinghouses) to Use Class C4 (houses in multiple occupation) of the Town and Country Planning (Use Classes) Order 1987 (as amended) 'permitted development'; i.e. a planning application is not required to make this change. HMOs falling within Use Class C4 are those which accommodate up to 6 persons and are generally known as 'small-scale' HMOs.
- 1.4 Article 4 of the GPDO allows for a local planning authority (LPA) to make a direction that certain classes of development set out in this Order should not be carried out unless permission is granted for it on application to the LPA.
- 1.5 Schedule 3 of the GPDO sets out the procedure for the making of an Article 4 Direction, including the requirement to publicise such a direction.
- 1.6 Large-scale HMOs i.e. those accommodating more than 6 people are considered 'sui generis' uses and do not benefit from any permitted change of use under the GPDO. Planning permission is required in all circumstances for a material change of use to a large-scale HMO. This would be unchanged by any Article 4 Direction.

- 1.7 Properties of three or more floors, with five or more tenants belonging to two or more households are required to be licensed under Part 3 of the Housing Act 2004. Currently there are 41 properties that are licensed within the borough.
- 1.8 The Housing Act 2004 gives the Council the power to designate an area within its boundary the subject of a selective licensing scheme for privately rented properties. This enables authorities to also licence privately rented accommodation other than HMOs if certain conditions are met. A local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. Selective licensing has to be focused on a specific geographical area (e.g. certain wards) and can only be implemented provided one of the following criteria are met:
- That the area is, or is likely to become an area of 'low housing demand'; and that making a designation will, when combined with other measures taken in the area by the Council, or by other persons together with the Council, contribute to the improvement of the social or economic conditions in the area; or
 - That the area is experiencing a significant and persistent problem caused by Anti-Social Behaviour (ASB) and that some or all of the private sector landlords who have let premises in the area are failing to take action to combat the problem that it would be appropriate for them to take; and that making the designation will, when combined with other measures taken in the area by the council, or by other persons together with the council, lead to a reduction in, or elimination of, the problem.
- 1.9 In proposing any selective licensing scheme the council has to show that this forms part of a co-ordinated neighbourhood approach which combines with existing policies of both the council and our partners such as tackling environmental crime, promoting landlord accreditation, empty property intervention, tackling anti-social behaviour, neighbourhood policing, education and children's safeguarding and the overall regeneration strategy.
- 1.10 In considering whether to designate an area for selective licensing on property conditions, migration, deprivation and crime, the local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. Nationally the private rented sector currently makes up 19% of the total housing stock in England, according to latest data.
- 1.11 Latest available data confirms that there is only one ward where this level is exceeded for private rented property, Priory Ward. Currently there is no evidence base for Priory ward which identifies that the criteria for selective licensing are being exceeded. This in itself means that we cannot consider Selective Private Sector Licensing. The Housing Standards team will continue to enforce standards in private rented properties to ensure that landlords meet their responsibility to tenants and the local area.
- 1.12 A Supplementary Planning Document (SPD) is also required to ensure that guidance is in place against which planning applications for changes of use to HMOs can be assessed and to provide a policy basis on which applications may be refused. Once approved for consultation, the appended SPD Consultation Draft would be a material consideration in the consideration of these applications and sets out the circumstances when HMOs are likely to be considered acceptable and unacceptable.

The approach taken provides guidance to avoid high concentrations of HMOs within a particular area and avoid C3 residential properties being 'sandwiched' between two HMOs. It is noted that existing Core Strategy Policies (in particular L4 and L7) would also be used to assess these applications in terms of detailed matters such as amenity and highway impacts.

- 1.13 The Council does have extant Supplementary Planning Guidance for HMOs, however this was adopted in 1992 and does not provide appropriate or up to date guidance in terms of avoiding an overconcentration of HMOs. As such, this document would be revoked following adoption of the new SPD.

2.0 Justification for introducing an Article 4 Direction and evidence of the impact of Houses in Multiple Occupation

- 2.1 Paragraph 200 of the National Planning Policy Framework (NPPF) states that *"the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area"*. National Planning Practice Guidance (NPPG) explains that justification is required for the purpose and extent of an Article 4 Direction, particularly in cases where this covers a wide area.

- 2.2 The Article 4 Direction is intended to mitigate potential impacts arising from the arrival of the University should planning permission be granted and the development go ahead. An Article 4 Direction would enable the Council to better control the location and number of HMOs in the Borough to ensure that an over-concentration did not result. It would not enable every application for planning permission for an HMO to be refused or prevent buildings being used as an HMO in all circumstances.

- 2.3 With regard to matters of amenity, it is unlikely that small scale HMOs, on an individual basis, would lead to detriment to the surrounding area. Indeed, there are existing HMOs in the Borough which have no adverse impact on their surroundings. However, a concentration or concentrations of properties in HMO use by between three and six unrelated individuals has the potential to result in undue disturbance to residents of neighbouring and nearby dwellings. In particular, this could be through increased noise levels, an excessive number of comings and goings and general disturbance caused by patterns of use which are more intensive than could normally be expected at a C3 dwellinghouse.

- 2.4 Whilst it is acknowledged that student accommodation does not necessarily result in conflict with neighbours in all instances, given the anticipated number of students who would be moving to the Borough it is necessary to consider amenity-related issues which have the potential to arise through the conversion of properties to HMOs for use specifically by students. In particular, impacts in this respect may include a greater degree of disturbance late at night, an increase in anti-social behaviour and change to the character of an area, potentially making it unsuitable for families or other existing residents.

- 2.5 The Council's Pollution and Licensing section has commented that an over-saturation of an area with HMOs can lead to low housing demand in an area, which can have an adverse effect. Pollution and Licensing also note that from a noise and anti-social behaviour point of view, change of use from a dwelling to an HMO has clear potential to cause a loss of amenity to the occupants of the single dwelling if a

party wall shares habitable room uses. Importantly, Regulatory Services may not have the legislative controls to abate noise episodes of this nature which may not in themselves constitute statutory noise nuisance. In addition, increased vehicle use and parking related issues may also not be effectively controlled.

- 2.6 The change of use of a large number of dwellinghouses to HMOs would have a significant impact on the supply of family homes in the Borough. It is likely to be these larger properties, capable of accommodating up to six bedrooms which would be most affected by the influx of students into the Borough. Given that the Council does not, at present, have a five year supply of immediately available housing land, the loss of existing C3 dwellinghouses to alternative uses would contribute further to this issue, detrimental to the wellbeing of the Borough.
- 2.7 The Borough-wide extent of the Article 4 Direction is considered necessary in the interests of protecting against the spread of HMOs beyond an arbitrarily drawn boundary around Stretford, for example. The spread of student HMOs into areas which previously had not contained large numbers of students has been seen within Manchester and an Article 4 Direction has been in place across the whole of Manchester since 2011. Given the potential for a similar spread within Trafford, a Borough-wide direction is deemed necessary.

3.0 Procedure for implementing the Article 4 Direction and SPD

- 3.1 Should the recommendations of this report be agreed, the Article 4 Direction will be made. The Council will then give notice of the Direction and will publicise it in accordance with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 3.2 It is considered that because of the number of owners and occupiers within the area to which the Article 4 Direction relates, it is impracticable to serve individual notices on all owners and occupiers and consultation will therefore be carried out through the publication of a press notice and erection of at least two site notices as permitted by Schedule 3, Article 1(2)(b) of the above Order. In practice, consultation will be undertaken more widely including the publication of the proposals on the Council's website and a communications exercise.
- 3.3 The Direction will come into force immediately once it is made. Following consideration of any representations received, the Direction will expire at the end of a period of 6 months beginning with the date on which it comes into force unless confirmed by the Local Planning Authority. A further decision of the Planning and Development Management Committee will be necessary to do this. The Secretary of State is thereafter able to cancel or modify the Direction at any time.
- 3.4 It should be noted that the Council may be liable for compensation claims in respect of the loss of permitted development rights, given that less than 12 months' notice of the Direction taking effect is to be given and the Direction, once made, will take force with immediate effect.
- 3.5 Where Directions are made with immediate effect or less than 12 months' notice, compensation will only be payable in relation to planning applications which are submitted within 12 months of the effective date of the Direction and which are subsequently refused or where permission is granted subject to conditions.

- 3.6 It is also important to note the limitations in the amount of compensation that will be payable. Compensation may only be claimed for abortive expenditure (for example, expenditure incurred in the preparation of plans for the purpose of development) or other loss or damage directly attributable to the withdrawal of permitted development rights. The latter might include the depreciation of land value, provided that this is directly attributable to the removal of the permitted development rights.
- 3.7 As noted above, the Article 4 Direction will need to be supported by adopted planning policy if it is to be effective and this will be done through a new Supplementary Planning Document (SPD). The Council will be required to consult on this new SPD and any representations received will need to be taken into consideration before this can be adopted. Until this time, the SPD will still be a material consideration in the determination of planning applications for HMOs.

4.0 Other Options

4.1 Option 1 – Do nothing (i.e. do not implement Article 4 Direction):

There would be the potential for a significant impact on housing supply, amenity, crime and the environment for the reasons set out in the above sections of the report if permitted development rights for HMO conversions are not removed. For these reasons, this option is not recommended.

4.2 Option 2 – Implement Article 4 Direction with a limited spatial scope:

This would require a boundary to be drawn around the areas which are considered to be most affected by the introduction of new HMOs. Such a boundary would be arbitrary and it is not certain how far-reaching the increase in HMO conversions would be. The Council would have the option to reduce the spatial scope of the Article 4 Direction at a later date if this is deemed appropriate. Including the whole of Trafford within the scope of the Direction would ensure that the identified issues associated with HMOs are not dispersed to other parts of the Borough. It should also be noted that applications submitted for the change of use to an HMO subsequent to an Article 4 Direction would be determined on their merits, so this would not necessarily mean all such proposals would be refused. For these reasons, this option is not recommended.

4.3 Option 3 – Implement Article 4 Direction at a later date:

The Direction could be made if and when planning permission is granted for the University and student accommodation, or after the University becomes operational. Under this approach, there would be the potential for financial claims to be made from individuals who had purchased dwellinghouses with the intention of converting them to HMOs. As such, there is the potential for significant financial and legal implications for the Council. Such a course of action may also be too late to adequately address the issues associated with HMOs as many properties may already have been converted. For these reasons, this option is not recommended.

5.0 Consultation

- 5.1 Consultation has been carried out with the Council's Pollution and Licensing section for the purpose of providing evidence for this report.
- 5.2 In relation to the Article 4 Direction, consultation is required to be carried out with residents of Trafford and other interested parties in line with the regulations set out in the GPDO.
- 5.3 As noted above, the Council is required to consult on the new Supplementary Planning Document (SPD) in accordance with regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

6.0 Legal implications

- 6.1 There is no statutory appeal against the making of an Article 4 Direction. However, such a decision would be open to challenge by way of judicial review. In order to make an Article 4 Direction, the LPA must be satisfied that it is expedient that the permitted change of use should not be carried out unless permission is granted for it (see Article 4(1)). In making any such decision, it is important that the LPA takes into account all relevant guidance. Overall, provided that a LPA takes into account all relevant considerations, and applies the correct test, it is unlikely there would be a successful judicial review of an Article 4 direction
- 6.2 Section 108 of the Town and Country Planning Act 1990 includes a provision that compensation can be sought where (i) the LPA makes an Article 4 Direction, (ii) an application is made for planning permission to carry out development that would formerly have been permitted by the GPDO and (iii) the LPA refuses that application or grants permission subject to conditions differing from those in the GPDO.
- 6.3 However, where 12 months' notice is given in advance of a direction taking effect there will be no liability to pay compensation (provided that the development authorised by the new changes had not started before the notice was published). Where directions are made with immediate effect or less than 12 months' notice, compensation will only be payable in relation to planning applications which are submitted within 12 months of the effective date of the direction and which are subsequently refused or where permission is granted subject to conditions.
- 6.4 Compensation may only be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

7.0 Financial implications

- 7.1 The preparation of the Article 4 Direction will be funded by the existing Planning and Development and Strategic Growth budgets. There may also be financial implications arising from the need to deal with future planning applications for change of use from C3-C4 as these would attract a reduced application fee under the Regulations. This will be managed within the existing budget.

7.2 There is potential for compensation claims from purchasers of properties in the 12 months following the Direction. This is limited to directly attributable losses where an application is refused or conditions applied under the Direction, e.g. abortive costs of preparing plans. This risk is expected to be minimal in both number and financial amount over the 12 month period.

8.0 Recommendations

8.1 That the Planning and Development Management Committee:

- (i) Resolve that the making of a Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 on a Borough-wide basis to withdraw the permitted development rights to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) is appropriate, and justified, in order to prevent harm to local amenity and the wellbeing of the Trafford area.
- (ii) Approve the making of the Article 4(1) Direction for all land within the Borough Boundary the extent of which is shown in Appendix 2.
- (iii) Delegate authority to the Director of Legal Services to make the Article 4(1) Direction for all land within the Borough boundary shown on the plan attached at Appendix 2 and delegate to the Director of Growth and Regulatory Services authority to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.
- (iv) Confirm that the Borough-wide Article 4(1) Direction will be effective with immediate effect once made.
- (v) Note that following public consultation a further report will be presented to the Planning and Development Management Committee reporting on the outcome of the consultation and recommending whether or not to confirm the Direction.
- (vi) Note the contents of the associated draft proposed Supplementary Planning Document which, if adopted, would be a material consideration in the determination of planning applications.

Background Papers

None

APPENDIX 1

Draft Article 4 Direction

TRAFFORD BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH PARAGRAPH 2 OF SCHEDULE 3 APPLIES

THE TRAFFORD BOROUGH COUNCIL (ART4/HMO/01) ARTICLE 4(1) DIRECTION 2017

WHEREAS Trafford Borough Council (“the Council”) being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (“the GPDO”), is satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged red on the attached plan (“the Land”), unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the Council in pursuance of the power conferred on it by Article 4(1) of the GPDO hereby directs that the permission granted by Article 3 of the GPDO shall not apply to development on the Land of the description(s) set out in the Schedule below.

THIS DIRECTION is made under Article 4(1) of the GPDO and, in accordance with Article 4(4), of the GPDO comes into force on day of 2017 being the date on which Notice of Making of this Direction will be published and displayed in accordance with Paragraph 1(1) of Schedule 3 to the GPDO and shall remain in force for a period of six months beginning on the date that it came into force and shall then expire unless within the said six months period it has been confirmed by the Council in accordance with Paragraphs 1(9) and (10) of Schedule 3 of the GPDO

THIS DIRECTION shall henceforth be known as “The Trafford Borough Council (**ART4/HMO/01**) Article 4(1) Direction 2017”

SCHEDULE

Development consisting of change of use from a use falling within Class C3 (dwellinghouse) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (Houses in Multiple Occupation), being development comprised within Class L(b) of Part 3 of Schedule 2 to the GPDO and not being development comprised within any other Class.

**Made under the common seal of
Trafford Borough Council
this day of 2017**

**The common seal of
Trafford Borough Council
was affixed to this Direction
in the presence of**

.....
Authorised Signatory

**Confirmed under the common seal of
Trafford Borough Council
this day of 20**

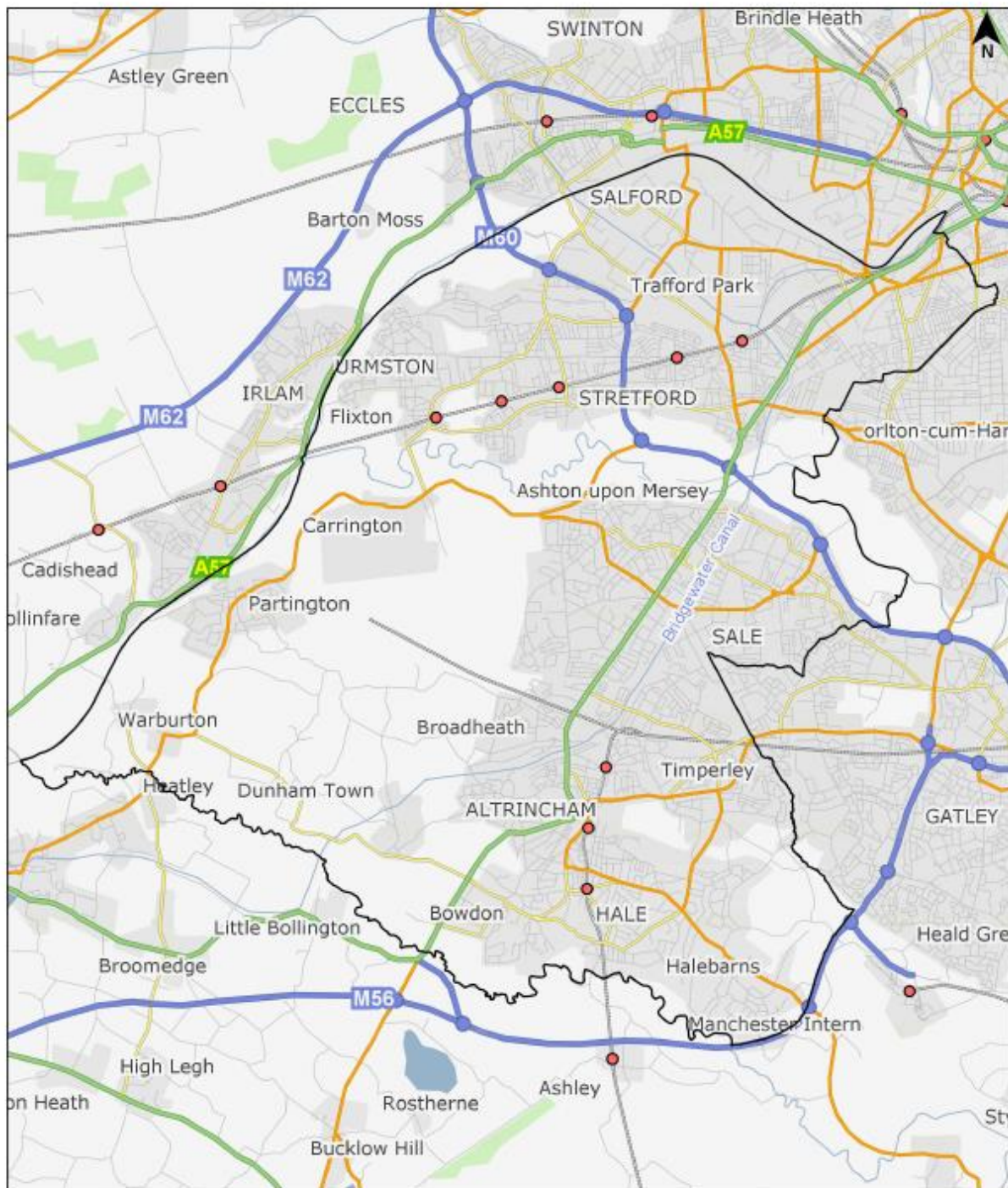
**The common seal of
Trafford Borough Council
was affixed to this Direction
in the presence of**

.....
Authorised Signatory

APPENDIX 2

**Article 4 Direction Plan
Borough Boundary**

Trafford



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APPENDIX 3

**Houses in Multiple Occupation
Supplementary Planning Document – Consultation Draft**

Trafford Local Plan

Houses in Multiple Occupation Supplementary Planning Document

Consultation Draft
14 December 2017

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1. Introduction

- 1.1 A new University campus and associated student accommodation is proposed at a number of locations within Stretford (known as 'University Academy 92') with an anticipated opening date of September 2019. These proposals are likely to be accompanied by a significant number of students moving into the Borough and the Stretford area in particular. The projected number of students attending UA92 is predicted to be 650 at year one (September 2019) increasing to a roll of 6500 by 2028, which will be the maximum number. As a result of these proposals, an increase in the number of Houses in Multiple Occupation (HMOs) within Trafford is anticipated.
- 1.2 Houses in Multiple Occupation provide much-needed housing accommodation. However, a large number of HMOs in one area can change the physical character of that residential area and this can lead to conflict with the existing community.
- 1.3 The planning system can assist in achieving a mix of households within the Borough's neighbourhoods, meeting different housing needs whilst protecting the interests of other residents, landlords and businesses. This can best be delivered by preventing the development of excessive concentrations of HMOs and thus encouraging a more even distribution across the Borough.
- 1.4 An Article 4(1)¹ direction to remove the permitted development rights of house owners to convert a single dwellinghouse (class C3)² into a HMO will come into effect in Trafford. This will apply to the whole Borough. Planning permission will therefore be required to convert a dwellinghouse to a small/medium HMO as well as to convert a property into a large HMO for 7 or more occupants. This Direction is intended to enable the Council to better manage impacts arising as a result of the anticipated influx of students into the Borough.
- 1.5 The 2008 Planning Act removed the requirement for a sustainability appraisal of supplementary planning documents that do not introduce new policies or proposals or modify planning documents which have already been subject to a sustainability appraisal. This SPD supports Policy L7 and other relevant policies in the Core Strategy³ that have been subject to SA as part of the Core Strategy process. The Inspector appointed to consider the soundness of the Trafford Core Strategy concluded in her report (November 2011) that the Core Strategy was adequate in terms of its appraisal of the environmental, economic and social effects of its policies. For more information see the Core Strategy pages on the Council website. The Council is therefore satisfied that the impacts have been covered in the appraisal of the parent DPD and there is no further requirement for appraisal or screening of this SPD.

¹ The government introduced permitted development rights in October 2010 to change between use class C3 and C4. An Article 4 Direction allows the Council to remove these permitted development rights within the Trafford boundary.

² Single dwellinghouse is classed as C3 use under The Town and Country Planning (Use Classes) Order 1987 (as amended).

³ Trafford Local Plan: Core Strategy – Adopted January 2012.

2. Purpose of the SPD

- 2.1 This SPD is adopted as part of the council's Local Plan. The document provides supplementary guidance for all parties involved in the planning application process for both small/medium and large HMOs, explaining how the Council will assess proposals to convert properties to HMOs.
- 2.2 The SPD is not part of the statutory development plan. However, it is accorded significant weight as a material consideration in the determination of planning applications.
- 2.3 In broad terms, an HMO under planning legislation is defined as a house or flat occupied by a certain number of unrelated individuals who share basic amenities and is classified by the Uses Classes Order:-
- Class C4 – *between 3 and 6 residents*
 - Sui generis (of its own kind) – *more than 6 residents*
- 2.4 Although the planning system can influence the location of new HMOs, the statutory powers under the planning system cannot act alone and address the existing problems in areas where high concentrations of HMOs prevail. The Council can use other statutory powers to control the nuisance caused by HMOs, as explained below.
- 2.5 The Housing Standards Team provides guidance to landlords and is responsible for the mandatory licensing of HMOs with three or more floors and with five or more tenants belonging to two or more households.
- 2.6 The Council's Pollution and Licensing Team provides guidance and assistance in the monitoring and enforcement of local nuisance, including the impact from noise. A statutory nuisance is defined as an act that causes unreasonable disturbance to the use and enjoyment of a neighbour. Where a statutory noise nuisance exists, is likely to happen, or is likely to be repeated, officers can serve a Noise Abatement Notice.

3. National and local policy background

- 3.1 All applications for planning permission for HMOs will be assessed against existing local and national planning policies and supplementary guidance, as well as this SPD.
- 3.2 Paragraph 50 of the National Planning Policy Framework (NPPF) states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. This also states that local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 3.3 One of the core planning principles set out in paragraph 17 of the NPPF is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 3.4 Policy L1 of the Trafford Core Strategy seeks to ensure that there is an adequate supply of housing throughout the plan period and that the right kind of homes are provided in the right locations.
- 3.5 Policy L2.1 of the Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council's Sustainable Community Strategy. Policy L2.2 goes on to say that all new development will be required to not be harmful to the character of the immediately surrounding area.
- 3.6 Policy L4 of the Core Strategy refers to maximum parking standards which will be used in the assessment of development proposals. The adopted SPD3: Parking Standards and Design⁴ is used for this purposes.
- 3.7 Policy L7 of the Trafford Core Strategy states that *"In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and Not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way"*.

4. Policy

Planning permission will not normally be granted for changes of use to HMOs:

- i) Where the proportion of HMO dwellings will exceed 10% of all residential properties* within a circle of radius 40 metres** from the application site. This includes all properties where the curtilage of the residential property lies wholly or partly within this radius.***

Where the circle does not include a minimum of 10 residential properties, the threshold will apply to the 10 residential properties nearest to the application site** located on all frontages of the street (with the same street address).

or

- ii) Where it would result in any residential property (C3 use) being 'sandwiched' between two HMOs***

When the threshold has been breached already, planning permission will only be granted in exceptional circumstances.

Notwithstanding the threshold limit and exceptional circumstances, other material considerations (such as intensification of use, highway safety, residential amenity of future and existing occupiers) arising from the impact of the proposal will be assessed in accordance with the Council's relevant development management policies and guidance, in particular Core Strategy Policy L7.

⁴ Trafford Local Plan: Supplementary Planning Document 3 – Parking Standards and Design – Adopted February 2012

* Paragraph 5.2.1. explains how 'residential properties' are identified for the purposes of calculating the percentage concentration of HMOs.

** Measured from the midpoint of the main external doorway entrance to be used by all tenants as shown on the proposed plans submitted with the planning application.

5. Methodology

5.1 Approach to determining a planning application

5.1.1. Based on the information provided and on the Council's own records, the Council will calculate the number of HMOs in the relevant area for each individual planning application. The applicant should undertake their own estimate of the number of HMOs to accompany the planning application and provide all their supporting data. There is a variety of evidence sources on the location of HMOs as listed in section 5.2.2, and the applicant is advised to refer to these sources to build a body of evidence which will be assessed as a matter of fact and degree.

5.1.2. As part of an application for planning permission, applicants will be required to submit the necessary supporting information set out in the paragraph above as well as the Council's current adopted Validation Checklist. This includes a completed application form, location plan, site plan, existing and proposed floor plans and elevations (if required) and application fee.

5.2 How to apply the threshold

5.2.1. The percentage concentration of HMOs surrounding the application site will be calculated through three main stages:

Stage 1 – Identify residential properties

The residential properties identified are those located within the defined area of impact surrounding the application site i.e. the 40 metre radius or 10 nearest properties. The worked examples in Appendix 2 demonstrate this process. It should be noted that these examples are used for illustrative purposes only and do not necessarily relate to existing HMOs or planning applications. To be clear which residential properties are identified, all sub-divided properties including flatted blocks within the same curtilage are counted as one whole property at the first stage. Appendix 1 includes a list of properties from Schedule 14 of the Housing Act which will not be identified as residential properties, for example student halls of residence, care homes and children's homes.

Stage 2 – Count HMOs

Using the HMO sources listed in section 5.2.2, the residential properties identified at stage 1 will be investigated to check whether they are an existing HMO or have HMO consent. All separate units forming part of the sub-divided residential properties (identified at the first stage as a whole property) which are 1 and 2 bed flats will not be investigated.

Stage 3 – Calculate concentration

The concentration of HMOs surrounding the application site is calculated as a percentage of the 'total estimated number of existing HMOs' against the 'total number of residential properties'. The total number of residential properties does not include those properties listed in Appendix 1 and all 1 and 2 bed flats which form part of the sub-divided properties (identified at the first stage). The final figure calculated is rounded up for a percentage of HMOs equal to or greater than decimal point 0.5, and rounded down when less than 0.5.

5.2.2. For the purposes of the threshold, HMOs can be identified from the following sources:

- Trafford Council planning register
- Trafford Council electoral register
- Trafford Council Tax records
- Trafford Council licensing register

5.2.3. The sources listed above are not a conclusive or exhaustive record of all HMOs in the relevant area. There may be existing HMOs which are occupied but unknown to the Council. In particular, on 6th April 2010 the Uses Classes Order introduced a class for HMOs to reclassify C3 dwellings to either the new C3 or C4 classes. The reclassification of existing dwellings to C4 use did not require planning permission at that time and therefore will not be registered on the Council's register of planning applications.

5.2.4. These sources will initially provide a reasonable indication of the numbers and location of HMOs in a particular area. Further investigation of individual properties may be required by the Planning Officer to provide greater confidence in the estimate, but it is emphasised that it will not be possible to guarantee a 100% accurate count in all cases. Where there is significant doubt as to whether a property is a HMO, it will not be counted towards the threshold.

5.3 The approach to sandwiching

5.3.1. Planning permission would not be granted where the introduction of new HMO would result in an existing dwelling being 'sandwiched' by any adjoining HMOs on both sides (see worked example 1 in Appendix 2). This would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets. Subdivided units will be considered on a case by case basis.

5.4 Large HMOs (more than 6 occupiers)

5.4.1. Planning applications for the change of use of properties into large HMOs will be assessed using the threshold limit.

5.4.2. Planning permission will be required to change the use of a small HMO to a large HMO, or to intensify the use of a lawful large HMO (even without any physical extension or external alteration to the property) by increasing the number of occupiers. In this instance the threshold limit will not be triggered as the HMO has already been established in the street and, therefore, has no

further effect on the concentration of HMOs and balance and mix of households in the local community.

- 5.4.3. These types of planning applications will be assessed on their own individual merits on a case by case basis against the Council's relevant policies and guidance, including Parking Standards set out in the adopted SPD3: Parking Standards and Design. Other impacts will be assessed as set out in the relevant policy text. Large HMOs are generally expected to have a greater impact individually on matters such as residential amenity.

5.5 Extensions to existing HMOs

- 5.5.1. When the Council considers a planning application for an extension to an existing lawful HMO, the threshold limit will not be a material consideration as the HMO has already been established in the street and therefore has no further effect on the concentration of HMOs and balance and mix of households in the local community.
- 5.5.2. The HMO does not materially change use within class C4 when intensifying the occupation up to 6 people and therefore only the physical impact of the extension will be assessed in accordance with the Council's relevant planning policies and guidance.
- 5.5.3. The Council does however recognise that the intensification of persons when existing C4 HMOs increase the number of bedrooms and become large HMOs can have a harmful impact on neighbouring occupiers. This is due to increased comings and goings, especially those associated with the independent lifestyle pattern of occupiers living individually of one another.
- 5.5.4. Where the extension would result in an increase of occupiers to more than 6 persons living in the HMO, planning permission must be sought in its own right for a change of use to a large HMO (see section 5.4). The threshold limit will not apply, though other impacts arising from the proposal will be assessed (see relevant policy text) including Parking Standards set out in the adopted SPD3: Parking Standards and Design.

6. Regularising established HMOs

- 6.1 All landlords that operated a small HMO prior to the Article 4 Direction coming into force are encouraged to submit an application for a 'Certificate of Lawful Use' to demonstrate that this can be operated lawfully and to regularise this use.
- 6.2 Subject to examination through the application process, the use of a property as a small C4 HMO occupied on or before the date when the Article 4 Direction became effective, or any HMO demonstrating ten years of continuous occupancy for this purpose at the time of application will be deemed to be lawful. Satisfactory evidence will be required to demonstrate the lawful occupation of the HMO.
- 6.3 If a landlord does not wish to regularise their HMO, it is strongly recommended that they retain sufficient documentation to demonstrate lawful use as an HMO on the date when the Article 4 Direction became effective or demonstrating ten years of

continuous HMO occupancy. This will reduce the owner's risk of the Council taking enforcement action against them.

7. Monitoring

7.1 The effectiveness of this Supplementary Planning Document will be monitored as part of the Annual Monitoring Report process using information from planning applications and decisions. The 10 year threshold referred to above will be monitored through revisions to Council Tax records and other sources of information highlighted at section 5.2.2.

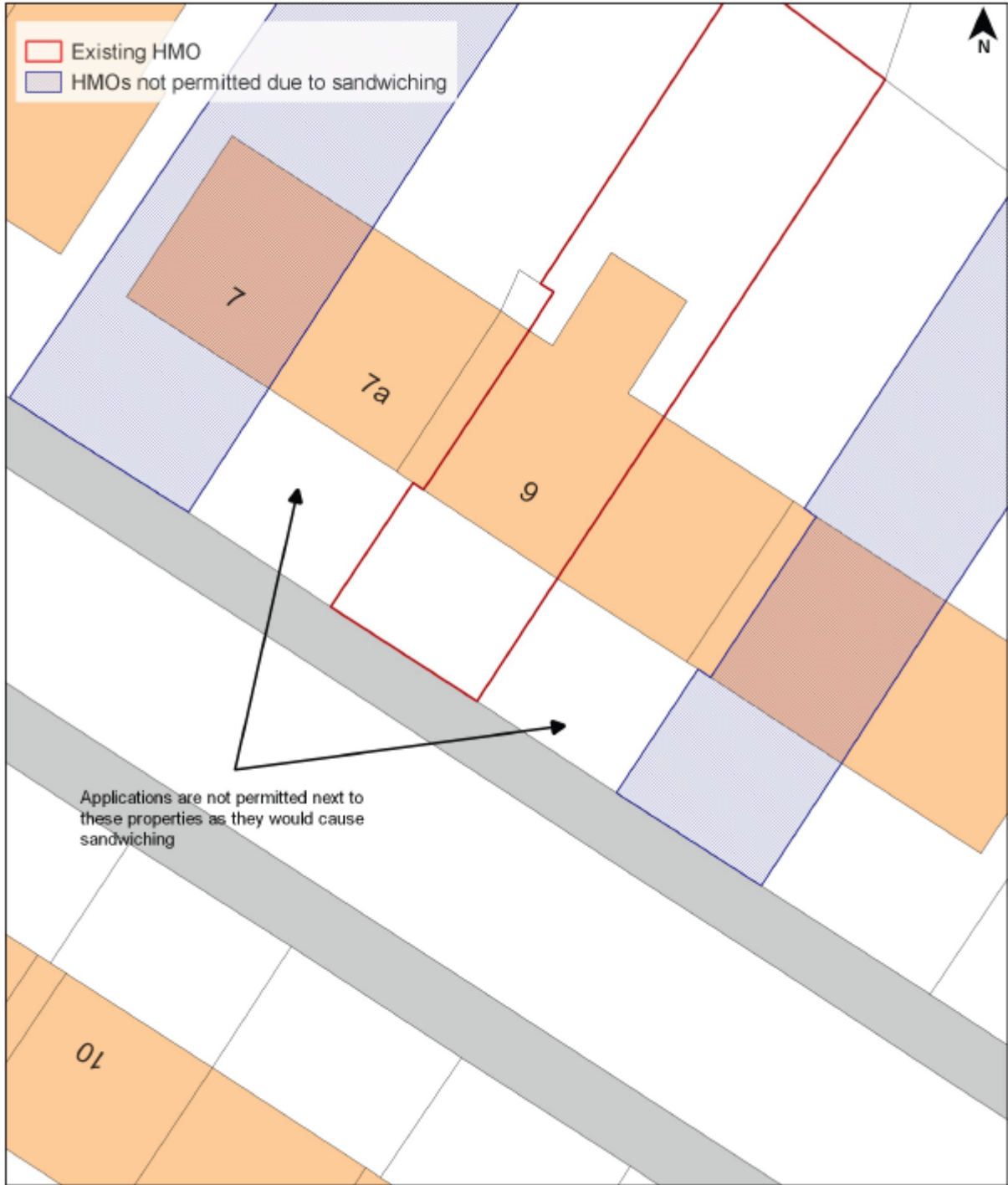
Appendix 1 – HMO Definition

1. In broad terms, an HMO under planning legislation is defined as a house or flat occupied by a certain number of unrelated individuals who share basic amenities and is classified by the Uses Classes Order:-
 - Class C4 – between 3 and 6 residents
 - Sui generis (of its own kind) – more than 6 residents
2. For the purposes of Class C4 the occupation of an HMO dwelling has the same meaning as in section 254 of the Housing Act 2004 with exception of section 257 (relating to converted flats) and those buildings listed in schedule 14 (see paragraphs 3 and 4 below). In summary, an HMO is defined as a building or part of a building (i.e. flat) which:
 - is occupied by at least 3 persons not forming a single household; and
 - the HMO is occupied as the only or main residence; and
 - rents are payable or other consideration is provided in respect of at least 1 of those occupying the HMO; and
 - two or more households share one or more basic amenities (or lack such amenities).
3. The meaning of 'basic amenities' is defined under the Housing Act section 254(8):
 - a toilet;
 - personal washing facilities; or
 - cooking facilities.
4. Schedule 14 of the Housing Act includes a list of 'buildings which are not HMOs'. It includes the following types which will not be identified as residential properties when calculating the proportion of HMOs in accordance with the methodology in the HMO SPD:
 - social landlord registered and local authority housing;
 - care homes;
 - bail hostels;
 - children's homes;
 - occupied by students that are managed by an education establishment i.e. halls of residence;
 - occupied for the purposes of religious community whose main occupation is prayer, contemplation, education and the relief of suffering;
 - managed or controlled by 'fire and rescue authority' or 'health service body'.
5. There will be a number of the HMOs identified by the Housing Standards Team in the category specified under section 257 of the Housing Act which do not fall under the planning definition of HMOs and, therefore, cannot be counted towards the threshold.
6. The Council will not count buildings containing '1 or 2 bedroom self-contained flats', as these buildings are unlikely to accommodate the number of individuals which constitute an HMO.

7. For the purposes of defining the occupation of a 'sui generis' HMO dwelling, there is no meaning defined under planning legislation and therefore the Council will assess each case on an individual basis.

Appendix 2 – Examples for application of policy

Example 1 – Sandwiching



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Example 2 – Separating Road



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Example 3 – Applying the 40m radius

TO BE COMPLETED

Example 4 – Identifying 10 nearest residential properties

TO BE COMPLETED

Appendix 3 – Glossary

The definitions contained in this glossary give general guidance only.

Article 4 Direction	The Council will make a Borough-wide Article 4 Direction and will come into force on the date it is made. This will expire after a period of 6 months unless confirmed by the Council within this period, following public consultation. Permitted development rights for a change of use from a Class C3 (Dwellinghouse) to a Class C4 (small HMO) will be removed from the date the Article 4 Direction comes into force. This means that planning permission will be required for this type of development.
Communal facilities/space	These are spaces or facilities shared by the tenants, for example; basic amenities (toilet, personal washing facilities, cooking facilities), living rooms, dining rooms, kitchens, gardens, cycle stores, parking spaces, etc.
Curtilage	This comprises of the property and area of land surrounding the property i.e. the garden/grounds.
House in Multiple Occupation (HMO)	A house or flat occupied by a certain number of unrelated individuals who share basic amenities. The property must be occupied as the main residence. There are 2 categories of HMOs under the use classes order; Class C4 otherwise known as a small/medium-sized HMO which is occupied between 3 and 6 residents, and large-sized HMO otherwise known as sui generis (of its own kind) which is occupied by more than 6 residents.
Permitted development rights or rules (PD)	The rules concerning certain type of development that can be carried out without the need for planning permission subject to following any conditions set out in the regulations. This can include changing the use of a building between use classes.
Radius	This is the circular area surrounding the application site where the threshold will be applied. The radius is measured from the midpoint of the proposed main doorway entrance to be used by the future tenants.
Sandwiching	This is the circumstance where there are adjoining HMOs directly on both sides of an existing dwelling. Where properties are separated by a road or where there is a back to back relationship in different streets then the approach will not apply.
Threshold	This is the set limit or level of the concentration of HMOs.

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