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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Date: Thursday, 9 May 2019

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. DECLARATIONS OF INTEREST

Members to give notice of any Personal or Prejudicial Interest and the nature of that Interest relating to any item on the Agenda in accordance with the adopted Code of Conduct.

3. MINUTES

To receive and, if so determined, to approve as a correct record the Minutes of the meetings held on 28th March and 11th April, 2019.

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4. QUESTIONS FROM MEMBERS OF THE PUBLIC

A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be within the remit of the Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.

5. **ADDITIONAL INFORMATION REPORT**

To consider a report of the Head of Planning and Development, to be tabled at the meeting.

6. **APPLICATIONS FOR PERMISSION TO DEVELOP ETC**

To consider the attached reports of the Head of Planning and Development, for the following applications.

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Application	Site Address/Location of Development
94928	Development site adjacent to Chatsworth House, 6 Stanhope Road, Bowdon, WA14 3JY
95335	Synagogue, 12A Hesketh Road, Sale, M33 5AA
95910	Bowdon Old Hall, 49 Langham Road, Bowdon, WA14 3NS
95911	Bowdon Old Hall, 49 Langham Road, Bowdon, WA14 3NS
97096	12 Okehampton Crescent, Sale, M33 5HR

7. **APPLICATION FOR PLANNING PERMISSION 96465/FUL/18 - GREAT HEYS, 74 BANKHALL LANE, HALE BARNES WA15 0LW**

To consider the attached report of the Head of Planning and Development.

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8. **SECTION 106 AND CIL UPDATE: 1 NOVEMBER 2018 - 31 MARCH 2019**

To note the attached report of the Head of Planning and Development.

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9. **PLANNING COMMITTEE CODE OF PRACTICE**

To consider the attached report of the Head of Planning and Development.

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10. **URGENT BUSINESS (IF ANY)**

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

SARA TODD
Chief Executive

Membership of the Committee

Councillors L. Walsh (Chair), A.J. Williams (Vice-Chair), Dr. K. Barclay, D. Bunting, T. Carey, G. Coggins, N. Evans, D. Hopps, S. Longden, E. Malik, E. Patel, E.W. Stennett and M. Whetton.

Further Information

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

Michelle Cody, Democratic & Scrutiny Officer

Tel: 0161 912 2775

Email: michelle.cody@trafford.gov.uk

This agenda was issued on **30th April, 2019** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

28th MARCH, 2019

PRESENT:

Councillor Walsh (In the Chair),
Councillors Dr. Barclay, Bunting, Carey, Coggins, Dillon (Substitute), Hopps, Patel, Stennett MBE, Whetton and Williams.

In attendance: Head of Planning and Development (Ms. R. Coley),
Head of Major Planning Projects (Mr. D. Pearson),
Planning and Development Manager (East) (Ms. H. Milner),
Major Planning Projects Officer (Ms. B. Brown),
Planning and Development Officer (Ms. O. Williams),
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),
Corporate Director of Governance & Community Strategy (Ms. J. Le Fevre),
Democratic & Scrutiny Officer (Miss M. Cody).

Also present: Councillors Blackburn, Jarman and Myers.

APOLOGIES

Apologies for absence were received from Councillors N. Evans, Longden and Malik.

81. DECLARATIONS OF INTEREST

No declarations were made at this point in the proceedings.

82. QUESTIONS FROM MEMBERS OF THE PUBLIC

Members were asked to reconsider a previous resolution made by the Committee relating to planning application 95578/FUL/18, which Members were minded to refuse at their meeting of 14 March 2019. The request was made by an individual seeking to use the procedure for questions to Executive/Committees. However, this is not an appropriate use of that procedure as:

- It is a request rather than a question;
- It would require Members to revisit a matter that they have already considered and determined;
- It would require Members to debate and pass a resolution – this is beyond the remit of public questions;
- Officers have already advised that the extent of the alterations proposed to the scheme would require a separate planning application and it is not appropriate to ask Members to take a different view on what is a matter for Officers;
- There are alternative and appropriate procedures to challenge the Council's decision to refuse a planning application by way of an appeal to the Planning Inspectorate.

Planning and Development Management Committee
28th March, 2019

83. 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.

84. 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

<u>Application No., Address or Site</u>	<u>Description</u>
94392/FUL/18 – Bowdon Preparatory School for Girls Sports Ground, Cavendish Road, Altrincham.	Removal of existing tarmac surface and excavation of topsoil to provide a multi sports area with synthetic surface comprising 4 no. netball courts, 1 no. rounders court, 5 lane running track and long jump with the provision of , 4 no. team shelters and 8no. netball posts. Erection of 2.4 metre high boundary fencing with pedestrian access gates and the replacement of existing shed with new shed and removal of existing container. Works include alterations to site levels to facilitate level playing surface(s) and associated development thereto.
95417/FUL/18 – Altrincham United Reformed Church Hall, 81 Cecil Road, Hale.	Change of use from church halls (D1) comprising of partial demolition and rebuilding to form 9 residential units (C3), including the erection of an attached dwelling and other external amendments including changes to the front boundary treatment incorporating the installation of stone gate posts, in addition to the incorporation of a small element of the rear garden of No. 250 Ashley Road to form part of the plot's rear garden area.
95762/HHA/18 – 90 Harley Road, Sale.	Erection of ground and first floor rear extensions, with a proposed increase to the existing dormer.
95837/HHA/18 – 67 Langham Road, Bowdon.	Retention of additional glazing within rear elevation.

[Note: All Members of the Committee declared a Personal Interest in Application 95837/HHA/18 due to fellow Councillor Sharp's Interest.]

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96218/FUL/18 – High Gables, 98 Bankhall Lane, Hale Barns.	Change of use from residential (Use Class C3) to residential home with care (Use Class C2).
96369/HHA/18 – 43 Dunham Road, Altrincham.	Conversion of attached garage to habitable accommodation, erection of single storey side and rear extension, rear glazed garden room, timber framed car port and associated landscaping.

(b) Permission refused for the reasons now determined

<u>Application No., Address or Site</u>	<u>Description</u>
94974/OUT/18 – Former B&Q Site, Great Stone Road, Stretford.	Outline application sought for the demolition of existing retail unit and associated structures; erection of building for a mix of uses including: 433 apartments (use class C3) and communal spaces ancillary to the residential use; flexible spaces for use classes A1, A3, B1, D1, and/or D2; undercroft car parking; new public realm; and associated engineering works and infrastructure. Consent is sought for access, appearance, layout and scale with all other matters reserved.

85. APPLICATION FOR PLANNING PERMISSION 95110/FUL/18 – 900 CHESTER ROAD, STRETFORD

[Note: Councillor Walsh declared a Personal and Prejudicial Interest in Application 95110/FUL/18, due to his involvement, and vacated the Chair. The Vice-Chair took the Chair. After making representations to the Committee Councillor Walsh left the room during consideration of the item.]

COUNCILLOR WILLIAMS IN THE CHAIR

The Head of Planning and Development submitted a report concerning an application for planning permission for the change of use from an A1 (retail) use at ground floor and C3 (dwellinghouse) use at first and second floors to an A5 (hot food takeaway) use and erection of extraction flue.

RESOLVED: That planning permission be granted subject to the conditions now determined.

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86. APPLICATION FOR PLANNING PERMISSION 95596/FUL/18 – BARTON SQUARE, PHOENIX WAY, TRAFFORD PARK

The Head of Planning and Development submitted a report concerning an application for planning permission for the construction of new retail (Use Classes A1, A3 and A5) and leisure (Use Class D2) floorspace, reconfiguration of existing retail (Use Class A1) and leisure (Use Class D2) floorspace, enclosure of mall and provision of additional parking.

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 Legal Agreement and/or accept a Unilateral Undertaking to secure:
- A financial contribution of £84,010 for specific green infrastructure.
 - The release of the developer from the obligations contained within the S111 / S106 Agreements associated with planning permissions ref. 79105/VAR/2012 and 79106/VAR/2012.
 - Prevention of implementation/further implementation of planning permissions ref 79105/VAR/2012 and 79106/VAR/2012.

[N.B. The £5,000,000 town centres contribution is not included here as it is not a reason for granting planning permission.]

- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where the Legal Agreement and/or Unilateral Undertaking has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon the satisfactory completion of the above that planning permission be granted subject to the conditions now determined (unless amended by (ii) above).

The meeting commenced at 6.32pm and concluded at 8.22pm.

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

11th APRIL, 2019

PRESENT:

Councillor Walsh (In the Chair),
Councillors Dr. Barclay, Bunting, Carey, Coggins, N. Evans, Hopps, Longden, Malik,
Stennett MBE, Whetton and Williams.

In attendance: Head of Planning and Development (Ms. R. Coley),
Major Planning Projects Manager (Mrs. S. Lowes),
Major Planning Projects Officer (Mr. R. Gore),
Principal Planning and Development Officer (Mrs. V. Ward),
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),
Solicitor (Ms. J. Cobern),
Democratic & Scrutiny Officer (Miss M. Cody).

APOLOGY

An apology for absence was received from Councillor Patel.

87. DECLARATIONS OF INTEREST

No declarations were made.

88. MINUTES

RESOLVED: That the Minutes of the meeting held on 14th March, 2019, be approved as a correct record and signed by the Chair.

89. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were submitted.

90. 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.

Planning and Development Management Committee
11th April, 2019

91. 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

<u>Application No., Address or Site</u>	<u>Description</u>
94357/FUL/18 – 31 Eyebrook Road, Bowdon.	Demolition of existing dwelling house and erection of a pair of semi-detached dwellings with associated drive and landscaping.
96631/HHA/19 – 89 Urban Road, Sale.	Erection of single storey side extension and a rear bike store following removal of the existing shed.

- (b) Application withdrawn

<u>Application No., Address or Site</u>	<u>Description</u>
96860/FUL/19 – Longford Telephone Exchange, 10 King Street, Stretford.	Removal of the glazing to one window on the first floor and three windows on the second floor and install galvanised steel acoustic louvres to match the existing windows on the southern elevation.

92. APPLICATION FOR PLANNING PERMISSION 94949/HYB/18 – LAND AT HEATH FARM LANE, PARTINGTON

The Head of Planning and Development submitted a report concerning a Hybrid application comprising: - a) Application for full planning permission for the clearance and remediation of the existing site and the erection of 148 dwellings with access from Broadway and associated works including the provision of internal estate roads, parking and turning circle, landscape works (including provision of public open space, tree clearance/replacement/woodland management and ecological management), electrical sub-station, and sustainable urban drainage works; and, b) Application for outline planning permission for the erection of up to 452 dwellings with access from Broadway and associated works including the provision of internal estate roads and parking, landscape works (including provision of public open space, tree clearance/replacement/woodland management and ecological management), electrical sub-stations, and sustainable urban drainage works drainage principles.

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 / Unilateral Undertaking to secure:
- A financial contribution of £56,000 towards highway improvements at the

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Manchester Road/Flixton Road junction.

- A contribution of £162,747 towards outdoor sports facilities provision.
- Provision of on-site green infrastructure/open space, management and maintenance.
- Provision of on-site play facilities, management and maintenance.
- Travel Plan Monitoring Fee (figure to be confirmed and agreed).
- The submission of a viability review of the scheme for each subsequent phase beyond Phases 1 and 2 (to be submitted with any reserved matters application that includes layout).

- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) 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.
- (iv) That upon the satisfactory completion of the above Legal Agreement that planning permission be granted subject to the conditions now determined (unless amended by (ii) above).

93. APPLICATION FOR PLANNING PERMISSION 94950/FUL/18 – SCHOOL DEVELOPMENT SITE, AUDLEY AVENUE, STRETFORD

The Head of Planning and Development submitted a report concerning an application for planning permission for the erection of new SEN school with associated infrastructure including access, parking and landscaping.

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 to secure a contribution of £78,787.50 towards enhancing the semi natural greenspace role of Lostock Park through measures such as woodland, wildflower meadows and bulb planting, along with access improvements and improvements to the quality of open space facilities at the park.
- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where the Legal Agreement has not been completed within three months of the resolution to grant planning permission.
- (iv) The upon the satisfactory completion of the above Legal Agreement that planning permission be granted subject to the conditions now determined (unless amended by (ii) above).

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94. COMPLIANCE REVIEW OF LOCAL DEVELOPMENT PLAN POLICIES WITH THE REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (FEBRUARY 2019)

The Head of Planning and Development submitted a report which provided an update on the compliance of the Local Development Policies with the revised National Planning Policy Framework (February 2019) and which also provided Members with an understanding of the weight to be applied to policies when determining planning applications.

RESOLVED: That the contents of the report be noted.

95. PROPOSED STOPPING UP OF A LENGTH OF UNNAMED FOOTPATH NORTH WEST OF THE MOUNT, HALE BARNES, ALTRINCHAM WA15 8SZ

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 Hale Barnes to enable development to be carried out in accordance with planning permission under reference 93950/FUL/18.

RESOLVED: That no objection be raised to the (Revised Plan A) Application.

96. PROPOSED STOPPING UP OF A LENGTH OF HIGHWAY AT FRIARS ROAD AND TWO PART WIDTHS OF SIBSON ROAD, SALE

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 Sale to enable development to be carried out in accordance with planning permission under reference 94986/FUL/18.

RESOLVED: That no objection be raised to the Application.

The meeting commenced at 6.32pm and concluded at 7.25pm.



PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 9th MAY 2019

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 – 9th MAY 2019

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
<u>94928</u>	Development site adjacent to Chatsworth House, 6 Stanhope Road, Bowdon, WA14 3JY	Bowdon	1	Grant
<u>95335</u>	Synagogue, 12A Hesketh Road, Sale, M33 5AA	St. Mary's	25	Grant
<u>95910</u>	Bowdon Old Hall, 49 Langham Road, Bowdon, WA14 3NS	Bowdon	41	Refuse
<u>95911</u>	Bowdon Old Hall, 49 Langham Road, Bowdon, WA14 3NS	Bowdon	71	Refuse
<u>97096</u>	12 Okehampton Crescent, Sale, M33 5HR	St. Mary's	86	Grant

WARD: Bowdon

94928/FUL/18

DEPARTURE: No

Erection of a pair of semi-detached houses.

Development site adjacent to Chatsworth House, 6 Stanhope Road, Bowdon, WA14 3JY

APPLICANT: Mr & Mrs Mc Donnell

AGENT: Trinity Architecture & Design Ltd

RECOMMENDATION: GRANT

SITE

The application relates to the site of land adjacent to Chatsworth House on Stanhope Road in Bowdon.

It is a vacant site and once comprised land associated with the demolished property 9 Bow Green Road. The north western boundary is adjacent to a vacant plot which has planning permission for two semi-detached dwellings. The north eastern boundary is adjacent to garden land currently serving 9 Bow Green Road and it is also noted there is planning permission for semi-detached properties and gardens on this section of land.

Adjoining the south-western boundary is Chatsworth House, 6 Stanhope Road a relatively modern detached house.

To the south, across Stanhope Road is 7 Stanhope Road, a detached residential property.

To the boundary with Stanhope Road and side boundary adjacent to Chatsworth House, the boundaries comprise mature planting in the form of hedging and trees.

There are a number of trees on site, none of which are protected by a Tree Preservation Order. There is however an area Tree Preservation Order protecting the adjacent trees located within the curtilage of Chatsworth House and Marlborough House (the area order also protects the trees within the curtilage of Devonshire House and Croft Manor).

The application site is located within a residential area, being surrounded on all sides by residential properties in a variety of styles. There are no other designations affecting the site.

PROPOSAL

The proposal comprises the erection of a pair of new semi-detached dwellings. The houses would have accommodation over three floors with the majority of the second floor accommodation within the roofspace. Two off street parking spaces would be provided per dwelling. The dwellings would have a traditional pitched roof design with gable features and dormers and use of brick, stone and slate.

The dwellings ground floor would accommodate living, study, kitchen, cloakroom, w/c and utility space. Bedrooms and bathrooms/en-suites are proposed within the first and second floors. Plot 1 would accommodate five bedrooms and plot 2 would accommodate six bedrooms.

This is a stand-alone full application. However, the plot itself, relates to one of the 5 plots previously approved for residential development under 86978/OUT/15, with outline consent for one dwelling as Plot 5 on the Stanhope Road frontage.

The total floorspace of the proposed new dwellings would be approximately 517.48m².

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 Houses;
L2 - Meeting Housing Needs;
L4 - Sustainable Transport and Accessibility;
L5 – Climate Change;
L7 - Design;
L8 - Planning Obligations;
R2 - Natural Environment.

OTHER LOCAL POLICY DOCUMENTS

Revised SPD1 - Planning Obligations;
SPD3- Parking Standards & Design;
PG1 - New Residential Development.

PROPOSALS MAP NOTATION

Critical Drainage Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the National Planning Policy Framework (NPPF) on 24 July 2018. 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 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

Site History

86978/OUT/15 – Outline planning permission for the erection of 2 semi-detached houses and 3 detached houses following demolition of existing house (consent sought for access, appearance, layout and scale with all other matters reserved).
Approved with conditions 8 March 2016

86414/OUT/15 – Outline planning permission for the erection of eight semi-detached houses following demolition of existing house (consent sought for access, layout and scale with all other matters reserved).

Application withdrawn 23 February 2016

85402/RES/15 – Application for approval of reserved matters for the appearance and landscaping of 3 detached dwellings approved under outline planning permission 75480/O/2010.

Approved with conditions 11 June 2015

75480/O/2010 – Outline application (including details of access, layout and scale) for demolition of existing dwelling and erection of three detached dwellings.

Approved with conditions 23 April 2012

H/OUT/66403 – Demolition of existing dwelling and erection of three detached dwellings (Outline application including details of layout, scale, and means of access).

Application withdrawn 14 January 2008

H/OUT/66402 – Demolition of existing dwelling and erection of two detached dwellings and two apartments (Outline application including details of layout, scale and means of access).

Application withdrawn 14 January 2008

Adjoining Site History

- **Determined applications**

Land adjacent - 93111/FUL/17 - The erection of a pair of new semi-detached dwellings and the demolition of existing dwelling.

Approved with conditions 16 March 2018

90644/FUL/17 – The erection of a pair of new semi-detached dwellings and the demolition of existing dwelling.

Approved with conditions 11 April 2017

90141/FUL/16 – Erection of a pair of semi-detached houses.

Application withdrawn 6 February 2017

- **Undetermined Applications**

97076/RES/19 - Application for approval of reserved matters for the landscaping for plot 3 approved under outline planning permission 86978/OUT/15.

96461/OUT/18 - Outline application for the erection of one house following the demolition of the existing house (consent for access, appearance, layout and scale with all other matter reserved).

96397/FUL/18 - The erection of a pair of new semi-detached dwellings with new vehicle entrances onto Stanhope Road together with hard and soft landscaping and demolition of the existing dwelling.

APPLICANT'S SUBMISSION

The applicant has submitted the following information in support of the application which will be referred to as necessary within this report:-

Design and Access Statement
Arboricultural Impact Assessment and Method Statement
Drainage Strategy and SuDS Maintenance Plan.

CONSULTATIONS

Local Highways Authority – No objection.

Lead Local Flood Authority – No objection.

Pollution and Licensing (Contaminated Land) – No objection.

Arborist (Trees) – No objection. Recommend an informative regarding pruning of third party trees to enable development.

United Utilities - No objections subject to appropriate conditions.

Greater Manchester Ecology Unit – No objections. Recommend conditions regarding bird nesting and replacement tree planting.

REPRESENTATIONS

Neighbours – 15 Objections received from the occupiers of 8 separate addresses in relation to the proposal. The objections are summarised below:

- Semi-detached houses are not in keeping with the area. Stanhope Road and Bowdon as a whole have been established as an area for detached housing.
- Concerns with increasing the number of houses within previous single plots within the neighbourhood
- Over-development of the plot, scale of development unsuitable for the plot.
- Concerns with the scale, massing and design.
- Detriment to the streetscene, character and appearance of the area (including Conservation Area).
- Detriment to residential amenity of neighbouring residents. Concerns regarding over-looking, over-bearing, intrusive effect on the neighbouring properties, light pollution and noise pollution.

- Concerns with the number of new access points being proposed. Extra driveways and cars that each house would increase traffic movements and bring would add to congestion on an already busy road at a position very close to the junction with Bow Green Road.
- Limited off street parking will result in additional on street parking.
- Size of the dwellings would require three off road parking spaces, not two.
- Concern of access during development.
- Detrimental impact on highways to warrant refusal.
- The 5 double bedroom semi-detached properties have limited recreation/play area. If the intention is to be used by a large family, children will finish playing on the street which will be dangerous.
- The width to the space to the side of the semi-detached properties are narrow and will result in an increased risk of fire spreading in the event of an incident.
- There has been several various planning applications at the site (former 9 Bowgreen site). Appears to an insidious attempt to cover the plot (9 Bowgreen site) with high density, high-rise semi-detached houses by piecemeal applications.
- In excess of outline approval (86978/OUT/15).
- Each plot contains a large proportion of hard surface.
- The scheme as submitted does not protect adjacent properties and the immediate local area from potential surface water flooding.
- The planning documents are incorrect and the plot is not 640square metres but 615 square meters.
- There are inaccuracies on the planning drawings and documents.
- Applicant failed to complete the application form. A number of concerns regarding the inadequate information.
- Further information is required by the Local Planning Authority including
- Inchoate application does not provide sufficient information to give neighbouring residents clear understanding of proposals.
- Application fails to comply with the NPPF, in particular paragraph 8, 59, 102, 108, 109, 117, 118, 122, 124, 127, 128, 130, 148, 150, 153, 170, 178, 180, 189, 190, 192. The proposal is therefore deemed to be contrary to the provisions of the NPPF and does not represent sustainable development.
- Application fails to comply with local policies including Core Strategy policies L2, L4, L5, L7, R1, R2, R3 and Supplementary Planning Documents PG1: New Residential Development, Trafford Community Infrastructure Levy; Revised SPD1: Planning Obligations and SPD3: Parking Standards and Design.

Neighbours and objectors were re-notified on the 19 December 2018 and 8 January 2019 further to receipt of additional information including a Design and Access Statement, a Tree Survey and an annotated location/site plans. 5 comments were received from 4 neighbouring properties. The objections are summarised below:

- Remain strongly opposed to the development subject of this application given that it represents gross overdevelopment of the site, and will have detrimental visual and amenity impacts on neighbouring properties and the wider local area.
- Unable to locate bin store details on the revised plans, without clarity on the location neighbouring residents are concerned in relation to potential noise, nuisance and disturbance from smells.
- The tree survey took place from the application site and from ground level, which means that no assessment has been made of the trees within areas not visible from the application site. The assessment makes it clear that the proposed development could have impacts upon this existing protected vegetation, mainly during the construction phase. Any potential damage or disturbance to our client's tree will be robustly objected to and resisted, and we would like the Council to consult with their own Arboricultural expert to ensure that the findings of the survey are correct and implementable.
- Given the nature and scope of some of the proposed mitigation there are legitimate concerns that some of the proposed recommendations will not be adhered to during the construction process.
- Objectors drainage consultants review of concluded – 'Based on the absence of BRE365 compliant infiltration testing and a departure from SuDS design parameters it is our considered opinion that there is insufficient evidence to show that a viable drainage strategy has been developed.'

Neighbours and objectors were re-notified again on the 10 April 2019 further to receipt of an amended red edge location plan, site plan, streetscene drawings and a block plan; and additional information including details of proposed materials and typical window reveals. 2 comments were received from 2 neighbouring properties. The objections are summarised below:

- Remain strongly opposed to the development, given that it represents overdevelopment of the site, a cramped form of development, disrupt the character and appearance of the area, cause light and noise pollution and will have detrimental visual and amenity impacts on neighbouring properties and the wider local area.
- Reiterate concerns of highway safety and parking.
- Reiterate drainage concerns and request that applicant submits a response to neighbours independent drainage investigation.
- Reiterate concerns on the potential impact on the neighbouring trees.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. In assessing the principle of provision of the semi-detached properties, it is noted that residential development on the site has been established by various extant permissions (listed above).

2. For clarification the proposal has been assessed as an application on its own merits if implemented in isolation or in combination with neighbouring existing and proposed dwellings (within extant planning permission) should they be implemented.
3. **The main planning considerations include:**
 - Principle of Development
 - Design and visual amenity
 - Residential Amenity
 - Parking and Highway Safety
 - Ecology and Trees
 - Drainage
4. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
5. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but was drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that local policies controlling the supply of housing are out of date, not least because of the Borough's lack of a five year housing land supply, but other policies relevant to this application remain up to date and can be given full weight in the determination of this application.
6. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
7. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
8. Policies controlling the supply of housing and those relating to design are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they control the

principle of the development and are relevant to the impact of property on the streetscene and the existing residents living close to the site.

9. The Council does not, at present, have a five year supply of immediately available housing land and thus Policies L1 and L2 of the Core Strategy are 'out of date' in NPPF terms. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code.
10. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to Paragraph 59 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
11. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites it indicates at bullet point c) that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
12. Policy L1 of the Core Strategy sets out the required scale of housing provision for Trafford over the plan period (from 2012 to 2026). The need to plan for a minimum of 12,210 new dwellings (net the scheme's contribution to housing supply and delivery weighs positively in its favour. of clearance) is referred to, which equates to at least 587 homes per year. It is significant that this Council has not been able to demonstrate that it has a rolling five year supply of deliverable land for housing against this requirement. Latest housing land monitoring indicates a supply, against this requirement, of some three years. Furthermore, with the publication of the revised NPPF this housing requirement has recently been superseded. Paragraph 73 of the NPPF states that housing requirement figures cannot be relied upon if they are over five years old. As a statutory development plan that was adopted in 2012 and with no formal review having been undertaken, the Core Strategy's housing supply targets have thus been overtaken by the Government's own indicative figures of local housing need (based upon a different formula), which were published in September 2017. The effect is that Policy L1 is regarded as out-of-date for the purposes of decision taking. Thus, the revised annual housing requirement for the Borough is presently 1,319 new homes, which is an uplift of 732 new homes per year; more than double. This would provide an overall requirement of in the order of 26,500 over the period from 2017 to 2037.

13. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.
14. The application proposal would deliver 2 new residential units. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. This proposal would amount to 0.15% of the new Government-directed annual requirement of 1,319 new homes (if it were assumed that annual requirements had continually been met such that no ongoing deficit had to be recovered). This is a very limited contribution, although officers still consider that significant weight should 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.
15. The application site is unallocated in the proposals map. The site is vacant and its last use was garden land associated with 9 Bow Green and is surrounded by residential properties and is residential in nature. In assessing the principle of provision of the semi-detached properties, it is noted that residential development on the site has been established by various extant permissions (listed above).
16. 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 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 need identified in Core Strategy Policies L1 and L2 in that the scheme will deliver an additional family home and has access to existing community facilities.
17. The area where the new dwellings are proposed, last use comprised garden land serving 9 Bow Green Road. Policy L1.10 states that where development proposals would involve the use of domestic gardens due regard will need to be paid to local character, environment, amenity and conservation considerations. The application site is not in a conservation area and therefore subject to the scheme having an acceptable impact on local character, amenity and the environment there would be no objection to this application. For the reasons set out in the following report it is considered that the scheme is acceptable in relation to these issues.
18. It is noted that planning permission 86978/OUT/15 gave outline consent for a total of 5 new houses following the demolition of existing house at the 6 Bow Green site and is currently extant. The provision of the proposed semi-detached properties would increase the density of the original 6 Bow Green site. In consideration of the Revised NPPF, this is an effective use of land. NPPF

Chapter 11 – Making Effective Use of Land, states decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

19. In conclusion, the site is in a sustainable location, an effective use of land and given the above considerations the principle of the development is considered to be acceptable. Notwithstanding this the development must also be compliant with other relevant policies in the Core Strategy in relation to the impact that the development may have in terms of design, residential amenity, parking and highway safety, ecological and drainage considerations.

DESIGN AND IMPACT ON THE STREETSCENE

20. Paragraph 124 of the NPPF states that “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 130 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”.
21. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code. It can therefore be given full weight in the decision making process.
22. Policy L7 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.
23. Objections have been received on the basis that the development would be out of character and appearance with the area due to its style and semi-detached nature, overdevelopment of the site and detriment to the Conservation Area.

Conservation Area

24. To clarify the application site has no direct relationship with the Devisdale Conservation Area, as it is set a significant distance 35m south, with two residential plots set between the site and the boundary of the Conservation Area.

As such, given the location, scale and siting of the proposal it has no impact on the Conservation Area.

Character, scale, siting and massing

25. The application site is situated within a predominantly residential area, which typically contains large family houses and many have living accommodation in the roofspace i.e. over three floors, as is proposed here and there is also examples of apartment developments in the area.
26. SPG1 states 'Development should complement the characteristics of the surrounding area. Heights to eaves and to ridge are both important, as is the effect of the overall massing.' The proposed semi-detached properties main roof ridge would be 9.8 metres high with the roofs of the gable features slightly lower at 9.2m. These heights are reflective and slightly lower than the surrounding existing and proposed properties.
27. The pair of properties would be set back from the streetscene by 6-7m and set within the plot boundaries and retain adequate distances between the adjacent properties. The siting of the properties is consistent with the building with the surrounding properties and the previously approved adjacent outline permission for semi-detached properties. The pair of semi-detached properties would sit comfortably within the plot boundaries and retain adequate distance distances from neighbouring properties.
28. NPPF, Chapter 11, emphasises the effective use of land in meeting the need for homes. The pair of semi-detached properties follows a similar footprint than the previously approved single dwelling shown on Plot 5 under 86978/OUT/15. The provision of the semi-detached pair rather than one dwelling is an effective use of land compliant with current national guidance and does not have a significant impact on the character of the area. The siting, massing and scale of the proposed development is reflective of the existing properties and the previously approved planning applications for semi-detached properties adjacent to the site. Officers are satisfied the dwellings would be an acceptable addition to the streetscene.

Appearance, Materials and Fenestration

29. In regard to appearance, materials and fenestration, it is noted there is range of property styles within the vicinity of the application site. This includes a mix of traditional dwellings interspersed with new build dwellings of both a contemporary nature and traditional form. The design approach of the proposed dwellings is traditional and consists of properties with a pitched roof with pitched gable features and modest dormers breaking up the front elevation to add character. The window details are traditional and there is brick and eave detailing. The materials include slate, light buff brick, buff sandstone for heads

and cills and windows to consist of white metal or timber. The design and fenestration details and mix of traditional materials are considered acceptable. Recommended conditions will ensure that the materials used will be of appropriate quality and windows will have suitable reveals.

Landscaping

30. The plans include indicative front boundary details detailing access and the use of hedges which breaks the massing and provides natural screening. The amenity gardens are to the rear. The landscape proposals are reflective of the streetscene and area. However, as no detailed landscaping proposals have been submitted in relation to this application, a condition is recommended to be attached to require this information. It would be expected that details would include treatment to the front boundary and landscaping to contribute the streetscene.

Conclusions on Design and impact on streetscene

31. In conclusion, the design, scale, siting, massing and materials proposed are considered to be in keeping with other existing dwellings in the area and previously approved applications. The proposed pair of demi-detached dwellings are considered to be acceptable, subject to a condition requiring the submission and approval of materials, window reveal detail and landscaping details. As such it is considered that the proposed would not result in harm to visual amenity and is considered to be compliant with Core Strategy L7 and the NPPF.

IMPACT ON RESIDENTIAL AMENITY

32. Policy L7 states that in relation to matters of amenity protection, development must:
 - Be compatible with the surrounding area
 - Not prejudice the amenity of the future occupants of the development and / or occupants of adjacent properties by reason of being overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
33. SPG1 New Residential Development sets out the guidelines further to Policy L7.
34. At the present time, the adjacent plot the land facing Stanhope Road is subject of previous planning approvals including consent for a pair of semi-detached properties (93111/17/FUL). It is considered likely that the plot will be developed for residential use in the future. The land to rear to the north west boundary is currently within the garden of 9 Bow Green Road, and the land again is subject to previous planning approvals for residential development. The existing and proposed residential properties are considered within the following assessment.

35. Objections have been received on the basis that the dwellings would result in loss of privacy, would have an intrusive and overbearing impact on neighbours and detriment to visual amenity. Concerns have also been raised regarding a potential increase in noise and light pollution as a result of the development. A further concern was raised that the amenity space for the dwelling size was inadequate.

Overlooking/loss of privacy

36. SPG1 New Residential Development sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines usually require for new two storey dwellings that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. The 27 metre guideline does, however, allow for future extensions to the rear of properties and this can be controlled via the removal of permitted development rights for new developments. These distances would usually need to be increased by 3 metres for any second floor windows.
37. Distances of 10.5 metres are normally required between first floor windows and private garden areas to prevent loss of privacy to gardens, which again should be increased by 3 metres from 2nd floor level. A distance of 15m is normally required to be maintained between a 2 storey wall and a main sole habitable room window in a neighbouring property to prevent development having an overbearing impact.
38. To the front and rear the required privacy distances will be adhered to, protecting existing and future residents from harmful overlooking. In relation to the properties/future properties either side of the proposal, it is accepted that as these are new dwellings that the level of overlooking to the rear gardens will increase. However given the siting of the property and positioning of the rear windows this is not considered to be harmful, or beyond that expected in a residential area of this nature.
39. The proposal has a limited amount of windows on the side elevations and in the main these serve non-habitable rooms. Given the relationship with the side boundaries with the neighbouring development plot and residential property at 6 Stanhope Road, it is recommended that side facing windows in the proposed dwellings at first floor and roof level should be obscure glazed and fixed shut (unless the opening parts are in excess of 1.7 metres above internal floor level in the room). This will prevent any loss of privacy to existing and proposed properties to the side elevations. Furthermore, a landscape/boundary treatment condition is recommended to ensure that there is adequate screening between the ground floor windows and the neighbouring development plot.

40. Subject to the attachment of conditions regarding the fitting of obscure glazing to all first and second floor windows in the side elevations of the proposed dwellings, and it is not considered that the proposal would adversely affect the level of residential amenity neighbouring residents can reasonably expect to enjoy and the development would provide future occupants with a satisfactory standard of living.
41. As such no harmful overlooking or loss of privacy is expected to result from the proposed development.

Overbearing/Visually intrusive/Detriment to visual amenity

42. In terms of impact upon neighbouring residents the proposed dwellings are compliant with the maximum heights and minimum separation distances to boundaries set out in SPG1 New Residential Development in relation to existing properties outside the application site. Consequently it is considered that it would not result in material loss of light, outlook or privacy or have an overbearing impact.
43. The impact of the design of the development is considered in the section above. In regards to amenity, whilst the development would introduce a new built form to the street, given the set back from the front boundary and height of the development it is not considered to be unduly overbearing to result in harm to residential living conditions.
44. It is considered that permitted development rights for the proposed dwellings should be removed for rear extensions and roof extensions, to prevent extensions and alterations to the building. This would prevent any uncontrolled extensions that could potentially result in loss of amenity to the detriment of surrounding occupiers.

Noise and light pollution

45. Due to the separation distances and proposed use it is not considered that the proposal would result in light or noise pollution to any neighbouring properties over and above what would normally be associated with family housing.

Quality of Accommodation

46. The proposed property would be in excess of the national space standards for dwellings and would be proportionate to neighbouring properties. All the main habitable rooms have adequate light and outlook and the amenity space around the property would be compliant with the guidelines set out in SPG1. It is therefore considered that the level of accommodation for future occupiers of the property would be acceptable.

Conclusion on Residential Amenity

47. Given the above considerations, subject to conditions the proposal would result in a level of residential amenity neighbouring residents can reasonably expect to enjoy and the development would future occupants with a satisfactory standard of living. The proposal is accordance with Policy L7 of the Trafford Core Strategy and the NPPF.

PARKING AND HIGHWAY SAFETY

48. Paragraph 109 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out of date for the purposes of decision making.
49. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF’s emphasis on good design. 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, manoeuvring and operational space
50. It is noted that objectors have been raised concerns regarding the provision of off street parking and increase in congestion with potential increase in risk of accidents.
51. The LHA have been consulted on the plans and raised no objection to proposed access and parking arrangement.
52. The proposed hardstanding area to the front of the property can accommodate two parking spaces; and further over-spill parking would be available on the local highway and it is noted there are no highway parking restrictions on Stanhope Road. The impact of on-street parking at this level and location is not considered to result in an unacceptable impact on the highway or severe adverse impact on the highway network to merit refusal in this instance.
53. It is noted that SPD3: Parking Standards and Design for Trafford (SPD3) would advise that that for dwellings this size in this area, three off-street car parking spaces are requested. However, given the above considerations, it is concluded that there would not be an adverse impact on the surrounding highway network and the proposal is considered to comply with the requirements of paragraph 109 of the NPPF.

54. Servicing will be carried out from Stanhope Road. Refuse bins can easily be transferred to the roadside for collection and this arrangement is acceptable.
55. Adequate drainage facilities can be addressed via a condition to ensure that localised flooding does not result from these proposals and the impact of the proposal on parking and highway safety is therefore considered acceptable.

ECOLOGY

56. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. Policy R2 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
57. The Council's Tree Officer has visited the site, assessed the proposal and has no objection. The submitted tree report confirms no trees to be removed on site. The proposal will affect two third party trees which are within the grounds of the neighbouring property Chatsworth House, which is subject to a Tree Preservation order. The tree report details methodology for protecting trees during development and these measures. Following a review of the proposal (including tree report) and visiting the site, the Council's Tree Officer recommended a condition to the adjacent trees. In addition an informative is recommended to provide advice on how to manage the works required to the neighbouring trees.
58. The Greater Manchester Ecology Unit advises that no vegetation clearance through the optimum period for bird nesting and this is recommended to be conditioned.

DRAINAGE

59. 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.
60. Objections raise concerns regarding surface flooding and proportion of hard surfacing.
61. The submitted Drainage Strategy and SuDS Maintenance Plan have been assessed by the Lead Local Flood Authority (LLFA). A neighbour's representation drainage review of the proposed drainage strategy has also been reviewed by the LLFA. Following consideration of these details, the LLFA

recommend a condition to require a scheme to improve the existing surface water disposal to be submitted and approved.

62. It is further noted UU have no objection to the proposal and recommend standard drainage conditions.
63. Drainage and landscaping conditions will ensure that localised flooding does not result from these proposals.

OTHER MATTERS

64. Objectors commented that the details of the application were inadequate and there was concerns regarding the exact location of the red edge boundary.
65. The original submitted planning application and the additional information submitted during the application process (including the Design and Access Statement and Tree Survey) are considered adequate to make a thorough planning assessment.
66. Whilst the red edged boundary plan has been altered previously and consulted upon, following further clarification regarding the boundary line with the adjoining land owner the applicant has now submitted a certificate B and served an Notice No. 1 to confirm that part of the land edged in red on the boundary plan is within the ownership of an adjoining site. The alteration is accepted and is noted it does not have a material impact on the planning assessment, although the recommendation will reflect this further consultation period for the Notice to expire.
67. An objector raised concerns regarding fire safety. This is not within the remit of planning and would be considered through building regulations.

DEVELOPER CONTRIBUTIONS

68. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the hot zone for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
69. As the development will comprise more than 100 sq. m of new build floorspace it is chargeable for the Community Infrastructure Levy (CIL).

PLANNING BALANCE AND CONCLUSION

70. For the reasons set out above it is consider that the proposed scheme is acceptable in terms of design and visual amenity, residential amenity, highway safety and ecology and on balance would comply with the relevant policies of the

Trafford Core Strategy and the NPPF. As such it is recommended that planning permission should be granted, subject to appropriate conditions.

71. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development will result in an acceptable form of development subject to appropriate conditions.
72. All relevant planning issues (including of design and visual amenity, residential amenity, highway safety and ecology) have been considered and representations and consultation responses taken into consideration in concluding that the proposal comprises an appropriate form of development for the site. The application is therefore recommended for approval.

RECOMMENDATION:

73. In order to address discrepancies over the boundary line with the adjoining land owner regarding the red edge boundary line, the applicant has amended their Certificate of Ownership and submitted a Certificate B, and service Notice 1 to 9 Bow Green Road notifying them of the application. The agent served the required Notice 1 on the 30th April 2019. Legislation requires that 21 days must pass from this notice being served and the determination of the application. The 21 days expires on the 21st April. The recommendation is therefore as follows: -
74. Should Members resolve that they would be **MINDED TO APPROVE** planning permission for the development and in the event no further representation be received in relation to Notice 1 by the 21st April 2019 that raises any new issues, that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development with the following conditions: -

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: 'Materials' document received 10 April 2019; T18-28 Drawing No.01. Revision A – Proposed Plans & Elevations; T18-28 Drawing No.02. Revision C – Proposed Site Plan & Street scene; T18-28 Drawing No.03. Revision C – Location Plan; T18-28 Drawing No.04. Revision A – Proposed Block Plan and Extended Street scene; T18-28 Drawing No.05. Typical 100mm Window Reveal

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

3. Notwithstanding any description of materials in the application, no development shall commence on site until a detailed schedule, specifications and samples of all external materials and finishes for external walls, windows, doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The 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.

4. All window and door openings shall be constructed with minimum 90mm deep external reveals.

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. 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 east and west side elevations facing the adjoining sites 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.

6. (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 (include boundary treatments and generally landscaping), including details of new trees to be introduced 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

7. 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.

8. No development shall take place until, a sustainable surface water drainage scheme, based on the hierarchy of drainage options in National Planning Practice Guidance with evidence of an assessment of site conditions has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

9. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution and 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."

10. No development shall take place unless and until details of the full detailed drainage design and all relevant documents to limit the proposed peak discharge rate of storm water from the development to 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof) no extensions shall be carried out to the dwellings; no garages or carports shall be erected within the curtilage of the dwellings; no dormer windows shall be added to the dwellings other than those expressly authorised by this permission, unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, privacy, and/or public safety, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12. The development hereby permitted shall not be brought into use until the means of access and the areas for 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.

13. No development shall take place until details of existing and finished site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March-July inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting.

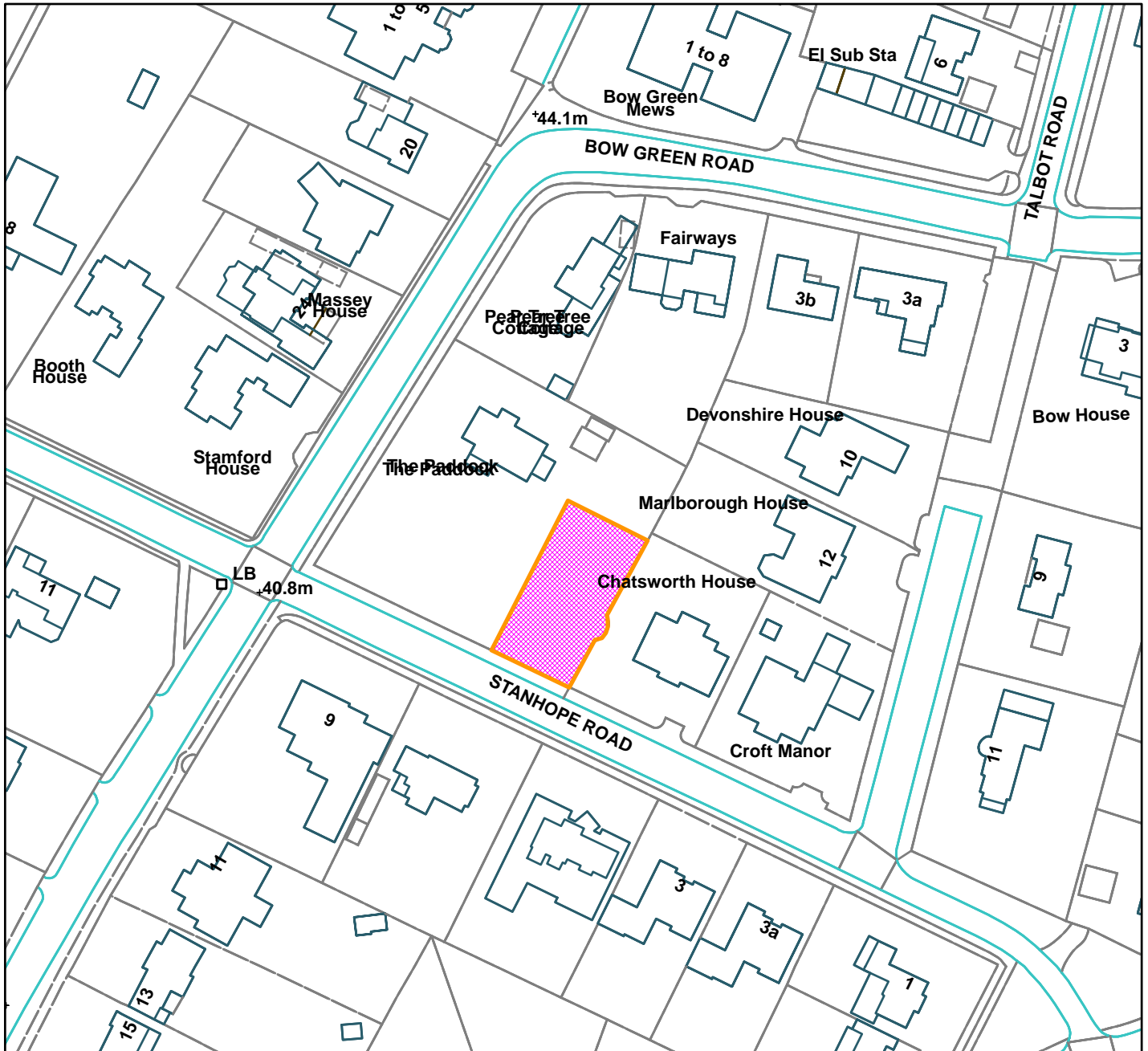
Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

TM



Development Site adjacent to Chatsworth House, 6 Stanhope Road, Bowdon (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/05/2019
Date	29/04/2019
MSA Number	100023172 (2012)

Outline application for the erection of 3 No. dwellings comprising of a pair of five bedroom semi-detached houses and a further five bedroom detached house, with associated car parking and amended front boundary treatments. Consent is sought for access, layout and scale with all other matters reserved.

Synagogue, 12A Hesketh Road, Sale, M33 5AA.

APPLICANT: Mr Gary Wallman, Trustees of Sale & Hebrew Congregation.

AGENT: Mr Barry Tang, Tang and Associates.

RECOMMENDATION: GRANT

This application is reported to the Planning and Development Management Committee as the application has received seven objections contrary to the officer recommendation, and in addition the application has also been called in to be determined by Committee by Councillor Robert Chilton on the grounds that the proposal would result in an unacceptable parking impact.

SITE

The application site comprises of a flat roofed part single/part two storey synagogue of mid-20th century construction with a landscaped area to the front (south) and a gravelled hard standing to the side (west) running to the rear boundary. Two flat roofed 'portacabin' type units are located between the main building and the rear boundary. The front of the plot is open plan with the side boundary to the west marked by 2m high wood panel fencing, the side boundary to the east marked by a 2m high brick wall, and the rear boundary marked by a part 2.6m/part 2m high brick wall/concrete panel fence.

The site is bound on all sides by residential properties apart from a grassed area adjacent to Harboro Way to the rear (north/north-east). The front boundary includes two mature TPO trees, whilst the rear and side (east) boundaries are marked by a degree of vegetation cover including trees.

PROPOSAL

Outline planning consent is sought for the demolition of the current building and the erection of 3 No. two storey plus loft level five bedroomed dwellings comprising of a pair of semi-detached houses (Units 1 and 2) and an additional detached house (Unit 3), each of these properties to have two off-street parking spaces. Consent is sought for access, layout and scale with appearance and landscaping reserved.

Layout

The pair of semi-detached dwellings would occupy the plot's western end, with the further detached dwelling positioned to the east. Access would be taken from

Hesketh Road. The detached dwelling would be positioned 1.3m closer to the front boundary compared to the pair of semi-detached dwellings to the west.

The semi-detached dwellings would have an internal layout comprising of a hallway, living room, open-plan kitchen/diner, utility room and WC at ground floor; a landing, three bedrooms (one en-suite with a dressing room), a bathroom and store room at first floor; and two further bedrooms (one en-suite with a dressing room) and a bathroom at loft level.

The detached dwellings layout would comprise of a hallway, living room, open-plan kitchen/diner, utility room, garage space and WC at ground floor; a landing, three bedrooms (one en-suite with a dressing room), a bathroom and store room at first floor; and two further bedrooms (one en-suite with a dressing room) and a bathroom at loft level.

Scale

The buildings would have a roof ridge height of 10.1m and an eaves height of 6.1m. The pair of semi-detached dwellings would have a total width of 14.8m and a total depth of 11.3m, whilst the detached dwelling would have a width of 7.5m and depth of 11.1m.

Access

The properties would be accessed from Hesketh Road with each plot's front boundary comprising of a set of double vehicle gates and a single pedestrian gate, all set within a new brick wall.

Whilst appearance and landscaping are reserved matters the submitted indicative elevations show each property would have a relatively contemporary design with front and rear facing gable elements, a modern type front facing flat roofed dormer, a flat roofed porch, and windows/outlooks to each elevation. The detached dwelling would also have a contemporary styled flat roofed rear dormer. External materials, including for the front boundaries, would be red brick with decorative stone, including stone window heads and cills, to each elevation. Roofs would be tiled with UPVC used for doors and windows. Each plot would appear to have side and rear fences with the front of each plot accommodating hard standing for parked cars and footpaths.

The properties would be sold on the open market.

Value Added

Following LPA advice the applicant has amended their proposal through the following changes:

- Replaced the originally proposed second pair of semi-detached dwellings with a single detached dwelling to the east of the plot to prevent overdevelopment;
- Positioned the retained pair of semi-detached dwellings such that they would not result in an unacceptable overbearing impact on the adjacent dwelling to the west;

- Amended the semi-detached dwellings' loft level internal layout and rear elevations to ensure rear facing windows would not result in an unacceptable privacy impact on neighbouring properties to the rear;
- Moved the proposed detached dwelling to the west to ensure this would not result in an unacceptable overbearing impact on the adjacent dwelling to the east;
- Removed the proposed detached dwelling's attached side garage and reduced the number of off-street parking spaces for each property from three to two.
- Amended the front boundary design.

DEVELOPMENT PLAN

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

- The **Trafford Core Strategy**, adopted 25 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 19 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 Houses;
 L2 - Meeting Housing Needs;
 L4 - Sustainable Transport and Accessibility;
 L5 – Climate Change;
 L7 - Design;
 L8 - Planning Obligations;
 R2 - Natural Environment;
 R3 – Green Infrastructure.

OTHER LOCAL POLICY DOCUMENTS

Revised SPD1 - Planning Obligations;
 SPD3 - Parking Standards & Design;
 SPG1 - New Residential Development;
 SPG24 – Crime and Security.

PROPOSALS MAP NOTATION

Critical Drainage Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the revised National Planning Policy Framework (NPPF) in February 2019. 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

92256/VAR/17: Application for variation of condition 1 on planning permission 78710/FULL/2012 to allow the portacabin to remain for another 2 years until the date of September 2019, to allow time for the development on site to be completed. Approved 13 October 2017.

90704/OUT/17: Outline application for erection of 2 pairs of 5 bed semis (consent is sought for access, layout and scale with all other matters reserved) following demolition of existing building. Withdrawn 2 October 2017.

78710/FULL/2012: Erection of outbuilding to rear of synagogue to form ancillary office/storage accommodation, following demolition of existing portacabin. Increase in height of rear boundary wall to maximum of 2.6m. Approved 16 August 2012.

CONSULTATIONS

Local Highway Authority: Objection - the proposals fall short of the parking standards. Five bedroom dwellings require three car parking spaces each. The applicant will need to provide additional information to justify the shortfall in car parking from the standards.

LLFA: No comment.

UU: Awaiting final comment on drainage.

GMEU: No objection subject to condition.

Land Contamination: No objection.

Nuisance: No objection.

Arboriculturalist: No objection subject to condition.

Strategic Planning: No objection to loss of place of worship.

REPRESENTATIONS

Letters of objection have been received from seven neighbouring addresses which raise the following issues regarding the original proposal, none of these objections having been withdrawn following the LPA's re-advertisement of the amended scheme:

- The proposal is an exact copy of the previously withdrawn application;
- It would result in an undersupply of on-site parking which would result in an unacceptable on-street parking impact on surrounding roads;
- It would result in an overdevelopment of the plot;
- It would result in an unacceptable privacy impact on neighbouring occupants;
- It would result in an unacceptable overbearing and overshadowing impact on neighbouring occupants;
- The proposed retained area to the front of each property would not be in keeping with surrounding properties;
- A concern that the development could impact local wildlife including a bat colony;
- A concern that the proposal would result in an unacceptable drainage/flooding impact;
- The development could unacceptably impact TPO trees on site;
- Several parts of the application form have been incorrectly completed;
- The proposal does not confirm what would happen to the telegraph pole currently located in the plot's north-east corner, with a concern raised that the scheme if implemented would impact telephone services.

A letter of support has been received from a single property advising the proposed development would be acceptable with reference to its visual impact and the replacement of the synagogue thereby removing a security risk.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

Land Use

1. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for

determining the application are out of date planning permission should be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
2. Policies controlling the supply of housing are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11. The Council does not, at present, have a five year supply of immediately available housing land and thus these development plan policies are 'out of date' in NPPF terms. Paragraph 11(d) of the NPPF is therefore engaged.
 3. The application proposes the erection of three dwellings in place of the current synagogue. Policy L1 of the Trafford Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Regular monitoring has revealed that the rate of building is failing to meet the housing land target as expressed in Table L1 of the Core Strategy. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.
 4. The site is occupied by a former synagogue and is considered to be previously developed land.
 5. The application site is located within a sustainable established residential area close to public transport links, local schools and the amenities provided by Sale town centre. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
 6. The proposal is considered to acceptably comply with Policy L2 in that it would be on a sufficiently sized plot, appropriately located in terms of access to the existing community facilities in Sale town centre, not harmful to the character or amenity of the immediately surrounding area (as explained below and subject to the fact that this is an application for outline planning consent with appearance and landscaping being reserved matters) and in accordance with Policy L7 and other relevant Development Plan policies (L2.2). The proposal would moreover contribute towards the creation of a mix of dwelling types in the local area and could be used as family homes (L2.6).
 7. It is noted that the proposed site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). Paragraph 11 of the NPPF indicates that plans and decisions 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 LPA cannot

demonstrate a five year supply of deliverable housing sites. 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. The proposal would have a positive impact in this regard through the provision of three additional dwellings. There is likely to be a small economic benefit during the construction phase.

8. It is therefore considered that the proposal is situated within a sustainable location and would acceptably comply with the requirements of Core Strategy Policies L1 and L2.

Demolition/Loss of Synagogue

9. NPPF paragraph 92 requires LPAs to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The LPA does not have any specific Core Strategy or other supplementary planning policies in place to ensure the retention of the existing synagogue use.
10. Nevertheless the loss of the synagogue use to residential development is considered to be acceptable especially considering that no letters of objection on these grounds have been received from members of the Jewish community. The building itself does not have any historical or architectural merit worthy of preservation.
11. The development is therefore considered to be acceptable with reference to Core Strategy Policies L1 and L2 and the NPPF.

LAYOUT AND SCALE

12. Paragraph 124 of the NPPF states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
13. Policy L7 of the Trafford Core Strategy states: *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.*
14. It is noted that this is an 'outline' planning application with the consent being sought limited to matters of access, layout and scale. Details relating to appearance and landscaping are therefore not to be considered through the current application. Notwithstanding this the plans submitted with the current application provide indicative details regarding these additional matters.

15. The proposed dwellings would be bound by dwellings of varied design, age and scale with relatively large Victorian/Edwardian properties to the sides, interwar semi-detached dwellings to the front (south), late 20th Century dwellings to the rear (north), and a grassed area fronting Harboro Way to the north-east.
16. There is no objection to the demolition of the existing synagogue, which is neither listed nor within a Conservation Area, and is not considered to have any significant architectural merit.

Siting and Footprint

17. The proposed dwellings would be set within the centre of the existing plot with a staggered building line, which would be acceptable. They would not result in an overdevelopment of the plot and they would maintain sufficient views past their side elevations.

Bulk, Scale, Massing and Height

18. The dwellings would have three storeys. They would be markedly higher than the existing synagogue building and the properties to the front and rear; however they would be the same height as the pair of semi-detached dwellings to the side (east) and lower than the larger dwelling to the west. They are considered to be of an acceptable bulk, scale, massing and height. Planning permission would be subject to a condition setting the dwellings' ridge and eaves heights.
19. The proposed dwellings would not undermine views along Hesketh Road, and would create three new dwellings of an appropriate scale which would help to frame existing views along this road.

Internal Layouts

20. The proposed internal layouts are of a standard type for proposed dwelling houses and they would provide an acceptable standard of internal space for future occupants.

Additional Design Comments

21. As noted above, the detailed design and appearance of the blocks is not for consideration at outline stage, with 'appearance' being a reserved matter. It is considered that an appropriately designed scheme could be provided within the parameters of the submitted layout, access and scale without causing harm to the character and appearance of the area, although the details shown on the indicative elevations are not necessarily considered to be appropriate. Any subsequent reserved matters application would need to determine that the scheme included an appropriate level of modelling and articulation to deliver the quality of development that this site demands.

22. Given the above, the proposed development is considered to be acceptable in terms of its layout and scale with reference to Core Strategy Policy L7, the New Residential Development SPG, and the NPPF.

IMPACT ON RESIDENTIAL AMENITY

23. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*

24. The New Residential Development SPG requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

25. As noted above, the detailed elevational design and appearance of the blocks is not for consideration at outline stage, with 'appearance' being a reserved matter. Notwithstanding this the submitted indicative elevations together with the other plans indicating the development's proposed access, layout and scale are considered to demonstrate the proposal could result in an acceptable residential amenity impact in terms of privacy/overlooking. Thus Units 1 and 2's expected ground and first floor rear facing windows would be a minimum of 10.5m from the shared common boundary to the rear, and it is noted that the indicative elevation plans indicate there will be no rear facing loft level windows in these buildings, whilst the rear elevation of Unit 3 would face the grassed area to the rear. The proposed front facing ground, first and second floor windows would be a minimum of 30m from facing windows on the opposite side of Hesketh Road. Given that windows are shown in the side elevations on the layout plans, it is recommended that a condition is attached requiring all first and second floor side facing windows to be non-opening and obscurely glazed up to 1.7m above internal floor levels.

26. Layout and scale are matters to be considered as part of the outline proposal and it is therefore considered appropriate to consider whether the proposal would have any overbearing or overshadowing impact as part of the current assessment.

Overbearing/Overshadowing

27. Units 1 and 2 would introduce a two storey plus loft level element which would project 3.4m beyond the front elevation of the adjacent property to the west (No. 14 Hesketh Road) and would be set in 2.1m from the common boundary, which would be acceptable.

28. Unit 3 would introduce a two storey gable elevation which would be faced (at an angle) by a ground floor sole habitable room window in the gable elevation of the adjacent property to the east (No. 12 Hesketh Road) at a distance of 13.6m. This is considered to be acceptable particularly considering the fact this neighbouring

window currently faces the synagogue's substantial side elevation at a distance of 9.9m. None of No. 14 Hesketh Road's side facing ground floor windows are sole habitable room outlooks meriting special protection.

29. It is therefore considered that the proposed dwellings would not have an unacceptable overbearing or overshadowing impact on neighbouring dwellings.
30. The proposed internal layout would be acceptable and would provide a good standard of accommodation for future occupants.
31. The proposed dwellings would be relatively closely bound by surrounding residential properties and as such it is considered reasonable to include a condition removing future occupant permitted development rights to install two storey rear extensions, side extensions, dormer windows and roof lights.
32. The development would not result in any undue harm to the residential amenity of the neighbouring and surrounding residential properties with reference to Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

CRIME AND SECURITY

33. The proposal would result in the replacement of a vacant synagogue building with three dwellings introducing windows to the front, sides and rear, thereby introducing an element of passive surveillance to the local area which would be of greater effectiveness compared to the previous more intermittent use, as well as clearly defined defensible space in terms of the plot's wider layout, and the incorporation of overlooked resident parking and pedestrian footpaths within the plot, which are all positive features.
34. The proposed development would result in acceptable crime and security impact with reference to Core Strategy Policy L7, the Crime and Security SPG and the NPPF.

HIGHWAYS, PARKING AND SERVICING

35. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
36. Core Strategy Policy L7 states: *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; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
37. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's parking standards indicate

that the provision of three off road car parking spaces is appropriate for five bedroom dwellings in this location.

38. The new dwellings would each have two off-street parking spaces which would not be in accordance with the required standards, and it is noted that the LHA has objected on these grounds. This under provision of off-street car parking spaces is nevertheless considered to be acceptable with reference to the site's highly sustainable location within walking distance of Sale town centre and its proximity to multiple bus routes running along Washway Road and Harboro Way, as well as with reference to the fact that the parking requirements and maximum standards. It is noted that the LHA has confirmed no objection to the proposal in terms of its highways and servicing impacts, and has not objected to the required dropped crossings,.
39. The application site is in a sustainable location within easy walking distance of the amenities and facilities provided by Sale town centre and with multiple bus routes running along Washway Road to the east.
40. There would be sufficient space within each plot to ensure that bins would be stored to the rear of each dwelling and therefore out of public view.
41. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

TREES AND ECOLOGY

42. The proposal would result in the removal of several trees at the site including a lime tree covered by group Tree Preservation Order 129 on the site frontage. A further lime tree located at the front boundary adjacent to the side (east) boundary shared with No. 14 Hesketh Road is also subject to this order and will be retained and protected during the course of development. It is noted that both the Council's Arboriculturalist and the GMEU have confirmed no objection subject to standard tree/ecology planning conditions. Whilst the retention of the protected tree with the use of special surfacing (a cellular system) was considered, the Arboriculturalist concluded that the tree would still be vulnerable to stem damage from vehicles. Furthermore, there would be a considerable amount of rooting area under the cellular system and given that vehicles would be likely to be parked under it rather than just passing over it, over time this would be likely to cause damage to the roots and the tree would not survive. It is therefore accepted that this tree would need to be removed.
43. Landscaping would be considered at reserved matters stage and would need to include details of satisfactory replacement planting as well as the planting of additional trees with the possibilities for specific green infrastructure such as green roofs, porous hardstanding and habitat creation also being considered. It is also recommended that a tree protection condition is attached to protect other nearby trees including those on the adjacent plots.

DEVELOPER CONTRIBUTIONS

44. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
45. 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 additional trees on site (a minimum of nine net of clearance) as part of the reserved landscaping proposals.

OTHER MATTERS

46. Addressing the further neighbour comments as noted above and which have not been considered in the Observation section above, comments are as follows:
47. The current proposal is not considered to be the same as the previously withdrawn proposal, the latter deemed to be unacceptable in planning terms.
48. The applicant's possible future obligation to move the telegraph pole in the plot's north-east corner is not a valid planning concern.
49. The LLFA consultee has confirmed the proposal would result in an acceptable drainage/flooding impact. The United Utilities comments are outstanding and will be dealt with through an Additional Information Report.

PLANNING BALANCE AND CONCLUSION

50. The scheme complies with the development plan, the starting point for decision making, which would indicate in itself that planning permission should be granted. However, the development plan policies which are 'most important' for determining this application, those relating to housing land supply, are out of date. Paragraph 11(d) of the NPPF is therefore engaged and should be taken into account as an important material consideration.
51. There is no 'clear reason for refusing the development proposed' when considering the application against Paragraph 11(d)(i) of the NPPF. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged, i.e. 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 the NPPF taken as a whole.
52. The development will deliver a number of benefits, most notably the redevelopment of a vacant site and the delivery of new housing in a sustainable location. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposal comprises an appropriate form of development for this site which complies with

the development plan, national planning policy and relevant supplementary planning documents in terms of the principle of the development, and in terms of its access, layout and scale. Whilst the proposal would result in the loss of a tree protected by a Tree Preservation Order, it is considered that this would be outweighed by the benefits referred to above in terms of the redevelopment of a vacant site and the delivery of three new housing units. It is therefore considered that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and therefore that planning permission should be granted in accordance with paragraph 11 of the NPPF.

RECOMMENDATION

GRANT subject to the following conditions:

1. The application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of three years from the date of this permission; or
 - (b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development first takes place:
 - (a) Appearance;
 - (b) Landscaping.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the details of the matters referred to in the condition have not been submitted for consideration.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [9283] 002 Rev N and 011 Rev F, received 26 April 2019.

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

4. A scheme outlining Biodiversity Enhancement Measures, as set out in section 10.3 of Inspection and Assessment in Relation to Bats Including Dusk Results document drafted by Tyrer Ecological Consultants Ltd, dated 20 July 2018, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the

development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: To enhance site biodiversity having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

5. 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' with reference to the approved Eden Arboriculture tree report reference EA-2017-054(AMS), dated 5 April 2019, and the Tree Protection Plan EA-2017-054(TPP) dated 4 April 2019. 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.

6. The site shall be drained via separate systems for the disposal of foul and surface water. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

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.

7. 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. Loading and unloading of plant and materials
- III. Storage of plant and materials used in constructing the development
- IV. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V. Wheel washing facilities, including measures for keeping the highway clean
- VI. Measures to control the emission of dust and dirt during construction
- VII. A scheme for recycling/disposing of waste resulting from demolition and construction works
- VIII. Hours of construction activity.

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.

8. 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 buildings' first and second floor side facing gable elevations 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification):
 - (i) No two storey rear extensions shall be carried out to the dwellings;
 - (ii) No side extensions shall be carried out to the dwellings;
 - (iii) No dormer windows or roof lights shall be added to the dwellings;Other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, in accordance with Policy L7 of the Trafford Core Strategy.

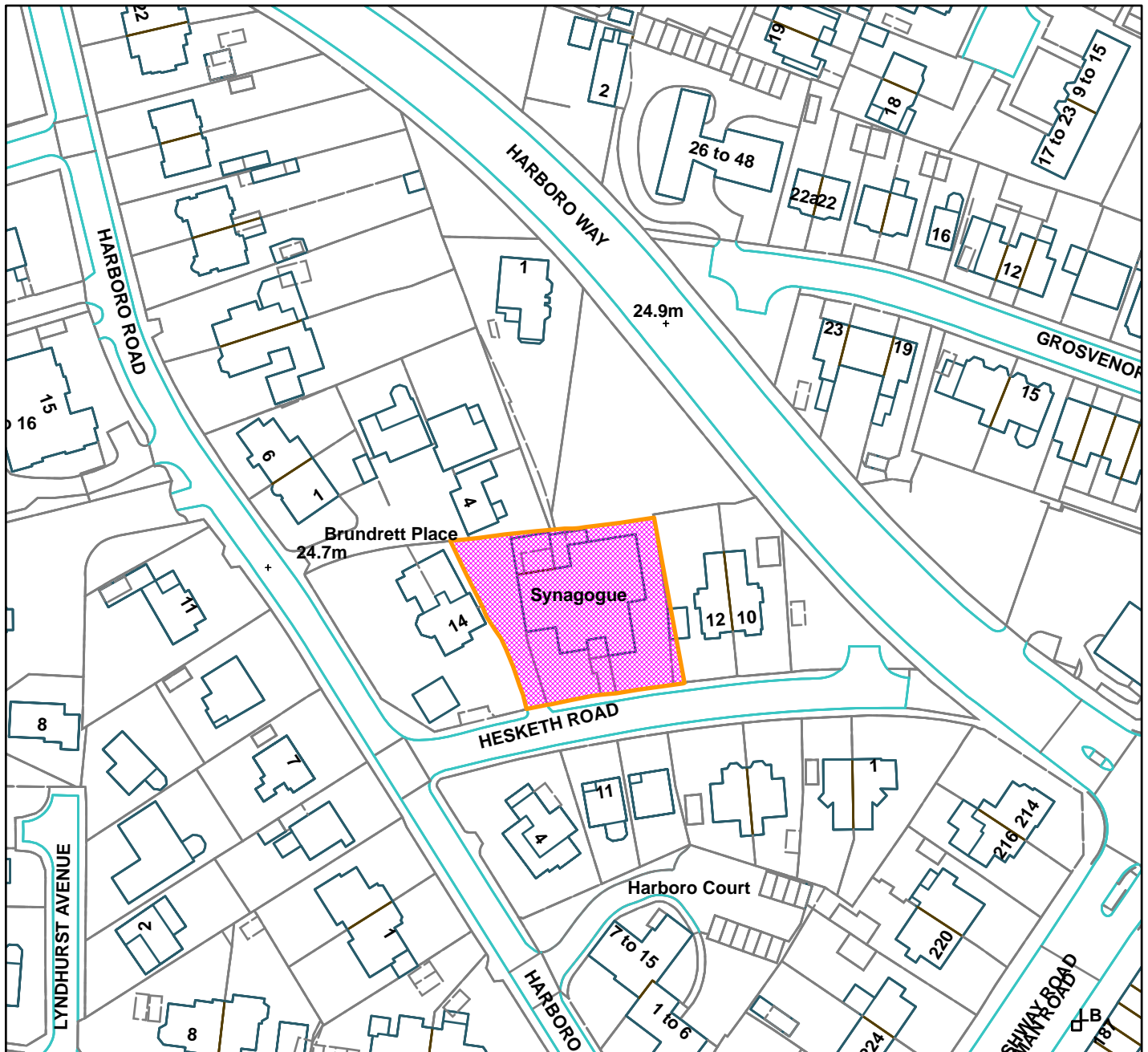
10. The approved dwellings shall have a roof ridge height of no higher than 10.1m and an eaves height of no higher than 6.1m.

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

TP



Synagogue, 12A Hesketh Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/05/2019
Date	29/04/2019
MSA Number	100023172 (2012)

WARD: Bowdon

95910/FUL/18

DEPARTURE: No

Erection of two dwellings with associated landscaping, access and parking. Amended parking area for the existing dwelling and erection of timbers gates following demolition of the garage, pool house and infilling of pool.

Bowdon Old Hall, 49 Langham Road, Bowdon, WA14 3NS.

APPLICANT: Mr & Mrs Ryan.

AGENT: Miss Emer Cunningham, Indigo Planning.

RECOMMENDATION: REFUSE

This application has been called in to be determined by Committee by Councillor Michael Hyman.

SITE

The application site comprises of a detached Grade II listed dwelling, Bowdon Old Hall, which is set within a 0.6ha sloping rectangular plot to the south of Langham Road and on the side of Bowdon Hill, such that ground levels fall moving towards the rear boundary. Bowdon Old Hall is a 17th Century house with 16th Century origins. The building was subsequently altered and extended during the mid-19th Century. The southern elevation was completely remodelled in an Italianate style with classical detailing including a stuccoed frontage and a central arched entrance. The building itself includes a single storey element projecting from its west facing gable. The Hall occupies an elevated position and overlooks an extensive garden with wider views to the Cheshire plains beyond. Historically the Hall formed part of the wider Dunham Massey Estate and until the mid-19th Century retained its rural setting.

A vehicle entrance and area of hard standing is located at the plot's north-west corner with a recently constructed garage/pool house and pool, as well as a tool shed and glass house positioned along the north-west (side) boundary running north to south. The rear of the plot comprises of a lower grassed area. The area immediately around the dwelling house comprises of a more formal garden which is part bound by trees to the east and south, with a wall separating the dwelling from the row of ancillary buildings along the west boundary.

A concrete air raid shelter is set into the sloping ground level to the rear of the Hall.

Boundaries are marked by brick walls with much of these backed by hedging and also further screened by mature vegetation including trees. The plot is bound by substantial Victorian/Edwardian-era dwellings to the front and side, and mid-20th Century dwellings to the rear.

There are a number of garden structures and walls within the site which are '*curtilage listed*', having formed part of the land since before 1 July 1948, including a

concrete air raid shelter set into the sloping ground level to the rear of the Hall. These curtilage listed structures also form part of the Grade II listed building and its setting and benefit from the same level of protection.

The Hall was listed on 16 April 1974. The listing entry states the following:

House. c.1700 with later alterations and additions particularly in the C19. Brick with stone quoins and clay tile roof. 5 bays wide by 2 rooms deep with a central entrance and 2 storeys. Stone quoins, first floor moulded brick band, projecting eaves, coped gables with kneelers and 4 chimney stacks, 2 lateral and 2 axial. Ground floor has 4 blocked window openings with arched heads which are replaced by 3 cross windows. The first floor has 5 cross windows with very small leaded lights, probably C19. Central entrance with segmental door canopy in the late C17 manner. The rear elevation is stuccoed and completely re-faced in C19 with modillion cornice, quoins, 2 bay windows and central projecting porch with arched entrance. Interior not inspected.

[N.B. The list description, as it dates from 1974, is not and was not intended to be an exhaustive analysis of the significance of the building. If a feature is not identified in the list description, it does not mean it is not of significance].

Bowdon Old Hall occupies a site thought to date to the 1540s, though the present building dates from the late 17th or early 18th Century and is one of Bowdon's earliest and most notable historic residences. In the mid-19th Century William Edwards, a successful joiner and builder remodelled the south (rear) elevation in an Italianate style. The gardens were probably enlarged and laid out around the same time and had a formal geometric layout relating directly to the south elevation of the building. This 19th century phase of development contributes strongly to the significance of the Hall.

The garden was landscaped with paths, flights of steps, ornamental planting, orchard, terraces, embankments and walls. A substantial glasshouse was erected to the south west of the Hall to serve a walled kitchen garden with outbuildings fronting Langham Road. The remains of the glasshouse survive adjacent to the western boundary of the site. The grounds are substantial and much larger than most other plots in the residential suburb that subsequently grew up around the Hall. Despite some alterations undertaken to the grounds during the 20th Century including the addition of a pool house, garage, removal of the orchard and tennis court, the layout of the gardens appear little changed from their inception in the mid-19th Century.

The current gardens also provide a remnant of the historic rural setting and illustrate a period of great investment in the Hall during the mid-19th Century. The gardens were formally laid out to complement the re-styled southern elevation. The site of the orchard and glasshouse provide evidence of how the garden served the Hall during the 19th Century. These elements are significance for the contribution they make to our understanding of the Hall during this period.

The garden to the north elevation provides a separation from Langham Road and together with mature planting and high brick boundary wall provides an air of domestic privacy reflecting the status of the residence. The character and openness

of the application site contributes positively to the setting of the Grade II listed building, being essentially the last undeveloped area of land surrounding the listed building and allows an appreciation of its historic rural setting.

Bowdon Old Hall and its setting is significant for its aesthetic, illustrative historical and evidential values.

The site is located within Character Zone B (Historic Core) of the Bowdon Conservation Area, with the Conservation Area's southern boundary running along the plot's rear boundary.

Bowdon Old Hall is one of the earliest and largest buildings within located within Character Zone B – The Historic Core of Bowdon Conservation Area. Bowdon Old Hall is sited on the south side of Langham Road, set back from the road frontage in one of the largest and most spacious plots in the Conservation Area. The eastern boundary of the application site forms the boundary to Character Zone C. The Red House and Nos. 45 and 47 Langham Road are identified in the SPD as positive contributors.

PROPOSAL

The applicant proposes to carry out works comprising the following:

- Demolish the ancillary buildings along the plot's north-west boundary apart from the tool shed;
- Amendments to the plot's current vehicle access through the installation of a new gate controlled graded access route running south and descending into the site, together with a new retaining wall at the eastern boundary of the new driveway;
- Erect 2 No. two storey dwellings at the plot's lower (southern) level, the dwellings to be positioned adjacent to the eastern (unit 1) and western (unit 2) boundaries and accessed via the new access route including three parking spaces for each dwelling;
- Engineering works to regrade the site in parts including removal of embankment and rockery and install retaining/screening walls and structures, as well as remove part of the existing underground air raid shelter to accommodate parking spaces;
- Extensive hard and soft landscaping works including the installation of footpaths and tree/vegetation planting/selective removal;
- Partially demolish the tool shed to accommodate the access road with the remainder of the structure used for site maintenance storage; removal of remains of glasshouse
- Installation of a new parking area for the main dwelling adjacent to the plot's front boundary through partial removal of front garden, the parking area to be accessed via a sliding gate from the new access route.

The 2no. proposed new dwellings would have a highly contemporary design with flat sedum roofs, large expanses of glazing, brick and concrete fascias and grey backed glass panels. Each property would have three parking spaces and secure cycle storage. The proposed dwellings would not have fenced external amenity spaces in an attempt to maintain plot openness.

Unit 1 would have an internal floor area of 225sqm over two floors. It would be built into the plot's slope which would in part enclose much of the ground floor level. The ground floor would comprise of a kitchen/dining/living room, hallway, cloakroom, utility room, three bedrooms (one en-suite with an attached dressing room) and bathroom; with a floor comprising of a snug and glass balustraded front and rear terraces above. The ground floor's roof would be in part set within the surrounding hillside and would include a low level roof light and circular rooflights within the ground level at this point. External staircases would be positioned towards the west and east. The dwelling would have side (west/east) and rear (south) facing windows and sliding doors. A footpath would link the building to the parking spaces and new driveway to the west.

Unit 2 would have an internal floor area of 325sqm. Engineering works would lower the ground level at this point to reduce the building's visual prominence when viewed from the north. This dwelling would be set to the south of a rectangular paved area shared with Unit 1. The northern part of the ground floor level would be partially built into the hillside with a parking area above part of this level. The ground floor would comprise of a kitchen/dining/living room, utility room, external terrace and four en-suite bedrooms, with a fifth en-suite bedroom and snug, the latter leading on to an external terrace, above. An external dining terrace would be located to the south-west in the wider plot's south-west corner. The dwelling would have side and rear facing windows/outlooks with a single low lying elongated north facing ground level window.

The applicant has also submitted a parallel application for listed building consent relating to the above noted proposed works (reference 95911/LBC/18), which is also to be considered at Committee and is elsewhere on this agenda.

The applicant is in the process of carrying out other works to Bowdon Old Hall, including works to the original building's elevations and the erection of a new single storey element attached to the building's west facing gable elevation as per previous grants of permission references 92091/LBC/17, 93290/HHA/17 and 93291/LBC/17.

The current proposal differs from the final proposed amendments of the previously submitted and withdrawn scheme (references 94745/FUL/18 and 94746/LBC/18) in that the current proposal has amended hard and soft landscaping including additional vegetation.

DEVELOPMENT PLAN

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

- The **Trafford Core Strategy**, adopted 25 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 19 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 Houses;
L2 - Meeting Housing Needs;
L4 - Sustainable Transport and Accessibility;
L5 – Climate Change;
L7 - Design;
L8 - Planning Obligations;
R1 – Historic Environment;
R2 - Natural Environment.

OTHER LOCAL POLICY DOCUMENTS

Revised SPD1 - Planning Obligations;
SPD3 - Parking Standards & Design;
SPD5.9 – Bowdon Conservation Area Appraisal;
SPD5.9a – Bowdon Conservation Area Management Plan;
PG1 - New Residential Development.

PROPOSALS MAP NOTATION

Bowdon Conservation Area.
Critical Drainage Area;

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Conservation Areas.

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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the revised National Planning Policy Framework (NPPF) in February 2019. 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

95911/LBC/18: Listed Building Consent sought for the erection of two dwellings with associated landscaping, access and parking. Amended parking area for existing dwelling including new timber gates and new door in wall following demolition of the garage, pool house and infilling of pool. Pending consideration and elsewhere on this agenda.

94745/FUL/18: Erection of two dwellings with associated landscaping, access and parking. Amended parking area for the existing dwelling and erection of timber gates following demolition of the garage, pool house and infilling of pool. Withdrawn 25 September 2018.

94746/LBC/18: Listed Building Consent sought for the erection of two dwellings with associated landscaping, access and parking. Amended parking area for existing dwelling including new timber gates and new door in wall following demolition of the garage, pool house and infilling of pool. Withdrawn 25 September 2018.

93290/HHA/17: Application for alterations / extensions to existing kitchen / breakfast room wing following demolition of lean-to outhouse, conservatory and washhouse on western side of building. Proposed alterations to basement including revised stairwell access and alterations to the westerly courtyard and creation of new terrace to rear. Installation of roof lights to main roof. Approved 14 March 2018.

93291/LBC/17: Listed building consent for external and internal alterations to grade II listed building including: demolition of lean-to outhouse, conservatory and washhouse, reconfiguration of kitchen space including new roof and walls and raising of kitchen floor, alterations to basement including revised stairwell access, alterations to the westerly courtyard and creation of new terrace to rear, proposed dormer window in central roof valley and alterations to windows, doors and rainwater goods. Approved 14 March 2018.

92091/LBC/17: Listed building consent for external and internal alterations to grade II listed building including: alterations and formation of new openings at ground, first and second floor levels, rewiring and installation of internal services and installation of secondary glazing inside the building; the installation of roof lights and a dormer, reopening of previously blocked windows, and external repairs on the exterior of the building. Approved 20 October 2017.

77154/HHA/2011: Partial demolition and re-building of front boundary wall on different alignment in association with alterations to existing vehicular access. Approved 26 September 2011.

77155/LB/2011: Listed Building Consent for partial demolition and re-building of front boundary wall in different alignment in association with alterations to existing vehicular access. Approved 26 September 2011.

75996/HHA/2010: Partial demolition and re-building of front boundary wall on different alignment in association with alterations to existing vehicular access. Refused 18 January 2011.

76039/LB/2010: Listed Building Consent for partial demolition and re-building of front boundary wall on different alignment in association with alterations to existing vehicular access. Refused 18 January 2011.

APPLICANT'S SUBMISSION

The applicant has submitted Design and Access, Heritage and Planning statements in support of their proposal which state the following:

- The design and location of the proposed dwellings would not adversely impact or cause substantial harm to the setting of the Grade II listed Bowdon Old Hall or the Bowdon Conservation Area, and the development would moreover complement and enhance these heritage assets for example through the removal of the relatively modern buildings and structures positioned along the north-west boundary;
- The development would result in 'less than substantial' harm to the impacted designated heritage assets, with this harm clearly outweighed by the scheme's other significant public benefits including the removal of the relatively recently constructed structures along the plot's north-west boundary thereby opening up space and views along the site of the Hall and improving its setting; removal of the current unsightly parking area to the front of the plot; hard and soft landscaping improvements and the provision of two additional family homes in a sustainable urban location, in accordance with NPPF paragraph 196;
- The proposed hard and soft landscaping has been carefully designed to ensure the development acceptably complements Bowdon Old Hall and the wider Conservation Area with a new orchard to be planted adjacent to the rear boundary, the retention of multiple trees and the planting of new vegetation;
- The proposal would provide additional housing which constitutes sustainable development;
- The dwelling's contemporary design will raise the bar in terms of local design standards;
- Whilst two dwellings are proposed the scheme would not include internal boundaries to protect the plot's open and spacious character thereby ensuring the development will not harm the character and appearance of the Conservation Area;
- The development would not adversely impact the amenity of neighbouring occupants;
- The previously withdrawn scheme received 'few neighbour objections' in addition to supporting comments.

CONSULTATIONS

Historic England - The development within the grounds of the Hall would result in some harm to the Conservation Area, specifically some loss to the openness and greenery that the site contributes to its character and appearance. This consultee deferred consideration of the impact on the listed building to the Council as this is outside their statutory remit for comment. The LPA would have to consider the proposal's impact on the site's other heritage assets, including the Grade II listed hall. The harm would need to be weighed against the public benefits of the proposal.

Heritage Development Officer – Objection. The proposal would result in major harm to the setting of the listed building and Bowdon Conservation Area.

Local Highways Authority – No objection.

LLFA – No objection subject to conditions.

United Utilities – No objection subject to conditions.

GMEU - No objection subject to conditions.

Pollution and Licensing (Contaminated Land) - No objection.

Pollution and Licensing (Nuisance) – No objection subject to conditions.

Greater Manchester Archaeology Advisory Service – No objection subject to condition requiring the undertaking of archaeological works to investigate identify and record any surviving evidence of the site's original glass house.

Trafford Housing Strategy and Growth Manager – No objection.

Arborist – No objection.

REPRESENTATIONS

As part of the call in request Councillor Hyman provided the following comments in support of the proposal:

- The Planning Department has indicated that the development would provide “less than substantial harm to a listed building”;
- Given the significant drop in land from the position of the Hall to the intended position of the two dwellings, the proposed development can be sympathetically included without detriment to the overall site;
- The proposed development seeks to improve the overall presentation and integrity of the Hall as a building of significance. In particular, this will be achieved by careful landscaping that will open up the views of the building, a considerable improvement from the current position whereby the Hall is largely obscured from unfettered vegetation. A formal Victorian Garden and an orchard will also enhance the Hall's heritage.

10 letters of objection have been received, including from the Bowdon Conservation Group and the Altrincham and Bowdon Civic Society; these objections raising the following issues:

- The current proposal is the same as the previously withdrawn scheme apart from additional screening vegetation;
- The applicant is incorrect in alleging local support for the scheme;
- The proposal would unacceptably impact the site's current open and spacious character, which is a key characteristic as outlined in the Conservation Area guidance and which should be protected at all costs;
- The proposed modern design would not be in keeping with Bowdon Old Hall and its surroundings;
- The proposal would not protect or enhance the setting of either the Conservation Area or Bowdon Old Hall, for example through the sub-division of the site;
- The proposal would result in an increase in hard standing which would undermine the character and appearance of the site;
- The scheme would result in the sub-division of the site which would be contrary to Conservation Area guidance;
- The proposal would result in unacceptable amenity and privacy impacts on neighbouring occupants including noise and light disturbance from vehicles using the new driveway;
- It would result in an unacceptable highways impact due to increased traffic generation and with reference to the fact the site is adjacent to a busy multiple road junction;
- The amended vehicle entrance would be hazardous due to the fact that the footpath is relatively narrow at this point;
- The proposed scheme would result in an unacceptable impact on local wildlife;
- Insufficient drainage information has been submitted and the proposed additional drainage requirements could overload the local system;
- Construction traffic would result in an unacceptable highways impact;
- Despite the applicant's claims to the contrary the LPA would have little control over future works on site in terms of fencing, trees and garden structures should planning permission be granted;
- The applicant's proposals to ensure the site's future openness through avoiding sub-division, for example through legal covenants, service charges and planning conditions are impractical and unsubstantiated and would not protect against the site being sub-divided at a future date. Any restrictive covenant would have to be made in favour of Trafford Council to ensure effective future policing of the site, as otherwise future occupants could simply release each other from standard covenants at a later date. Trafford LPA does not have the resources to ensure full compliance with planning conditions attached to any grant of planning condition such as those guarding against future sub-division of the plot through the restriction of domestic permitted development rights, and there would be nothing to stop future occupants putting up fencing and then submitting a retrospective application to regularise this situation;
- The submitted documentation regarding tree protection is insufficient, including with reference to how this would interact with the proposed site drainage, and could result in damage to several trees currently proposed for retention;

- The complexity of the site with reference to proposed tree retention means that planning permission should be subject to a condition requiring the appointment of an independent arboricultural expert to overview the development;
- TPOs should be made for all trees worthy of protection, especially the monkey puzzle tree (T32);
- The development, especially levels changes, could impact the retaining wall running along the plot's rear boundary;
- Future occupants would place additional demands on local services including health and education.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions, as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. NPPF Paragraph 11 indicates that decisions should be considered in the context of the 'presumption in favour of sustainable development'. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
5. Policies protecting designated heritage assets and policies controlling the supply of housing are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they determine the principle of the development. Policy R1 of the Core Strategy, relating to the

historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date. The Council also does not, at present, have a five year supply of immediately available housing land and thus the development plan policies relating to housing land supply are also 'out of date' in NPPF terms. Paragraph 11(d) of the NPPF is therefore engaged.

6. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.

Heritage Assets

7. The site contains the Grade II listed Bowdon Old Hall and is located within Character Zone B (Historic Core) of the Bowdon Conservation Area, with the Conservation Area's southern boundary running along the plot's rear boundary. Several neighbouring buildings, including development on both sides of Langham Road, are identified as 'positive contributors' within the Bowdon Conservation Area Appraisal (BCAA).
8. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of Conservation Areas when determining planning applications.
10. The Government has set out its planning policies for the historic environment and heritage assets in the NPPF and the accompanying Planning Practice Guidance. Both the NPPF and the PPG are a material consideration relevant to this application and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
11. The NPPF's Glossary Section includes the following definition for designated heritage assets: *"A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation."*
12. The NPPF states at paragraph 8 *"Achieving sustainable development means that the planning system has three overarching objectives which includes an*

environmental objective – to contribute to protecting and enhancing our natural, built and historic environment”

13. Of relevance to the determination of this application is paragraph 190 *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”.*
14. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 194).
15. Where a development would 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 (NPPF paragraph 196).
16. 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.
17. Paragraph 124 of the NPPF states: *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 130 states: *“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, taking into account any local design standards or style guides in plans or supplementary planning documents.”*
18. Policy L7 of the Trafford Core Strategy states: *“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.” Policies L7 and R5 are up to date in NPPF terms.

IMPACT ON SETTING OF THE GRADE II LISTED BOWDON OLD HALL

Significance of Bowdon Old Hall and its Setting

19. Bowdon Old Hall is a Grade II listed 17th Century House with 16th Century origins, being substantially altered in the mid-19th Century with the southern elevation remodelled in an Italianate style incorporating Classical detailing including a stuccoed frontage and a central arched entrance. The significance of this building stems from its historic, architectural and aesthetic qualities which reflect the historic development of the site itself, for example through its original construction in the Queen Ann style at the start of the 17th Century replacing a previous Tudor structure and its partial remodelling in the 19th Century, as well as reflecting the wider development of Bowdon village over several centuries with the Hall acting as a focal point for this community.
20. Assessing the significance of the Hall’s setting it is noted that it occupies an elevated position south of Langham Road and overlooks an extensive garden with views over the Bolin valley and the Cheshire Plain beyond. Historically the Hall formed part of the wider Dunham Massey Estate and until the 19th Century retained its rural setting. During the 19th Century the Hall’s garden was increased to incorporate part of a field to the south and reduced to the east; the garden being landscaped with paths, a flight of steps, ornamental planting, an orchard, terraces, embankments and walls. During the late 19th and early 20th Centuries land was sold to the east, west and south of the Hall for dwelling houses, thereby greatly reducing the estate. The plot’s northern boundary facing Langham Road predates the 19th Century although the current brick boundary wall appears to date from the late 19th Century. A wrought iron pedestrian gate flanked by two stone gate piers is incorporated into the wall and encloses a garden.
21. Despite some alterations undertaken to the grounds during the 20th Century including the addition of a pool and garage and the removal of an orchard and tennis court, the layout of the gardens appears to be little changed since their originally being laid down in the mid-19th Century.
22. The garden to the front of the plot provides a separation from Langham Road and together with the mature planting and high brick boundary wall provides an air of domestic privacy reflecting the status of the residence.
23. The current gardens are considered to provide a remnant of the historic rural setting and illustrate a great period of investment in the Hall during the mid-19th Century. The gardens were formally laid out to complement the Hall’s re-styled southern elevation. The site of the orchard and original glass house (the latter to the south-west of the plot) provide evidence of how the garden served the Hall in the 19th Century. These elements are considered to be just as significant as the formal garden and the embankment in the contribution they make to an understanding of the Hall during this period. The character and the openness of the application site contributes positively to the setting of the Grade II listed

building, being essentially the last undeveloped area of land surrounding the listed building and allows for an appreciation of its historic rural setting. Given the loss of setting elsewhere, the gardens are considered to be particularly important and provide a historical context, functional relationship and spatial connection with the Hall.

Assessment of Proposals

24. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
25. The scheme proposes two substantial residential dwellings to the south-west and south-east of the Hall. The dwellings are flat roofed and contemporary in appearance, constructed from a palette of red brick, metal cladding, large areas of glazing and fair faced concrete. Whilst the applicant contends that the dwellings will be low in form, the submitted plans demonstrate how prominent and obtrusive the houses will be within the grounds of the Hall regardless of the proposed additional planting.
26. The proposed dwellings will be accessed via a new driveway running along the plot's north-west boundary with extensive hard and soft landscaping and engineering works proposed to facilitate the development. It is clear from the submitted plans that both of these buildings and associated works would be highly visible from both within and outside of the plot, including within the setting of Bowdon Old Hall. It is considered that the dwellings will be highly visible from the Hall and within the gardens. Whilst the houses will be located at a lower level, the height and close proximity of the houses to the listed building will exacerbate the impact of the development. It is noted that the scheme seeks to strengthen the embankment planting to further conceal views of the dwellings. However, impermanent screening is not a satisfactory solution to obscure development which is unacceptable in principle. It is also considered that planting in this location has been left unmanaged during the 20th Century to potentially screen the housing development to the south of the Hall.
27. It is considered that the proposed dwellings and associated works would result in an unacceptable visual impact on the setting of the Grade II listed Hall. The proposed development results in the partial demolition of a number of curtilage listed structures, including the air raid shelter, as well as the removal of 19th Century landscaping. Furthermore an unacceptable subdivision of the plot which would in effect be achieved through the mere presence of the development, notwithstanding the lack of internal boundary treatments. The use of a unsympathetic modern design and materials would exacerbate the detrimental impact of the subdivision of the plot. The proposed dwellings' size, siting and appearance would result in an unacceptable impact on the spaciousness and openness of the plot's garden and the contribution it makes to the setting of the listed Hall.

28. The proposed works to the front of the property resulting in the partial demolition and alteration of an internal wall, as well as the installation of new gates, including an inappropriate sliding gate, in addition to hard standing/car parking, would further unacceptably impact the setting of the Hall through the loss of historic landscaping, and the introduction of unsympathetic contemporary features which would be visible in views of the Hall including through the pedestrian gate.
29. The 19th Century embankment to the rear of the Hall would be partially removed to accommodate Unit 1 and its setting would be impacted through proposed engineering works to facilitate the new vehicle access route. As such it is considered that this feature will no longer be a prominent element of the historic landscape. Its contribution in this regard would be further diminished alongside the proposed gabion wall and the additional path/terrace between both units.
30. The applicant's proposal to increase the amount of soft landscaping throughout the site in an attempt to screen the new dwellings is not considered to be a satisfactory solution to obscure development which is considered to be unacceptable in principle, such screening being impermanent and having less effect outside of the summer months.
31. It is noted that the Council's Heritage Development Officer has strongly objected to the proposed dwellings and associated works in terms of their impact on the setting of the Grade II listed building.
32. The development will greatly increase the amount of built form on this exceptional plot. The impact of the proposed dwellings in terms of their size, siting and appearance will be considerable on the spaciousness and openness of the garden and the contribution it makes to the setting of the Hall.
33. In addition to the dwellings, large areas of hard landscaping, terraces, internal walls and the extension of the vehicular access are proposed. The vehicular access will result in the re-grading of the gently sloping topography of the site with an additional concrete retaining wall and car parking area with accommodation underneath. Furthermore, the increase in vehicles and activity within the site will be at odds with the openness and tranquil nature of the garden.
34. Whilst the applicant contends that there will be no physical subdivision of the site, by their very nature additional boundary walls, planting, terracing and creation of new paths will separate the units from each other and the Hall.
35. The extent of the air raid shelter is unclear from the submitted plans. The structure adds some interest to the significance of the site. The extent of its alteration is not clear from the plans to accommodate the levelling and terracing associated with Unit 2.
36. The applicant has also failed to demonstrate that the proposed excavation works would not cause physical harm to the structure of the listed building.

37. There is no objection to the demolition of the 20th Century ancillary buildings along the plot's western boundary which are not original structures and which are not considered to have any architectural or historical merit. Their removal would have a neutral impact on the setting of the listed building.
38. The impact of the proposals on the setting of Bowdon Old Hall, and the setting and fabric of curtilage listed structures as described above would cause very major harm to their significance. In NPPF Paragraph 196 terms this would be considered 'less than substantial' but at the very upper limit of what would be deemed 'less than substantial' rather than 'substantial' harm.

IMPACT ON BOWDON CONSERVATION AREA

Significance of Bowdon Conservation Area/Relevant Conservation Area Policies

Bowdon Conservation Area – Conservation area appraisal & managements plan SPD 5.9 & 9a adopted July 2016

39. The special character of the Conservation Area is summarised in the Conservation Area Appraisal SPD (3.1.1) and the relevant parts are as follows:
- *At the heart of Bowdon is a medieval village. Although many buildings have been refaced, extended or rebuilt, there are a number of houses whose structure dates back to the 17th Century and roads which overlay earlier routes.*
 - *The medieval core was overlaid and extended by an early Victorian and very prosperous suburban community. Prior to 1838 Bowdon comprised little more than the medieval core and the farming hamlet at Bow Green. However, there was early recognition of the potential impact of a railway connection to Manchester. Significant land development started in the Rosehill area in the mid-1840s and by the OS Map of 1876, a much larger area was transformed. This is reflected in the large number of substantial residences dating from this period.*
 - *There are many fine individual residences built in the area, in a variety of architectural styles. Some of these houses are the work of renowned architects.*
 - *Houses are set in gardens, which are characterised by a variety of mature trees and shrubs. These include exotic species, reflecting the Victorian interest in botany.*
40. This document also states the following regarding Character Zone B: The Historic Core (4.3.3):

The second character zone comprises Church Brow, the south side of Langham Road from Church Brow to Vicarage Lane and those on the north west of the churchyard, the top of Talbot Road and Bow Green Road, Vale Road and the west side of Apsley Grove. This residential area is characterised by the large number of pre-Victorian cottages and farmsteads and relatively small plot sizes, with the historic narrow strip plots still visible. Many of these have little or no front garden. There are also a considerable number of early Victorian houses built in red or white brick on a modest scale, some with stone walls and gateposts.

2.9.3 Victorian and Edwardian expansion in the Conservation Area, principally Character Zones C and E, have a distinctive grain with larger built footprints set in larger plots. The ratio of built footprint to open space within each plot should be respected: proposals which will significantly reduce the open space and bring the building closer to the boundaries of a plot will not be appropriate within the Bowdon Conservation Area. This also applies to hard landscaping such as paved drives and turning circles, but not features such as garden patios and paths.

41. The Conservation Area Management Plan SPD includes the following on harmful development (2.10.1):

Harmful development within the Bowdon Conservation Area i.e. that, which will have a negative impact on the ability to appreciate its architectural history and special interest, is defined as [inter alia]:

The subdivision of an existing plot into multiple plots and infill development will generally not be permitted due to the impact on the spacious character of the Conservation Area and the prevalence of surviving historic plots throughout the Conservation Area.

Alteration, re-building or new development which is stylistically inappropriate and/or comprises an inappropriate palette of materials.

42. The Conservation Area Management Plan SPD includes the following relevant policies:

Policy 5

Each proposal for change should be informed by an assessment of the existing building and its wider context in line with the requirements of national guidance. Proposals for change will be assessed on a case-by-case basis.

Policy 6

Materials and design should be appropriate to each individual property. The characteristic palette of materials and design features are set out in section 2 of this Management Plan.

Policy 26

Gate openings should not be widened or re-positioned unless it can be proven that access is unsafe. Where gate openings are to be widened or re-positioned on the grounds of highways safety, such change should be restricted to the minimum amount necessary to ensure safe access. Trafford Council will require the applicant to submit a highway consultant's report to demonstrate highway safety implications.

Policy 28

Boundary treatments and front gardens should not be removed to create additional hard standing, garaging or parking. In particular, the extensive and secluded gardens to historic individual properties should not be removed. The reinstatement of lost treatments and gardens will be looked upon favourably.

Policy 38

The Council will seek to maintain and enhance existing tree cover in the area together with established boundary planting. New planting should be in character with other planting in the area.

Policy 41

Any new development should be of high quality and should take inspiration from the established architectural styles within the Conservation Area. Appropriate features, materials and detailing are to be integrated into the design (see 2.2 of this Management Plan and the extended discussion in the accompanying Appraisal). Modern design should be: sympathetic to its historic context; of a high standard; of an appropriate scale; and use appropriate, high-quality materials.

Policy 43

The scale of any new development should respect the existing building and plot sizes. The council reserves the right to refuse applications where any proposed development imposes on the building density of the wider area and/or the characteristics of the Conservation Area. The division of existing large properties into smaller units may be acceptable, providing there are no detrimental effects to the exteriors of the properties.

43. The site is of particular importance to the setting of the wider Bowdon Conservation Area with its gardens being one of the largest and most spacious open areas in Character Zone B and the wider Conservation Area. The Hall was historically surrounded by agricultural land which remained undeveloped until the 19th and 20th Centuries. Character Zone B illustrates the early origins of the settlement and its development as a Victorian and Edwardian residential suburb. The openness of the site contributes strongly to an understanding of its agricultural past and the wider estate. The elevated position of the Hall allows for significant views out of the Conservation Area across the Bollin Valley and beyond to the Cheshire plains. Given the loss of setting elsewhere the plot's spaciousness, together with its size, ratio of built form to landscaping and the predominance of mature planting are considered to be important characteristics of the Conservation Area. The setting has been compromised to some degree by the construction of housing, particularly to the south which has been densely developed and lies outside the Conservation Area boundary.
44. Langham Road is an important historic route through the heart of Bowdon Conservation Area. Consistently the historic boundary treatment along Langham Road is positioned to the back of the footway. The existing brick wall results in a

prominent and imposing boundary treatment which in conjunction with the existing boundary wall on the north side of Langham Road results in an extensive sense of enclosure at street level. Permission was granted to partially realign the front boundary wall to improve vehicular access in 2011.

45. Given the loss of setting elsewhere, the gardens are particularly important and provide an historic context, functional relationship and spatial connection with the Hall as well as the contribution the spacious plot makes to the wider Bowdon Conservation Area. Additionally, the size of the plot, ratio of built form to landscaping and the predominance of mature planting is an important characteristic of the Conservation Area.
46. The Council's Heritage Development Officer has strongly objected to the proposed dwellings and their associated structures works in terms of their impact on the character and appearance of the Bowdon Conservation Area.
47. Furthermore, Historic England has confirmed that the mature quality of the gardens positively contributes to the character and appearance of the Conservation Area, with the overall layout of the grounds little changed since the mid-19th Century.

Assessment of Proposals

48. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of Conservation Areas when determining planning applications.
49. The plot is bound by dwellings of varied design, age and scale including substantial 19th Century detached and semi-detached dwellings to the front and sides, and mid-20th Century dwellings to the rear. Should the proposed dwellings be approved they would also be bound by the retained curtilage containing the 17th Century Bowdon Old Hall to the north.
50. As noted above there is no objection to the demolition of the late 20th Century ancillary buildings along the plot's north-west boundary which are not original structures and which are not considered to have any architectural merit.
51. The proposed dwellings will be of contemporary design with flat roofs, extensive glazing, metal cladding, concrete and brick fascias, first floor overhangs and sedum roofs. They would be accessed via a new driveway running along the plot's north-west boundary with extensive hard and soft landscaping and engineering works proposed to facilitate the development.
52. It is considered that the proposed dwellings and associated works would result in an unacceptable visual impact on the setting of the wider Bowdon Conservation Area through their unsympathetic modern design and materials. Additionally, the development will result in the loss of historic landscaping and an unacceptable reduction of spaciousness and soft planting within the plot which would unacceptably undermine the site's important characteristics as outlined above.

53. The development would be specifically contrary to the provisions of the Conservation Area Management plan in that it would include sliding gates (2.6.3); fail to protect the existing high ratio of soft to hard landscaping within the Conservation Area (2.8.1); result in the loss of existing soft landscaping to accommodate off-street parking spaces (2.8.3); not respect the current ratio of open space within the plot (2.9.3); result in the unacceptable subdivision of the plot (notwithstanding the applicants' arguments in this regard, which are addressed further below) through the simple fact of the presence of the proposed dwellings, despite the lack of any internal boundary treatments which will undermine the plot's spacious character (2.10.1); the dwellings' highly contemporary design would be stylistically inappropriate and include an inappropriate palette of materials (2.10.1); and finally this development would compromise the integrity of the historic grain of the Conservation Area including through the required extensive engineering works resulting in changes of levels within the site and the addition of retaining walls (2.10.3).
54. Moreover, the proposed dwellings would be unacceptable in that they would fail to comply with policies 6 (inappropriate materials); 26 (unacceptable widening/repositioning of gate posts without sufficient justification); 28 (development resulting in the removal of historic gardens); 38 (maintenance of existing tree cover); 41 (modern design not sympathetic with its context); and 43 (dwellings of an inappropriate scale and density) of the Conservation Area Management Plan SPD.
55. The applicant argues that these buildings would be inconspicuous and in any event would be acceptably screened by existing and proposed vegetation. Conservation Area designation recognises the unique quality of an area as a whole. It is not just the contribution of individual buildings and monuments, but also that of features such as topography, layout of roads, pathways, street furniture, open spaces, and hard and soft landscaping which assist in defining the character and appearance of an area. Conservation Areas identify the familiar and cherished local scene that creates a sense of place, community, distinctiveness and environment. It is considered therefore that the buildings along with the associated works to the front of the plot would be conspicuous both within (including views from Bowdon Old Hall) and outside of the site (including from viewpoints within the Conservation Area). It is noted that much of the proposed deciduous screening vegetation will only be effective for part of the year.
56. The applicant maintains that the dwellings will not be visible from the street scene; however the extent to which Bowdon Old Hall and its site positively shapes the character of the Conservation Area depends not just on the street elevations, but also on the impact the plot has in three dimensions, its mature planting and its spacious quality.
57. The applicant further argues that the proposal would not result in the sub-division of the plot and that a restrictive covenant together with the removal of permitted development rights regarding future occupant rights to erect boundary treatments would be effective in this regard. However, the use of a restrictive covenant is

not enforceable through planning legislation and in any event, notwithstanding the fact that it would be possible to remove the dwellings' domestic permitted development rights, the introduction of additional screening walls, planting, terracing and the creation of new footpaths, and other works which would not comprise development, will have essentially the same effect of sub-dividing the plot.

58. The proposed dwellings' size, siting and appearance would result in an unacceptable impact on the spaciousness and openness of the plot's garden and the contribution it makes to the setting of the wider Conservation Area.
59. Several neighbouring dwellings are noted as positive contributors within the Conservation Area. It is considered that the unacceptable design of the proposed dwellings, the associated works and the loss of spaciousness within the plot would result in an unacceptable impact on the setting of especially the buildings noted as positive contributors to the north-west and south-east (the Red House and 45/47 Langham Road).
60. It is noted that the Council's Heritage Development Officer has strongly objected to the proposed dwellings and their associated structures on these grounds. It is also noted that the Historic England consultee has confirmed that the proposal would result in some harm to the Conservation Area specifically with reference to the resulting loss of the openness and greenery which the site contributes to this heritage assets character and appearance.
61. The impact of the proposals on Bowdon Conservation Area, and the fact that they run contrary to several key policies in both the CAA and CAMP, would cause very major harm to its significance. In NPPF Paragraph 196 terms this would be considered 'less than substantial' but at the very upper limit of what would be deemed 'less than substantial' rather than 'substantial' harm.

HERITAGE CONCLUSION

62. The Courts have decided that considerable importance and weight must be given to the objective of Section 66(1) and a finding of harm to a listed building or its setting. It is wrong for the decision maker to equate "less than substantial harm" with less than "substantial objection" to the grant of planning permission. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Further, Paragraph 194 states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Therefore, decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings and the character and appearance of Conservation Areas when carrying out the balancing exercise required by Paragraph 196 of the NPPF.
63. Paragraph 196 of the NPPF states that 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, where appropriate, securing its optimum viable use. The analysis above has found 'less than substantial harm' arising to the setting of Bowdon Old Hall, the setting and fabric of curtilage listed structures within it and to Bowdon Conservation Area. This harm is at the very highest end of 'less than substantial', however, and is considered by the Council's Heritage Development Officer to comprise 'very major' harm.

64. Given the level of harm which would arise from the proposals, it is clear that the proposal's public benefits would need to be extremely compelling to outweigh this harm.

65. It is noted that the applicants accept that their proposal would result in 'less than substantial' harm to the significance of designated heritage assets. However they argue there are several public benefits arising from their proposal which they believe would clearly outweigh this harm, namely

- The removal of the relatively recently constructed structures along the plot's western boundaries will remove unsightly modern structures thereby opening up space and views along the site of the Hall and improving its setting and that of the wider Conservation Area;
- The removal of these structures will provide space for a new hedge to enhance privacy between the site and the neighbouring plot to the west;
- Removal of/improvements to the current unsightly parking area to the front of the plot, the improved parking set up allowing vehicles to exit the site in forward gear thereby improving public safety;
- A revised landscaping and planting scheme which the applicants argue will enhance views of the Hall's north elevation from Langham Road and the appearance of the site within the Conservation Area. The revised landscaping scheme will ensure the development is sympathetic to its context and will minimise the increase in hard standing, reinstate the plot's mid-19th Century landscaping including an orchard;
- The provision of two additional dwellings in a sustainable location;
- The proposed dwellings would have a high quality contemporary design which responds to the site's unique topography, landscaping and heritage assets.
- The proposed dwellings would have a high level of sustainability through their insulation, high level of glazing and high efficiency boilers;
- The applicant is committed to a future site management plan by way of covenant and service charges to ensure the site remains free of fences to avoid the impression of sub-division;
- The applicant aspires to open the gardens for periodic public view;
- The proposal would result in economic benefits for example through additional council tax receipts and New Homes Bonus payments to the Council.

66. Officers have considered each of the public benefits and given each an appropriate level of weight but find that they are not so compelling that they would outweigh the very major harm which would arise to the designated heritage assets from these proposals. For example, limited weight has been given to those benefits described which may in other circumstances have had some beneficial effect (e.g. the design of the dwellings / works to the parking area /

landscaping proposals) but in this case are considered to cause considerable harm to the heritage assets for the reasons set out above. Moderate weight has been given to the contribution to the Borough's housing land supply, as although the Borough does not currently have a five year housing land supply, this proposal would not contribute significantly towards addressing the identified housing land supply and delivery shortfall.

67. Very limited weight has been given to the aspiration to open the gardens to the public at an unspecified point in the future, as well as the intention to keep the site free from sub-division, both of which would be unenforceable through the planning regime.

68. In all it is clear that applying the test set down in NPPF paragraph 196 the applicant's claimed public benefits are wholly insufficient to outweigh the clearly established 'less than substantial harm' to the significance of the impacted heritage assets, this harm being considered to be very major harm at the upper end of the scale of less than substantial harm.

69. The proposals have been considered against the statutory requirements of ss66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Trafford Core Strategy, the Bowdon Conservation Area SPDs and the NPPF. Special regard / special attention has been paid to the impact on heritage assets and the tests set out in the NPPF undertaken. The proposals would be contrary to the requirements of these tests, which in the absence of up-to-date development plan policy, is a primary material consideration, but also contrary to adopted development plan policy and the relevant Conservation Area Appraisal and Management Plan. In NPPF Paragraph 11 d) i) terms, there is a '**clear reason for refusal**' of these proposals.

Housing Land

70. The application proposes the erection of two further detached dwellings within the curtilage of an existing dwelling i.e. garden land. Residential gardens are specifically excluded from the definition of previously developed (brownfield) land in the NPPF. In releasing land for new homes, Policy L1.10 of the adopted Core Strategy states that where development proposals would involve the use of domestic gardens, due regard will need to be paid to local character, environment, amenity and conservation considerations. This reflects the advice in Paragraph 70 of the NPPF which states that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

71. This must be balanced against the current shortfall in the Borough's housing land supply as regular monitoring has revealed that the rate of building is failing to meet the housing land target. There exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy but also to make up for a recent shortfall in housing completions. Additionally, Paragraph 68 of the NPPF states that LPAs should give great weight to the benefits of using suitable sites within existing settlements for homes.

72. With this in mind, the proposal must therefore be considered against Core Strategy Policies L1.7-L1.8, specifically Policy L1.7 which sets an indicative target of 80% of new housing provision on brownfield land. As it seeks to utilise greenfield land, the application must be considered against the second and third points of Policy L1.7 which requires that land should contribute significantly to the achievement of regeneration priorities or strengthen town centres or otherwise should be shown to be to the benefit of wider plan objectives in order to be released for housing development.
73. In this instance it is noted that the application site is in a sustainable residential area relatively well served by public transportation and local amenities. In other circumstances the release of land in this location would be appropriate in order to boost the supply of housing. However, in this particular case the site is not considered to be a *suitable* site within an existing settlement because it lies within the curtilage of a listed building. The level of harm to heritage assets that has been identified means that the proposals are also contrary to Policy L1.10 and L1.7. Equally, the scheme would be contrary to Policy L2, which requires all new [residential] development to be not harmful to the character or amenity of the surrounding area. The harm to heritage assets is considered to substantially outweigh any minor benefit to housing land supply from the construction of two additional dwellings.

Application of NPPF Paragraph 11 d)

74. Applying NPPF paragraph 11 d) whilst it is accepted that the LPA's Core Strategy Policies relating to Housing Supply and Historic Environment are out of date in certain respects so as to engage paragraph 11 d), the application of NPPF policies that protect areas or assets of particular importance (in this case designated heritage assets) provides a clear reason for refusing the development proposal as outlined in the Heritage Assessment section above and so paragraph 11 d) i) applies. Therefore the proposal would be unacceptable in principle and should be refused planning permission.

IMPACT ON RESIDENTIAL AMENITY

75. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*
76. The New Residential Development SPG requires new residential developments to result in acceptable amenity Privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development. This document also states that tandem and backland development will normally not be acceptable principally due to the fact that it commonly introduces disturbance to formerly quiet garden areas including disturbance from vehicle movements.

Unit 1

Privacy and Overlooking

77. This unit would introduce ground floor south and east facing windows and sliding doors. Those facing south would be a minimum of 26.6m from the closest boundary. Whilst it is noted that the east facing outlooks would be 5m and 9.7m from the facing boundary, these would be acceptable due to the presence of intervening screening walls, with the plot to the east having substantial screening vegetation on the opposite side of the common boundary. At first floor this unit would introduce windows and terraces which would be 24.6m from the southern boundary and 13.3m from the eastern boundary, which would be acceptable.

Overbearing/Overshadowing

78. Unit 1 would be built into the hillside such that its rear would merge with the bank to the north. It would not result in an unacceptable overbearing or overshadowing impact on neighbouring plots.

Unit 2

Privacy and Overlooking

79. At ground floor Unit 2 would introduce a south facing living room window which would be 8.9m from the common boundary, however this would be acceptable due to the difference in levels with the adjacent plot to the south being set at a much lower ground such that the overlooked area would comprise of the neighbour's roof, and in addition the applicant proposes to retain substantial evergreen screening vegetation which would screen views. Should planning permission be granted these windows could be subject to a condition stating they must be obscurely glazed. This dwelling would also introduce a west facing kitchen-diner window which would be 11.1m from the facing boundary, which would be acceptable.

80. At first floor Unit 2 would introduce a south facing bedroom window which would be 10.6m from the common boundary. It would also introduce west facing snug room secondary outlooks from the west boundary, which would be 9.2-9.3m from the common boundary. These would be acceptable if obscurely glazed, which again could be secured through a planning condition.

Overbearing/Overshadowing

81. Unit 2 would be relatively low lying with a flat roof and its second floor set back a minimum of 9.2m from the common boundary to the east and a minimum of 10.3m from the common boundary to the south. It would not result in an unacceptable overbearing impact on adjacent plots and any overshadowing would be mainly limited to the area immediately to the north-west, north and north-east of the first floor element, which would be acceptable.

Noise/Disturbance

82. The units would be accessed via a new driveway running along the wider plot's western boundary and leading to a parking area, with this driveway running past two neighbouring back gardens. This would introduce vehicle movements adjacent to an area which is currently not impacted by these, and compared to the front of the application site adjacent to Langham Road this area to the rear is relatively quiet, being screened and separated from the plot's current area of vehicular use. Whilst it is noted that the applicant has amended their landscaping plan to include additional planting along this boundary the proximity of the new driveway to the neighbouring back gardens would result in an unacceptable additional noise and disturbance from the movement of cars within the site which could occur at any time of the day.
83. The internal layout and provision of external amenity space for both units would be acceptable and would provide a good standard of accommodation for future occupants.
84. The development's introduction of a new driveway along the western boundary running past the back gardens of the two neighbouring properties to the west would unacceptably harm the residential amenity of the neighbouring occupants which would be contrary to the requirements of Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

HIGHWAYS, PARKING AND SERVICING

85. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
86. Core Strategy Policy L7 states: *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; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
87. The Parking SPDs objectives include ensuring that planning applications incorporate an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments.
88. The proposal would entail the provision of two parking spaces for Unit 1 (a three bed property) and three parking spaces for Unit 2 (a five bed property). The existing five bedroom dwelling would have three parking spaces in the reconfigured parking area to the front of the plot. A bin storage area would be located adjacent to the main vehicle entrance. The LHA consultee has confirmed the proposal's highways, parking and servicing impacts would be acceptable.

89. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

TREES AND ECOLOGY

90. The proposal would result in the demolition of a several ancillary structures, the removal of vegetation (including several trees) and engineering works resulting in changes to the plot's internal ground levels. It is noted that both the arborist and GMEU consultees have confirmed no objection subject to standard tree/ecology planning conditions. Planning permission would be subject to a landscaping condition which would require the planting of three additional trees net of clearance.

91. The development would not result in harm to the natural environment with reference to Core Strategy policy R2, PG1 New Residential Development and the NPPF.

DEVELOPER CONTRIBUTIONS

92. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

93. 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 the form of three additional trees per property. No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

OTHER MATTERS

94. Addressing the Councillor 'call in' comments and neighbour comments as noted above which have not been addressed in the Observation section, further comments are as follows:

Councillor Comments

95. It is considered that the development would result in an unacceptable impact on the listed Bowdon Old Hall.

96. The provision of additional and amended screening vegetation would not overcome the above noted objections to the proposal.

Neighbour Comments

97. The need to appoint an independent arboricultural expert to overview the development is not accepted, with the LPA's consultant arborist happy with the

proposed development's tree impact subject to standard tree protection conditions.

98. The development's possible impacts on the rear retaining wall would be subject to Building Control oversight.
99. The fact that future occupants would place additional demands on local services including health and education is considered to result in insufficient harm to justify refusal of planning permission given the scale of the development.

CONCLUSION

100. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Policies protecting designated heritage assets and policies controlling the supply of housing are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they determine the principle of the development. However the Core Strategy Policies relating to these matters, specifically Policy L1 relating to housing land supply and R1 relating to the historic environment are out of date. Paragraph 11d) of the NPPF is therefore engaged and should be taken into account as an important material consideration.
101. Applying the Statutory and NPPF tests, for the reasons outlined above, the proposals are considered to be unacceptable in that they would result in 'less than substantial harm' to the setting of Bowdon Old Hall and 'less than substantial harm' to the character and appearance of the Bowdon Conservation Area, this harm considered to be very major harm at the upper end of the scale of less than substantial harm. The applicant's claimed public benefits arising from the proposed development would not outweigh the established less than substantial harm to the significance of these designated heritage assets. As such the proposal would be contrary to Policies L2, L7 and R1 of the Trafford Core Strategy, as well as the Bowdon Conservation Area Management Plan SPD.
102. Applying NPPF paragraph 11 it has been established that there is a clear reason for refusal with reference to 11 d) i) because the application of NPPF policies that protect areas or assets of particular importance (in this case heritage assets) provides a clear reason for refusing development as outlined in the Heritage Assessment section above.
103. In addition the proposal would fail to comply with Policy L7 of the Core Strategy with respect to its impact on residential amenity, and applying Paragraph 11 d) ii) of the NPPF, the adverse impacts on residential amenity and on the designated heritage assets would significantly and demonstrably outweigh the proposal's benefits, when assessed against the policies in the Framework taken as a whole.
104. It is therefore concluded that the proposal would be unacceptable and should be refused planning permission for the reasons set out below.

RECOMMENDATION

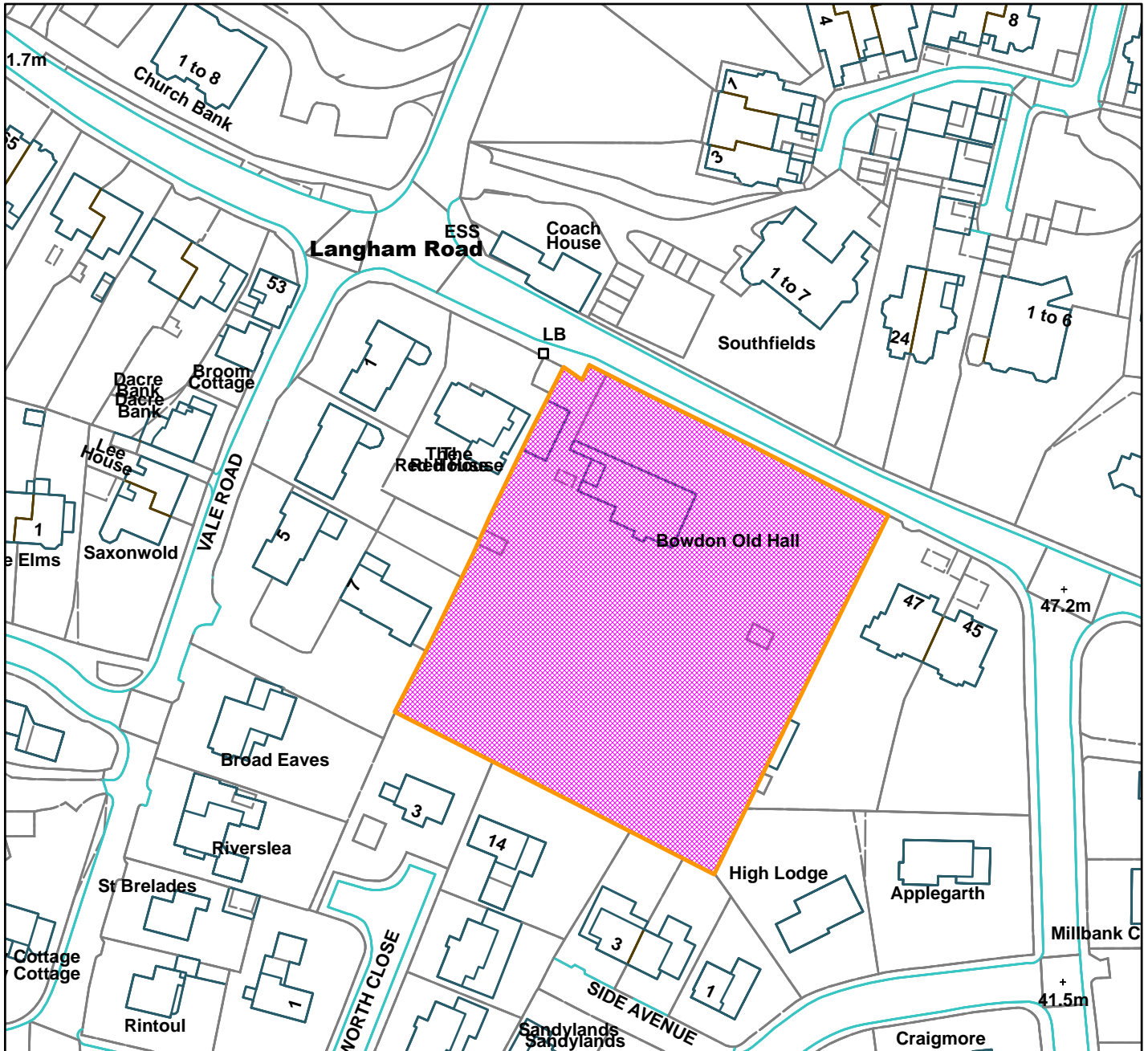
REFUSE for the following reasons:-

1. The proposed development would result in less than substantial harm to the setting of Bowdon Old Hall, this harm considered to be at the upper end of the scale of less than substantial harm, as very major harm. The applicant's claimed public benefits arising from the proposed development do not outweigh the established less than substantial harm to the significance of this heritage asset. The development would therefore result in an unacceptable harm to the setting of the listed building with reference to NPPF paragraph 196. As such the proposed development would result in an unacceptable visual and heritage impact contrary to the provisions of Core Strategy Policies L1, L2, L7 and R1, the New Residential Development SPG and the NPPF.
 2. The proposed development would result in less than substantial harm to the character and appearance of the Bowdon Conservation Area, this harm considered to be at the upper end of the scale of less than substantial harm, as very major harm. The applicant's claimed public benefits arising from the proposed development do not outweigh the established less than substantial harm to the significance of this heritage asset. The development would therefore result in an unacceptable harm to the significance of the Conservation Area with reference to NPPF paragraph 196. As such the proposed development would result in an unacceptable visual and heritage impact contrary to the provisions of Core Strategy Policies L1, L2, L7 and R1, the New Residential Development SPG, the Bowdon Conservation Area SPDs and the NPPF.
 3. The development, through its introduction of a new driveway adjacent to the back gardens of two adjacent dwellings to the west, would also result in an unacceptable amenity impact on these neighbouring properties. As such the proposed development would result in an unacceptable amenity impact on neighbouring occupant which would be contrary to the provisions of Core Strategy Policy L7, the New Residential Development SPG and the NPPF.
-

TP



Bowdon Old Hall, 49 Langham Road, Bowdon (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/05/2019
Date	29/04/2019
MSA Number	100023172 (2012)

WARD: Bowdon

95911/LBC/18

DEPARTURE: No

Listed Building Consent sought for the erection of two dwellings with associated landscaping, access and parking. Amended parking area for existing dwelling including new timber gates and new door in wall following demolition of the garage, pool house and infilling of pool.

Bowdon Old Hall, 49 Langham Road, Bowdon, WA14 3NS.

APPLICANT: Mr & Mrs Ryan.

AGENT: Miss Emer Cunningham, Indigo Planning.

RECOMMENDATION: REFUSE

This application has been called in to be determined by Committee by Councillor Michael Hyman.

SITE

The application site comprises of a detached Grade II listed dwelling, Bowdon Old Hall, which is set within a 0.6ha sloping rectangular plot to the south of Langham Road and on the side of Bowdon Hill, such that ground levels fall moving towards the rear boundary.

Bowdon Old Hall is a 17th Century house with 16th Century origins. The building was subsequently altered and extended during the mid-19th Century. The southern elevation was completely remodelled in an Italianate style with classical detailing including a stuccoed frontage and central arched entrance. The Hall occupies an elevated position and overlooks an extensive garden with wider views to the Cheshire plains beyond. Historically the Hall formed part of the wider Dunham Massey Estate and until the mid-19th Century retained its rural setting.

A vehicle entrance and area of hard standing is located at the plot's north-west corner with a relatively recently constructed garage/pool house and pool, as well as a tool shed and glass house, positioned along the north-west boundary running north to south. The rear of the plot comprises of a lower grassed area. The area immediately around the dwelling house comprises of a more formal garden which is part bound by trees to the east and south, with a wall separating the dwelling from the row of ancillary buildings along the north-west boundary.

A concrete air raid shelter is set into the sloping ground level.

Boundaries are marked by brick walls with much of these backed by hedging and also further screened by mature vegetation including trees. The plot is bound by substantial

Victorian/Edwardian-era dwellings to the front and side, and mid-20th Century dwellings to the rear, the latter on a markedly lower ground level.

There are a number of garden structures and walls within the site which are ‘*curtilage listed*’, having formed part of the land since before 1 July 1948, including a concrete air raid shelter set into the sloping ground level to the rear of the Hall. These curtilage listed structures also form part of the Grade II listed building and its setting and benefit from the same level of protection.

The Hall was listed on 16 April 1974. The listing entry states the following:

House. c.1700 with later alterations and additions particularly in the C19. Brick with stone quoins and clay tile roof. 5 bays wide by 2 rooms deep with a central entrance and 2 storeys. Stone quoins, first floor moulded brick band, projecting eaves, coped gables with kneelers and 4 chimney stacks, 2 lateral and 2 axial. Ground floor has 4 blocked window openings with arched heads which are replaced by 3 cross windows. The first floor has 5 cross windows with very small leaded lights, probably C19. Central entrance with segmental door canopy in the late C17 manner. The rear elevation is stuccoed and completely re-faced in C19 with modillion cornice, quoins, 2 bay windows and central projecting porch with arched entrance. Interior not inspected.

[N.B. The list description, as it dates from 1974, is not and was not intended to be an exhaustive analysis of the significance of the building. If a feature is not identified in the list description, it does not mean it is not of significance].

Bowdon Old Hall occupies a site thought to date to the 1540s, though the present building dates from the late 17th or early 18th Centuries and is one of Bowdon’s earliest and most notable historic residences. In the mid-19th Century William Edwards, a successful joiner and builder remodelled the south (rear) elevation in an Italianate style. The gardens were probably enlarged and laid out around the same time and had a formal geometric layout relating directly to the south elevation of the building. This 19th Century phase of development contributes strongly to the significance of the Hall.

The garden was landscaped with paths, flights of steps, ornamental planting, orchard, terraces, embankments and walls. A substantial glasshouse was erected to the south west of the Hall to serve a walled kitchen garden with outbuildings fronting Langham Road. The remains of the glasshouse survive adjacent to the western boundary of the site. The grounds are substantial and much larger than most other plots in the residential suburb that subsequently grew up around the Hall. Despite some alterations undertaken to the grounds during the 20th Century including the addition of a pool house, garage, removal of the orchard and tennis court, the layout of the gardens appear little changed from their inception in the mid-19th Century.

The current gardens also provide a remnant of the historic rural setting and illustrate a period of great investment in the Hall during the mid-19th Century. The gardens were formally laid out to complement the re-styled southern elevation. The site of the orchard

and glasshouse provide evidence of how the garden served the Hall during the 19th Century. These elements are significant for the contribution they make to our understanding of the Hall during this period.

The garden to the north elevation provides a separation from Langham Road and together with mature planting and high brick boundary wall provides an air of domestic privacy reflecting the status of the residence. The character and openness of the application site contributes positively to the setting of the Grade II listed building, being essentially the last undeveloped area of land surrounding the listed building and allows an appreciation of its historic rural setting.

Bowdon Old Hall and its setting are significant for its aesthetic, illustrative historical and evidential values.

Whilst it is not directly relevant to the determination of this application, the site is also located within Character Zone B (Historic Core) of the Bowdon Conservation Area, with the Conservation Area's southern boundary running along the plot's rear boundary.

PROPOSAL

The applicant proposes to carry out works comprising of the following which would require listed building consent:

- Demolish the ancillary late 20th Century buildings along the plot's north-west boundary apart from the tool shed and install a new gate controlled access route running south into the site and set off the plot's north-west boundary. These elements require listed building consent because they are all attached to the plot's side (north-west) boundary wall;
- Engineering works to regrade the site in parts and install retaining/screening walls, alter terraces and structures, as well as remove part of the existing underground Second World War air-raid shelter to part accommodate the proposed parking spaces;
- Partially demolish the tool shed at the site's north-west boundary to accommodate the access road with the remainder of the structure used for site maintenance and storage. This element would require listed building consent because it would remove part of the remains of the site's original pre-1948 glasshouse;
- Amendments to a non boundary wall to the front of the plot to create a vehicular access with the installation of a sliding gate, and installation of a new parking area for the main dwelling adjacent to the plot's front boundary.

Other aspects of the proposed development, including the erection of two detached dwelling houses and related ancillary works, would not require listed building consent. These elements of the scheme are assessed under the accompanying application for planning permission, reference 95910/FUL/18, which is also to be considered by the Planning Committee.

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;
L8 – Planning Obligations;
R1 – Historic Environment.

PROPOSALS MAP NOTATION

Critical Drainage Area;
Bowdon Conservation Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Conservation Areas.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the revised National Planning Policy Framework (NPPF) in February 2019. 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

95910/FUL/18: Erection of two dwellings with associated landscaping, access and parking. Amended parking area for the existing dwelling and erection of timber gates following demolition of the garage, pool house and infilling of pool. Pending.

94745/FUL/18: Erection of two dwellings with associated landscaping, access and parking. Amended parking area for the existing dwelling and erection of timber gates following demolition of the garage, pool house and infilling of pool. Withdrawn 25 September 2018.

94746/LBC/18: Listed Building Consent sought for the erection of two dwellings with associated landscaping, access and parking. Amended parking area for existing dwelling including new timber gates and new door in wall following demolition of the garage, pool house and infilling of pool. Withdrawn 25 September 2018.

93290/HHA/17: Application for alterations / extensions to existing kitchen / breakfast room wing following demolition of lean-to outhouse, conservatory and washhouse on western side of building. Proposed alterations to basement including revised stairwell access and alterations to the westerly courtyard and creation of new terrace to rear. Installation of roof lights to main roof. Approved 14 March 2018.

93291/LBC/17: Listed building consent for external and internal alterations to grade II listed building including: demolition of lean-to outhouse, conservatory and washhouse, reconfiguration of kitchen space including new roof and walls and raising of kitchen floor, alterations to basement including revised stairwell access, alterations to the westerly courtyard and creation of new terrace to rear, proposed dormer window in central roof valley and alterations to windows, doors and rainwater goods. Approved 14 March 2018.

92091/LBC/17: Listed building consent for external and internal alterations to grade II listed building including: alterations and formation of new openings at ground, first and second floor levels, rewiring and installation of internal services and installation of secondary glazing inside the building; the installation of roof lights and a dormer, reopening of previously blocked windows, and external repairs on the exterior of the building. Approved 20 October 2017.

77154/HHA/2011: Partial demolition and re-building of front boundary wall on different alignment in association with alterations to existing vehicular access. Approved 26 September 2011.

77155/LB/2011: Listed Building Consent for partial demolition and re-building of front boundary wall in different alignment in association with alterations to existing vehicular access. Approved 26 September 2011.

75996/HHA/2010: Partial demolition and re-building of front boundary wall on different alignment in association with alterations to existing vehicular access. Refused 18 January 2011.

76039/LB/2010: Listed Building Consent for partial demolition and re-building of front boundary wall on different alignment in association with alterations to existing vehicular access. Refused 18 January 2011.

75223/HHA/2010: Partial demolition and rebuilding of front boundary wall on different alignment in association with alterations to existing vehicular access. Withdrawn 9 July 2010.

75226/LB/2010: Listed Building Consent for partial demolition and rebuilding of front boundary wall on different alignment in association with alterations to existing vehicular access. Withdrawn 9 July 2010.

H/50296: Listed building consent for internal alterations and replacement of roof to rear porch. Approved 2001

H/26402: Alterations to the external appearance of garage and store in connection with conversion to garage and playroom. Approved 1988.

APPLICANT'S SUBMISSION

Design and Access, Heritage and Planning statements have been submitted in support of the proposal. These state the following:

- The current proposal builds upon pre-application advice received from the Council in August 2017, with the number of proposed dwellings reduced from three to two in light of the advice received;
- The proposal forms Phase 2 of the site's redevelopment; approved Phase 1 relating to works to the Old Hall (as per references 92091/LBC/17, 93290/HHA/17 and 93291/LBC/17);
- The current proposal is the resubmission of a previous withdrawn scheme (reference 94746/LBC/18) with the current proposal including revisions to the withdrawn scheme in the form of amended landscaping, together with justifications provided to the LPA during the lifetime of the previous withdrawn application;
- The design and location of the proposed dwellings would not adversely impact or cause substantial harm to the setting of the Grade II listed Bowdon Old Hall or the Bowdon Conservation Area, and the development would moreover complement and enhance these heritage assets for example through the removal of the relatively modern buildings and structures positioned along the west boundary;
- The development would result in 'less than substantial' harm to the impacted designated heritage assets, with this harm clearly outweighed by the scheme's other significant benefits, in accordance with NPPF paragraph 196;

- The proposed hard and soft landscaping has been carefully designed to ensure the development acceptably complements Bowdon Old Hall and the wider Conservation Area with a new orchard to be planted adjacent to the rear boundary, the retention of multiple trees and the planting of new vegetation;
- The dwelling's contemporary design will raise the bar in terms of local design standards.

CONSULTATIONS

Historic England: Do not wish to offer any comments as the application does not fall under their statutory remit. A representation has been made in response to the concurrent planning application.

Heritage Development Officer: Objection on the grounds that the proposed works would result in major harm to the significance of this Grade II listed building.

Greater Manchester Archaeological Advisory Service: No objection subject to condition.

REPRESENTATIONS

As part of the call in request Councillor Hyman provided the following comments in support of the proposal:

- The Planning Department has indicated that the development would provide “less than substantial harm to a listed building”;
- Given the significant drop in land from the position of the Hall to the intended position of the two dwellings, the proposed development can be sympathetically included without detriment to the overall site;
- The proposed development seeks to improve the overall presentation and integrity of the Hall as a building of significance. In particular, this will be achieved by careful landscaping that will open up the views of the building, a considerable improvement from the current position whereby the Hall is largely obscured from unfettered vegetation. A formal Victorian Garden and a[n] orchard will also enhance the Hall's heritage.

Seven letters of objection have been received, including from the Altrincham and Bowdon Civic Society and the Bowdon Conservation Group, which raise the following issues relating to this application for listed building consent:

- The current proposal is little changed from the previous submission apart from some additional screening vegetation;
- The applicant is incorrect in claiming there is local support for the proposal;
- The proposal would result in an unacceptable impact on the setting of Bowdon Old Hall including through its poor design, the increased proportion of hard standing and subdivision of the plot.

Objectors have also raised other grounds of objection relating to the wider proposal's amenity, conservation area, highways, drainage, utilities and ecological impacts,

however none of these relate to the current request for listed building consent, although these issues are addressed in the Committee report which assesses the linked application for planning permission.

OBSERVATIONS

IMPACT ON DESIGNATED HERITAGE ASSET

The Planning (Listed Buildings & Conservation Areas) Act 1990

1. The only issue for consideration in this application for listed building consent is the impact of the works on the special interest of the Listed Building.
2. Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 advises *'in considering whether to grant listed building consent for any works the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'* Section 16(3) further advises that *'any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested in it.'*

National Planning Policy Framework (Revised 2019)

3. The Government has set out its planning policies for the historic environment and heritage assets in the NPPF and the accompanying Planning Practice Guidance. Both the NPPF and the PPG are a material consideration relevant to this application and, as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. The NPPF states at paragraph 8 *'achieving sustainable development means that the planning system has three overarching objectives which includes an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.'*
5. Of relevance to the determination of this application is paragraph 190 *'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.*
6. The NPPF indicates at paragraph 193 that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be.'*

7. It further advises at paragraph 194 *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*
8. Furthermore at paragraph 196 *'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, where appropriate, securing its optimum viable use.'*
9. Paragraph 198 sets out that *'local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'*
10. The Planning (Listed Buildings & Conservation Areas) Act 1990 refers to the "preservation" or "enhancement" of the special architectural or historic interest of the heritage asset or its character and appearance. The NPPF sets out in Chapter 16 of the document decision-making policies using different terminology, referring in particular to "conservation of significance". It is important to note that "conservation" and "preservation" are concerned with the management of change in a way that sustains a heritage asset's special interest or significance. However, "conservation" has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.
11. For the avoidance of doubt, although heritage policies set out in in Chapter 16 of the NPPF are material considerations in the determination of listed building consent applications, Paragraph 11 of the NPPF – the presumption in favour of sustainable development – does **not** apply.

Development Plan

12. Policies within the development plan are directly relevant to planning decisions affecting heritage assets; nevertheless they are not by law directly applicable to the determination of listed building consent. However, the aspirations for the Borough are embodied in Trafford's Core Strategy and as such Policy R1 relating to the historic environment is a material consideration in the determination of listed building consent applications.
13. Bowdon Old Hall and its associated garden structures and boundary walls are designated as a Grade II listed building. Whilst the application does not propose any physical changes to the principal building on the site, the scheme includes the alteration and demolition of the fabric of a number of curtilage listed structures and walls, including an air raid shelter, as well as extensive development within the setting of the listed building.

Curtilage of the Listed Building and the Requirement for Listed Building Consent

14. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a listed building also includes any object or structure fixed to the building and any ancillary object or structure within the curtilage of the building, although not fixed to the building, which forms part of the land and has done so since before 1 July, 1948.
15. The requirement for Listed Building Consent applies to works which affect the character of the building as a building of special interest and to all parts of those buildings covered by the listing designation.
16. Advice provided by Historic England states that: *'curtilage can be defined, for the purposes of the listed building legislation, as an area of land around a listed building within which other buildings pre-dating July 1948 may potentially be considered listed. Not all buildings will have a curtilage. With those that do there will be cases where the extent of the curtilage will be clear (such as a garden boundary) but in others it may not be as clear, each case will always be a question of fact and degree. A decision taker may take the following factors into account in assessing the matter: i) the physical layout of the listed building and the building; ii) their ownership past and present; and their use or function past and present specifically whether the building was ancillary (i.e. subordinate to and dependent on) the purposes of the listed building at the date of listing.'*

Demolition of the Existing Late 20th Century Buildings along the Plot's North-West Boundary

17. It is considered that the demolition of the relatively recently constructed buildings along the plot's north-west boundary would be acceptable, these buildings having no inherent architectural or historical quality meriting their preservation. If permission was granted then a condition would be required regarding the reinstatement of the north-west boundary wall

Engineering Works to Re-grade the Site and Install Retaining/Screening walls, and Alter Terraces and Structures, as well as Remove Part of the Existing Underground Air-Raid Shelter to Part Accommodate the Proposed Parking Spaces. Demolition of Tool Shed.

18. Whilst not the subject of this application the proposed engineering works would result in the re-grading of site levels, installation of retaining and screening walls and other works. The impact of these works is discussed in the accompanying planning application. The works include the partial removal of the existing air-raid shelter and adjoining earlier brick wall. Whilst the full impact of these works is not clear from the submitted information, it is considered the partial demolition of the structure will have an unacceptable impact on the listed building as this structure is of historic interest. The works also include the removal of the remains of the glasshouse and in addition to works to the terrace walls and steps. The rockery and associated wall and

embankment would also be removed to accommodate dwelling No.1. These will works will impact on the 19th Century garden design and the important contribution it makes to the significance of the listed building.

19. The proposed works to the glass house, terrace and air raid shelter are considered to result in harm through their removal of structures and landscaping.

Proposed Works to Front of Current Property

20. The proposed works to the front of the property in the form of amended non-boundary wall, new sliding gates and hard standing would result in the further demolition of curtilage listed boundary walls and the loss of historic 19th Century landscaping.
21. The proposed works to the front of the property are also considered to result in harm through their removal of historic boundary treatments and landscaping.
22. The Heritage Development Officer has strongly objected to all of the proposed works requiring listed building consent as noted above apart from the demolition of the non-original structures adjacent to the north-west boundary.
23. As stated above the key issue for consideration in this application is the impact of the works on the special interest of the listed building.
24. Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 advises "In considering whether to grant listed building consent for any works the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 16(3) further advises that '*any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested in it.*'
25. Applying the tests set out in the NPPF, for the reasons outlined above, it is considered that the works will result in major harm to the significance of the listed building. In accordance with paragraph 196 of the NPPF this is identified as 'less than substantial' harm to the Grade II listed Building. It is clear that degrees of 'less than substantial harm' range from very minor harm to very major harm, and it is considered that the harm from the proposals would fall at the upper end of this scale, as major harm.
26. In accordance with paragraph 193 of the NPPF: '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).*'

27. Paragraph 190 states that local planning authorities should take the significance of the listed building *'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'* In accordance with paragraph 194 *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*
28. It is considered that the proposed development has neither sufficiently addressed the requirements of paragraph 190 nor in accordance with paragraph 194 provided a clear and convincing justification for the harm to the significance of Bowdon Old Hall.
29. It is noted that paragraph 196 states that where a development 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, where appropriate, securing its optimal viable use.
30. It is clear therefore that the proposal's public benefits would have to be very compelling to outweigh the established harm.
31. It is noted that the applicant accepts that their proposal would result in a degree of harm to the significance of the Grade II listed building, with this gauged to be 'less than substantial' however they argue there are several public benefits arising from their proposal which together would clearly outweigh this harm:
- The removal of the relatively recently constructed structures along the plot's western boundaries will remove unsightly modern structures thereby opening up space and views along the site of the Hall and improving its setting and that of the wider Conservation Area;
 - The removal of these structures will provide space for a new hedge to enhance privacy between the site and the neighbouring plot to the west;
 - Removal of/improvements to the current unsightly parking area to the front of the plot, the improved parking set up allowing vehicles to exit the site in forward gear thereby improving public safety;
 - A revised landscaping and planting scheme which the applicant argues will enhance views of the Hall's north elevation from Langham Road and the appearance of the site within the Conservation Area. The revised landscaping scheme will ensure the development is sympathetic to its context and will minimise the increase in hard standing, reinstate the plot's mid-19th Century landscaping including an orchard;
 - The provision of two additional dwellings in a sustainable location;
 - The proposed dwellings would have a high quality contemporary design which responds to the site's unique topography, landscaping and heritage assets.
 - The proposed dwellings would have a high level of sustainability through their insulation, high level of glazing and high efficiency boilers;

- The applicant is committed to a future site management plan by way of covenant and service charges to ensure the site remains free of fences to avoid the impression of sub-division;
- The applicant aspires to open the gardens for periodic public view;
- The proposal would result in economic benefits for example through additional council tax receipts and New Homes Bonus payments to the Council.

32. Officers have considered each of the public benefits and given each an appropriate level of weight but find that they are not so compelling that they would outweigh the very major harm which would arise to the designated heritage assets from these proposals. For example, limited weight has been given to those benefits described which may in other circumstances have had some beneficial effect (e.g. the design of the dwellings / works to the parking area / landscaping proposals) but in this case are considered to cause considerable harm to the heritage assets for the reasons set out above. Moderate weight has been given to the contribution to the Borough's housing land supply, as although the Borough does not currently have a five year housing land supply, this proposal would not contribute significantly towards addressing the identified housing land supply and delivery shortfall.

33. Very limited weight has been given to the aspiration to open the gardens to the public at an unspecified point in the future, as well as the intention to keep the site free from sub-division both of which would be unenforceable through the planning regime.

34. In all it is clear that applying the test set down in NPPF paragraph 196 the applicant's claimed public benefits are wholly insufficient to outweigh the clearly established 'less than substantial harm' to the significance of the impacted heritage assets, this harm considered to be at the upper end of the scale of less than substantial harm as very major harm.

35. The proposed work would be unacceptable with reference to Section 16 (2&3) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires LPAs to have special regard to the desirability of preserving listed buildings including any features of special architectural or historic interest which it possesses.

CONCLUSION

36. The proposals have been considered against the statutory requirement in s16(2&3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice in the NPPF and the development plan as material consideration. It is considered that the architectural and historic importance of the building would be unacceptably harmed by the proposed works, this harm amounting to 'less than substantial harm' (NPPF paragraph 196) which would not be outweighed by the scheme's claimed public benefits. The application for listed building consent is therefore recommended for refusal.

RECOMMENDATION:

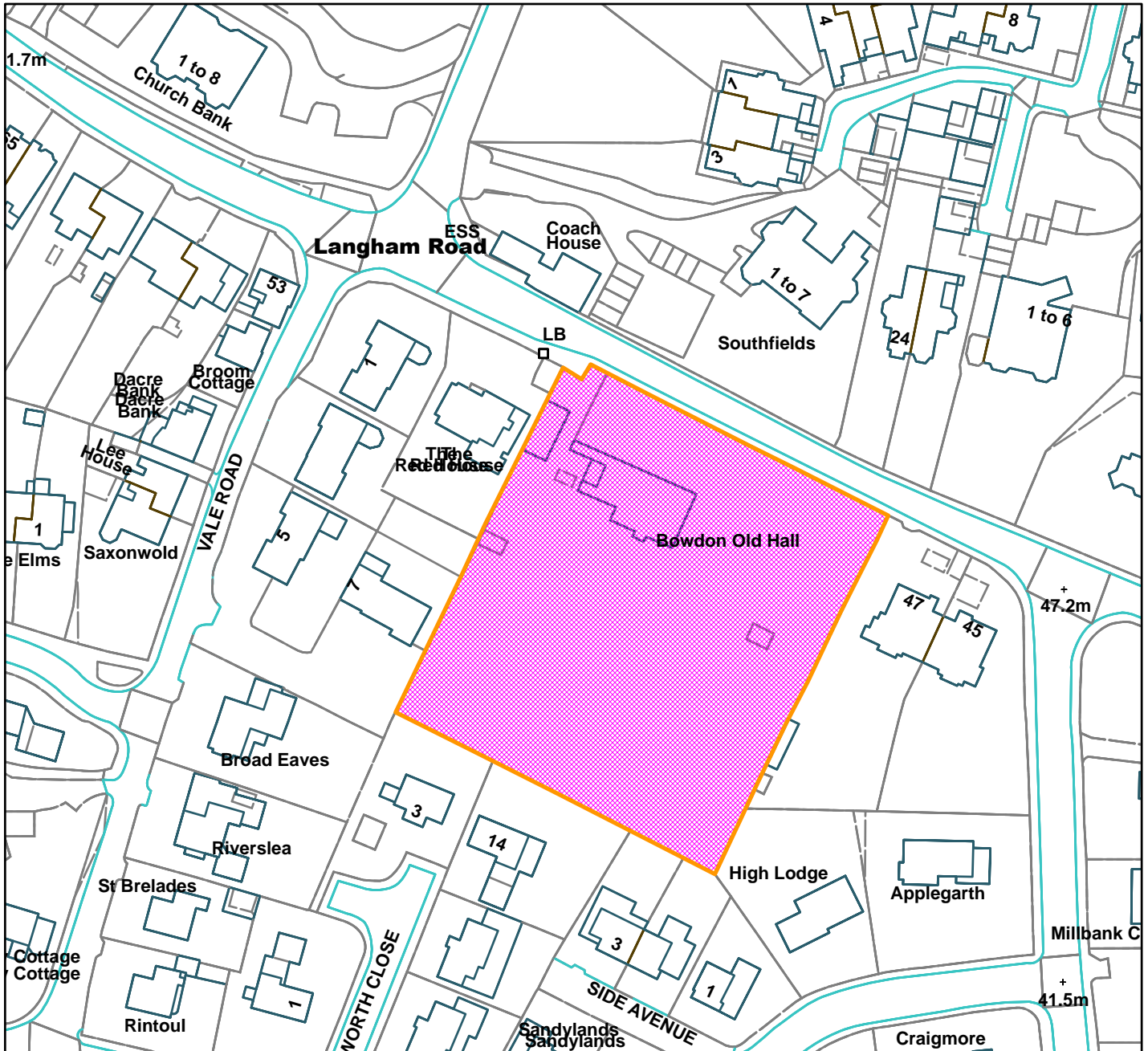
Refuse for the following reason:

1. Considerable weight has been given to the desirability of preserving the heritage asset; the Grade II listed Bowdon Old Hall and its curtilage listed structures. The proposed works would result in an unacceptable impact on the listed building. Whilst the harm would amount to 'less than substantial harm' when assessed against NPPF paragraph 196, it is considered that the development will result in major harm, being at the upper end of the scale of less than substantial harm. This major harm is clearly not outweighed by the claimed public benefits from the proposed works.

TP



Bowdon Old Hall, 49 Langham Road, Bowdon (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/05/2019
Date	29/04/2019
MSA Number	100023172 (2012)

Erection of a single storey rear extension following the removal of the conservatory (Retrospective).

12 Okehampton Crescent, Sale, M33 5HR

APPLICANT: Mr Robertson

AGENT:

RECOMMENDATION: GRANT

The application has been reported to the Planning and Development Management Committee because the applicant is an employee of Trafford Council.

SITE

This application relates to a semi-detached two storey dwelling house located in a predominantly residential crescent accessed off The Firs and to the south west of Ashton upon Mersey. Aside from the building itself, the plot comprises of hard standing to the front of the property, with a paved area running past the side of the property towards a detached prefabricated garage adjacent to the common boundary with No.14 towards its rear. The rear of the building includes a projecting single storey outrigger, which is mirrored in the adjoining property to the south-east (No.10 Okehampton Crescent) and a recently erected single storey extension that is located between its own outrigger and a single storey rear extension with lean to roof of the connecting property that projects 2m. The back garden area is enclosed by 1.8m panel fencing dropping down to approximately 1.6m along the common boundary with the adjacent property to the south-west, with natural planting to supplement it. No.10 also has a single storey outbuilding immediately to its rear and located adjacent to the common boundary with No.8 Okehampton Crescent. The property is surrounded by residential properties on all sides.

PROPOSAL

The applicant proposes the retention of a brick built, single storey addition to the rear of the application property between its own outrigger and a single storey rear extension of the connecting property, No.10 Okehampton Crescent. It relates to an enlarged lounge area with bi-folding doors and an apex roof within its rear elevation. The eaves height is measured as being 2.5m and the maximum ridge height is 3.55m located 1.7m from the common boundary with No.10. A maximum projection of 3.6m is also measured from the main rear wall of the dwelling.

The extension is located where a conservatory has until recently stood, with the maximum projection being the same at 3.6m from the main rear wall of the property, albeit with a rectangular design whereas the conservatory had chamfered edges.

The proposed development would increase the property's internal floor space by less than 100m².

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

OTHER LOCAL POLICY DOCUMENTS

SPD3 – Parking Standards and Design

SPD4 – A Guide for Designing House Extensions & Alterations

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

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. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach

should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the revised National Planning Policy Framework (NPPF) on 19th February 2019. 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 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

None.

APPLICANT'S SUBMISSION

None.

CONSULTATIONS

None.

REPRESENTATIONS

1no. letter of objection has been received, which raise the following points (in summary):

- The extension as built is totally out of character and not compatible with the surrounding area due to its roof design
- Proposal affects natural light to a rear home office area and thereby totally overshadows our neighbouring house without adequate separation to avoid overbearing impact.
- The submitted plans show that the projection is 1624mm from the main wall of the property. A measurement has confirmed this to be 1640mm and therefore contravenes the 45 degree projection on the submitted details.

OBSERVATIONS

PRINCIPLE OF PROPOSAL

1. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.

2. Householder extensions and alterations are acceptable subject to there being no harm to the character and appearance of the property through unsympathetic design or harm to the amenity of neighbouring properties and residential areas. Further to this, any potential impact on the highway is also to be considered. Therefore, the proposed development needs only to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy.

DESIGN AND STREET SCENE

3. Paragraph 124 of the NPPF states that "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work." Paragraph 127 states that decisions should ensure that developments "will function well and add to the overall quality of the area...are visually attractive as a result of good architecture, layout and appropriate and effective landscaping...are sympathetic to local character and history, including the surrounding built environment and landscape setting."
4. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes 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 is compatible with the surrounding area.
5. The Council's adopted SPD4 'A Guide to Designing House Extensions and Alterations' sets out guidance in relation to development in rear gardens which is relevant to this application. It is considered that the proposals comply with this guidance due to the proposed development being proportionate and subordinate to the main building whilst reflective of the surrounding area in its size, scale and massing. The development has also been erected using similar red brickwork and clay roof tiles to appropriately match the existing materials and finishes of the existing dwelling. Although not completely finished, the development proposes the bi-folding doors within the rear elevation to be of grey aluminium within the application form. These are not of the same appearance as the rest of the property's fenestration (white UPVC), but are considered to be appropriate within its context being at ground floor level and located towards the rear of the property and thereby not visible within the streetscene.
6. Likewise, the apex roof design, although not similar to the lean-to roof design of adjoining single storey additions, is considered to be acceptable, given its single storey scale and position to the rear of the property.

7. Overall, it is considered that the proposed development towards the rear of the property is subordinate and proportionate to the host dwelling and does not occupy a disproportionate amount of the rear garden. As such, it is considered that the proposed extension is acceptable in terms of design and visual amenity and complies with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

RESIDENTIAL AMENITY

8. Policy L7 of the Core Strategy states that in relation to matters of amenity development must be compatible with the surrounding area; and not prejudice the amenity of 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.
9. Guidance contained within SPD4 states it is important that extensions or alterations:
 - Do not adversely overlook neighbouring windows and/or private gardens areas.
 - Do not cause a significant loss of light to windows in neighbouring properties and/or their patio and garden areas.
 - Are not sited so as to have an overbearing impact on neighbouring amenity.
10. SPD 4 also has specific guidance with regard to the impact that rear extensions can have on residential amenity:

3.4.2. 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).

11. The existing extension projects approximately 1.6m further than an existing single storey extension to the rear of the connecting property, No.10, with an eaves height of 2.5m and a roof ridge of 3.6m sited approximately 1.7m from the common boundary. The extension has perpendicular edges and replaces a previous conservatory that had chamfered edges thereby extending approximately 0.9m further than the side elevation of that previous construction on the northern side of the patio doors of the neighbouring extension. As such

the rear extension is in line with SPD4 guidance and it is considered that it not cause unacceptable overbearing or overshadowing impacts for the occupiers of No.10 Okehampton Crescent.

12. Regarding the residential amenity of the other neighbouring property, No. 14, that property has a detached garage towards its rear adjacent to the common boundary with the application property and a single storey rear extension. Due to the extension being sited within a recessed position between an existing single storey outrigger and the single storey extension of No.10, the projection of approximately 0.9m would not cause any harm to the amenity of the occupants of that property which would be substantially screened from view via a 1.8m fence.
13. Due to the separation distance between the development and the rear boundary being approximately 23m, no loss of privacy would occur to the occupiers of Nos.42 and 44 Okehampton Crescent towards the rear.
14. As such, it is considered that the proposed development would not have any unacceptable impacts on the residential amenity of neighbouring properties and would comply with Policy L7 of the Core Strategy in this respect.

PARKING

15. The proposed development would not increase the number of bedrooms within the property. As such there is not considered to be any additional parking demand arising as a result of the proposal and therefore no detrimental impact on highway safety.

DEVELOPER CONTRIBUTIONS

16. The proposed development will increase the internal floor space of the dwelling by less than 100m² and therefore will be below the threshold for charging.

PLANNING BALANCE AND CONCLUSION

17. The proposed scheme is considered 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 within SPD4 and the NPPF. As the proposal is substantially complete and considered satisfactorily erected, it is recommended that there is no need to attach a condition for the materials used in construction to be similar to the main dwelling in this instance.
18. The development complies with up to date development plan policy and is therefore recommended for approval subject to the conditions listed below.

RECOMMENDATION

GRANT subject to the following conditions:-

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number IP-001.

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

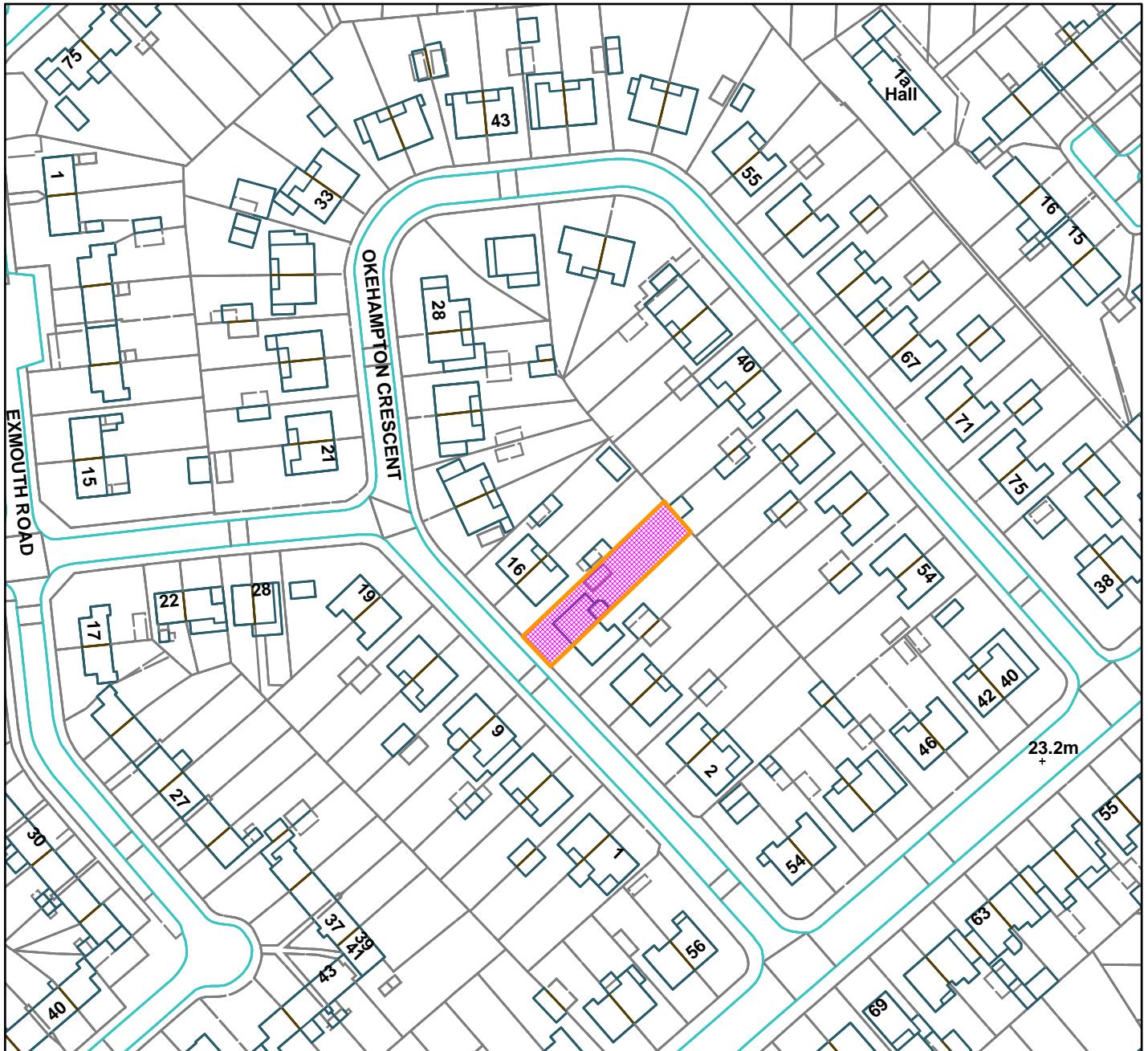
2. The development hereby permitted shall be constructed entirely of the materials details which are shown on plan No.IP-001.

Reason: To ensure that the appearance of the development is acceptable, having regard to Policies L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

GD



12 Okehampton Crescent, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/05/2019
Date	29/04/2019
MSA Number	100023172 (2012)

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WARD: Hale Barns

96465/FUL/18

DEPARTURE: No

Demolition of existing dwelling and redevelopment of the site to provide a new 64 bedroom care home (Use Class C2) together with associated access, car parking and landscaping.

Great Heys, 74 Bankhall Lane, Hale Barns, WA15 0LW

APPLICANT: Octopus Healthcare

AGENT: Savills

RECOMMENDATION: MINDED TO REFUSE (IN CONTESTING THE APPEAL)

INTRODUCTORY MATTERS

The context of this report is to establish the Council's stance at a forthcoming public inquiry in respect of application ref. 96465/FUL/18. This proposes a 64 bed care home on the site of Great Heys, Bankhall Lane, Hale Barns. The submission of this application followed the refusal by the Planning and Development Management Committee (in April 2018) of an earlier application for a 72 bed care home on the site (ref. 92767/FUL/17). An appeal against this refusal was submitted by Octopus Healthcare in October 2018 and with it agreed that it would be heard via a public inquiry (scheduled for June 2019). In the knowledge of continuing officer concerns in relation to the second application, but in advance of this application being formally determined, an appeal against non-determination was submitted. The Planning Inspectorate subsequently agreed to the appellant's request to co-join the non-determination appeal (ref. 96465/FUL/18) with the refusal appeal (ref. 92767/FUL/17), and with the merits of both schemes to be considered by an independent Planning Inspector at the June 2019 inquiry.

The submission of an appeal against non-determination removes the ability of this Council to determine application ref. 96465/FUL/18. However, there remains a need to define the Council's position to adopt at the inquiry in relation to this second proposal. The position of officers, as reflected in this report, is that the revisions made relative to the last application have not addressed previous concerns. Whilst this second application has not formally triggered a requirement for presentation to the Planning and Development Management Committee (unlike the first application which generated a degree of support), in the interests of consistency and when noting the status and significance of inquiry procedures, a decision has been made by the Head of Planning and Development to inform Committee of officers' views. However, to reiterate, any resolution would purely serve to define the scope of the inquiry case in relation to application ref. 96465/FUL/18. The application will remain outstanding until the

Inspector's decision is reported. That being the case, the report that follows and the assessment process it embodies is presented akin to a standard application.

It is also brought to Committee's attention that the Hale and Bollin Resident Group has been awarded Rule 6 status by the Planning Inspectorate and thus they will also participate in the inquiry.

SITE

This application relates to an angular shaped parcel of land which extends to 0.6 hectares. It is situated on the southern side of Bankhall Lane near to where the residential areas of Hale and Hale Barns converge. The site features a large detached house – known as Great Heys - which is positioned towards the northern part of the site and which is currently vacant. The remainder of the site comprises a generously-sized garden, which includes lawns and established planting, incorporating mature boundary trees and hedgerows (including both woodland and ornamental species). There is also an outdoor swimming pool and a large ornamental pond. A driveway lies in front of the dwelling and a narrow gateway allows vehicular access from Bankhall Lane. The existing dwelling is of typical post-war design. However, it is unusual in its configuration in having a two-storey element at its core and two, single-storey flat roof projections either side. There is a definitive right of way (Footpath no. 3, Hale) which runs along the site's western boundary.

Bankhall Lane in this location, which runs on a broad west-to-east axis, forms the southern limit of the built up area of Hale before leading up, in a north-easterly direction, to Hale Barns. For a large section of Bankhall Lane, development is generally confined to its northern side, although there are some exceptions, including the application site, Bankhall Farm and Hale Nursery. The remainder of the land on the southern side in this location is undeveloped. The effect is that whilst there is further residential development to the site's north which is contiguous to the rest of Hale/Hale Barns, to its south is open pastureland and beyond that the wooded valley of the River Bollin. Similarly, there are undeveloped gaps to the west and east of the site until Hale Nursery and the small residential estate of the Merridale respectively are met. The topography of the area in which the site is situated is gently rolling with a few elevated locations and then with a downwards south-westerly slope towards the River Bollin.

With reference to the Proposals Map accompanying the Development Plan, there are no annotations affecting the site itself. However, there is a conservation area (the South Hale Conservation Area) directly to the site's north which encompasses the residential properties on the opposite side of Bankhall Lane. Furthermore, the land directly to the site's south and west is within the designated Green Belt and it also forms part of a Protected Area of Landscape Character. This area, and incorporating land to the site's east, is also a recognised Wildlife Corridor.

PROPOSAL

The application, which is made in full, proposes the demolition of the existing dwelling and the redevelopment of the site to provide a 64 bed care home together with associated access, car parking and landscaping. This application follows the refusal of an earlier application for a 72 bed care home on the site (ref. 92767/FUL/17).

The application (as with the previous application) is made by Octopus Healthcare who identify themselves as a leading investor and developer of healthcare facilities in the UK. The application submission explains that Octopus Healthcare has entered into an agreement with Care UK who would then operate the care home on a leasehold basis. The development is intended to provide care and accommodation for the frail and elderly, and with a range of residential, nursing and dementia care services. 24 hour on-site care would be provided, the application submission explains. That the development is categorised as a Class C2 use - residential institutions - is accepted.

The care home would principally be arranged over two-storeys (and with a part basement). The design approach involves the creation of a series of interlinked buildings, or 'wings'. A total of four buildings are proposed with connecting glazed links (also at two-storeys) and orientated around a central residents' garden. Equal floorplates for ground and first floor levels are proposed, and then with 32 bedrooms at each level. The application submission explains that one 'wing' would be focussed on specialised dementia care (16 beds), with the remaining wings providing a mixture of residential and nursing care. However, a limit would not be placed on the amount of dementia patients that could be accommodated, it is explained. In addition to providing 64 (single) bedrooms (with en-suite facilities), the application submission indicates that the development would also include (internally): an entrance and reception area, a visitors café, an activity room, a residents' library, a reading area, a residents' hair and beauty salon, a cinema room, a manager's office, administrative areas, communal lounge areas, communal assisted WCs, quiet lounges, medical stores, cleaning stores, nurses' stations, maintenance rooms, a kitchen, a laundry, a staff room and other staff facilities, and a plant room.

The care home development, with its four wings, is proposed across the site. The proposed wing buildings have a traditional residential appearance with pitched roofs, gables and a materials palette that includes red brick and slate roof. In contrast, the links are predominantly glazed and with lower-lying flat roofs.

A new vehicular access is proposed; also from Bankhall Lane but to the west of the existing access. The existing access would be removed. The new access would lead to a car parking area to the front of the building. A total of 23 car parking spaces are proposed, which includes 3 dedicated mobility spaces and a drop off space for deliveries and ambulances. A parking area for motorcycles is also incorporated along with cycle racks and a cycle store.

Communal garden areas would be provided at the centre of the site and also towards

the site's southern, eastern and western edges. These would include zones of more formal planting, seating areas, terraces, lawns and a wildflower meadow. Ground floor bedrooms would be provided with small private patios whilst there would be a communal balcony at first floor level. Existing boundary planting is proposed to be retained, where possible, and reinforced.

The applicant estimates that the facility would provide approximately 64 jobs (based on full-time equivalents) upon its operation.

Value Added

Some additional plans have been requested during the application process to clarify the access changes. In addition, further information has been submitted to respond to the initial consultation response of the Lead Local Flood Authority.

DEVELOPMENT PLAN

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

- **The Trafford Core Strategy**, adopted 25 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 Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy; and
- **The Revised Trafford Unitary Development Plan (UDP)**, adopted 19 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 provided details as to how the Revised UDP is being replaced by the Trafford LDF.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

Policy L1 – Land for New Homes
Policy L2 – Meeting Housing Needs
Policy L4 – Sustainable Transport and Accessibility
Policy L7 – Design
Policy L8 – Planning Obligations
Policy R1 – Historic Environment
Policy R2 – Natural Environment
Policy R3 – Green Infrastructure

PROPOSALS MAP NOTATION

None affecting the site

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

SUPPLEMENTARY PLANNING GUIDANCE

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

SPD5.21 – South Hale Conservation Area Appraisal and Management Plan

SPG4 – Residential Care Homes and Nursing Homes for the Elderly

SPG30 – Landscape Strategy

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework (GMSF) is a joint Development Plan Document being produced by each of the ten Greater Manchester districts. Once adopted it 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, and following a redraft a further period of consultation commenced on 21 January 2019. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The Ministry of Housing, Communities and Local Government published the current National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics in one place. It was first launched by the Government on 6 March 2014 although has since been subject to a number of updates, the most recent of which was made on 19 February 2019. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

A: The application site:

92767/FUL/17 - Demolition of existing dwelling and redevelopment of site to provide a new 72 bedroom care home (Use Class C2) together with associated access, car parking and landscaping.

Application refused on 17 April 2018

Refusal appealed against by Octopus Healthcare

Public inquiry scheduled for June 2019

There were three reasons for refusal, which are to be contested at the inquiry, as follows:

1. The proposed development, by reason of its scale, density, mass and use change, would fail to preserve or enhance the character and appearance of the adjacent South Hale Conservation Area and would lead to less than substantial harm to the significance of this designated heritage asset which would not be outweighed by the public benefits of the development. It is thus considered contrary to Policy R1 of the Trafford Core Strategy, the South Hale Conservation Area Supplementary Planning Document (SPD5.21), and the National Planning Policy Framework.
2. The proposed development, by reason of its scale, density, mass and use change, would be inappropriate to the site's semi-rural context. It would thus cause appreciable harm to the character, appearance and enjoyment of the surrounding countryside landscape and would have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. It is thus considered contrary to Policy R2 and Policy L7 of the Trafford Core Strategy, and the National Planning Policy Framework.
3. Available information indicates that protected species are present on site and would be disturbed by the proposed development. It is not considered that the planning merits of the proposed development sufficiently justify the resultant impact to protected species. As such, the proposal is considered contrary to Policy R2 of the Trafford Core Strategy, and the National Planning Policy Framework.

B: Land to the site's east (known as land to the east of Great Heys, Bankhall Lane):

96290/OUT/18 - Outline application with all matters reserved for the erection of 2no detached dwellinghouses with landscaping, access and other associated works. This application remains under consideration.

APPLICANT'S SUBMISSION

The applicant has submitted the following documents in support of the application (in addition to plans and drawings):

- Planning Statement
- Demand and Supply Statement
- Design and Access Statement
- Heritage Statement
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Bat Mitigation Survey
- Updated Preliminary Bat Roost Appraisal
- Transport Statement (including Framework Travel Plan)
- Site Investigation Report

- Tree Survey Report
- Arboricultural Impact Assessment
- Crime Impact Statement

CONSULTATIONS

Greater Manchester Archaeological Advisory Group – No objection

Greater Manchester Ecology Unit – No objection, subject to condition (to request full lighting details, to request an up-to-date bat survey prior to works commencing, to provide evidence that a Natural England licence has been issued, to request a method statement for works to trees with bat roost potential, to limit vegetation clearance and tree felling to outside the breeding bird season, and to incorporate mitigation measures for hedgehogs)

Greater Manchester Police Design for Security – No objection, subject to condition (to ensure that the recommendations in the submitted Crime Impact Statement are adhered to)

Lead Local Flood Authority – No objection, subject to condition/informative (to ensure the implementation of the submitted drainage strategy, and to advise on the need for LLFA consent when connecting to the culvert)

United Utilities – No objection, subject to conditions/informative (to request separate foul and surface water drainage systems, and details of a sustainable drainage scheme, and with some advisory notes)

Trafford Clinical Commissioning Group – Objection in principle (as expanded upon in the report)

Trafford Council Arboricultural Officer – No objection, subject to condition (to request a detailed landscape plan, a landscape management and maintenance plan, and a method statement for works taking place within root protection areas)

Trafford Council Heritage Development Officer - Objection on the grounds of the harm caused to the setting of the conservation area (as expanded upon in the report)

Trafford Council Local Highway Authority – No objection, subject to condition (including to request details of the site access, to ensure the provision of parking and servicing, to require the provision of a service management plan, to request a full travel plan, and cycle parking details, and an advisory note to protect the public right of way)

Trafford Council Pollution and Licensing (Contaminated Land) – No objection, subject to condition (to request further site investigation and subsequent remediation if necessary)

Trafford Council Pollution and Licensing (Nuisance) – No objection, subject to condition (to request a noise impact assessment, to limit the noise level of installed plant and machinery, to control any installed ventilation/extraction system, to control any external lighting, to request an environmental management plan relating to the construction phase, to install low emission vehicle charging points, to request emission data for the proposed combined heat and power system, and to limit the hours of servicing and deliveries)

Trafford Council Children, Families and Well-being Service – Objection in principle (as expanded upon in the report)

REPRESENTATIONS

Consultation undertaken on behalf of the local planning authority has produced the following responses from residents:

Objection – 155 letters of objection have been received, which raise the following points in summary:

Objection in Principle:

- There are already numerous care homes in the wider Altrincham area and many of these have vacancies;
- Other care home developments in Trafford will take care of the future need;
- This is the wrong type of nursing home accommodation in the wrong place;
- There is no need for a care home that only caters for the wealthy;
- Affordable care is needed, not this expensive and exclusive care;
- A proposed high end care home would take limited staff away from affordable care, which is what is needed;
- The applicant's assessment of need covers an area ten miles beyond Trafford;
- Trafford Council would not utilise the beds since they would be too expensive;
- Care homes should be directed to areas of need;
- The Council should insist that the developer only builds for Trafford residents; and
- The site is in a wholly residential area and this commercial development would not be conducive to this setting.

Patients' Amenity:

- Patients would have no local amenities to access;
- There would be no outdoor space to provide patient stimulation;
- The site is too close to a river for it to be suitable for vulnerable people;
- Residents in these homes typically do better when connected to communities and normal life;
- Visitors wishing to escort patients for a walk would be challenged by the narrow footpath; and
- This development would not meet the needs of dementia patients.

Landscape:

- The development would take away valued Green Belt land;
- This is a sensitive spot near to the River Bollin;
- The building would completely dominate the surrounding green area;
- Many dog walkers and hikers like this area;
- This development would detract from the natural beauty of the area;
- A hard edge to the footpath would be introduced and the value of the footpath would be reduced;
- The view down to the River Bollin would be ruined;
- This is an area of peace and tranquillity;
- The amount of development would be out of character with the adjacent countryside;
- The assessment of landscape and visual impact has not been broad enough; and
- Attractive, mature trees would be removed.

Design/Visual Amenity:

- The proposed density is more suited to an urban area;
- The proposed development would be 11 metres high (4 metres higher than the current house) and built on a prominent embankment;
- The development is extremely large in size;
- The proposal is far too big and commercialised for this area;
- This would represent significant over-development of the plot, which is not characteristic of this location;
- The uplift from the existing dwelling to the massive care home development is disproportionate;
- This is a very large development; whether it is 72 or 64 beds it would still replace one single dwelling;
- The proposed glass corridors are deceptive; they would in fact be very solid bedrooms; and
- The level of development would be greater than even the three detached dwellings proposed for the adjacent site.

Heritage Impact:

- This development would interfere with the special heritage of this area;
- The characteristics of the adjoining Conservation Area should be preserved; and
- The proposal contravenes the South Hale Conservation Area guidance document.

Highways:

- There is a genuine safety reason to refuse this application;
- The amount of car parking proposed is completely inadequate;
- Overspill parking would occur along Bankhall Lane;
- The development would generate excess traffic which this area cannot cope with;

- Bankhall Lane is narrow, is on a hill, contains a bend at the site access, and has overhanging trees;
- Bankhall Lane is a country lane;
- Several 'near-miss' road accidents have been witnessed in this area;
- The nursery next door has had the effect of creating a one lane road due to on-street parking;
- This development would be very dangerous to both drivers and pedestrians;
- Vehicular access and egress would be unsafe due to limited visibility and lack of turning space;
- There is a children's play area down the road, and an adjacent nursery, and with children and young families frequently crossing;
- Children at the nearby nursery who regularly use the narrow footpath would be put at risk;
- There would be a number of deliveries per day for food/linen supplies and then waste collection, and also ambulance access;
- There is no space along Bankhall Lane to allow for any widening of the highway;
- The development would increase the danger to the many cyclists who use the road;
- The submitted Transport Statement is poorly prepared;
- The staff required to service a 64-bed care home would be considerable and the majority would come by car;
- Bankhall Lane is used as a cut through from Arthog Road to Ashley Road;
- The construction process would generate hundreds/thousands of HGV trips;
- One house has been demolished and rebuilt recently on Bankhall Hall and this has caused traffic chaos;
- The refuse vehicles used by Trafford are bigger than the ones identified in the submitted tracking drawings; and
- This is a recipe for a serious incident.

Unsustainable Location:

- This area is not supported by public transport;
- There are no bus routes past the site, the nearest train station is 1.5 miles away, and the nearest Metrolink stop is over 2 miles away;
- Staff with late/early shift changes would certainly not travel by bus;
- All visitors, staff and suppliers would be car-borne;
- The footpaths by the site are narrow and cannot support pushchairs or wheelchairs; and
- There are no local amenities in walking distance.

Wildlife Impact:

- The site is in a wildlife corridor;
- The development would have a negative effect on birds;
- There are tawny owls, barn owls, foxes, badgers and many small mammals in the area, as well as rare species of bats;
- The development would destroy habitat;

- There is a small stream which runs alongside Bankhall Lane which possibly contains protected species; and
- There are great crested newts in the area.

Miscellaneous:

- A development like this would require 24 hour servicing by ambulances, caterers and refuse collections, which would disturb existing residents;
- The reasons for refusing the last application equally apply to this proposal;
- A reduction of 8 beds would not make any difference;
- Building adjacent to the River Bollin could cause problems with surface-water run-off and drainage;
- Existing mature, healthy trees would be lost and new trees would take 50 years to grow to the same size;
- Parts of the application submission are incorrect and misleading;
- The development would have a significant environmental impact, including during the construction period;
- There are plenty of other urban, brownfield sites where this type of investment would be welcomed;
- There has been no consultation with the community;
- There would be increased light pollution, as well as dust and emissions;
- The installation of a combined heat and power system is objected to due to the impact on air quality;
- The development would lead to clinical and trade waste, which has not been accounted for;
- There should have been an environmental impact assessment;
- There is contamination in and around the site;
- There has been no appraisal of alternative options; and
- The empty new Health and Well-being Centre in Altrincham should be used as a care home instead.

In addition to the above, the Hale and Bollin Resident Group has submitted a separate letter of objection and it has also appointed a highways consultant to independently review the application submission and to submit a professional representation. The additional points raised within these representations include:

- The application site is in the least accessible location, as identified by the Trafford Core Strategy;
- The submission fails to demonstrate that safe and suitable access to the site could be achieved for all users, and nor does it address the needs of people with disabilities and reduced mobility;
- The proposed development does not respond to the site's context but seeks only to maximise the development opportunity;
- Rather than being a landscape-led design response, the site has been treated as degraded and urban;

- The commercial scale and appearance of the proposal is not appropriate adjacent to a conservation area;
- The applicant's assessment of need is based on generic data;
- There has been a complete absence of any analysis by affordability;
- The proposal aims to maximise income and shareholder value;
- On approach to the site from the east, Bankhall Lane reduces in width;
- Cars have been observed to cross the central carriageway markings as they navigate the bend in the road;
- There are obstructions within the footways that may require a pedestrian to enter the main carriageway, which represents a severe safety concern;
- It is considered that a single footway into the site would provide insufficient infrastructure to facilitate access by pedestrians and cyclists;
- Furthermore, unobstructed two-way vehicular access should be provided to ensure safe movement into/out of the site without queuing on the adopted highway;
- A clearly defined, segregated pedestrian route through the car park should be provided;
- The submitted tracking diagrams confirm that a refuse vehicle would require the full width of the access road, and would also cross onto the opposite side of the Bankhall Lane carriageway and would overhang the footway;
- A Service Management Plan should be submitted prior to the application's determination;
- There is a significant concern that there would be insufficient on-site car parking, and there is no alternative local provision other than parking on street; and
- The submission fails to provide sufficient technical highways information to formulate an appropriate decision.

Two letters of objection from Trafford councillors have also been received (Cllr Patricia Young and Cllr Patrick Myers) which raise the followings points (in summary):

- The building of such a large structure on this site is opposed;
- The development would cause a very large increase in the number of cars needing to park on local roads;
- It would be dangerous to access this development from a narrow road with a bend;
- There is little change since the previous application; and
- The proposed traffic management arrangements should be carefully considered;

The objection from Cllr Myers also requested the 'calling-in' of the application to the Planning and Development Management Committee in the event of a positive recommendation.

In addition, a representation has been received on behalf of the Trafford Ramblers Group. This states that the Group is neither objecting to or supporting the proposal. However, that the application site is located adjacent to Footpath Hale no. 3 is referred to. The Group wishes to see no changes to the boundary of the application site which could impact upon the amenity of the footpath, it is stated.

Support – 1 letter of support have been received, which raises the following points (in summary):

- Care facilities for dementia patients need to be provided;
- Bankhall Lane is not a busy or dangerous road;
- The development would create new jobs

OBSERVATIONS

The Decision-taking Framework

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement, and at paragraph 12 states that ‘the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making’, and that where a planning application conflicts with an *up to date* (emphasis added) development plan then permission should not normally be granted.
2. The NPPF is a material consideration in planning decisions, and as the Government’s expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.
3. The Trafford Core Strategy, for the purposes of this application, does not constitute an up-to-date development plan in the manner envisaged by the NPPF’s paragraph 12. The reason for this is two-fold. Firstly, this is as a consequence of this Council not being able to demonstrate that it has a five year supply of deliverable housing sites when assessed against its housing requirement (thus Core Strategy Policy L1 (Land for New Homes) and Policy L2 (Meeting Housing Needs) are regarded as being out-of-date). Secondly, some Core Strategy policies have been formally recognised as being out-of-date due to them not reflecting current NPPF guidance. Indeed, the Core Strategy is over seven years old and was adopted two months prior to the publication of the original NPPF in March 2012. In July 2018 a reworked NPPF was published, and with further more modest revisions introduced in February 2019. Policy R1 (Historic Environment), which has been categorised as a policy of ‘most importance’ (see the NPPF’s paragraph 11) in determining this application, is one such policy that has been recognised in such terms. Its out-of-date status is on the basis that it is not consistent with the NPPF since it does not reflect the tests

of 'substantial' and 'less than substantial' harm. Full weight cannot, therefore, be afforded to it, and the aforementioned tests of the NPPF remain to be applied in the determination of relevant applications in treating this guidance as a material consideration.

4. The effect of some 'most important' policies being out of date is that 'the presumption in favour of sustainable development', as referred to in paragraph 11d of the NPPF, is engaged. For the avoidance of doubt, it is commented that other 'most important' policies of relevance to this application (chiefly Policy L7 (Design) and Policy R2 (Natural Environment)) remain in date, although this does not override the engagement – overall - of the presumption in favour.
5. Paragraph 11c of the NPPF explains that 'the presumption in favour of sustainable development' means approving development proposals that accord with an up-to-date development plan without delay. However, paragraph 11d continues that where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date planning permission should be granted unless:
 - i. the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *or* (emphasis added)
 - ii. 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.
6. The advice in paragraph 11d embodies the key decision-taking structure that has been applied in appraising the merits of this application, and it will be returned to at the end of this officer assessment.
7. Whether other development plan policies that are material (if not 'most important') in determining this application are in date or out-of-date will be covered in the relevant sections of the report.

The First Application

8. A comparable application for a 72-bed care home development at the site was refused, unanimously, by the Planning and Development Management Committee in April 2018 (ref. 92767/FUL/17). Consultation as part of this earlier application's assessment generated objections from the Council's Children, Families and Well-being (CFW) Service, together with the Trafford Clinical Commissioning Group (CCG), regarding the nature and characteristics of the care home proposed. Despite there being no five year housing land supply in Trafford and despite the balance being in favour of applications for new housing in such a scenario, it was concluded that the wider public benefits of the proposal

were in fact very limited and that public harm arising from the operation and function of the proposed development would in fact occur.

9. There were three reasons for refusing the last application. The first two reasons were underpinned by the extent of built development proposed for the site, with resultant harm to both historic environment and to landscape character identified. The third reason for refusal, which related to ecological matters, was a product of the accumulation of concerns regarding both the principle of the development and its physical manifestation on site. The concerns of the CCG and of the CFW Service were treated as material considerations which were given weight as part of the wider planning balance (including when taking account of the enactment of the NPPF's 'presumption in favour of sustainable development' which also applied at the time of this application's determination).
10. This current application, for a 64-bed care home, was submitted by Octopus Healthcare as an alternative development. The amendments incorporated relative to the appealed application were intended to address previous concerns. The application submission explains that a 64-bed scheme represents the least commercially viable development that could be delivered.

The Principle of the Development

Housing Land Supply

11. The site comprises an existing residential property set within substantial grounds and located at the fringes of the built up area of Hale/Hale Barns. It is acknowledged that the site is already in some form of residential use (Class C3 – dwellinghouses) and that its redevelopment in part may be acceptable in principle.
12. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK, and with this further reinforced via the 2018/2019 versions of the NPPF relative to the 2012 original. Local planning authorities (LPAs) are required to support the Government's objective of significantly boosting the supply of homes. With reference to paragraph 59 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
13. The responsibility of LPAs in supporting the Government's ambitions include identifying and updating annually a supply of specific deliverable sites to provide five years' worth of housing against their housing requirement. This is in addition to a new housing delivery test (introduced in November 2018 as part of the 2018 NPPF) which is intended to measure an LPA's performance in facilitating the delivery – rather than merely planning for – new homes.

14. The required scale of housing for Trafford had previously been identified by Policy L1 of the Core Strategy (a typical annual requirement of 587 new homes). However, the new NPPF has established a different approach in making it clear that housing requirement figures cannot be relied upon if they are over five years old (unless they have been reviewed and have been found not to require updating). As a statutory development plan that was adopted in 2012 and with no formal review having been undertaken, the Core Strategy's housing targets have thereby become redundant. In these circumstances, the NPPG is clear that the starting point for calculating a five year supply should be 'local housing need using the standard method.'
15. In February 2019 the Government confirmed the standard methodology for calculating minimum local housing need (LHN) figures (by means of the 2019 update to the NPPF and also changes to the NPPG). The application of this methodology for Trafford has provided a new minimum annual LHN figure of 1,362 new homes (net). Clearly, this figure is far in excess of that set out in the Core Strategy. It should be commented, however, that the emerging annual housing requirement for Trafford as contained in the Greater Manchester Spatial Framework (GMSF) is lower, at 1,015 (minimum). Upon its adoption, the agreed minimum target set out in the GMSF would be carried through to the new Trafford Local Plan (which is currently at a very early stage of production). Therefore, in some respects, 1,362 is an interim figure in reflecting current transitional arrangements. Nevertheless, it is evident that the GMSF requirement is also significantly higher than the previous Core Strategy target.
16. As an aside it should be commented that the 1,362 annual requirement (or indeed the 1,015 emerging GMSF requirement) comprises an overall housing need figure. It is anticipated that separate requirements for different types of housing (including for older people) will be developed in time as the new Trafford Local Plan is progressed. However, at present, there is no individual housing need figure for older persons accommodation in Trafford, and it is accepted that the reference to 'approximately 500 units' in Core Strategy Policy L2 (as 4% of the previous overall target) is out-of-date.
17. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. Therefore, the ability of this development to contribute to meeting housing supply targets is important. This is amplified in the context of the absence of a five year supply of deliverable housing land (as stated in paragraph 3) and the need to address the supply backlog. Indeed, latest housing land monitoring, based upon the uplifted requirement, indicates a current supply in Trafford of only 2.6 years.
18. That being the case, however, it should be commented that a 64-bed care home in Class C2 (residential institution) use would not contribute 64 individual units to

the supply position (or rather 63 units when accounting for the loss of the existing dwelling on site). The NPPG provides guidance on how to make an adjusted calculation of the contribution made by this type of accommodation, which takes account of the fact that, in turn, some housing would be released back into the market. When applying the recommended formula, it has been calculated that a 64 bed care home would equate to approximately 35 units in supply terms.

19. Whilst certainly not disregarding the individual contribution made by all residential development proposals regardless of their scale (since to do so would be contrary to the advice in Policy L2), in the context of the elevated annual requirement (1,362 new homes), the percentage contribution in this case (2.6%) clearly would not represent a meaningful amount. Nevertheless, and when recognising the responsibilities of LPAs in supporting the Government's ambitions regarding housing growth, weight has to be attached to the benefits, in principle, of the scheme's residential offer. There would not, however, be any corresponding affordable provision (i.e. 'affordable housing' as defined in the glossary to the NPPF) since the development does not trigger a requirement (in falling within the C2 (residential institutions) Use Class rather than C3 (dwellinghouses)).
20. In setting aside the proposal's ability to make some contribution to general housing targets and the housing land supply deficit (and notwithstanding the current absence of a specific requirement for older persons housing), it would appear that the development may also be commendable in seeking to address the accommodational and care needs of a vulnerable population group that is growing in number. Indeed, that the number and proportion of older people is on the increase across the UK is commonly well-documented. Despite this, however, neither the Trafford CCG nor the Council's CFW Service are able to support this proposal. The reasons for this are numerous and include financial, locational and design concerns as well as objections to the care home model on offer. This is consistent with the position adopted in respect of the last application. That these concerns continue to be raised, their extent and their implications, have proven significant, particularly in the context of paragraph 11d of the NPPF and its implications for decision-taking.

The Trafford Clinical Commission Group's (CCG) Position

21. The Trafford CCG has responsibility for planning and commissioning a range of health care services across the Borough. In this respect, it is understood that the CCG typically welcomes early engagement with potential care home developers and operators regarding emerging schemes in order that their requirements and expectations regarding a development and its operation can be factored in. Evidently there are examples where this has worked successfully within the Borough. In the case of Bankhall Lane, it is gathered that some contact was made prior to the first application. However, at the outset the CCG expressed a

number of deep-seated concerns, including the basic matter of the site's suitability for a care home development.

22. The importance of locating new development in accessible locations is a fundamental principle of good planning and is central to the concept of achieving sustainable development, as advocated by the NPPF. It is reflected in the Core Strategy, including by means of Policy L2 which is clear that new housing should be appropriately located in terms of access to existing community facilities as well as public transport options. Siting residential institutions in isolated locations has long been accepted as a mistaken policy approach and not in the interests of patient/resident well-being. This is recognised in an adopted Supplementary Planning Guidance (SPG) document, which originally dates back to 1991 although with subsequent revisions (SPG4: Residential Care Homes and Nursing Homes for the Elderly). This acknowledges the importance of siting accommodation for the elderly in locations that allow them to easily maintain links with the rest of the community and the services that they require. The continued importance of this principle was recognised as part of the preparation of the Trafford Land Allocations document (which was due to sit alongside the Core Strategy). The last version of this document (a 2014 consultation draft) contained a specific recommended policy (Policy HO3) to guide the location and design of residential accommodation for older persons. The development principles that such proposals were expected to adhere to include the siting of such facilities close to local services and amenities and in places that are easily accessible by a range of transport modes. It is fully acknowledged that limited weight can be applied to Policy HO3, although nonetheless it remains a useful tool when considering the merits of a relevant application. Moreover, it is anticipated that an equivalent policy will feature within the new Trafford Local Plan as it is progressed.
23. It is regrettable, therefore, that the application site does not conform with this important principle. Whilst it is accepted that this is not a very remote, rural location, it is nonetheless at the absolute periphery of the built-up area of Hale/Hale Barns. Amenities in walking distance are extremely limited. There is a small collection of shops at the junction of Park Road/Arthog Road to the site's north-west but these are very restricted in their number and offer and in any event are positioned 0.5 miles away. Whilst Hale District Centre does contain a wide range of shops and facilities and does function as a successful community hub, this is double the distance, and is thus not regarded as being within easy reach on-foot, especially for the elderly and infirm. Moreover, the footways to Bankhall Lane in proximity to the application site are particularly narrow and therefore are not inviting or suitable for those who may have impaired mobility. In turn there is the issue of the site's remoteness from public transport. The nearest bus stop is positioned on Arthog Road, 400 metres from the site. However, it is understood that the frequency of the service is only one per hour and even less at weekends. Whilst the Metrolink would provide a far more regular service (including later into the evening and at weekends) the nearest

stop is over two miles away (in Altrincham), and even Hale train station is one mile away.

24. This fundamental limitation of the site has been raised by the CCG. That the site is not more centrally located would manifest itself in a number of problems, the CCG considers. These include that staff would not be able to rely upon public transport when working more unsociable hours, and the general inability to attract the necessary levels of low-skilled staff due to the lack of affordable public transport options (which in turn undermines the applicant's claims regarding the scheme benefits of employment creation). Furthermore, the advantages for patient well-being of a location with good levels of community activity would not be realised.
25. Beyond the geographical shortcomings of the site, the CCG has further concerns. These are generally attributed to the care home model that the applicant/operator is seeking to deliver, which the CCG does not regard as reflecting current best practice guidance. Firstly, the size of the development is considered to be too big. It has been explained that it is generally acknowledged that a facility with approximately 62 beds is at the upper limit of acceptability and that an operation larger than that would not deliver clinical, person-centred care. Whilst the number of beds has been reduced relative to the last application, the proposed development is still seeking additional spaces beyond this accepted threshold. Secondly, the format of the proposal serves to further suggest that it is not sufficiently focussed on the overriding function of delivering high quality care, according to the CCG. The incorporation of features such as a cinema room and a visitors' café are unnecessary and merely support the applicant's intentions of delivering a high-end physical environment. The inclusion of these facilities would purely serve to inflate care fees without any resultant uplift in patient care, and on-site provision is not an adequate replacement for being able to access these amenities in a local, community setting, it is stated. Associated with this, therefore, the CCG has expressed concern that the development is targeted towards a very high-end market and it would not deliver affordable care that would be accessible to all. Thus, it is evident therefore that there is a significant mismatch between what the application proposal would deliver and what the CCG regards as being suitable in meeting patients'/residents' needs and delivering best practice.

The Children, Families and Well-being Service's Position (CFW)

26. The duties of the CFW Service incorporate adult social care services, and therefore their role is distinct from that of the CCG. The CFW Service's objection is predicated on the direct financial burdens that could be placed on the public purse as a result of the application scheme. Discussions with the CFW Service have drawn attention to a number of challenges facing the public sector as a result of the existing care home market in Trafford. It is understood that there are already over 60 registered care homes (including residential, nursing and

dementia care) across the Borough. These are traditional institutional homes where residents pay a weekly fee for the care they receive. Trafford, and particularly the southern part of the Borough, is seen as an attractive place to live and enjoy the latter stages of life. Thus, it witnesses an influx of population, from across Greater Manchester, Cheshire and beyond, who seek to utilise the older persons' accommodation that the Borough offers. However, the cost of this care is, on average, markedly higher than in other parts of the sub-region.

27. A further problem arises due to the amount of 'self-funders' in Trafford. Self-funders are those care home residents who pay for their own care due to having sufficient personal capital. However, when a self-funding resident's funds are exhausted then it falls to the local authority to step in. The financial implications of this are significant in Trafford in view of the number of care home places together with the high fee rates. The expectation is that the resident will stay in the home that he/she selected - that is unless it can be demonstrated that their care needs have changed - and there is no guarantee that reduced local authority rates will be forthcoming at that point. The model for catering for the needs of the Borough's frail and elderly population that is encouraged by the CFW Service is one in which people are supported and cared for in their own home for as long as possible, in line with national best practice, and this has resulted in a reduction in the number of beds commissioned.
28. In view of this picture, the CFW Service has very legitimate and acute concerns regarding the effects of this development which would introduce a further 64 beds to the care home market. It is envisaged that the majority of residents attracted to the development would be self-funders. Furthermore, as has already been explained, the development proposals are reflective of a particularly high-end and exclusive residence such that expected fees would be at the upper end of the scale, even for Trafford. Moreover, there is some expectation that the development would attract residents from outside of the Borough, particularly given its location at the very southern tip of Trafford, close to both the motorway network and the administrative boundaries with Cheshire East, Manchester and Warrington. Indeed, an assessment submitted with the application, which is intended to demonstrate a need for the proposal (and which the CFW Service has reviewed) identifies an intended catchment area (based upon a 15 minute drive-time) which extends to include Lymm, Knutsford, Wilmslow and Gatley. Whilst fully acknowledging its own social care responsibilities, it is apparent to the CFW Service that the development could serve to encourage more frail, elderly people with complex needs to relocate to the Borough, and this would not be financially sustainable given the nature and cost of the accommodation on offer.
29. The conclusions of the CFW Service have been reached despite new evidence to support this application in the form of a Demand and Supply Statement. As part of its duty to safeguard and promote the welfare of the Borough's elderly residents, the CFW Service has to be permanently watchful of the pool of

accommodation options, particularly in terms of institutional care, in order to ensure that supply can meet demand. Data regarding vacancy levels is a matter which is reviewed weekly by the CFW Service in order to inform the appropriate placement of individuals. However, there is a consistent supply of available beds to meet the arising demand at any one time, the CFW Service has advised, and with no evidence of waiting lists, for example, which would be an indicator of an acute shortfall in provision.

30. In terms of planning ahead to meet future needs, the CFW Service is further satisfied that this would be met through recent new developments as well as other planning commitments. This includes two care homes that are presently under construction: a 60-bed development on Washway Road, Sale, and a 40-bed development on Bowfell Road, Urmston, and with both likely to be opened in 2019. The strategic development of Trafford Waters also incorporates a new care home of up to 150 beds. Further to this, a 60-bed care home on Harboro Road in Sale is also due to re-open shortly. The CFW Service considers that these developments would adequately cater for the need arising within Trafford for elderly institutional care. The only remaining area where further provision would be welcomed, the CFW Service has advised (as supported by the CCG), is in relation to *specialist dementia beds* for adults with particularly challenging needs. However, it has been made clear that this proposed development, whilst providing some general dementia spaces, would not commission this level of critical care. Rather, the proposal's format, including its dementia offer, would duplicate existing and emerging developments, the CFW Service has advised.
31. Another area of unmet need, the CFW Service has commented, is in relation to other forms of senior living. This includes extra-care, assisted living or sheltered housing type developments. This form of accommodation typically involves residents purchasing or renting a new home or apartment (often with a requirement for them to be aged 55 or over), whilst still having access to a degree of care and support. This model of older persons housing is supportive of the CFW Service's general aims in allowing people to stay in their own homes, if they wish, for as long as possible as their circumstances change. It is clear, however, that the application proposal is based on a fundamentally different form of accommodation. Overall, in not responding to these particular areas of need, but rather in further encouraging a saturated high-end market for institutional elderly care, there could be real, negative implications, chiefly for the public sector, the CFW Service reports.
32. Finally, the comments of the CFW Service serve to cast further doubt on the applicant's claims regarding the operational employment benefits that would arise. In addition to the site-specific issue troubling this proposal when bearing in mind the lack of public transport options, the CFW Service has highlighted a broader concern which applies to the Borough as a whole but which is felt most markedly in the southern areas. There are significant recruitment challenges facing existing residential and nursing providers in Trafford, it has been explained. This Borough's skills market is noticeably different to the rest of

Greater Manchester, with an above average skilled workforce, higher levels of employment, a smaller pool of working age adults, and a falling rate of benefit claimants. These characteristics are more profound in southern Trafford, where the appeal site is located. The health and social care workforce is typically low paid, it is stated, and with obvious affordability issues when having regard to the typical cost of housing, particularly in the south of the Borough. That there is a higher than average turnover rate amongst adult social care positions in Trafford. When added to the CCG's site-specific concerns, the CFW Service is doubtful whether the proposed development could in fact be adequately and safely staffed.

Conclusions on the Principle of the Development

33. The effect of the comments of the CCG and the CFW Service is to confirm that a reduction of 8 beds to the proposed care home development is not sufficient to address previous concerns. The location of the development is fixed, and the proposed function and management of the care home is unchanged.
34. The established use of the site for residential purposes (in accommodating one dwelling) continues to be acknowledged, and the contribution that the application proposal would make to *general* housing targets and to the *overall* housing land supply deficit is understood. However, the position of the CCG and CFW Service has served to substantially weaken any claim that the principle of a Class C2 care home development is an appropriate use of the site, and furthermore the details of this specific proposal, including when having regard to its operation and its size, are not supported.
35. This issue will be returned to elsewhere within this report when applying the relevant 'planning balance' test (including when taking account of the enactment of the NPPF's 'presumption in favour of sustainable development'). However, at this stage it can be commented that the consultation responses of the CFW Service and the CCG continue to be treated as important material considerations when drawing overall conclusions regarding the acceptability of the proposal in principle.

Impact on Heritage Assets

36. The site lies adjacent to the South Hale Conservation Area. There is also a Grade II Listed Building 170 metres to the site's west. An eighteenth century house formally referred to as Bank Hall, this now accommodates Hale Nursery. Consistent with the position concluded in respect of the last application, it is the impact of the proposal upon the setting of the conservation area which is considered to be of most significance. In relation to the listed building, the separation distance between the application site and Bank Hall together with the effects of boundary planting and the intervening green field are considered

sufficient in combination to protect its setting. A different conclusion has again been drawn, however, with regard to the conservation area.

37. Nonetheless, at the outset of this discussion, an overview is given regarding the design/layout changes that have been incorporated into this 64 bed care home scheme relative to the last application, and which have been reported by the applicant as seeking to address concerns regarding the impact on heritage assets (as well as landscape and general visual amenity impacts). These can be summarised as:

- A reduction in overall built floorspace (gross internal area) by 460 square metres;
- A reduction in building footprint by 270 square metres;
- A change in the configuration of the building and a move towards a more regular layout;
- The provision of less built form adjacent to the site's western boundary and within the site's south-western corner;
- A corresponding increase in the amount of outdoor amenity space;
- The introduction of flat-roofed glazed links;
- A slight increase in the gap between the building and the site's southern boundary; and
- The retention of more trees and hedgerows within the site.

38. Protecting and enhancing the historic environment is an important component of the NPPF. The document introduced the term 'heritage assets' which are defined (in the glossary) as: 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions. It includes designated heritage assets and assets identified by the local planning authority (including local listing)'. It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF, and with this significance defined (in the glossary) as: 'the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting'.

39. The protection of the Borough's built heritage features as a strategic objective (SO8) within the Core Strategy. This is supplemented by Policy R1 (Historic Environment) which seeks to ensure that the Borough's heritage assets are safeguarded for the future, where possible enhanced, and that change is appropriately managed and tested for its impact on the historic environment. In relation to conservation areas, it is explained that developers will be required to demonstrate how a proposed development would preserve or enhance the conservation area and its wider setting. As previously indicated, however, Policy R1 does not reflect the NPPF's categories of 'substantial' and 'less than substantial' harm and their corresponding tests. In summary, these NPPF tests provide an opportunity for an applicant to demonstrate that there would be public

benefits arising from a proposal which may outweigh heritage harm. Conversely, the 'protect, preserve and enhance' requirement of Policy R1 infers that no harm should be caused or would be justified. It is for this reason, as previously reported, that Policy R1 is out-of-date.

40. In addition, any planning decisions relating to conservation areas (as well as listed buildings) must also address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990. In relation to conservation areas, the Act dictates that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area. Notwithstanding what has been concluded regarding the status of Policy R1, it is considered that the phraseology it contains is reflective of the statutory considerations set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.
41. The South Hale Conservation Area was designated in 1986. The site is located just outside of it. Bankhall Lane forms one of the conservation area's southern boundaries and thus buildings directly opposite the site on the northern side of Bankhall Lane are incorporated. In fact, the application site had – up until February 2017 – also been included within the conservation area. However, some boundary changes have recently been made, covering both extensions and deletions, in accordance with the recommendations of a systematic review exercise. The explanatory document, which forms part of a wider conservation area appraisal and which has the status of a supplementary planning document, justifies the specific exclusion. It explains that parts of Bankhall Lane, and extending into Rappax Road (including the Merridale estate), contain pockets of mid to late 20th century development that are not of sufficient quality or historic or architectural character to warrant continued inclusion in the conservation area. Indeed, it is accepted that the existing residential property on the application site, which is typical in its design of the 1960s era, is of limited architectural or historic value, although it nonetheless displays some bygone charm.
42. The relevant document referred to above is the South Hale Conservation Area Supplementary Planning Document, identified as SPD5.21. This SPD is in two parts: a conservation area appraisal document and then a management plan, dated March 2017. Both have been closely reviewed in considering the implications of the proposed development for the conservation area, particularly in the context of their definition of the area's significance when having regard to the advice in the NPPF. The appraisal document explains that the special character of this conservation area derives from a number of elements. This includes: houses set in gardens which are characterised by a variety of mature trees and shrubs; a low-proportion of these gardens given over to hard-standings and with space afforded around properties; tree-lined streets and on-street planting; a general feeling of spaciousness; the compatibility of natural and man-made features; and with the undulating landscape creating a semi-rural feel.

That the area provides a habitat for wildlife is also referred to, along with the fact that the conservation area is largely residential in character.

43. Notwithstanding the site's exclusion from the conservation area, principally in view of the building it accommodates, it is considered that it too possesses some of these important qualities. This includes the ample size of the plot relative to the house which it surrounds, that the existing dwelling is set back from the street scene, that its garden contains many mature trees of diverse species, that the dwelling is obscured by established planting, and that there is an overriding sense of space. Similarly, these factors combine to give the site a semi-rural ambiance, which is in fact enhanced on the application site in view of its location at the absolute limit of the residential area and encircled by fields (on three of its four sides). The site is also residential in nature. It is thereby considered that the application site presently serves to support the significance of the conservation area by continuing some important characteristics and by extending the ability to appreciate that significance.
44. However, it is considered that the development proposed would erode many of these characteristics and that the unity with the adjacent conservation area would be undermined. The extent of the application site's resultant material change in character is such that harm to the significance of the conservation area would arise, it is considered. The cornerstone of the problem is the amount of development that is still proposed for the site. One dwelling, albeit large, would be replaced by a 64-bed care home which would support a considerable amount of ancillary floorspace as part of the overall offer. When it is accepted that some reduction in building volume and footprint has been incorporated relative to the last application, the effect is not a material improvement, it is considered. The proposed development still entails a sprawling floorplate which would occupy a substantial portion of the site, extending close to the site's southern, eastern and western boundaries. Parts of the site not accommodating built development would in turn be transformed into hard-standings to allow for a widened site access, a vehicular circulation zone, car parking, outdoor terraces, and pathways around the building's perimeter. Whilst a somewhat larger area than previously allowed for (focused on the site's south-western corner) still only a small portion of the site (as a whole) would be left as undeveloped outdoor amenity space. This contrasts markedly with the existing situation in which the garden is of an impressive size and quality and where there is a high ratio of hard to soft landscaping.
45. It follows that, again, a number of trees and shrubs within the site are proposed to be felled as part of this development to facilitate either the building or site access works. The main area of loss is in the centre of the site encircling the ornamental pond, where there are a number of attractive and varied species which are generally in good health and vigour. The submitted Arboricultural Impact Assessment refers to the complete loss of 13 trees or tree groups and the partial loss of a further tree group. New areas of hard-standing are also

proposed within the root protection areas of some retained trees. It is accepted that the majority of trees to be felled are located within the site's interior, that many of the existing boundary trees can be retained together with the boundary hedging, that mitigation planting is proposed at the site's boundaries to fill any gaps (although no detailed landscape plans have been submitted), and the extent of tree loss has been reduced relative to the last application. However, the number, quality and variety of trees presently on site are a vital feature in continuing the character of the conservation area and in giving it a semi-rural feel, and indeed the trees at the site's heart are visible from the adjacent public footpath if not from Bankhall Lane. Mitigation planting at the site's boundaries is of course welcomed, however, there are concerns that this would not exhibit the same level of maturity, quality and depth, certainly in the short term, thereby prejudicing the ability of the site to contribute to the general greenness of the conservation area.

46. The closest part of the site to the conservation area is the frontage to Bankhall Lane. The conservation area appraisal document defines the residential property directly opposite this frontage (Glenside, 67 Bankhall Lane) as a specific positive contributor to the significance of the conservation area. The vehicular entrance to Bankhall Lane is presently formed by a narrow, low-level gate. Its narrowness and simple form, coupled with the presence of mature trees at the site's frontage, further contributes to the overriding semi-rural characteristic. This is further influenced by the restricted width and winding nature of Bankhall Lane in this location. Only glimpsed views of the existing dwelling are available, and likewise with Glenside, and the effect is one of privacy and seclusion. However, the application proposal would involve the closure of the existing access and the creation of a new, widened bell-mouth access further to the site's west. This widening, which is a necessity in order to provide safe and suitable access for a much more intensively-used operation, and with some corresponding tree loss, would serve to open up the site. This would render the new built form, which is already appreciably larger than the existing dwelling, much more conspicuous. The view into the site, even with some mitigation planting, would be of an enlarged hard-standing and an over-sized building behind. Furthermore, it is reasonable to assume that any care home operator would wish to erect some signage at the site's entrance for the purposes of advertisement and direction, along with some external lighting (although it is noted that no lighting details have been submitted). Plainly this would be evident from Bankhall Lane, including from within the conservation area and close to an identified positive contributor. The cumulative effect would be a visual shift from residential to a much more commercial character.
47. Consistent with the last application, the current proposal also involves the lowering in height of the two most easterly building blocks by some 1.5 metres. Whilst the details of this component are limited, it is understood that this would be achieved through the excavation in land. This intervention with the site's ground levels would necessitate the provision of what would appear to be a

retaining wall towards the site's eastern boundary and extending across the southern boundary, and which would serve to obscure the building at the lower levels. This is considered to be a contrived and artificial solution; it would introduce additional hard engineering works and would interfere with the natural and undulating nature of the area, which again would run counter to certain special qualities of the conservation area. Moreover, limited information regarding this aspect of the proposal has been provided such that it is difficult to comprehend precisely how the impact would be perceived from Bankhall Lane.

48. The flat-roofed glazed links are new to this application and it is considered that these warrant particular attention. Whilst the application submission suggests that these would offer transparency and would allow for through views, it is considered that this is a disingenuous claim since the submitted floor plans confirm that these would be used for habitable accommodation. Thus, the ability for them to offer unobstructed views across and beyond the site (unlike more traditional built form) is considered extremely unlikely. It should also be commented that, whilst the glazed links offer a reduced height of development specifically for these interim structures, the maximum ridge height of the proposed care home building has in fact increased by more than 1 metre when compared with the previous proposal.
49. There is an important view of the application site from a field access at Bankhall Lane (to the north-west of the site). The proposed building, even when allowing for the revisions made, would still result in the perception of built form expanding across the full length of the site from north to south. Indeed, whilst the application submission makes the case for the proposed building having an improved relationship with the site's western boundary, and whilst it is recognised that a greater gap would be provided towards the rear part of the site, the distance is no better towards the site's front half, and in fact the amount of built footprint proposed in the site's north-western corner (closest to Bankhall Lane) has increased.
50. Overall, it is considered that the proposed development, even when amended, is quite dramatically at odds with some defining characteristics of the South Hale Conservation Area. Whilst the application site is no longer located within it, nonetheless it possesses some of its central features associated with spaciousness, seclusion, semi-ruralness and the incorporation of mature planting, and thus successfully functions as its setting. The extent to which the application proposal would fail to uphold important principles of the conservation area is considered to be significant. In view of the site's proximity to the conservation area and the degree of unity with it, the effect of the proposed development would be a general erosion in special character which would serve to harm the significance of a heritage asset. This harm is derived from the increased scale, mass and spread of the development, the effect of this overdevelopment on the site's landscaping, and the prominence and alteration of the land use which would be less characteristic of the area.

51. The NPPF acknowledges that there can be levels of harm to the significance of a heritage asset. In this case, and as confirmed by the Heritage Developer officer, the level of harm that would arise has been categorised as 'less than substantial'. Whilst this is a lesser level of harm than 'substantial', case-law has established that it would be incorrect for a decision-taker to equate 'less than substantial harm' with a 'less than substantial' objection. Nonetheless, different NPPF tests apply in dealing with different classes of harm. In the case of harm to the significance of a designated heritage asset that is less than substantial, paragraph 196 advises that 'this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
52. This, therefore, represents the policy test to be applied (in treating the NPPF as a material consideration in the absence of an up-to-date development plan policy). The consultation response of the Heritage Development officer confirms that there would be no corresponding benefits to heritage assets that would be secured in parallel (of the type that could stem from a proposal to bring back into use a vacant listed building, for example). In turning to the other public benefits, the previous discussion, in reporting the position of the CCG and the CFW Service, has highlighted that it would be misjudged to attach weight to any apparent benefits arising from the proposal offering a form of specialist accommodation and care for the elderly. In addition, the long-term employment benefits, as advanced by the applicant, are inconclusive (although it is accepted that the proposal would support some short-term construction positions, yet the number is not defined, and there could also be some indirect and unquantifiable economic benefits associated with local supply chains). What remains, therefore, is the proposal's ability to contribute to general housing targets and to address the housing supply backlog. Whilst this is undoubtedly important in the context of the central thrust of the NPPF, in this circumstance it amounts to a 2.6% contribution when compared against the overall annual housing requirement. Whilst not disregarding any proposal, regardless of its scale, that would support the Government's ambitions of significantly boosting the supply of homes, it is clear that the public benefit case is far from compelling. On this basis, it is considered that the 'less than substantial harm' to designated heritage assets would not be outweighed by the public benefits of the proposal. Therefore, the test set out in paragraph 196 of the NPPF has not been satisfied, and the proposal is also contrary to the guidance in SPD5.21. That a conflict with Policy R1 also exists is still maintained – by virtue of the fact that the conservation area and its setting would not be preserved or enhanced - although it is accepted that this policy is out-of-date (as previously recorded) and cannot be afforded full weight.

Visual Amenity and Landscape Impact

53. The NPPF, at paragraph 170, is clear that planning policies and decisions should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes, and by acknowledging the intrinsic character and beauty of the countryside. Within the Trafford Core Strategy, this objective is articulated by means of Policy R2 (Natural Environment). This policy restates the importance of protecting and enhancing landscape character and of recognising the value of the Borough's countryside assets, including not only their immediate location but also their surroundings. This policy is supported by Policy L7 (Design) which is clear that new development should be appropriate to its context and should address matters such as scale, density and massing when having regard to the character of the area. Both Policy R2 and Policy L7 are regarded as being consistent with the NPPF and thereby can be afforded full weight when decision-taking.
54. That the application site would undergo considerable physical change as a result of this development, which would cause harm to the historic environment, has already been documented. However, it is considered that further policy conflict arises when the impact of this change in character on the *natural* landscape is considered. In reaching this conclusion, which is consistent with the last application, the submitted, renewed Landscape and Visual Impact Assessment (LVIA) has again been examined.
55. The site is located in an area of transition between the residential area of Hale/Hale Barns and rural Cheshire. It sits separately from the main residential area on the northern side of Bankhall Lane and protrudes into an area of otherwise open fields. There are other isolated examples of this incursion along the south side of Bankhall Lane, including Hale Nursery. However, despite this irregular pattern of development, there are no intentions for wholesale release of land in this location as part of the preparation of the new Trafford Local Plan. On the contrary, this swathe of greenfield land is regarded as performing an important function in acting as a green buffer to the wooded River Bollin valley further beyond.
56. With reference to the Proposals Map, the site adjoins an area of protected landscape character. Simultaneously, this area is also in the Green Belt. The text accompanying Core Strategy Policy R2 cross-refers to an adopted supplementary planning guidance (SPG) document (SPG 30: Landscape Strategy, September 2004). This sets out the character of particular countryside landscapes across Trafford which includes, but is not restricted to, those protected landscapes as designated on the Proposals Map. In this respect, it is significant that the application site itself forms part of an identified countryside landscape. Referred to as 'Wooded Claylands', this comprises all open land between Bankhall Lane and the River Bollin. Key features of this landscape type, it is explained, include a gentle, rolling topography, an ancient wooded

landscape, the restriction of views as a consequence of hedgerows and trees, and poorly draining soils. In general terms these wooded claylands occupy the fringe areas on Trafford's boundaries. However, this is not to suggest that the countryside including and surrounding the site has an urban fringe appearance. Rather, it is an attractive and sensitive green finger between the developed areas of Hale/Hale Barns and the wooded river valley to the south. For information purposes, this river valley itself is identified as having a different character by the SPG, which is defined as a 'Wooded River Valley.'

57. Therefore, whilst the application site is in residential use, it is significant that it has been specifically identified by SPG30 as part of a countryside landscape with shared characteristics with adjoining open fields to the east, west and south. This is akin to the conservation area coherence that has been referred to, and in this case is as a consequence of the dispersed and low-density pattern of development that exists on site, that the site's boundaries are defined by hedgerows and trees, that this vegetation serves to restrict views, and the general peace and tranquillity of the location.
58. The SPG refers to the importance of new development making a positive contribution to landscape quality and character, thereby supporting the aims of Policy R2 and Policy L7. However, in this case it is considered that the application proposal would again cause appreciable harm to the adjacent countryside. Similarly, this originates from the amount of development still proposed for the site. The extensive footprint of the proposed care home building has repeatedly been referred to, and - to reiterate - it is not considered that the scheme adjustments have sufficiently addressed the critical issue of density. It is maintained that the design approach involving the provision of four component blocks exaggerates the overall sense of scale and mass. The glazed links would not be perceived as light weight and insubstantial for the reasons previously stated. Notwithstanding the modifications made, the development would still significantly reduce the amount of intervening space between the buildings on site and the plot boundary. The development would very considerably extend further southwards within the site than the existing dwelling (despite the marginal improvement made), and thus much closer to the neighbouring landscape. The resultant development spread and the general pattern of development would still not be consistent with the prevailing landscape character. The site would take on a much more suburbanised appearance and would present a hard and abrupt built up edge which would not transition well with the adjacent countryside. This contrasts markedly with the present very generously-sized plot relative to the existing dwelling, and with the rear garden and space to the west of the house currently providing an important visual break from development, including before the adjacent footpath is reached. Trees on site would also be lost (albeit lesser in number) which, in addition to contributing to conservation area character, also presently emphasise the site's connection with the adjacent rural landscape.

59. It is accepted that the site benefits from natural screening in the form of mature boundary vegetation. Some of this would be lost, although some compensatory planting is proposed. Again, the LVIA suggests that the establishment of screen planting would offer further visual containment over time. However, doubts have already been expressed regarding the ability of replacement planting, certainly in the short term, to make adequate recompense for the depth and quality of existing on-site landscaping. Moreover, it is not considered that the approach of relying upon screening to soften the visual impact of such a large development, which is fundamentally unsuitable to its context, is appropriate.
60. Indeed, a detailed review of the LVIA has been undertaken. As with the LVIA accompanying the first application, it is considered that the new LVIA has understated the likely harmful landscape and visual effects that would take place. It is acknowledged that long range views into and over the site are typically restricted as a consequence of hedgerows, trees and the general topography of the area (as recognised by the SPG). Notwithstanding this, there are a number of public viewpoints, particularly at close and mid-range, from which views of the site are readily available (particularly in the winter period when trees, which might otherwise provide screening, are not in leaf). In this regard, it is considered most inaccurate for the representative viewpoints contained in the LVIA to present the position in the summer months. In addition, it is noted that the LVIA has omitted certain key viewpoints from where the development would be most noticeable. Interestingly, the new LVIA ascertains slightly higher levels of impact on certain landscape and visual receptors than did the first LVIA, even though the revised application is intended to address previous concerns (although, to reiterate, the overall approach of the new LVIA is still to underplay the development's effects). Overall, the LVIA's conclusions, that the application proposal would successfully integrate with its surroundings and that there would be no noticeable change in visual amenity or landscape character, are still not accepted.
61. On the contrary, the development would undoubtedly create noticeable change to the site and its surroundings, as has previously been referred to. These changes would be felt from Bankhall Lane opposite the site, from Bankhall Lane to the east and west of the site, and from the adjacent public footpath. The implications of this for Bankhall Lane and for the conservation area have already been documented, and many of the heritage-led concerns regarding the establishment of a more commercial character at the site are considered equally contradictory with the objectives of landscape policy. The impact on the experience of the footpath is, as with the first application, considered most undesirable, and with the scheme amendments in this area not allowing officers to make any changes to their overall position. To reiterate, this footpath is presently an attractive and popular recreational route which quickly leads users from built up Hale/Hale Barns into the peaceful countryside environment of the River Bollin valley. The retention of some boundary planting would continue to enclose the footpath route. However, it is still considered that the proximity and extent of built form to the footpath (particularly towards the north-western corner

of the development) would delay the impression of reaching the countryside (when walking southwards) and would generally dilute the route's rural attributes.

62. This discussion has focussed upon the impact of the proposal on landscape character. However, to reiterate, the site also adjoins the Green Belt. That Green Belt policy is a policy for controlling urban growth, and that it is exceptionally restrictive in its approach to new development, is well-known. However, since the application site is located outwith, albeit adjoining, the Green Belt, the principles of inappropriate development cannot directly be applied. However, this adjacent designation serves to underline the openness and function of the surrounding landscape (in Green Belt terms) and the general sensitivity of the wider area.
63. For the avoidance of doubt, it is commented that the principle of the general architectural approach that has been adopted for the built form, with the exception of the glazed links, is again not specifically objected to under the terms of Policy L7. That being the case, further details would need to be scrutinised regarding the selection of materials and the external facade treatments. Rather, again, it is the scale, bulk and general spread of development which is considered most inappropriate, including for heritage assets, the surrounding landscape and generally in visual amenity terms.
64. It should also be commented that the conclusions that have been formed regarding landscape - and heritage - impact have paid due regard to the implications of the outstanding application (in outline with all matters reserved) for the provision of residential development on the land to the site's east, which remains under consideration (ref. 96290/OUT/18).
65. Thus, the application site commands a sensitive, transitional landscape location which is specifically recognised by SPG30. The level of development proposed still represents overdevelopment of the site which would be visually perceived as extending into the surrounding countryside and towards the River Bollin. The change in character that would take place, including to established planting and with a move towards a more commercial appearance, would undermine the site's visual harmony with the adjacent landscape. Moreover, the proposal would diminish the value of the adjacent footpath as a recreational and rural route. It is maintained that the site warrants a low density transition to the adjoining countryside. The findings of the LVIA, that adverse landscape and visual effects would be limited, is thus not accepted. Accordingly, the proposal is considered contrary to Policy R2, Policy L7 and the NPPF on the premise that the proposal has not taken account of the landscape value of the application site and nor its relationship with its countryside surroundings.

Ecological Matters

66. As part of the planning system's role in contributing to and enhancing the natural and local environment, the NPPF advises that this includes minimising the impacts on biodiversity. A number of principles for LPAs to adopt when decision-taking are put forward in the interests of conserving and enhancing levels of biodiversity. This includes refusing planning permission where significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, and encouraging the incorporation of biodiversity enhancements in and around new developments.
67. At the development plan level, this matter is covered by Policy R2 (Natural Environment) of the Core Strategy. This requires applicants for planning permission to demonstrate that their development proposals will protect and enhance the biodiversity value of a site and its surroundings. That the site has potential biodiversity value seems a reasonable conclusion given the matters covered in this report to date. The conservation area appraisal document refers to South Hale, as part of its overview of its essential features, as providing a habitat for wildlife and being characterised by the sound of birdsong. Furthermore, with reference to the Proposals Map, the site is surrounded on three of its four sides by an identified Wildlife Corridor. In turn, the application proposal has the potential to impact upon biodiversity in a number of ways, including through the demolition of an existing vacant building, through tree and vegetation removal, and by generally altering the characteristics of the site and bringing about a more intensive level of use and activity.
68. It follows that the application submission includes some important ecological studies which have been updated since the last application, including a preliminary bat roost assessment and subsequent bat surveys. These have been reviewed by the Greater Manchester Ecology Unit (GMEU) together with some baseline work that supported the last application (comprising a wider ecological appraisal). When having regard to the majority of potential species and habitats, the consultation response concludes that the ecological impacts of the proposed development would generally be benign (although with a requirement for all works to trees and shrubs to take place outside of the breeding bird season and for small mammals to be protected during excavation works). However, it is the proposal's impact upon bats that is a cause for concern. This impact is chiefly attributed to the demolition of existing on-site buildings. Consistent with surveys to support the last application, a bat roost has been confirmed within the main dwelling to be demolished (identified as a day roost used by common pipistrelle bats). Bats have also been observed emerging from the building. In addition to this confirmed roost loss, the GMEU response also highlights other potential bat impacts that would arise from the development, including from the removal of an on-site tree (T46) which has been identified as having 'moderate' bat roost potential, the loss of hedgerows and boundary trees that serve as foraging habitat, and the likely introduction of external lighting to the

site (although with no lighting details provided). For the purposes of clarification, the submitted ecology work records that tree T46 would be retained whilst T36 (a tree with identified 'low' bat roost potential) would be lost. However, it has since been confirmed that T46 would be lost and T36 retained, and the GMEU's response accounts for this reporting error.

69. The proposed development would result in the loss of a confirmed bat roost. All species of bats, and their roosts, are protected via the Conservation of Habitats and Species Regulations 2017, and are defined as European Protected Species (EPS). Moreover, case-law has established that appropriate consideration of impacts upon EPS is a requirement for LPAs in the determination of planning applications. It follows that a licence would be required from Natural England to derogate the terms of this legislation before any works could commence that may disturb bats. Before a licence could be granted, however, three tests must be satisfied. These are set out in Regulation 53 of the above Regulations and comprise:

- 1) Regulation 53(2)(e) states: a licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- 2) Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied that there is no satisfactory alternative;
- 3) Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

70. The third test is purely ecological in its focus and whether it could be passed has been considered by the GMEU. This assessment has drawn upon a mitigation strategy submitted with the application which would form the foundation of the EPS licence application to Natural England. In building upon this strategy, and using this to address other potential bat impacts (including to request, via condition, updated inspections of trees, to require the provision of new bat boxes on site, to ensure a cautious approach is taken in respect of all tree/vegetation works, to require that the replacement landscaping includes native plant species, and to request external lighting details), the GMEU is satisfied that this test (Regulation 53(9)(b)) could be fulfilled.

71. However, the other two tests (Regulation 53(2)(e) and Regulation 53(9)(a)) are land-use planning related and these require judgement from the LPA. In response, it has already been stated that there are continuing legitimate concerns regarding the nature and format of this proposal in principle. Whilst it may seem that the provision of specialist care and accommodation for elderly people with complex and challenging needs could be categorised as a form of development which would preserve public health and safety, an analysis of the

detail of this proposal has not concluded in its favour in this regard. It follows that there is no case of an overriding public interest which would support this development, and in fact both social and economic disadvantages have been identified. Furthermore, on the contrary, adverse consequences for the environment have also been recognised. Additionally, and to the extent that there is a need for further care home provision, it is reasonable to assume that there are more satisfactory alternatives to this development which would be more affordable and less exclusive in their offer, more centrally located, more community-focused, and more engaged in delivering high quality nursing care in accordance with industry standards, whilst not carrying with them the same adverse effects on the historic and natural environment.

72. In view of the situation regarding two of the three tests, it is the officers' view, again, that there is a reasonable prospect of Natural England not granting a licence to otherwise allow the development to proceed lawfully. Therefore, it is considered that the proposal does not accord with Policy R2 of the Trafford Core Strategy, or the NPPF, in so far as there are no exceptional circumstances to justify the ecological impact.

Highways Matters

73. The planning system plays an important role in delivering and promoting sustainable transport, the NPPF is clear. Significant development should be focussed on locations which are or can be made sustainable, paragraph 103 advises, through limiting the need to travel and offering a genuine choice of transport modes. Transport issues should be considered at the outset in relation to development proposals, the NPPF states (paragraph 102). This is in order that the potential impacts of new development on transport networks can be addressed. All developments that will generate significant amounts of movement should be accompanied by a travel plan together with a transport statement/transport assessment, the document advises. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be *severe*, paragraph 109 states.

74. In reflecting the NPPF, Core Strategy Policy L4 (Sustainable Transport and Accessibility) seeks to direct development to accessible places that benefit from existing transport networks, services and facilities in order to reduce the need to travel. It also supports opportunities to improve the pedestrian environment and cycling network. Planning permission will not be granted for new development that is likely to have a significant adverse impact on the safe and efficient operation of the strategic, primary and local highway unless appropriate transport infrastructure improvements and/or traffic mitigation measures can be secured, the policy states. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts on the road

network, and thus Policy L4 has been concluded to be out-of-date for the purposes of decision-taking and full weight cannot be applied.

75. The highways implications of the proposed development have been closely scrutinised by the local highway authority (LHA), and all representations received on this issue have been carefully reviewed, including the submission on behalf of the residents group. It should be noted that there was no highways-related reason for refusal in respect of the last application (for the 72 bed care home), although it is understood that the residents groups (as a Rule 6 party) may be contesting this at the inquiry. Whilst the amount of traffic generated by the proposed care home development would self-evidently surpass that associated with one residential dwelling, the LHA is again satisfied that this uplift in traffic could be safely absorbed by the local highway network (and without any requirement for infrastructure improvements or highways mitigation). It follows that the LHA is comfortable with the methodologies and assumptions embodied in the submitted Transport Statement. Further to this, the means of accessing the site – incorporating the new point of entry/egress from Bankhall Lane – is considered appropriate in that it would provide a visibility splay of at least 2.4 x 51 metres to the east and west. Whether sufficient vehicular manoeuvrability has been factored into the layout of the car parking/servicing area has also been carefully considered, and with swept path drawings/tracking diagrams requested and reviewed. These are based on all servicing, collections and deliveries taking place within the site, and not on Bankhall Lane, in accordance with the application submission. Within this in mind, the LHA is content that all manoeuvres could be successfully and safely undertaken (within the site) even by the longest vehicle that could be expected to enter it. However, it is recommended that a condition is imposed which would serve to prevent road-side servicing and which would generally encourage the careful management of all servicing, collections and deliveries practices (in the form of a service management plan).
76. On the issue of car parking the LHA is also comfortable. The level proposed meets (and in fact exceeds) the maximum standards for this type of development (Use Class C2), and when in this type of location (regarded as Area C, the least accessible), as set out in the Supplementary Planning Document (SPD) 3: Parking Standards and Design (February 2012), it is explained. This is 1 space per 5 beds. The amount of mobility spaces is also considered acceptable, and likewise the proposed provision of cycle and motorcycle parking (although with a further level of detail needed regarding the cycle parking, which could be conditioned). The consultation response also records that there is no adverse vehicular conflict anticipated between the application site and Hale Nursery in view of the separating distance.
77. That the site is not in the preferred location for a new care home development in terms of it being divorced from any community hub, and with prospective care home workers unable to easily draw upon a range of public transport services,

has been set out in earlier sections of this report. This reflects the comments of the CCG and guidance in SPG4 (Residential Care Homes and Nursing Homes for the Elderly) and draft Policy HO3. Of course, the importance of directing new development in order that it can maximise the use of sustainable transport modes, in order to prevent car-reliant development, is central to the NPPF's aspirations and is also expressed in Policy L4. Whilst the LHA acknowledges that the development could perform better in accessibility terms, the consultation response does not support the refusal of the application proposal – with reference to a direct Policy L4 conflict - on this basis. This is in recognition that this is not an extremely remote location, that the amount of traffic generated would not be immense in transport terms, that some opportunities do indeed exist for the site to be accessed by public transport, and with a travel plan used to further encourage sustainable travel options (to be conditioned). For the avoidance of doubt, the apprehensions of the CCG on this issue are still regarded as warranted as part of a package of concerns regarding the suitability of this proposal. It is simply the case that a reason for refusal on *transport sustainability grounds alone* is not considered justifiable, in following the advice of the LHA.

78. Overall, and with reference to the NPPF benchmark in paragraph 32, the LHA is satisfied that the development would not have *severe* highways impacts. It follows that to refuse the application on transport grounds is, again, likely to be difficult to successfully defend, the LHA has stated. There are considered to be no legitimate reasons for officers to conclude differently, and thus the proposal is considered compliant with the NPPF (and Policy L4, to the extent that weight can be attached to the latter).

Residential Amenity

79. Policy L7 of the Trafford Core Strategy is clear that development proposals must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of an overbearing impact, overshadowing, overlooking, visual intrusion, or noise/disturbance. It has already been mentioned that this policy is up-to-date for the purposes of decision-taking.
80. In considering the amenities of the residents of the development itself, whilst some concerns have been raised as part of the wider 'in principle' debate regarding aspects of this proposal which may not ideally reflect industry standards, it is not considered that living conditions would be below standard to the extent that would warrant a separate residential amenity reason for refusal under the terms of Policy L7. It is noted, for example, that the development has been designed to reduce the potential for overlooking between the care home blocks.
81. The impact of the proposal on nearby residential properties within Policy L7's parameters has also been considered. However, the land to the south, west and

east of the site is not developed and the carriageway of Bankhall Lane separates the site from the residential properties to the north. As such, it is considered that - notwithstanding the amount of development proposed on site - there would still be sufficient separating distance to prevent issues such as overbearing impact, overshadowing, overlooking or visual intrusion becoming too problematic in residential amenity terms to the extent that day-to-day living would be unduly prejudiced. However, regard has also been paid to the implications of the outstanding planning application for the provision of residential development on land to the site's east (ref. 96290/OUT/18). Whilst the merits of this application, which is in outline form with all matters reserved, remain under discussion, it is placed on record that the proximity of the care home building's eastern elevation to the shared boundary - and given the extent of fenestration including at first floor level - could allow for some overlooking to occur (including of garden areas).

82. With regard to the noise impact of the development, it is recognised that SPG4 (Residential Care Homes and Nursing Homes for the Elderly) specifically acknowledges that the activity associated with a care home can cause undue nuisance to neighbouring residents. This can be as a consequence of the increased vehicular usage of the site, including by larger delivery vehicles, visitors, staff, and in medical emergencies which could occur around the clock. There is also the fact that this site has some noise sensitivity in that it is situated in an area which has been specifically recognised for its peace and tranquillity, and thus existing background noise levels are likely to be low. Accordingly, the Nuisance team within the Council's Environmental Health Service had been consulted to advise on this issue. However, the consultation response confirms that they are satisfied that the level and type of noise and activity that would be generated would still be within reasonable limits for this residential area and that a statutory noise nuisance would not occur. Nonetheless, the consultation response advises on the need for a number of noise-controlling conditions. This includes, importantly, a restriction on when servicing, deliveries and collections to/from the site could take place, which are limited to between 0700 hours and 1900 hours Mondays to Saturdays, and not at all on Sundays or Bank Holidays. Also requested is the submission of a noise assessment to cover both the construction and operational stages of the development in order to precisely understand the noise implications and whether subsequent noise attenuation would be warranted. Further recommended conditions include the provision of a construction management plan (which would be used to control the hours of construction), and limiting the noise levels of any installed plant and machinery. Overall, the proposal is considered acceptable when having regard to the impact on residential amenity, for both prospective occupiers and surrounding residents (although in noting that the application at the adjacent site remains outstanding). Compliance with Policy L7 on these terms has therefore been demonstrated.

Other Environmental Health Matters

83. The NPPF advises local planning authorities to ensure that planning decisions prevent both new and existing development from contributing to, or being put at risk from, unacceptable levels of soil, air or water pollution or land instability. Within the Core Strategy this objective is covered by Policy L5 (Climate Change), which states that development that has potential to cause adverse pollution (of air, light, water or ground) will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place (and with this aspect of Policy L5 regarded as being up-to-date).
84. Again, advice has been sought from the Council's Environmental Health Service on a number of these issues (the Contaminated Land and Nuisance teams specifically). Taking account of the submitted site environmental survey which supports the application, the consultation response confirms that there are no overriding concerns regarding the presence, and risk, of land which is contaminated. However, a condition is recommended which would serve to request further site investigation before the commencement of development, and subsequent remediation if necessary, which is a standard approach.
85. No concerns have been raised regarding the potential for the development to lead to a deterioration in levels of air quality, although there is an expectation that the submitted construction management plan would include measures to control the emission of any dust and dirt from the demolition and construction processes. There is also a requirement for low emission vehicle charging infrastructure to be installed within the development (to be conditioned), which could help to promote the uptake of low emission vehicles. The issue of whether the proposed Combined Heat and Power System, which is proposed within the development, would have a negative impact on air quality levels has been raised with the Pollution team (in responding to a concern of an objector). However, the response confirms that there are no objections to its installation in principle, although a condition is recommended to request likely emissions data.
86. Finally, on the issue of light pollution, and in replicating similar concerns regarding potential visual and wildlife effects, the consultation responses advises on the submission of full external lighting details (to be conditioned). In this instance, this is in order to ensure that any lighting installed would be designed and erected to prevent light nuisance occurring. Overall, the proposal is considered compliant with Policy L5.

Flooding and Drainage

87. The NPPG, in supporting the NPPF, defines flood risk as being: 'a combination of the probability and potential consequences of flooding from all sources, including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs,

canals and lakes and other artificial sources'. The applicable policy in the Trafford Core Strategy is Policy L4 (Climate Change) which explains that development will be controlled in areas at risk of flooding, having regard to the vulnerability of the proposed use. This aspect of Policy L4 is regarded as being up-to-date.

88. The application is accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA). The FRA confirms that the site is located in Flood Zone 1, which means that it is exposed to the lowest annual probability of river or sea flooding (a less than 1 in 1,000 risk). As a consequence, there is no need for the sequential or exceptions tests - set out in the NPPF and designed to direct development away from areas which are at risk of flooding - to be applied. Whilst the FRA identifies that there is some potential for secondary flood sources, in the form of surface water flooding and sewer flooding, the FRA records that this risk (which is 'low' in any event) could be adequately managed through the use of a small number of minor flood risk management techniques. The effect, it is stated, would be to reduce the 'low' risk to 'negligible'.
89. Further to this, the application submission includes a preliminary drainage strategy, which includes a Sustainable Drainage System (SuDS). This confirms that the site is unsuitable for infiltration drainage due to ground conditions, but that surface water could be discharged into a culverted watercourse adjacent to the site. The use of a flow control device is also recommended, together with some on-site attenuation storage. Further details were requested by the LLFA during the application process before it could be concluded that this would comprise a satisfactory system of drainage. The final consultation response, however, confirms acceptance with both the FRA and the initial drainage strategy. It follows that there are no reasons to refuse the application on flood risk grounds and the proposal is considered compliant with Policy L5.

Other Planning Considerations

90. The purpose of this section of the report is to wrap up any remaining matters, including issues that have been raised in the letters of representation that have not been addressed to date.
91. Notwithstanding the concerns that have been raised regarding the level and nature of proposed tree loss as part of a package of criticisms regarding the extent of character change that the site would undergo, the Council's Arboricultural officer has confirmed satisfaction in technical terms with the applicant's approach as set out in the submitted Arboricultural Impact Assessment. However, this is subject to conditions being imposed, including to request a landscape management/maintenance plan, and a method statement for construction works taking place within root protection areas.

92. The Greater Manchester Police has confirmed that the development has been designed in a way that reduces the opportunities for crime. However, a condition has been recommended in order that further design features would be incorporated at the detailed design stage, in accordance with the principles advanced in the submitted Crime Impact Statement.
93. The proposal does not fall within a category of development where there is a requirement to consider whether Environmental Impact Assessment would be justified. Officers are satisfied with the quality and breadth of the application submission and consider that sufficient information has been submitted to enable the application/appeal process to be concluded. There is no evidence that the operation of the proposed care home would produce any noxious substances of a type or on a scale that would be material to this planning decision, or would warrant the imposition of a controlling condition. Any remaining issues raised in representations which have not been specifically identified have nonetheless been duly examined but are not considered determinative.

DEVELOPER CONTRIBUTIONS

94. The proposed development would not be liable to the Community Infrastructure Levy (CIL) given its Class C2 (residential institution) use.
95. The development would be required to incorporate specific green infrastructure (tree planting and landscaping) on site, in accordance with the requirements of Supplementary Planning Document (SPD) 1: Planning Obligations (July 2014). This would be in addition to any compensatory planting.

PLANNING BALANCE AND CONCLUSION

96. The application site is located at the fringe of the residential areas of Hale/Hale Barns and at the southern extreme of built up Trafford. The proposal involves the replacement of an existing vacant detached dwelling with a new care home (Use Class C2) which would provide nursing care for the elderly as well as offering specialist dementia places. The care home would incorporate 64 beds and a collection of other patient and visitor facilities. An application for a comparable development, albeit for a 72 bed care home, was refused last year (ref. 92767/FUL/17) and is subject to an outstanding appeal. At the subsequent inquiry, the LPA will seek to defend its three reasons for refusal.
97. This current application has also been appealed against, on the grounds of non-determination (to be merged with the on-going inquiry relating to the previous application), and the purpose of this report is to establish the LPA's stance to take at appeal had the second application been allowed to run its course.
98. However, as with the last application, this report has served to highlight persistent concerns with the proposed development. The provision of this type of

facility would appear to have some merit in principle in catering for the needs of a growing ageing population. However, again, consultation with the CFW Service and the Trafford CCG has not in any way concluded favourably. Despite the amendments made, the principle of this proposal, as a large care home on the site of the residential dwelling of Great Heys, remains unchanged, and that public harm would arise from the operation and function of this type of development continues to be identified. Furthermore, that harm to the historic environment and to landscape character, underpinned by the extent of built development proposed, is also maintained. That a direct impact upon a recognised protected species would arise has been a further repeated finding, and with this not regarded as justifiable given the mounting policy conflicts and the attrition of reasons to support the proposal.

99. Conversely, however, there is an obvious and important benefit accruing from the proposal; this relates to the ability to support general housing supply objectives which, regardless of the scale of offer, is in accordance with the ambitions of the NPPF. That being the case, the percentage contribution would amount to only 2.6% against the current annual requirement. In addition, the scheme's employment generating potential (once operational) is questioned for reasons previously outlined. The development would, however, support some construction jobs (undefined in number) and there could be some positive economic impacts (albeit immeasurable) on local supply chains. There is a need to consider these benefits, when weighed against the harms, as part of the 'planning balance' exercise applicable to this proposal.

100. In returning to the fundamental decision-taking framework identified at the beginning of this report, Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted. In this respect, this report has identified that the proposals do not comply with up-to-date Policy L7 and up-to-date Policy R2 of the Core Strategy when having regard to concerns regarding harmful landscape and visual effects, and impacts upon protected species.

101. It has also been concluded that the proposed development would lead to 'less than substantial' harm to the significance of a designated heritage asset (to the South Hale Conservation Area). The harm that has been identified, as with the landscape harm, is chiefly attributed to the extent of built development proposed for the site. However, it has been deemed that Policy R1 (Historic Environment) of the Core Strategy, a policy of 'most importance' to this application, is out-of-date since it does not reflect current NPPF guidance

regarding the tests to be applied. The NPPF is a material consideration in planning decisions, and therefore the relevant test set out in paragraph 196 the NPPF has been applied. This states that where 'less than substantial' harm to a designated heritage asset's significance has been identified, this harm should be weighed against the public benefits of the proposal. However, as stated above the public benefits have, in fact, been found to be quite limited and are chiefly restricted to the contribution that would be made to general housing targets and to addressing the housing supply backlog. Doubt has been cast regarding the scheme's long-term employment benefits, it has been explained, and it is difficult to ascertain the extent of any short-term construction openings and any positive impacts on local supply chains. The effect is that the 'less than substantial' harm to significance would not be outweighed by the public benefits, and thereby the test at paragraph 196 has not been satisfied.

102. Notwithstanding the commentary above regarding the direct policy conflicts (with Policy L7 and R2), it has been explained that 'the presumption in favour of sustainable development', described at paragraph 11d of the NPPF, is engaged in this instance. The reason for this is two-fold: firstly, because of the out-of-date status of Policy R1, and secondly because of the absence of a five year housing land supply (thereby rendering Policy L1 and Policy L2 out-of-date). The effect of paragraph 11d is that planning permission should be granted unless either paragraph 11d (i) or paragraph 11d (ii) of the NPPF applies. Whilst these paragraphs were set out in the introduction to this report, for clarity's sake they are now repeated:

- i) The application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (emphasis added)
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

103. In taking paragraph 11d (i), the stance of officers is that the application of policies in the NPPF relating to designated heritage assets provides a clear reason for refusing the development proposed. This is in the context of the 'less than substantial' harm to the significance of the South Hale Conservation Area not being offset by the limited public benefits that would arise. This in itself is considered to amount to a clear reason for refusing the development proposed when applying the decision-taking framework of the NPPF. Moreover, this is supplemented by the direct development plan policy conflicts (Policy L7 and Policy R2) which paragraph 12 of the NPPF advises should normally lead to planning permission being refused.

104. Whilst it may not strictly be necessary to advance to the provisions of paragraph 11d (ii) of the NPPF given the accumulating reasons to refuse this application, nonetheless this exercise has been undertaken. Indeed, it is

recognised that the engaging of paragraph 11d (ii) in these circumstances is to introduce a 'tilted balance' in support of residential applications unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The inference is that the lack of a five year housing land supply should be given significant weight by the decision-taker. With this in mind, and in noting the LPA's responsibilities in supporting the Government's objectives regarding housing growth, it is considered prudent to examine this particular planning balance in the interests of weighing up the development as a whole. Of course, as set out at the introduction of this report, the advice in paragraph 11d of the NPPF embodies the key decision-taking structure that has been applied in appraising the merits of this application.

105. The benefits of this proposal have again been set out in paragraphs 99 and 101 above, and with these principally attributed to the support given to general housing supply objectives. Whilst these benefits are important and carry extra force when having regard to the effects of the tilted balance, it is considered that there is indeed a significant counterweight to be applied in this instance. This begins with the position of the CCG and the CFW Service which indicates that there is real potential for public harm to arise as a consequence of the proposed care home operation (akin to their position in relation to the last application). Their concerns are numerous and are associated with the proposal's high-end philosophy and its lack of focus on delivering affordable, inclusive and patient-centred care. Further concerns are associated with the site's poor location in sustainability terms and the lack of opportunities for residents/patients to successfully integrate with the local community. Moreover, there are the direct financial obligations that could arise given that the care home model is based on attracting self-funders, and with additional burdens placed on the Borough's primary and secondary health care services associated with a potential inflow of population. Finally, the CFW Service is satisfied that there is an alternative strategy in place to deal with any remaining need for institutional care (although with an on-going requirement for *specialist* dementia places). Added to this then are the adverse physical impacts of the proposed development that have again been found. These are rooted in the amount of development that is proposed on site, the extensive floorplate, and the general change in the site's character that would occur. In this respect, harm to both the historic environment and to landscape character has been identified. This is then supplemented by further harm associated with the impact upon a European Protected Species, and with it concluded that Natural England is unlikely to grant a licence to derogate the terms of the Conservation of Habitats and Species Regulations 2017. This list can be further augmented with reference to the direct development plan policy conflicts (with Policy L7 and Policy R2) and the lack of compliance with, and respect for, supplementary planning documents (SPD5.21, SPG4 and SPG30). Other policy shortfalls have also been identified, although it is accepted that only limited weight can be applied (see draft Policy HO3). Cumulatively, therefore, and when returning to the test in the NPPF's paragraph

11d (ii), it is considered that the adverse impacts of granting planning permission would *significantly and demonstrably* outweigh the benefits.

106. As a whole, therefore, and even when applying the NPPF's 'presumption in favour' the proposal is not regarded as contributing to the achievement of sustainable development and is considered – again - contrary to policies of the Core Strategy, to supplementary planning guidance, and to the NPPF. It is therefore recommended that this is the position adopted by the LPA at the co-joined inquiry, based upon the three 'refusal' reasons identified below.

RECOMMENDATION:

MINDED TO REFUSE (IN CONTESTING THE APPEAL) for the following reasons:

1. The proposed development, by reason of its scale, density, mass and use change, would fail to preserve or enhance the character and appearance of the adjacent South Hale Conservation Area and would lead to less than substantial harm to the significance of this designated heritage asset which would not be outweighed by the public benefits of the development. The development thus fails to satisfy the test at paragraph 196 of the National Planning Policy Framework and it is also contrary to Policy R1 of the Trafford Core Strategy and the South Hale Conservation Area Supplementary Planning Document (SPD5.21).
2. The proposed development, by reason of its scale, density, mass and use change, would be inappropriate to the site's semi-rural context. It would thus cause appreciable harm to the character, appearance and enjoyment of the surrounding countryside landscape and would have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. It is thus considered contrary to Policy R2 and Policy L7 of the Trafford Core Strategy, and the National Planning Policy Framework.
3. Available information indicates that protected species are present on site and would be disturbed by the proposed development. It is not considered that the planning merits of the proposed development sufficiently justify the resultant impact to protected species. As such, the proposal is considered contrary to Policy R2 of the Trafford Core Strategy, and the National Planning Policy Framework.

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TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 9 May 2019
Report for: Information
Report of: Head of Planning and Development

Report Title

Section 106 and CIL Update: 1 November 2018 – 31 March 2019

Summary

This report is to inform Planning and Development Management Committee about the latest set of monitoring data for S106 agreements and CIL notices.

Recommendation

That Planning and Development Management Committee note the contents of this report.

Contact person for access to background papers and further information:

Name: Sarah Stansfield
Extension: 1484

1.0 Introduction

- 1.1 The Community Infrastructure Levy (CIL) was created under the terms of the Planning Act 2008, and established a new system for collecting developer contributions, charged on a pounds (£) per square metre basis, to fund essential infrastructure. Trafford's Community Infrastructure Levy (CIL) was implemented on 07 July 2014.
- 1.2 Although the mechanism for securing contributions to deliver infrastructure to support growth has changed, there remain a number of existing signed Section 106 agreements (S106) that require on-going monitoring. Going forward, although the number of new legal agreements will be reduced, S106s will continue to be used to secure site-specific mitigation and the provision of affordable housing.
- 1.3 This report details S106 and CIL activities over the period 01 November 2018 to 31 March 2019, together with contextual and historic information.

2.0 S106 update

- 2.1 S106 legal agreements involve lengthy negotiations between planning case officers and developers, often involving complex viability issues or land transfers, on top of the more usual planning considerations such as heritage, highways or amenity issues. Contributions have historically been secured to deliver a variety of infrastructure, including:
- affordable housing
 - highways and active travel
 - public transport
 - specific green infrastructure (Red Rose Forest)
 - spatial green infrastructure (open space / outdoor sports)
 - education facilities
- 2.2 The amount of S106 contributions received to date and the amounts spent or committed to schemes is summarised in Table 1 below. The financial year end figures for 2018/19 are based on the draft outturn position for 2018/19 and are a provisional position that may be subject to changes.
- 2.3 Overall contributions of around £30,945m have been received to date. Of this, £19,307m has been spent, and circa £9,428m is committed to Capital schemes. Work is ongoing to commit the remainder to appropriate infrastructure projects in line with the requirements of the associated legal agreements.
- 2.4 A 'Trafford Affordable Housing Fund' was established at the Council's Executive Committee on the 17th September 2018. The Trafford Affordable Housing Fund is a grant funded through S106 affordable housing commuted sum monies to address Trafford's affordable housing needs whilst ensuring that funds are spent in accordance with the terms of each S106 Agreement. Table 1 identifies a total of £1.798m that has been committed towards affordable housing capital schemes and which forms the Trafford Affordable Housing Fund.

Table 1: S106 contributions received and committed to spend

	Open Space/ Outdoor Sports £000	Education £000	Red Rose Forest £000	Affordable Housing £000	Highways £000	Public Transport £000	Total £000
Amounts Received							
Pre 2012	2,699	0	359	1,224	2,622	3,878	10,781
2012/13	358	101	143	534	326	718	2,180
2013/14	406	24	40	0	1,059	374	1,903
2014/15	212	63	95	0	1,695	1,000	3,065
2015/16	197	231	271	284	130	413	1,527
2016/17	872	68	72	0	87	181	1,281
2017/18	48	0	9	756	34	3,666	4,512
2018/19			60	289		5,347	5,696
Total Received	4,793	487	1,048	3,088	5,953	15,577	30,945
Amounts Applied / Committed							
Applied	(3,458)	(482)	(391)	(984)	(4,910)	(9,083)	(19,307)
Committed contributions	(634)	(0)	(132)	(1,798)	(797)	(6,068)	(9,428)
Balance Available	777	5	533	307	278	431	2,332

2.5 It should be noted that prior to February 2012, there was no requirement for contributions to be secured to support the provision of education facilities, this was introduced with the adoption of a new Supplementary Planning Document on Planning Obligations at the time (SPD1).

2.6 SPD1 was further revised and adopted in July 2014 to support the introduction of CIL. SPD1 (2014). It provides greater clarity for when the use of S106 legal agreements will be appropriate to mitigate the negative impacts of development, as there should be no circumstances where a developer is paying CIL and S106 for the same infrastructure in relation to the same development

2.7 In addition to the figures set out in Table 1, there are a number of outstanding S106 agreements where trigger points have not yet been met or where a phased payment is not yet due; as of September 2018 (the reporting period) these amount to £16.588m. However, £3.757m of this amount is earmarked for the delivery of the Metrolink expansion. Caution is advised when considering these figures as there is no guarantee that developments which have planning permission will definitely come forward. However, these developments are continually monitored to make sure that as trigger points are met, appropriate action is taken to ensure that the provisions of the S106 are met.

3.0 Community Infrastructure Levy update

3.1 Between the introduction of Trafford's CIL on 07 July 2014 and 31 March 2019, CIL Liability Notices to the value of £4.6m have been raised for around 123 developments. CIL monies only become due after a development commences, so predictions about future income should be mindful of the fact that some planning consents never go on to be implemented.

- 3.2 Actual CIL monies received to date total £3.101m (£0.907m of which was received between 1 April 2018 and 31 March 2019). A breakdown of what these receipts can be applied to is shown in Table 2 below.

Table 2: CIL monies received

	Total Monies Received	Admin Portion 5%	Local Infrastructure Portion 15%	Strategic Infrastructure Portion 80%
07-Jul-14 to 31-Mar-15	£5,060.00	£253.00	£759.00	£4,048.00
01-Apr-15 to 31-Mar-16	£297,568.23	£14,878.41	£43,570.76	£239,119.06
01-Apr-16 to 31-Mar-16	£822,950.77	£41,147.54	£123,332.46	£658,470.78
01-Apr-17 to 31-Mar-18	£1,068,425.22	£53,421.26	£159,524.80 ¹	£854,740.18
01-Apr-18 to 31 Mar 19 ²	£907,146.59	£45,357.33	£136,071.99	£725,717.27
Total	£3,101,150.81	£155,057.54	£463,259.01	£2,482,095.29

- 3.3 To date, none of the strategic or local infrastructure portions of the received CIL funds have been spent by the Council. However, as was agreed by the Council's Executive on the 1 December 2014, the strategic infrastructure portion will, in the first instance, be used towards funding the third party contribution of the Trafford Park Metrolink extension.

4.0 Recommendation

- 4.1 That the Planning and Development Management Committee note the contents of this report.

¹ Excluding £738.98 which in accordance with the CIL Regulations 2010 (as amended) has been transferred to Partington Parish Council for spending following receipt of £4,926.55 from a development located within the Parish Council area.

² Please note that the financial year end figures for 2018/19 currently represent a provisional position that may be subject to change during the course of the financial year.

TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 9th May 2019
Report for: Consultation
Report of: Head of Planning and Development

Report Title

Planning Committee Code of Practice

Summary

In assist in the transparency and efficiency of decision making at Planning Committees the Head of Planning and Development has drawn up amendments to the current Code of Practice for Members and Officers involved with the determination of applications for planning permission by the Planning Committee.

Recommendation(s)

- (1) That Committee members consider the amendments to the Planning Committee Code of Practice (appendix 1) and recommend the same to Council for adoption under the Council's Constitution

Contact person for access to background papers and further information:

Name: Helen Milner
Extension: 0161 912 5868

Background Papers: None

1. Introduction and Background

- 1.1 In May 2017 a Code of Practice tailored specifically for those Councillors/Officers who sit upon/support the Planning Committee was proposed by the Director of Legal and Democratic Services and Monitoring Officer and agreed by the Planning Committee Members.
- 1.2 Members had previously suggested, before the adoption of the Code of Practice that given the unique role that members of the Planning Committee have and the impact their decisions/actions can have upon residents of Trafford and private interests an additional Code of Practice would assist to provide clarity and to ensure that Members/Officers act appropriately.

1.3 The Code of Practice is now successfully implemented and established and followed for Planning Committee procedures. Officers are however mindful that from time to time the Code of Practice may need to be reviewed and amended to improve the running procedure of the Planning Committee. It is therefore proposed by Officers to introduce three further procedural clarifications within the Code of Practice.

2. **Proposed Planning Committee Code of Practice amendments**

2.1 In section 9 of the Planning and Development Management Committee Code of Practice it outlines the conduct and procedure of Planning Committee Meetings. Within this section it outlines the procedure for the public and other Elected Members wishing to speak at committee in section 9.2 b) and c). Officers proposed to introduce three points of clarification relating to speakers at committee, detailed below.

2.2 The first point is that it will not be permitted for speakers to distribute or display additional information at the Planning Committee meeting for Members to review. This includes reports, photographs, computer generated graphics or any other information.

2.3 The second point is that when an application is returning to Members, with a technical change to the recommendation, which has previously had a resolution agreed by Members, then speakers for or against the application will not be permitted. This only relates to cases where there a technical change to the recommendation is required, e.g in relation to a s106 agreement. It would not apply in cases where there have been material changes to a scheme and / or the changes to the resolution affect the planning merits of the proposal. Whether or not this is the case will be evident from the reporting – where there is a technical change to the resolution the report will be short and will focus on that change only rather than a full update report being provided which covers all the previously considered issues.

2.4 Thirdly, where an application is brought before Members for a confirmation of recommendation following the submission to the Planning Inspectorate for an appeal against non-determination, then speakers for or against the application will not be permitted.

2.5 The above amendments proposed to the Code of Conduct are included and have been highlighted within the attached Code of Practice (Appendix 1).

2.6 Once agreed by both Planning Committee and Full Council the amendment to the Code of Practice will be added to the Council's Constitution. The Code of Practice is also available to members of the public enabling them to consult the Code regarding a planning application.



PLANNING COMMITTEE CODE OF PRACTICE

May 2019

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1. Introduction

1.1 This Code of Practice is intended to guide the procedures by which Members and Officers of the Council deal with planning matters, and to set standards of probity and conduct which the residents of Trafford Council can expect. In this document all references to 'Planning Committee' should be taken to refer to the Planning and Development Management Committee or any successor body.

1.2 As planning affects people's lives and private interests, it can often be very contentious. It is important that residents of Trafford and applicants for planning permission understand the system, have confidence in its integrity and transparency and that Members and Officers involved in the planning process avoid impropriety or even the suspicion of impropriety.

1.3 Members must follow the Codes and Protocols in the Constitution of Trafford Council which cover such matters as declarations of interests, gifts and hospitality and the Protocol for Member/Officer relations. When dealing with planning matters they must also act in accordance with this Planning Code of Practice.

1.4 A breach of these codes, whilst not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed, or in a complaint of maladministration being made to the Local Government Ombudsman. A breach of the Members' Code of Conduct can result in a complaint against a Member personally.

1.5 If Members or Officers are in doubt about the application of the Codes they should seek advice from the Council's Monitoring Officer.

2. General Roles, Responsibilities and Conduct

2.1 Members and Officers have different but complementary roles in the planning process. Members of the Planning Committee have different roles to those of other Councillors.

Members of Planning Committee

2.2 There are 13 Members on the Planning Committee and they normally meet once a month.

2.3 Members of the Committee are appointed at the Council's Annual General Meeting, held in May each year.

2.4 Four Members of the Committee constitute a Quorum.

2.5 Councillors who are Members of the Planning Committee are responsible for the determination of planning applications. The Committee must assess proposals against the development plan and all other material considerations and carefully balance the benefits of proposed development with any adverse consequences. Members are required to consider all planning proposals in the wider public interest. Decisions are restricted to planning considerations, and cannot seek to control non-planning issues or duplicate other legislative controls. Decisions made by the Committee must be lawful.

2.6 Councillors who are not members of Planning Committee can 'call in' applications, within geographical limits, thus requiring them to be considered by the Committee where the applications would otherwise be delegated to officers under the Scheme of Delegation. However, such requests must be supported by clear planning reasons why the case requires consideration by the Committee. The Chairman of the Committee can call in any application to the Committee without geographical limit, but is still required to provide clear planning reasons. Members shall not put any pressure on Officers to make particular recommendations or decisions, nor to change recommendations or

decisions in respect of any application. However, it is helpful if Members explain their concerns in relation to any application which they have called in with the case officer in advance of the Committee meeting.

Planning Committee Members shall:-

2.7 For and in meetings:-

- Exercise personal responsibility in deciding whether to declare any personal interest as defined in the Council's Code of Conduct in relation to any planning application that is before the Planning Committee for determination, and withdraw, if so required by the Code. If in doubt, Members shall consult and seek guidance from the Monitoring Officer in advance of the meeting.
- Act fairly and openly.
- Carefully weigh up all relevant planning issues before making a decision
- Make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. Whilst Planning Committee Members have a responsibility to their constituents, the decisions of that Committee must be based on the Development Plan and all other material planning considerations.
- Have reasons and justification for their position and resolutions (this is a requirement of the Code of Conduct)

2.8 Planning Committee Members also have a personal responsibility to declare a personal or pecuniary interest as defined in the Council's Code of Conduct in any planning application so it can properly be brought before the Committee under the Council's Scheme of Delegation.

Non Planning Committee Members of the Council

2.9 Ward Councillors who do not sit on the Planning Committee will be allowed to speak at Planning Committee at the Chairman's discretion. This opportunity shall not apply to delegated items unless they are referred to Planning Committee for determination in accordance with the operation of the scheme of delegation and call in arrangements.

2.10 Applications to be placed before the Planning Committee will be scheduled for the first available meeting. Applications will not be deferred to later Committee meetings on the grounds that an interested Member is unavailable to attend the scheduled meeting

2.11 Ward Members should exercise personal responsibility in declaring an interest in planning applications where they are for example, affected by, are related to the applicant, or would have a pecuniary interest in, the proposals, so that it can properly be brought before the Committee under the Council's Scheme of Delegation. The weekly lists of planning applications are sent to all Members. If a Member receives a standard neighbour consultation letter from the Planning Service at their home address they should declare an interest. If in doubt, Members shall consult and seek guidance from the Monitoring Officer.

3. Planning Committee Meetings

3.1 Meetings of the Planning Committee will normally be held on the second Thursday of each month. Dates for Committee meetings can be found on the Council's website.

3.2 All meetings will be held in public. However the public will be excluded from meetings whenever it is likely in view of the nature of the item to be discussed or the nature of the proceedings, that confidential information would be disclosed.

3.3 Public speaking items will be taken first on the agenda. All other applications will be heard in the order in which they appear on the Agenda, other than in exceptional circumstances, and always at the discretion of the Chairman. The procedure at the Planning Committee meetings is explained in paragraph 9 of this Code of Practice.

3.4 The deadline to register for public speaking is 4.00pm on the day preceding the Planning Committee meeting.

Webcasting / Broadcasting of Meetings

3.5 The Council has no arrangements in place for the webcasting/broadcasting of Committee meetings. Members of the public wishing to film or record Committee meetings will need to agree arrangements in advance of the meeting with the Council's Democratic services team to ensure that the arrangements are compliant with the Council's obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

3.6 The Chairman of the meeting has the discretion to terminate or suspend filming, if in the opinion of the Chairman continuing to do so would prejudice the proceedings of the meeting or if the Chairman, on advice, considers that continued filming might infringe the rights of any individual.

Content of Ward Councillor Speeches

3.7 Comments by Ward Councillors should be limited to relevant planning issues.

These include:-

- Relevant national and local planning policies;
- Appearance and character of the development, layout and density;
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Ward Councillors should avoid referring to matters outside the remit of the Planning Committee, such as:

- Boundary disputes, covenants and other property rights;
- Personal remarks [e.g. applicant's motives or actions to date];
- Rights to views or devaluation of property.
- Competition between businesses/services
- Issues covered by other legislation e.g. Environmental Health

Officers

3.8 The function of Officers is to support and facilitate the Councillors in their work and to ensure that robust and lawful decisions are made. Planning decisions must be made in accordance with the Development Plan and other material planning considerations.

3.9 The Head of Planning and Development makes decisions on the majority of planning applications under delegated powers and makes recommendations on more significant and contentious

applications and other planning matters for decision by the Planning Committee. Officers will provide professional advice and will provide Members with a recommendation on whether or not planning permission should be granted, based on the Officer's assessment.

3.10 In considering applications and in advising members of the public on planning policy, the determination of planning applications, enforcement and other planning matters, Officers must:-

- Act fairly and openly and avoid any actions that would give rise to an impression of bias
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- Approach each planning application or issue with an open mind, avoiding preconceived ideas
- Carefully weigh up all relevant planning issues before making a decision
- Make decisions and recommendations purely on planning grounds having regard to the Development Plan and other material considerations
- Give professional, objective and consistent advice
- Carry out the decisions of the Committee insofar as they relate to the completion of any legal agreement, amendment to the officer recommendation e.g. the imposition of additional planning conditions.

4. Administrative Arrangements

Planning Application Notification

4.1 All Members of the Council will be informed of the submission of all planning and related applications through the weekly list of applications published on the Council's website. This list will include basic details about the application. Further detail on the application, including relevant plans and documents, can be viewed on the Council's website.

Meetings with Applicants and Objectors

4.2 The Local Planning Authority does not organise public meetings in respect of any application. The statutory planning process which includes a procedure for notifying occupiers of land neighbouring an application site provides the opportunity for the public to make its views known about a proposal. In order to be taken into account in the final decision, all comments made by local residents and third parties must be made in writing (an email is sufficient). Representations comprise part of the public planning file and are published on the Council's website. Sensitive personal information is redacted but the name and address of the person making the representation is published.

5. Pre-Application Discussion and Enforcement Discussions

5.1 Local Planning Authorities are encouraged to enter into discussions and negotiations which can bring about improvements that can make an application acceptable, and thereby potentially speed up the planning process. Such pre-application discussions will normally take place at Officer level and Members shall wherever possible refer requests by applicants and third parties for such advice to Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.

5.2 All Officers taking part in such discussions shall:-

- Identify the decision-making process applicable to the application or issue under discussion
- Make it clear that only personal professional and provisional views can be expressed that will not bind the Council (Officers or Members) to reach a particular decision when determining the application
- Express views in the context of the Development Plan and other material planning considerations
- Be consistent in interpreting planning policies and Government guidance
- Where appropriate, advise applicants, neighbours and objectors on procedural matters.

6. Lobbying of Members of the Planning Committee

6.1 Lobbying is the process by which applicants, agents, neighbours, non-Planning Committee Members and other interested parties may seek to persuade Members of the Planning Committee to come to a particular decision. It is legitimate for them to approach Members of the Planning Committee (in person or in writing) and such discussions may help Members to understand the issues and concerns. As stated in the Nolan Committee Third Report “it is essential for the proper operation of the planning system that local concerns are adequately ventilated”.

6.2 In responding to approaches of this kind, Planning Committee Members may publicly express an opinion provided that they keep an open mind at Planning Committee meetings and must not have closed their mind prior to hearing all the evidence and arguments which will be presented at the Planning Committee. They should explain their position in respect of probity if they express an opinion on a proposal before consideration at the Planning Committee. They should:-

- Explain the procedures by which representations can be made;
- Indicate that a decision will be taken only when all relevant planning considerations have been taken into account
- Explain the kinds of planning issues that the Council can take into account;
- Direct the public to report issues raised to the Officers so that their views can be considered. It is helpful if this takes place in advance of the Planning Committee meeting so that all relevant issues are fully considered before the agenda is published.

7. Planning Applications Submitted by Members and Officers

7.1 Any application

- made by any Elected Member of the Council; or
- made by an Officer of the Council; or
- in respect of which an Elected Member of the Council has been consulted as a neighbour; or
- in respect of development by or on behalf of the Council (where a single representation or more has been made contrary to the officer recommendation);

shall be determined by the Planning Committee.

7.2 In respect of any such application any affected Member or Officer must declare the existence and nature of the interest or relationship in accordance with the appropriate Code of Conduct and

withdraw from involvement in the decision. The affected Officer shall take no part in the processing of the application and any recommendations made to Planning Committee.

8. Planning Applications Submitted by the Council

8.1 It is essential that the Council treats applications for its own development (or a development involving the Council and another party) in the same manner as all other applications and that this is seen to be the case.

9. Conduct and Procedure of Planning Committee Meetings

Officers' Reports to the Planning Committee

9.1 All planning matters considered by the Planning Committee will be the subject of appropriate written reports by the Head of Planning and Development incorporating his/her recommendations. Such reports shall be comprehensive but succinct in setting out the key planning issues to be considered in terms of the provisions of the Development Plan and other material planning considerations, the substance of any representations received and any planning history

Consideration of Planning Applications:-

9.2 Planning applications will be considered in the following manner:

a) Members will receive an additional information report outlining any late correspondence received on an application since publication of the agenda. This addendum must be considered by the Committee prior to making its decision on the application.

b) Public speaking:

Those who have made requests to speak in accordance with the relevant Protocol will be invited to speak in the following order:

- Objector (3 minutes)
- Supporter (3 minutes)
- Where the Chairman considers that wider debate is necessary e.g for Major Applications, the number of speakers for and against the Application and time allocated to speak will be at his/her discretion.

c) Other Elected Members of Council who the Chairman has given permission to speak. Ward Members for the ward in which the development is located will normally be allowed to speak for 5 minutes each but the length of time granted for other interested Members to speak will be at the discretion of the Chairman.

All speakers must be aware that it is not permitted to display or distribute any information to Members at the meeting.

Speakers will not be permitted for applications put to Members for a technical change to the recommendation following a previously agreed resolution on the same application.

Speakers will not be permitted for applications brought to Planning Committee for confirmation of the Officer recommendation that are subject to an appeal to the Planning Inspectorate against non-determination.

Once all speakers have made their representations concerning an Application, they will not be allowed to enter into debate with the Committee, unless invited to do so by the Chairman.

d) The Planning Officer will respond as necessary.

e) The Chairman will then open the debate by providing an opportunity for members of the Planning Committee to comment or ask questions of the Planning Officer or any other officer in attendance. The Planning Officer or others will be provided with the opportunity to respond.

f) When a Member of the Committee wishes to speak, he or she will indicate this to the Chairman. No Member will speak unless called upon to do so by the Chairman. When called upon to speak, the Member will address the meeting through the Chairman. If two or more Members wish to speak the Chairman will ask one to speak and the other(s) will remain silent. While a Member is speaking, other Members will remain silent until invited to speak by the Chairman.

g) When the Chairman considers all Members have had an opportunity to contribute he or she will take a vote on motions for or against the proposal which have been moved during the debate in the order in which they were proposed and seconded. If the motion is to do something other than agree the Officer recommendation set out in the report before Committee, planning reasons should be given at that time and before taking the vote.

h) The application will be determined by a simple majority vote by show of hands. All Members of the Committee, including the Chairman, should cast a vote in favour or against the motion before the Committee. As Planning Committee is appointed for the purpose of making decisions on planning applications, it is not appropriate for Members to abstain.

i) If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. The Chairman can only use a second or casting vote if he or she has participated in the original vote.

j) Following the vote, if the matter has been resolved. There must be no further discussion on the matter.

k) If the Committee makes a different decision to that recommended by the Head of Planning and Development, it must articulate and record in the minute the relevant planning reasons:

- If an application is refused against Officer recommendation, the Committee must provide the planning reasons for refusing planning permission
- If an application is granted against Officer recommendation, the Committee must suggest any conditions that it thinks should be imposed and the reason for those conditions
- Officers can be called upon to assist (e.g. suggest appropriate standard conditions) but cannot give reasons, only interpret the Committee's expressed views.
- The imposition of suitable planning conditions may be deferred and delegated to the Head of Planning and Development if it is not possible to deal with this comprehensively at the Committee.

9.3 Following the Planning Committee meeting, the Head of Planning and Development will produce a Decision Notice reflecting the Committee's decision on the application. This will be sent to the applicant/agent and published on the Council's website

N.B. If a Member joins a Planning Committee meeting after the presentation of an item has begun, then the Member should not take part in the debate or vote on that item.

10. Conduct

10.1 The Chairman of Planning Committee is responsible for the conduct of the meeting in accordance with the Rules of Procedure and for the effective delivery of business in a professional, courteous, transparent and timely manner. The Members of the Committee and Officers shall respect the role and behave in a manner that is commensurate with the high standards of conduct and propriety that are expected in public office.

10.2 The Chairman will seek to ensure that Members and Officers are treated in accordance with the Council's agreed Protocol on Member/Officer relations, with regard to:-

- The political neutrality of Officers
- The independence of Officers
- Mutual respect, courtesy, civility and professionalism with respect of differing views

10.3 Where disturbance of the meeting occurs by way of public interference, the Chairman may suspend proceedings until matters are resolved or in extreme situations may close the meeting to the public.

10.4 Please be aware that the Code of Conduct applies to all Members at all meetings of the Council,. Laws relating to remarks made about individuals apply at all meetings of the Council, whether or not they are being recorded or broadcast

11. Procedure

11.1 The Chairman will ensure that the meetings of the Planning Committee are conducted in accordance with the Council's Rules of Procedure and safeguard that appropriate debate is able to take place in a structured and professional manner. The Chairman should seek to avoid repetition or irrelevant debate.

11.2 Appropriate Legal and Democratic Services Officers will be responsible for advising the Chairman and the Committee on matters of procedure and protocol.

11.3 Where Officers advise the Chairman of material planning concerns or potential consequences of a particular course of action, or any potential liabilities or errors of fact, Officers shall be afforded reasonable opportunity to concisely explain those matters to Planning Committee before it reaches a decision.

12. Planning Committee Decisions Contrary to Officer Recommendation

12.1 From time to time the Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. When this occurs the Chairman of Planning Committee will ensure that the following principles are followed:-

- Members shall clearly express the planning reasons for their decision and these will be recorded in the minutes.

- A Member proposing refusal of an application for which the Officer recommendation is approval shall state his/her reasons prior to the vote being taken.

13. Appeals against Council Decisions

13.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Consultants to appear for the Council.

13.2 In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the Royal Town Planning Institute ("RTPI") Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.

13.3 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public local inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, representing the Council's case.

13.4 Where Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the RTPI) the Planning Committee should be aware of this before the final vote is taken. In such cases it may be appropriate for Members of the Committee to attend any subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision.

13.5 Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence. Legal Officers will attend inquiries or assist in preparing representations when legal representation is required.

13.6 Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call in the application to Planning Committee for determination.

14. Member Training

14.1 Members of Planning Committee should undertake training which, on occasions, should be offered to all Members of the Council.

14.2 Members will be offered and required to attend core (compulsory) training (normally within three months of appointment to the Committee). This training will cover planning procedures, code of conduct and other subjects determined from time to time by Officers in consultation with the Chairman.

14.3 Attendance at training events will be recorded and published and monitored.

15. Review of Decisions

15.1 The Audit Commission's report "Building Quality" recommends that Councillors should visit a sample of implemented planning permissions to assess the quality of decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.

15.2 The Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types and, where it is considered appropriate and beneficial, include visits to sites.

15.3 The Planning Committee will consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.

15.4 The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee. The outcome of legal proceedings will also be reported regularly so that Planning Committee can review its own decision-making processes.