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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Date: Thursday, 11 July 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 meeting held on 13th June, 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.

6

Application	Site Address/Location of Development
96495	Unit 5A Stretford Mall Extension, Stretford Shopping Mall, Chester Road, Stretford M32 9BA
96573	Refuse Collection Depot, Wharf Road, Altrincham WA14 1ND
96944	Dovecote Business Park, Old Hall Road, Sale M33 2GS
97126	42 - 44 Brook Road, Flixton M41 5RY
97153	122 Flixton Road, Urmston M41 5BG
97357	Land Adjacent To Heather Lea Green Walk, Bowdon WA14 2SJ
97849	245 Stockport Road, Timperley WA15 7SW
97872	Longford Telephone Exchange, 10 King Street, Stretford M32 8NS

7. **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, M. Cordingley, D. Jerrome, M. Minnis, D. Morgan, E. Patel, K. Procter, E.W. Stennett and B.G. Winstanley.

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 **2nd July, 2019** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

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Agenda Item 3

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

13th JUNE, 2019

PRESENT:

Councillor Walsh (In the Chair),
Councillors Dr. Barclay, Bunting, Carey, Hartley (Substitute), Jerrome, Mrs. Minnis,
Morgan, Patel, K. Procter, Williams and Winstanley.

In attendance: Head of Planning and Development (Ms. R. Coley),
Planning and Development Manager (East) (Ms. H. Milner),
Senior Planning and Development Officer (Mrs. A. Crowe),
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),
Solicitor (Ms. J. Cobern),
Democratic & Scrutiny Officer (Miss M. Cody).

Also present: Councillors Freeman and Newgrosh.

APOLOGIES

Apologies for absence were received from Councillors Cordingley and Stennett MBE.

ANNOUNCEMENTS

The Chair welcomed Members, especially the new Members, Officers and members of the public to the first meeting of the Planning and Development Management Committee of the Municipal Year.

1. MEMBERSHIP OF THE COMMITTEE

RESOLVED: That the Membership of the Planning and Development Management Committee for the Municipal Year 2019/2020 be noted.

2. APPOINTMENT OF SUB-COMMITTEE

Members of the Planning and Development Management Committee were asked to appoint the Town/Village Green Sub-Committee for the Municipal Year 2019/2020.

RESOLVED: That the Town/Village Green Sub-Committee be appointed comprising the Chair, Vice-Chair and Opposition Spokesperson or their nominees.

3. TERMS OF REFERENCE

RESOLVED: That the Terms of Reference for the Planning and Development Management Committee be noted.

Planning and Development Management Committee
13th June, 2019

4. MEETING DATES

RESOLVED: That the scheduled meeting dates for the Planning and Development Management Committee for the Municipal Year 2019/2020 be noted.

5. DECLARATIONS OF INTEREST

Councillor Bunting declared a Personal Interest on behalf of the Conservative Group and Councillor Walsh in Application 96417/COU/18 (300 Manchester Road, Altrincham) as the Applicant is a relative of former Councillors Mrs. Paula Pearson and James Pearson.

6. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th May, 2019, be approved as a correct record and signed by the Chair.

7. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were submitted.

8. 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.

9. 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>
94928/FUL/18 – Development site adjacent to Chatsworth House, 6 Stanhope Road, Bowdon.	Erection of a pair of semi-detached houses.
95832/HHA/18 – 84 Arcadia Avenue, Sale.	Erection of a single storey rear and a two storey side extension following demolition of the existing garage. External alterations to include widening of the existing vehicular access.
96417/COU/18 – 300 Manchester Road, Altrincham.	Change of use of the residential dwelling (C3) into a care home with 4 children and 1 staff member present during the day and staying overnight (C2).

Planning and Development Management Committee
13th June, 2019

[Note: Councillor Bunting declared a Personal Interest on behalf of the Conservative Group and Councillor Walsh in Application 96417/COU/18 (300 Manchester Road, Altrincham) as the Applicant is a relative of former Councillors Mrs. Paula Pearson and James Pearson.]

96671/HHA/19 – 33 Gaddum Road,
Bowdon.

Part retrospective consent for the erection of front and side boundary wall and piers alongside the erection of new access gates and other ancillary landscaping works.

10. APPLICATION FOR PLANNING PERMISSION 96944/FUL/19 – DOVECOTE BUSINESS PARK, OLD HALL ROAD, SALE

The Head of Planning and Development submitted a report concerning an application for planning permission for the erection of a drive thru bakery with associated site access, car parking, landscaping and other works.

It was moved and seconded that planning permission be granted.

The motion was put to the vote and declared lost.

It was moved and seconded that determination of the application be deferred.

The motion was put to the vote and declared carried.

RESOLVED: That determination of the application be deferred to allow for a traffic assessment and further detail regarding a noise/litter management plan to be provided.

The meeting commenced at 6.30 pm and concluded at 8.21 pm.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 11th JULY 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 – 11th JULY 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>96495</u>	Unit 5A Stretford Mall Extension, Stretford Shopping Mall, Chester Road, Stretford, M32 9BA	Stretford	1	Grant
<u>96573</u>	Refuse Collection Depot, Wharf Road, Altrincham, WA14 1ND	Altrincham	11	Minded to Grant
<u>96944</u>	Dovecote Business Park, Old Hall Road, Sale, M33 2GS	Sale Moor	55	Grant
<u>97126</u>	42 - 44 Brook Road, Flixton, M41 5RY	Flixton	80	Grant
<u>97153</u>	122 Flixton Road, Urmston, M41 5BG	Urmston	93	Grant
<u>97357</u>	Land Adjacent To Heather Lea Green Walk, Bowdon, WA14 2SJ	Bowdon	103	Refuse
<u>97849</u>	245 Stockport Road, Timperley WA15 7SW	Timperley	131	Grant
<u>97872</u>	Longford Telephone Exchange 10 King Street, Stretford, M32 8NS	Stretford	139	Grant

WARD: Stretford

96495/VAR/18

DEPARTURE: No

Application for variation of condition 7 on planning permission 84982/FUL/15 (Extension to western side of shopping centre (Unit 5A) to create new foodstore and subdivision of existing unit to create four kiosk units. Alterations to existing parking area and landscaping works.). To allow for unrestricted delivery hours.

Unit 5A Stretford Mall Extension, Stretford Shopping Mall, Chester Road, Stretford, Manchester, M32 9BA

APPLICANT: Aldi Stores Limited

AGENT: GVA HOW Planning

RECOMMENDATION: GRANT

This application has been called in by Councillors Laurence Walsh, Steve Adshead and Tom Ross with concerns raised regarding the impact on residential amenity of neighbouring properties.

SITE

The application site relates to an extension to the western side of Stretford Mall which has provided a new foodstore (Aldi).

This western side of the Mall faces onto the surface car park accessed from Kingsway.

To the west and south of the application site are residential properties, mainly two storey terraces, on Barton Road, Wellington Street and Church Street. The nearest residential property to Stretford Mall lies approximately 35 metres from the southern or western corner of the site boundary.

The existing access ramp to the multi storey car park of the shopping centre is to the immediate north of the location of the site.

PROPOSAL

This applications seeks variation of condition 7 on planning permission 84982/FUL/15 (Extension to western side of shopping centre (Unit 5A) to create new foodstore and subdivision of existing unit to create four kiosk units. Alterations to existing parking area and landscaping works.). To allow for unrestricted delivery hours for the Aldi foodstore.

This is an application under S73 of the Town and Country Planning Act and it is noted that when deciding such applications the LPA should normally limit its appraisal to the

relevant conditions, albeit it does result in the grant of a new permission. Should this S73 application be approved the other conditions attached to the original grant of planning permission will continue to be attached to the new permission.

Value Added: A tracking plan has been submitted for the vehicles entering/leaving the site.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable transport and accessibility

L5 – Climate change

L7 – Design

L8 – Planning obligations

W1 – Economy

W2 – Town centres and retail

PROPOSALS MAP NOTATION

Stretford Town Centre

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S8 – Development in Stretford Town Centre

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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. 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 19 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

84982/FUL/15 – Extension to western side of shopping centre (Unit 5A) to create new foodstore and subdivision of existing unit to create four kiosk units. Alterations to existing parking area and landscaping works.
Approved with conditions 19 May 2015

79391/FULL/2012 – Extension to western side of shopping centre (Unit 5A) to create foodstore and subdivision of existing unit to create four kiosk units.
Approved with conditions 30 April 2013

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

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

Approved with conditions 27 October 2005

H/26198 – Erection of extension to shopping centre (27,474 sq.ft), construction of additional surface level car parking and alteration to existing car parking and traffic circulation. Approved with conditions 1 December 1987

APPLICANT'S SUBMISSION

The covering letter submitted with the application advises that Aldi is seeking to relax the current restrictions on deliveries to allow as much flexibility as possible. It is advised that Aldi require early morning deliveries and late evening deliveries to receive fresh produce before the store opens for business each day.

The supporting letter states that the variation will not lead to an increase in the number of HGV deliveries to the store, of which there are typically four per day.

CONSULTATIONS

Local Highway Authority – No objection

Pollution and Licensing (Nuisance) – No objection

REPRESENTATIONS

Representations have been received from Councillors Laurance Walsh, Steve Adshead and Tom Ross regarding the potential impact on residents on Mitford Street with noise from vehicles reversing and moving cages late at night.

OBSERVATIONS

BACKGROUND

1. Planning permission was granted under application 84982/FUL/15 for the erection of an extension to the western side of Stretford Mall to create a new foodstore (Aldi) and the subdivision of an existing unit to create four kiosk units. Condition 7 attached to the decision is as follows:

“No deliveries shall be taken at or dispatched from the site outside the hours of 06.00 to 23.00 Monday to Sunday and 08.00 to 20.00 on Sundays and Bank holidays.

Reason: In the interest of residential amenity and in compliance with policies L4 and L7 of the Trafford Core Strategy.”

2. This application seeks to vary condition 7 to allow unrestricted delivery hours for the Aldi foodstore only.

PRINCIPLE OF THE DEVELOPMENT

3. 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.
4. 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. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.

5. 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.
6. Paragraph 11 c) of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay.
7. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission reference 84982/FUL/15 (Extension to western side of shopping centre (Unit 5A) to create new foodstore and subdivision of existing unit to create four kiosk units. Alterations to existing parking area and landscaped works). The proposal seeks to vary condition 7 of approval 84982/FUL/15 to allow for unrestricted delivery hours. The main issues relate to highways and residential amenity and policies L4 and L7 of the Trafford Core Strategy are most relevant.
8. Policy L4 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.
9. Policy L4.14 to L4.16 sets out the requirement to comply with the adopted car and cycle parking standards as set out in Appendix 3 to the Core Strategy and within adopted SPD3. These are considered to be consistent with NPPF.
10. Policy L7 is compliant with NPPF and therefore up to date for the purposes of determining this application.
11. The development remains as approved in other regards. The principle of the proposed development has been established through the original grant of planning permission and will not be considered further.

HIGHWAYS

12. The LHA have been consulted on the proposal and raise no objections on highways grounds to the proposals. Access and parking arrangements are not proposed to

be amended as part of the proposals. The proposals would extend the servicing hours which would be acceptable on highways grounds.

RESIDENTIAL AMENITY

13. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”*.
14. The nearest residential properties that are likely to be affected by the proposed development are to the west of the site on Barton Road, backing onto the car park and the access road and residents to the north of the site on the opposite side of Kingsway.
15. By granting unrestricted delivery hours, it is reasonable to assume that there would be deliveries to the site at unsociable hours of the day, even if the proposal is not expected to increase the number of HGV deliveries itself.
16. The dedicated servicing bay is located on the northern elevation of the store adjacent to the ramp to the multi-storey car park. The vehicle tracking plan submitted with the application demonstrates that the vehicles would enter and leave the site to the north, off Kingsway using the service road that runs underneath the multi-storey car park ramp. Vehicles would therefore not be passing close to nearby residential properties. Whilst Officers do not object to deliveries at unsocial hours, it is considered necessary to condition the location of the deliveries into the site to maintain the distance from residential properties.
17. It is therefore considered that subject to the additional condition that there would be no undue noise and disturbance as a result of early/late deliveries. It is considered that the proposal would not have any additional impact over HGVs and other vehicles using the highways network within this well-trafficked area.

DEVELOPER CONTRIBUTIONS

18. No planning obligations are required for this S73 application.

PLANNING BALANCE AND CONCLUSION

19. The proposed development is considered to be acceptable in policy terms and would be acceptable in terms of highways and parking and residential amenity. As such it is considered the proposal is in accordance with the NPPF and Policies L4 and L7 of Trafford’s Core Strategy and that planning permission should be granted.

RECOMMENDATION:

Grant subject to the following conditions:

1. The development hereby approved shall be retained in accordance with the following approved plans:-
Dwg. No. P3972_001 Rev A – Location Plan
Dwg. No. P3972_120 Rev A – Proposed Site Plan
Dwg. No. P3972_121 Rev A – Proposed Ground Floor
Dwg. No. P3972_122 Rev A – Proposed Roof Plan
Dw. No. P3972_125 Rev A – Proposed Elevations

Reason: For the avoidance of doubt and to clarify the permission, having regard to Policies L4 and L7 of the Trafford Core Strategy.

2. The development hereby approved shall be carried out and retained in accordance with material details agreed under application 86645/CND/15.

Reason: To ensure satisfactory external appearance in the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy.

3. The landscaping works shall be carried out and retained in accordance with details agreed under application 88005/CND/16. Any trees, or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become severely diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and having regard to Policies W2, L7, R2 and R3 of the Trafford Core Strategy.

4. The gross floorspace of the foodstore hereby approved shall not exceed 1,580 square metres.

Reason: To accord with Policy W2 of the Trafford Core Strategy.

5. The foodstore hereby permitted shall not be open to the public (customers) outside the hours of:-

08.00 to 22.00 – Mondays to Saturdays
10.00 to 16.00 on Sundays

Reason: To safeguard the amenity of neighbouring residents in accordance with Policies L4 and L7 of the Trafford Core Strategy.

6. External security measures to the foodstore unit shall be carried out and retained in accordance with details agreed under application 88772/CND/16.

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

7. Deliveries vehicles should only enter and exit the site in accordance with plan 520-01/ATR-01.

Reason: In the interest of residential amenity and in compliance with policies L4 and L7 of the Trafford Core Strategy.

8. External lighting shall be carried out and retained in accordance with details agreed under application 88005/CND/16.

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

9. The development hereby approved shall be carried out and retained in accordance with drainage details agreed under application 86645/CND/15.

Reason: To prevent localised flooding and because the drainage works need to be incorporated into the development, in accordance with Policies L7 and L5 of the Trafford Core Strategy.

10. The scheme for cycle and trolley storage shall be retained in accordance with details agreed under application 89005/CND/16 and maintained at all times thereafter.

Reason: In the interests of sustainable transport and to comply with Policies L4 and L7 of the Trafford Core Strategy.

11. The Travel Plan submitted and agreed under application 88005/CND/16 shall be implemented and thereafter continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

Reason: To reduce car travel to and from the site in the interests of residential amenity and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy.

12. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) by more than -5dB at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be carried out according to BS 4142:1997 "Rating industrial noise affecting mixed

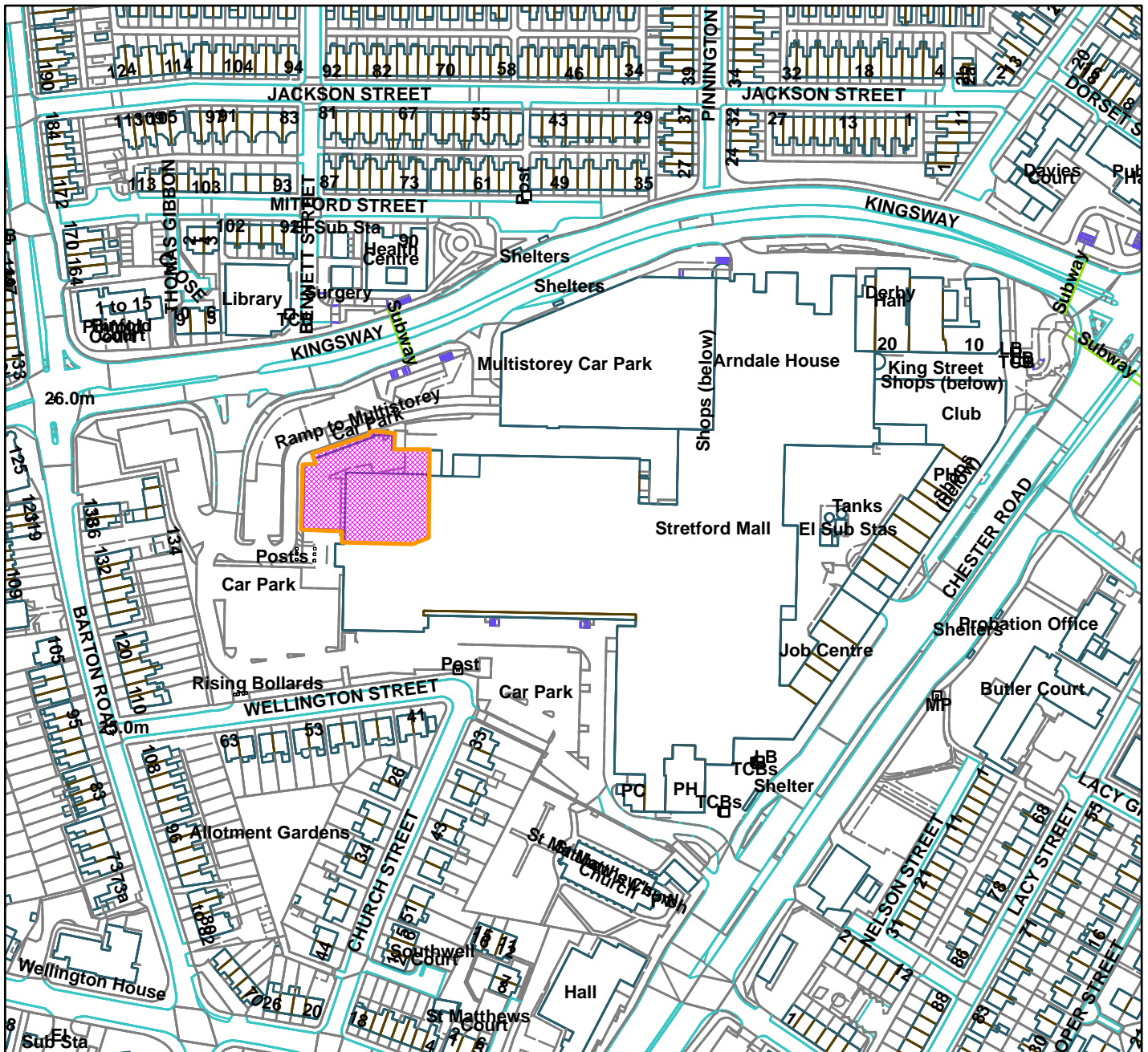
residential and industrial area.” ‘T’ refers to any 1 hour period between 07.00hrs and 23.00hrs and any 5 minute period between 23.00hrs and 07.00hrs.

Reason: In the interest of residential amenity and in compliance with Policies L4 and L7 of the Trafford Core Strategy.

JE



Unit 5A Stretford Mall Extension, Stretford Shopping Mall, Chester Road (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/07/2019
Date	01/07/2019
MSA Number	100023172 (2012)

WARD: Altrincham

96573/FUL/19

DEPARTURE: No

Application for the demolition of all structures on site, followed by the erection of a five storey building to form 44no apartments and the creation of a row of 5no three storey townhouses, with associated access, car parking and associated works

Refuse Collection Depot, Wharf Road, Altrincham, WA14 1ND

APPLICANT: Elderloch Ltd

AGENT: Savills

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

The application has been reported to the Planning and Development Management Committee due to six or more objections being received contrary to Officer recommendation.

SITE

The application site is located on the western side of Wharf Road, Altrincham to the north-west of the junction with Bridgewater Road. The site measures approximately 0.3ha in size and has most recently been in use as a Trafford Council storage depot for refuse vehicles. To the north of the site is the Bridgewater Canal, beyond which is a building used by local sea cadets with Bridgewater Retail Park beyond. To the east is Manor Garage (an MOT Centre) and to the south are residential terraces (Nos 1-15 Wharf Road and 7-19 Navigation Road). No 1 Navigation Road is the Old Packet House public house, No 3 Navigation Road is an office and No 5 Navigation Road is a café. A car park serving the public house is located immediately to the south of the site. To the west of the site is B & J Plant Hire which is accessed from Navigation Road.

The vehicular access to the application site is from the Wharf Road boundary. The site currently comprises a single storey brick built storage building with a dual pitched roof. The storage building extends along the majority of the southern boundary of the site. A porta cabin is located within the site adjacent to the site entrance and external parking is provided within the site with an associated manoeuvring area. An area towards the south-east corner of the site comprises unmaintained soft landscaping whilst the site is secured by metal railings and gates to the Wharf Road and canal boundaries.

A prior approval application for the demolition of all buildings on site was granted by the Local Planning Authority in 2017 (ref. 91861/DEM/17). This remains extant.

PROPOSAL

Full planning permission is sought for the demolition of all existing structures within the site and the erection of a building containing 44no residential dwellings, as well as a row of 5no three-storey townhouses. The apartment building is a five storey structure and comprises 16no one-bed apartments, 24no two-bed apartments and 4no three-bed apartments. The townhouses are three-bed properties which front Wharf Road, with an upper storey set back from the main front elevation to create an external terrace.

The three main sections of the apartment building subtly differ from each other in terms of their design and use of materials. Three different brick blends are utilised whilst variations in elevational detailing provide some variety across the building. Balconies are incorporated to each elevation whilst a roof garden is also proposed.

57no car parking spaces would be provided at ground floor level, partly beneath the proposed building. This figure is inclusive of 8no visitor parking spaces, 6no electric vehicle charging points and 3no disabled spaces. 50no cycle parking spaces would also be provided within this parking area.

The proposal includes an area of landscaped amenity space within the southern part of the site, whilst additional planting is proposed adjacent to the north and west site boundaries. Metal railings are proposed around the majority of the site boundary whilst the Wharf Road frontage features low boundary walls with fencing and defensible planting.

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

- L1 – Land for New Homes
- L2 – Meeting Housing Needs
- L4 – Sustainable Transport and Accessibility

L5 – Climate Change
L7 – Design
L8 – Planning Obligations
W1 – Economy
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure
R5 – Open Space, Sport and Recreation

SUPPLEMENTARY PLANNING DOCUMENTS

Revised SPD1 – Planning Obligations
SPD2 – A56 Corridor Development Guidelines
SPD3 – Parking Standards & Design
PG1 – New Residential Development

PROPOSALS MAP NOTATION

Site of Importance for Nature Conservation
Smoke Control Zone
Critical Drainage Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV9 – Sites of Importance for Nature Conservation

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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. 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) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The DCLG published revised National Planning Practice Guidance (NPPG) on 6 March 2014 and was last updated on 26 June 2019. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

Application site:

93153/FUL/17: The demolition of all structures on site, followed by the erection of a part 3, 4, 5, 6 and 7 storey building to form 99 dwellings, with associated access, car parking and associated works – Refused 13/07/2018.

91861/DEM/17: Demolition of the existing industrial unit (including a pair of Portacabin type office buildings.). (Consultation under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – Prior approval given 18/08/2017.

Bridgewater Road site:

95660/FUL/18: Application for the demolition of the existing snooker hall (Class D2) and erection of a 3 to 6 storey residential development consisting of 38 residential units (Class C3) with ancillary amenity space, car parking, cycle parking, bin store, landscaping, new boundary treatment and alterations to the access fronting Bridgewater Road and other associated works – Refused 17/12/2018.

93143/FUL/17: Application for the demolition of the existing snooker hall (Class D2) and erection of a 3 to 7 storey residential development consisting of 42 residential units (Class C3) with ancillary amenity space, car parking, cycle parking, bin store, landscaping, new boundary treatment and alterations to the access fronting Bridgewater Road and other associated works – Refused 13/07/2018.

APPLICANT'S SUBMISSION

The applicant has submitted the following information in support of the application:

- Air Quality Assessment
- Arboricultural Survey, Impact Assessment and Method Statement
- Crime Impact Statement
- Design and Access Statement
- Ecological Impact Assessment
- Employment Land Assessment
- Flood Risk Assessment
- Heritage Statement
- Housing Development Statement

- Noise Assessment
- Phase 1 Geoenvironmental Appraisal
- Planning Statement
- Statement of Community Involvement
- Transport Statement
- Travel Plan
- Viability Report

CONSULTATIONS

Arboriculturist: No objections. Tree protection fencing must be in place prior to demolition starting on site and must remain in place during construction.

Bridgewater Canal Company: Initial comments raise objection due to insufficient information regarding impact on canal. Land issue, applicant is in discussions with BCC to resolve.

Electricity North West: No response received.

Environment Agency: No objection subject to conditions.

Greater Manchester Ecology Unit: No objection subject to conditions.

Greater Manchester Police – Design for Security: No objection subject to condition.

Lead Local Flood Authority: No objection subject to condition.

Local Highway Authority: No objection subject to conditions.

Pollution & Licensing (Air Quality/Nuisance): No objection subject to conditions.

Pollution & Licensing (Contaminated Land): No objection subject to conditions.

United Utilities: No objection subject to conditions.

REPRESENTATIONS

Letters of objection have been received from 24no addresses, as well as from two elected Members. These raise the following concerns:

Highway/parking issues:

- Turning on to and out of Wharf Road is dangerous due to congestion caused by cars parked on this and Navigation Road – extra traffic from development will worsen this

- Impact on safety of residents of sheltered housing, children and other pedestrians using Wharf/Navigation Road junction
- Increase in traffic would exacerbate congestion issues on A56/Navigation Road junction
- All roads in the area are unsuitable to accommodate extra traffic from development
- Insufficient access for HGVs and other vehicles during construction
- Insufficient on-street parking for existing residents in the area – development will make this worse
- Not enough parking spaces provided – would not comply with SPD3
- No parking for households with more than one car or for visitors
- Development is more suited to a city centre due to volume of people and traffic
- Access would be difficult for refuse and emergency service vehicles
- Existing parking spaces in area are often used by employees of local businesses and people using the Metrolink
- Public transport is already overstretched, including Metrolink and train services
- The Transport Statement overlooks several key safety issues
- Impact on pedestrian and cyclist safety
- Submitted Travel Plan is inaccurate
- The compromised nature of the highway network in the surrounding area has not been taken into account
- Responses from LHA have not been published

Design/appearance issues:

- A five storey building will be a blot on the landscape and out of keeping with surrounding dwellings and local character
- The height of the building would be offensive to the skyline and is inappropriate
- Development represents overmassing and overdevelopment and would be overbearing in relation to surrounding two storey properties
- The area is becoming overdeveloped
- No landscaping plan has been provided
- The scale and density of the proposal is unsustainable in its context
- Development is contrary to Planning Guidance for New Residential Development

Housing need issues:

- One and two bed apartments do not address housing needs in the local area, family housing is needed
- Affordable housing is only 10%, not 45% which should be required
- 50% of affordable housing should be suitable for families – none provided

Other issues:

- Concerns that drainage and sewer systems could not cope with extra demand as this has been a problem in the past, likelihood of flooding
- Development will overshadow Emery Close and will impose on Wharf Road, Bridgewater Road and the canal
- Impact on air quality from additional traffic
- Cumulative impact with proposals at former Riley's snooker club and end of Bridgewater Road should be considered
- Impact on wildlife within the site and surrounding area including bats, birds and wildfowl
- Swift nesting boxes and bee bricks should be provided
- Educational and medical facilities are already under pressure, this will be exacerbated
- An up to date Demolition Method Statement is required
- Health and safety issues associated with proximity of neighbouring properties
- Impact on residents of sheltered housing from an increase in noise
- Consultation was flawed
- Regard should be had to the appeal decision at the nearby Bridgewater Road site and the two reasons given for its dismissal

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

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, 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. It is acknowledged that 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. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. 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.

Housing land supply:

4. 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 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.
6. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government's current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. 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.
7. 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 and the latest monitoring suggests that the Council's supply is in the region of only 2.6 years. Additionally, the Council is required to demonstrate how many new homes it is actually delivering in the Government's Housing Delivery Test. 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.
8. Policy L2 of the Core Strategy indicates that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. The location of this new housing is significant in that it sits within a short walk of a Quality Bus Corridor on the A56, the Navigation Road Metrolink stop, retail facilities at Altrincham Retail Park and those close to the site on the

A56, together with open space along the Bridgewater Canal, at the Navigation Recreation Ground and the playing fields on the north side of the canal. The site can therefore be considered to be a suitable and sustainable location for meeting housing need as set out in the NPPF.

9. The NPPF also requires policies and decisions to support development that makes efficient use of land. The application site is brownfield land and it is considered that the proposal would make best use of the site by delivering 49no new homes in a location that is well served by public transport and accords with the Government's aim of achieving appropriate densities, particularly in the case of new residential development and in circumstances where brownfield land can be exploited.

Housing mix:

10. The NPPF at Paragraph 61 requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement of balanced and sustainable communities. This approach is supported by Core Strategy Policy L2, which refers to the need to ensure that a range of house types, tenures and sizes are provided.
11. Core Strategy Policy L2.4 states that the Council will seek to achieve a target split of 70:30; small:large (3+ beds) residential units with 50% of the small homes being suitable for families. Whilst the Council is in the process of producing a new housing strategy, and there is no up-to-date evidence regarding the specific housing requirements in this part of Altrincham, it is nonetheless accepted that the general concern across the Borough is that there isn't a high enough proportion of family houses being delivered. Out of the 49no units proposed, 24no will be two-bed apartments, 16no will be one-bed apartments and the remaining 9no units will be 3-bed properties. Whilst most of the two-bed apartments are not particularly large (only 4no complying with the national internal space standards), and the scheme could not be said to be fully compliant with the Council's (out of date) Core Strategy Policy L2, it is nevertheless considered that the scheme as a whole provides a reasonable mix of units.
12. Policy L2.6 of the Core Strategy states that the proposed mix of dwelling type and size for new residential development should contribute to meeting the housing needs of the Borough. L2.7 goes on to explain that one-bed general needs accommodation will normally only be acceptable for schemes that support the regeneration of Trafford's town centres and the Regional Centre.
13. As the proposal includes 16no units of accommodation of this type, a 'Meeting Housing Needs' statement has been submitted with the application as part of the 'Housing Development Statement'. This notes that the scheme provides an efficient use of land, reflects the changing trends within the housing market and the growing trend for smaller households and that one-bed apartments represent

an affordable entry point into the housing market for many first time buyers. This also notes that one-bed apartments will attract young professionals to live in the area who are more likely to have relatively high levels of disposable income.

14. It is acknowledged that one bed units can enable people, particularly the young, to get a foot on the housing ladder as well as allowing for more elderly residents to downsize. The inclusion of 16 no one-bed apartments is therefore, in this case, considered to be acceptable, particularly as 4 no of these are to be provided on an affordable basis. The development is therefore considered to provide a reasonable mix of unit sizes and types across the scheme that will contribute to the housing offer in the area, albeit the mix proposed does not accord with that sought in Core Strategy Policy L2.4.

Affordability:

15. The NPPF defines affordable housing as: housing for sale or rent for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). It includes affordable housing for rent (including affordable rented and social rented), starter homes, discount market sales housing, and other affordable routes of home ownership (including shared ownership and rent to buy). Paragraph 63 states that affordable homes should be sought within all new residential proposals for major development (i.e. developments for ten units or more). Paragraph 64 indicates that with major developments, at least 10% of the homes should be available for affordable home ownership as part of the overall affordable housing offer. Core Strategy Policy L2.3 states that in order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market: affordable housing.
16. The site sits within a 'Hot' market location for the purposes of applying Policy L2, and with the Borough now in 'Good' market conditions, there is a requirement for 45% of the units provided to be delivered on an affordable basis. Ten of the 49 no units proposed are to be delivered as affordable homes on a shared ownership basis, equating to a 20.4% provision overall. That said, it is acknowledged that there is no provision made for affordable units to be delivered on a social or affordable rent basis. More detailed discussion of the level of affordable housing provision appears in the 'Developer Contributions, Affordable Housing and Viability' section of this report, but it is concluded that on balance the affordable provision is acceptable, even though it does not accord with the level or tenure mix of provision sought in Core Strategy Policy L2.

Loss of employment land:

17. The land subject to this application constitutes an unallocated employment site. Core Strategy Policy W1.12 states that the following criteria need to be

demonstrated in order for a non-employment use to be acceptable in such a location:

- There is no need for this area to be retained for employment purposes and it is therefore redundant;
- There is a clear need for the proposed land use in this locality;
- There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;
- The proposed development would not compromise the primary function of the locality or the operation of neighbouring users;
- The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.

18. Core Strategy Policy W1 is considered to be compliant with the NPPF by supporting economic growth and is therefore up to date.

19. The application is accompanied by an Employment Land Assessment which seeks to demonstrate the scheme's compliance with the above policy. For the reasons set out in this document, the proposal is considered to be acceptable in this respect. In particular it is noted that consent has previously been given for the demolition of all buildings on the site whilst the land has been disposed of by Trafford Council, being surplus to requirements. There is an established need for housing across the Borough and given the Council's shortfall in deliverable housing land supply and that the site is suitable for residential development for the reasons set out above, it is not considered necessary for alternative sites to be considered. The following sections of this report will assess the impact of the development with regard to its impact on neighbouring land uses and its compliance with other policies in the Development Plan for Trafford.

Conclusion on the principle of housing development on this site:

20. The proposed development would see the creation of 49 new dwellings on this site. 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 policies seek to deliver. Specifically, the proposal contributes towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 in that the scheme will deliver 49 new residential units on a brownfield site in a sustainable location within the urban area. It is also considered to be acceptable in relation to Policies L1.7 and L1.8, in that it helps towards meeting the wider Strategic and Place Objectives of the Core Strategy. That said, it is accepted that the scheme does not provide the full level or tenure mix of affordable housing provision sought in the Core Strategy. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the Government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this

planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply. Paragraph 68 of the NPPF also 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.

DESIGN AND APPEARANCE

21. 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"*.
22. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan"*. 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.
23. The Council's adopted planning guidance for new residential development (referred to onwards as 'PG1') notes that *"development should complement the characteristics of the surrounding area"* and that *"if a taller building is to be allowed it will normally need significantly more space around it than would a lower building for it to be properly assimilated in the area"*.
24. The Council's adopted SPD2: A56 Corridor Development Guidelines is also of relevance to the proposed development, given the location of the site in close proximity to the A56. The site falls within Section 3: Manchester Road – Broadheath. The guidance notes that along this section of the A56, only occasionally does the building height exceed two/three storeys. Roberts House, a modern office development, exemplifies the impact taller buildings can have on the A56 street scene, with the overall balance of development being traditional and predominantly two/three storey. Whilst the apartment building proposed is taller than the guidelines recommend, it is noted that this is set back from the A56 and also sits at a lower ground level than the A56.

25. The scheme previously considered by the Planning and Development Management Committee was refused in part for the following reason:

The proposed development, by reason of its scale, massing and design, would cause significant harm to the character of the area. As such, the proposal would be contrary to Policy L7 of the Trafford Core Strategy and advice contained within the National Planning Policy Framework.

26. The Altrincham Bridge is identified as a gateway by the guidance in SPD2, which states that there should be higher quality and more distinctive architecture in these locations. For the reasons set out below, the scheme is considered to comply with this requirement, constituting a well-designed development that successfully addresses this gateway location. Overall, the proposed development is considered to be in accordance with the aims of SPD2.
27. The overall scale of the development now proposed is considered to be appropriate given the nature and character of the surrounding area, particularly having regard to the height of existing buildings on the western side of the A56, including the Budenberg HAUS Projekte and Mansion House. The maximum height of the apartment building has been reduced from seven to five storeys (a reduction in height of approximately 7.5m) from the scheme previously refused at Committee. This, together with a significant reduction in the footprint of the building and associated increase in the amount of space surrounding it has helped the development integrate more successfully with its surroundings and complement the characteristics of the wider area.
28. Officers consider that the location of the site immediately adjacent to the Bridgewater Canal provides an opportunity for a building with some degree of height without detrimentally impacting upon the overall character or appearance of its surroundings, and which also addresses the reason for refusal given in respect of the earlier scheme. Whilst the building would be in relatively close proximity to the canal, sufficient space would be retained for appropriate planting to be provided here. This can be secured by a condition requiring the submission of a detailed landscaping scheme. Such landscaping, together with the proposed boundary treatments including metal railings will ensure the development has a relationship with the canal and will represent an enhancement to the site and its surroundings.
29. The detailed design of the apartment building is considered to be acceptable. The proposed facing materials are considered to give the building a high quality finish and would not be at odds with the character and appearance of the surrounding area. The modelling and articulation achieved through the use of recesses, balconies and the variety of finishes adds interest to the scheme which, given the prominence of the site is of considerable importance in this location.

30. The townhouses fronting Wharf Road, whilst being slightly taller than the adjacent dwellings are not deemed to be inappropriate additions to this streetscene. The three storey scale of these townhouses acts as a transition between the existing two storey terrace to the south and the five storey apartment building proposed to the north, ensuring the development is able to integrate well with the scale of its surroundings. The 'sawtooth' roof design of the townhouses and their contemporary fenestration, together with set-back upper storeys and roof terraces add interest to this part of Wharf Road whilst the use of an appropriate high quality brick (secured by planning condition) will ensure the development is not at odds with its immediate surroundings. Areas of soft landscaping to the frontages will also help to soften their overall impact.

31. Also of relevance is the recent appeal decision in relation to a proposed 3-7 storey residential development at the nearby Former Riley's Snooker Club. This appeal was dismissed due to the impact of the development on the character and appearance of the area and its impact on a non-designated heritage asset. Regarding the character and appearance of the area, the Inspector noted the following:

"Due to the height and mass of the proposal, it would appear as a dominant, intrusive building in the street scene, contrasting sharply with the predominantly 2 storey buildings in the immediate context... In terms of the impact of the development in the immediate locality, I consider it would cause significant harm to the character and appearance of the area".

32. Whilst each development must be considered on its own merits, given the proximity of the two sites and the similar character of their surroundings, the appeal decision at the Riley's site is a material consideration in the determination of this planning application and it is necessary to consider whether the harm identified in relation to the appeal scheme could also be attributed to the current proposal. The proposed townhouses, whilst being only 3.6m away from the existing two storey terrace on Wharf Road to the south, would only be three storeys in height and could not reasonably be described as 'contrasting sharply' with these neighbouring properties. The five storey apartment element of the scheme would be 27.5m away from the two storey properties on Navigation Road at the closest point. This is considerably further away than the appeal scheme was from its closest two storey neighbours at 5/7 storey level (approximately 14.5m to Nos 1/2 Emery Close and just 1.8m to Radium House), representing more spacious surroundings with less of a direct relationship with nearby two storey buildings. In addition, the current scheme has a maximum height of five storeys whilst the appeal scheme reached seven storeys at its highest point. As such, the contrast of the current scheme with its surroundings would be far less pronounced than that of the appeal scheme. On this basis, this appeal decision is not deemed to provide an indication that the current application should be refused on the grounds of its impact on the character and

appearance of the area. Consideration of the appeal decision in relation to heritage matters is considered elsewhere in this report.

33. Given the above, the proposed development is considered to be acceptable in terms of its design, appearance and impact on the character of its surroundings. In reaching this conclusion, Officers have had regard to relevant local and national planning policies and representations received in response to public consultation.

HERITAGE AND CONSERVATION

34. 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."*
35. NPPF paragraph 193 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
36. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider setting, in particular in relation to conservation areas, listed buildings and other identified heritage assets. This policy 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 and can be given limited weight.
37. Although Policy R1 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.
38. The Grade II listed Former Lloyds Bank and Post Office is situated approximately 95m to the north-west of the application site, on the western side of the A56 whilst the Grade II listed Railway Inn Public House is a further 58m to the north of

this. The Former Canal Warehouse adjacent to Coal Wharf (also Grade II) is approximately 140m to the west of the site, immediately to the south of the Bridgewater Canal. Given the proximity of these listed buildings, it is necessary to consider the impact of the proposed development on the setting of these heritage assets. The significance of these heritage assets is largely derived from their architectural and historic significance. In the case of the former Lloyds Bank, much of the interest is associated with its internal arrangement.

39. Whilst the proposed building will be relatively prominent in the surrounding area, particularly from the north, there is not considered to be a demonstrable detrimental impact on the setting or significance of the listed buildings identified above. The distance between the proposed building and these heritage assets serves to minimise the potential impact on their setting and in the case of the Railway Inn and warehouse in particular, the presence of intervening buildings reduces this impact further.
40. Given the above, the proposed development is not considered to result in any harm to the significance of these designated heritage assets and as such, the application is deemed to be acceptable in this respect, having regard to the relevant local and national planning policies set out above.
41. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
42. The Bridgewater Canal, Radium House, former warehouse now occupied by 'B+J Hire Services' and Altrincham Bridge over the canal to the west are considered to be non-designated heritage assets. The significance of the canal and the former warehouse is derived largely from their historic interest, the significance of the bridge is largely architectural and artistic, whilst that of Radium House is generally architectural and historic.
43. Radium House is a former canalside foundry, representing the early industrial history of the Bridgewater Canal. It is noted that the recent appeal in relation to the proposed development at the Former Rileys Snooker Club was dismissed in part due to the impact of the development on this non-designated heritage asset, paragraph 24 of the Inspector's report stating "*The appeal proposal, extending to the rear of the building would impact negatively on the building's relationship with the canal and therefore its significance. The mass and height of the proposed development would also in my view cause harm to its significance with reference to its setting*".

44. The development proposed would not extend to the rear of Radium House, ensuring the relationship of this building to the canal is maintained. This development is also further away from Radium House and of a lower height than the scheme dismissed at appeal. There is also a garage lying between this scheme and Radium House. Given this setting, the development now proposed is not considered to raise the same issues as that dismissed at appeal in terms of its impact on the setting of this non-designated heritage asset and is considered to be acceptable in this respect.
45. The significance of Altrincham Bridge is considered to be unaffected by the proposed development, given the nature of its significance identified above and the intervening distance from the proposed building. Whilst the proposed apartment building would be located in close proximity to the Bridgewater Canal, this is not deemed to demonstrably harm its setting. The erection of buildings adjacent to the canal is an established form of development and the scale of the proposed building is not considered to be inappropriate in this location. The apartment building would also be in relatively close proximity to the former warehouse adjacent to the west of the site, however it would not extend between this building and the canal, ensuring this relationship is maintained. In addition, the existing building within the application site is currently in very close proximity to the former warehouse and the proposed development is not considered to have a detrimental impact in this respect.
46. It is considered that the proposed development would not cause harm to the designated and non-designated heritage assets and as such, the proposal is deemed to be acceptable in this respect. In arriving at this conclusion, considerable importance and weight has been given to the desirability of preserving the setting of the nearby listed buildings and non-designated heritage assets referred to above.

RESIDENTIAL AMENITY

47. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”*.
48. The Council’s adopted planning guidance for new residential development sets out minimum separation distances which will be sought in order to protect residential amenity. These are as follows:
- 21m between facing habitable room windows across public highways (increased by 3m for three or more storeys)

- 27m between facing habitable room windows across private gardens (increased by 3m for three or more storeys)
- 15m between a main elevation with habitable room windows and a facing blank elevation
- 10.5m between habitable room windows and garden boundaries (increased by 3m for three or more storeys)

Impact on properties on Navigation Road (to south):

49. No 1 Navigation Road to the south of the application site is the detached Old Packet House public house. The adjacent row of properties to the east is in residential use, with the exception of No 3 (an office) and No 5 (a café). It is understood that the first floor of these units have a lawful residential use, although permission has been granted for the use of the first floor of No 3 for flexible C3/B1 purposes.
50. There is a distance of approximately 27.5m between the proposed apartment building and the rear boundary of properties on Navigation Road to the south at the nearest point (Nos 3-5). A distance of approximately 33.5m would exist to the closest habitable room windows, given that the first floor windows in the rear two storey outriggers of these properties are obscure-glazed. It is noted that the proposed apartment building is oriented so that no windows face directly towards these neighbours to the south. Whilst the apartment building includes rooftop amenity space, this is situated within the eastern part of the roof, a significant distance away from any properties on Navigation Road.
51. The above distances are considered to be sufficient to ensure there is no unacceptable impact on the amenity of these properties to the south of the site and all separation distances would comply with the guidance set out in PG1. The proposed townhouses are also situated in a location which would not cause any harm to the amenity of these neighbours.
52. The existing building on site, albeit lower in height than the development proposed, is to be removed as part of the proposed scheme, which in itself would represent an improvement in terms of any overbearing impact on these neighbours to the south. The proposed apartment building would be set considerably further away from the southern site boundary than the existing building and would be situated at an angle to this boundary. This is considered to represent an appropriate relationship with the neighbouring properties on Navigation Road. Furthermore, new planting is proposed between the building and the southern boundary of the site to soften the appearance of the development, and full details of this can be secured through a planning condition.
53. Given the above, the proposed development is considered to be acceptable with regard to its impact on these neighbouring properties.

Impact on properties on Wharf Road (to south/south-east):

54. The proposed townhouses on Wharf Road would be 3.6m from the northernmost existing dwelling on Wharf Road (No 15) at the nearest point. No windows are proposed in the elevation facing towards these neighbours and none exist in the north elevation of No 15, although terraces are proposed to the front of the townhouses at second floor level. The location of these terraces is such however that there would be no direct overlooking impact from these towards other properties on Wharf Road. These townhouses would be 29.8m away from the nearest properties on the opposite side of Wharf Road and this is sufficient to ensure no detrimental impact on the amenity of these properties as a result of the proposed development, and would also comply with the guidelines in PG1.
55. The proposed townhouses are three storeys in height and do not project beyond the main rear elevation of existing properties on Wharf Road, ensuring there is no overbearing or overshadowing impact on the rear yard or rear-facing windows of these adjacent properties. Similarly, the five storey apartment building is considered to be a sufficient distance from these neighbours to avoid any unacceptable impact in this respect, being approximately 29m from the boundary of No 15 Wharf Road at its closest point.

Impact on other properties:

56. Other properties further along Navigation Road, Bridgewater Road, Brunswick Road and Emery Close to the east and south-east are deemed to be a sufficient distance away from the proposed development to ensure they are not unacceptably affected through overbearing impact, overlooking or overshadowing. There are no residential properties on the northern side of the canal which could reasonably be affected by the proposed development, given the significant resulting separation distance.

Amenity of future occupiers of proposed development:

57. PG1 seeks to ensure that new dwellings, including apartments, provide some private outdoor amenity space. This guidance goes on to say that 18sqm of adequately screened communal area per flat is generally sufficient for its functional requirements whilst balconies can count as part of this amenity space provision.
58. The proposed development would provide an area of amenity space in the form of a landscaped area to the south of the apartment building and car park, as well as a roof garden and some private balconies to the apartment building and roof terraces to the townhouses. This is considered to represent a sufficient level of provision to contribute towards the amenity of future residents, given the scale of the development.

59. The siting of refuse bins/recycling facilities at ground floor level of the apartment building is considered to be acceptable with regard to preventing any adverse impact on the amenity of nearby existing residents or future residents of the proposed building by way of noise or odour.

Noise:

60. The application is accompanied by a Noise Assessment which specifies mitigation for future residents in the form of glazing that ensures adequate ventilation to the proposed development when windows are closed. This also concludes that noise within the external amenity areas is within values deemed suitable for daytime resting and that no further mitigation is required in this respect.

61. The Council's Pollution and Licensing section have not raised any issues with regard to noise, subject to conditions requiring the implementation of the recommended mitigation measures and the submission of a Construction and Environmental Management Plan. On this basis, the application is deemed to be acceptable in this respect. Hours of construction work can be conditioned in line with those published on the Council's website.

62. The proposed development is not considered to result in an undue impact on surrounding properties through noise once operational, given that this is a residential use within a largely residential area and therefore wholly appropriate. Whilst some additional vehicular movements will be generated, the highway section below explains that this impact will be limited and there is not considered to be an unacceptably greater impact from noise resulting from the development.

Air Quality:

63. The application is accompanied by an Air Quality Assessment which concludes that robust mitigation against dust impacts during demolition and construction should be adopted in the interests of protecting residential amenity. The Council's Pollution and Licensing section are satisfied that a condition requiring the submission of a Construction Management Plan specifying the inclusion of these details will be adequate to address this matter (and other construction related impacts).

64. With regard to air quality issues associated with the operational phase of the development, the assessment concludes that there would be a negligible impact from additional vehicle emissions and no adverse impact on future residents. The scheme includes the provision of 6no electric vehicle charging points which is in accordance with IAQM guidelines, and will be secured by a specific planning condition.

65. On this basis, the proposed development is considered to be acceptable in this respect.

HIGHWAY MATTERS

66. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.

67. 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.

Car parking:

68. The Council’s adopted SPD3: Parking Standards and Design seeks to achieve one car parking space for each one-bed residential unit and two spaces for each two/three-bed unit in this location (Area C). Based on these standards, the proposed development would be expected to provide a maximum of 82no car parking spaces. The proposed plans indicate that 57no parking spaces would be provided, equating to a shortfall of 22no spaces from the maximum standards. These are located at ground level, partly beneath the proposed building and are inclusive of 8no visitor parking spaces and 3no disabled spaces. 6no spaces would have electric vehicle charging points.

69. A Transport Statement (TS) has been submitted to accompany the application and seeks, amongst other things to provide justification for the reduction in car parking levels from the adopted maximum standards. This includes details of the method of travel to work taken from 2011 census data, which concludes that 56.5 per cent of people within this area travel to work in a car or van. This is provided as an indication that the level of car parking provision will sufficiently cater for the demand generated by the development. It is acknowledged that this census data is somewhat dated, and as such the level of weight that can be afforded to that particular data in justifying the level of parking provision proposed is limited to some degree. It should be noted however that the Inspector’s decision on the recent appeal at the nearby Former Riley’s Snooker Club stated, in relation to this data that *“whilst this information is dated, it provides an indication that car ownership levels are relatively low in the area”*.

70. The TS also refers to a previously approved application (ref. 88991/PRO/16) as a precedent, under which 77 per cent parking provision was accepted, (albeit that this development was the prior approval granted for a change of use from office to residential at Trafford Plaza on Seymour Grove in Old Trafford). It should be noted that each application is considered on its merits and the acceptance of a lower level of parking at a different site does not necessarily indicate that a similar level will be accepted elsewhere.
71. The TS also provides figures from 2007 'Residential Car Parking Research' published by the DCLG which indicates that flats in comparable locations (i.e. 'urban locations') have an average car ownership level of 0.5-0.7 cars per unit, which is also less than the proposed car parking provision. As with the census data, the weight that can be afforded to these figures in justifying the level of parking provision proposed has to be limited.
72. Parking surveys at the nearby 'The Bridge', 'Budenberg' and 'Woodfield' apartment schemes have been carried out. It is understood that these were commissioned in relation to the earlier scheme at the Former Rileys Snooker Club by the applicant for the proposed Former Rileys development. These are considered to represent similar schemes to that currently proposed in terms of location, property values and expected resident profile. Surveys at 'The Bridge' were initially carried out on a Saturday evening whilst further surveys following the 'Lambeth' methodology were carried out in the early morning on two weekdays. These provide the proportion of occupied parking spaces in relation to the total number of occupied apartments. The surveys show a maximum parking occupancy rate of 83 per cent of the number of occupied apartments. Surveys following the 'Lambeth' methodology were also carried out at the shared car park serving the 'Budenberg' and 'Woodfield' apartment schemes. Results from these show a maximum parking occupancy rate of 81 per cent of the number of occupied apartments. This is less than the proportion of car parking proposed to be provided with this development.
73. A comparison with other similar schemes using data from the TRICS (Trip Rate Information Computer System) database has also been included within the TS, with only comparable sites being referenced (i.e. privately owned flats in the UK excl. London/Scotland/Ulster/Leinster/Wales in suburban/edge of town locations). This provides the proportion of occupied parking spaces in relation to the total number of residential units. This comparison indicates that these similar developments have an average occupancy level of 0.66 cars per flat, again less than the proportion of car parking proposed.
74. The sustainable location of the application site, in terms of its proximity to public transport links has also been referred to as providing justification for the level of parking proposed. The site is approximately 600m from the Navigation Road Metrolink/railway station with the closest bus stops being approximately 250m (towards Manchester) and 350m away (towards Altrincham) on the A56. These

services provide access into Manchester, Chester and towards Altrincham town centre. Officers consider this to be a highly sustainable location in this respect, with public transport serving as a genuine alternative to private vehicles for commuting and trips to leisure/retail facilities.

75. Also of relevance is the recent appeal decision in relation to a proposed residential development at the nearby Former Riley's Snooker Club. Whilst this appeal was dismissed, this was due to the impact of the development on the character and appearance of the area and its impact on a non-designated heritage asset. Regarding car parking provision, the Inspector noted the following:

"...I consider that the level of car parking required in the submitted scheme, would be likely to be below one space per flat. This would mean that the car parking proposed would have capacity to provide for a small number of visitor's vehicles. I [am] therefore satisfied that the parking proposed would be adequate and that the scheme would not result in overspill car parking onto the surrounding highway".

76. Whilst each development must be considered on its own merits, there are clear comparisons between the above appeal scheme and that now proposed in relation to parking demand. The two sites are in very close proximity to each other (approximately 30m apart) and both would be accessed via Wharf Road/Bridgewater Road. Both are residential schemes comprising predominantly one and two-bed apartments and the evidence submitted in support of each of the two developments is deemed to be mutually applicable and relevant (indeed much of the evidence submitted in relation to the appeal and this application is the same). The above conclusions reached by the Inspector in relation to parking matter add further weight to the case made by the applicant for a reduced level of car parking provision from the Council's maximum standards.

77. A total of 8 no visitor car parking spaces are to be provided within the site, one of which will be a disabled space and another of which will be an electric charging space. Whilst SPD3 does not include standards for visitor parking in relation to residential development, this is considered to represent an appropriate level of visitor parking provision given the scale of the development as a whole.

78. A Travel Plan has been submitted with the application to encourage a reduction in residents' travel by car. This is an appropriately detailed document which forms one element of the overall approach to travel to and from the proposed development. A condition should be attached to any consent issued requiring this Travel Plan to be implemented.

79. A number of representations raise concerns that there is currently an insufficient level of on-street parking for existing residents and that many of these existing spaces are often used by employees of local businesses. It is acknowledged that

there is existing competition for on-street parking in the area and that there is a degree of existing parking stress on Wharf Road, Bridgewater Road and other roads close to the site. A proposed development cannot however be required to address issues which may already exist in an area, provided that it would not worsen an existing situation to a degree at which a refusal of planning permission would be justified.

80. The Local Highway Authority (LHA) advises that it is “*mindful of the Transport Statement containing evidence of similar developments nearby having a reduced parking level*” and also notes that “*the recent Planning Appeal for the former Riley’s snooker club, whilst dismissed, the inspector was satisfied that the proposal would not cause harm to highway safety*”. The LHA has therefore raised no objection to the development on parking grounds.
81. Officers acknowledge that residents feel very strongly about the potential safety and amenity implications of any scheme that may exacerbate the existing parking stress. However, it is considered that the supporting information submitted with the application has appropriately and adequately provided justification for the level of parking proposed and this is considered to be sufficient to accommodate the demand generated by the development. Although there may be some very limited on street ‘over-spill’ parking, it is not considered that this would be so significant as to exacerbate existing parking stress to a degree that highway safety or residential amenity would be affected to a level that would warrant a refusal of planning permission.

Access and impact on highway network:

82. The proposed vehicular site access is considered to be acceptable, particularly given that Wharf Road terminates just beyond the vehicular access point, limiting through traffic. The LHA advises that the new vehicular access/egress provides a visibility splay of 2.4 x 43m and whilst this cannot be achieved towards the north, given that the site access is situated close to the end of Wharf Road this is deemed to be an acceptable arrangement. Pedestrian access to the townhouses will be directly from Wharf Road with individual front doors being proposed for these units. Pedestrian access for the apartments would be available adjacent to the north and south of the townhouses on Wharf Road and this is considered to be an appropriate arrangement.
83. The submitted Transport Statement provides information from the TRICS database to assess the potential trip generation of the development and the resulting impact on the local highway network. This considers a number of other sites which are similar in terms of use, ownership and location and includes details of the number of vehicular trips to and from the development at peak times. This data demonstrates that the proposed development would generate approximately 13no trips in the peak AM period (08.00-09.00) and 15no trips in the traditional peak PM period (17.00-18.00), a total of 28no two-way trips during

peak hours. This equates to approximately one additional vehicle trip every 4.3 minutes during this peak period.

84. The Transport Statement also notes that a 'fallback' position exists whereby the site could be used lawfully as a maintenance yard, thereby generating some level of vehicular movement to and from the site without the need for planning permission. The TRICS database has again been consulted to provide figures for the likely trip generation of this existing lawful use. This concludes that approximately 10no trips in each of the peak AM (08.00-09.00) and PM (17.00-18.00) periods could be expected. When considering this existing lawful use against the proposed use, the proposal would result in approximately 1no additional trip in the peak AM period and 2no additional trips in the peak PM period.
85. The LHA concur with the conclusions of the above assessment, with the number of additional trips generated by the proposed development falling well below a level which could demonstrably impact on the highway network and surrounding junctions. The cumulative impact on the highway network of the proposed development, together with the approved residential scheme at the eastern end of Bridgewater Road (ref. 91240/FUL/17) is not considered to be so significant as to warrant further assessment or refusal of planning permission on these grounds, given the limited scale of the Bridgewater Road development (10no units). As there is neither a live planning application nor an extant planning permission for a development on the former Rileys site, there is no longer any requirement, nor would it be appropriate, to consider the cumulative impacts of this scheme and any other scheme that might come forward on the former Rileys snooker club site.
86. Figures have been provided to show the number of vehicular accidents in the vicinity of the site between July 2012 and December 2018. The number of accidents within this period (three slight and one fatality) does not indicate that there is a particular identifiable safety issue in the vicinity of the site and the number of trips generated by the proposed development is not deemed to be of a level which is likely to exacerbate this.
87. A condition will be attached to any consent issued requiring the provision of 'give way' markings at the junction of Wharf Road and Bridgewater Road in the interests of highway safety. Several objections to the application relate to the insufficient width of roads in the surrounding area and the difficulty for access by emergency vehicles. As noted above, a proposed development cannot reasonably be expected to remedy existing issues which may exist through the planning process and the proposed development is not deemed to worsen the current situation in these respects to an extent that would warrant a refusal of planning permission.

Cycle parking:

88. SPD3 seeks to achieve either 1no communal cycle parking space for each apartment/townhouse or 1no (one-bed)/2no (two/three-bed) allocated spaces. This relates to a total requirement of 49no communal spaces or 82no allocated spaces. The proposed parking area would provide space to accommodate 50no bicycles. On the basis that these serve as communal spaces, this level of cycle parking provision is in accordance with the requirements of SPD3 and is considered to be acceptable. Following receipt of additional information, the LHA has also confirmed that the cycle storage facilities are of a sufficient size and design to accommodate the number of spaces proposed. A condition will be attached to any consent issued requiring the implementation of these cycle parking facilities.

Servicing:

89. It is proposed that waste and recycling will be collected from Wharf Road, in line with the existing arrangements for properties on Wharf Road. This is considered to be an appropriate arrangement and the LHA has confirmed that this is an acceptable approach.

Summary:

90. The comments made by local residents in relation to highway matters have been considered, however the development is deemed to be in accordance with local and national planning policy and the 'residual cumulative impacts' are not considered to be 'severe' (as set out in NPPF paragraph 109). As such, the proposed development is considered to be acceptable in this respect.

FLOODING AND DRAINAGE

91. Policy L5 of the Trafford Core Strategy states that *"the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location"*. At the national level, NPPF paragraph 163 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere. Policy L5 is considered to be up to date in this regard and so full weight can be attached to it.

92. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of flooding although the site does fall within a Critical Drainage Area. The applicant has submitted a Flood Risk Assessment to accompany the application.

93. The Lead Local Flood Authority (LLFA) has been consulted on the application and has not raised any objections to the development, subject to the imposition of a planning condition relating to the submission of a management and

maintenance plan for the sustainable drainage scheme. United Utilities has also commented on the application and recommends a number of conditions which should be attached to any consent, should planning permission be granted. Appropriate conditions relating to site drainage can be added to any consent issued.

94. All representations received have been taken into consideration, however with regard being had to advice provided by statutory consultees, the application is considered to be acceptable in terms of flooding and drainage and compliant with relevant local and national planning policies and guidance.

TREES AND LANDSCAPING

95. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both policies are considered to be up to date in terms of the NPPF and so full weight can be afforded to them.

96. The submitted 'Arboricultural Survey, Impact Assessment and Method Statement' indicates that four trees within the curtilage of the site are required to be removed to facilitate the development. This concludes that any tree removal would have a negligible impact on the character of the site and the local landscape. The Council's Arboriculturist has not raised any objections to the removal of these trees and it is noted that all have been identified as category 'C' (low quality). A condition requiring the submission of a tree protection scheme in relation to any off-site trees which are retained will be attached to any consent issued.

97. The application is accompanied by an illustrative landscaping plan which includes an area of amenity space and a number of new trees to the site boundaries. This is considered to be acceptable in principle and a condition requiring the submission and implementation of a detailed landscaping scheme, to ensure that an appropriate level of additional planting comes forward, should be attached to any consent issued.

ECOLOGY

98. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 118 of the NPPF states that "*if significant harm resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*". 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.

99. The application is accompanied by an Ecological Impact Assessment dated December 2018. This concludes that there would be no significant residual impacts to protected species and habitats if the recommended avoidance and mitigation measures are implemented. These measures include the use of a sensitive lighting scheme, clearance of vegetation outside of the bird nesting season and in a sensitive manner, the installation of a bat box and the incorporation of native flora within the landscape design. These could be secured through appropriately worded planning conditions should planning permission be granted.
100. A representation states that swift nesting boxes and bee bricks should be provided as part of the proposed development. As noted above, appropriate ecological mitigation will be secured by the imposition of a planning condition, in line with the recommendations of the submitted Ecological Impact Assessment. Officers are satisfied with the proposals in this respect.
101. The Greater Manchester Ecology Unit (GMEU) has been consulted and advises that issues relating to bats, nesting birds, proximity to the Bridgewater Canal and landscaping can be resolved via condition or informative. The GMEU has also advised that there are concerns regarding the site layout which will increase the level of shading on the canal. They note however that it has been established that one of the features of ecological interest for this SBI, the bryophyte Freiberg's Screw-moss is not present along this section of the canal. Therefore whilst there will be a negative impact, given the length of the canal, the overall impact is minor. On this basis, the proposed development is considered to be acceptable with regard to matters of ecology.

DEVELOPER CONTRIBUTIONS, AFFORDABLE HOUSING AND VIABILITY

102. The proposed development would be liable to a CIL (Community Infrastructure Levy) rate of £65 per sqm for the apartments and £80 per sqm for the townhouses, being situated in a 'hot' CIL charging zone.
103. A number of representations raise concerns regarding the impact of the proposed development on local GPs, schools and other community facilities. However, the number of residential units proposed is not considered to be high enough to warrant a refusal of permission on these grounds or a request for contributions towards these facilities, as the resulting impact would not be significant (having regard to the provisions of SPD1). As noted above however, the scheme does attract CIL contributions.

104. Paragraph 59 of the NPPF states that, *“to support the Government’s objective of significantly boosting the supply of homes...it is important that the needs of groups with specific housing requirements are addressed”*.
105. Policy L1 of the Trafford Core Strategy states that the Council will seek to deliver high quality housing affordable by all sectors of the community by releasing sufficient land to accommodate a minimum of 12,210 new dwellings up to 2026. Policy L2 of the Trafford Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough. In order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market:affordable housing. There is considered to be a significant affordability gap, particularly in the southern half of the Borough.
106. Policy L2 also sets out that the expected delivery method of affordable housing would be on site; at least 50% of the affordable housing provision will be required to be accommodation suitable for families; the affordable housing element should reflect the overall mix of unit types on the site and a split of 50:50 in the affordable housing units to be provided between intermediate and social/affordable rented housing units. Further detail on mechanisms to secure affordable housing delivery and provision are included in the Revised SPD1: Planning Obligations.
107. For the purposes of affordable housing, the site is located within a ‘Hot’ market location, where a 40% affordable housing target will be applied in ‘Normal’ market conditions, as prescribed by Policy L2 of the Core Strategy. Paragraph 3.11 of SPD1 recognises that under ‘Good’ market conditions (which the Borough is currently experiencing), this requirement will be raised to 45%.
108. The applicant has submitted a development viability appraisal with the planning application which initially concluded that only 10% affordable housing could be provided. The applicant’s viability appraisal has been independently reviewed by financial viability consultants appointed by the Council. The view reached by the Council’s consultants was that this scheme could provide a greater level of affordable housing than that offered.
109. A particular concern identified by the Council’s viability consultants was that the ‘Existing Use Value Plus’ (EUV+) of the land used in the appraisal does not reflect the actual price paid for the land. The amount paid by the developer exceeds the EUV+ by £858,600, demonstrating an overpayment of the land by this amount if the 18.5% profit margin given in the applicant’s appraisal is the minimum required return. This highlights the ‘circularity issue’ which RICS research in 2015 (Financial Viability Appraisal in Planning Decisions: Theory and Practice) found, where:

“if market value is based on comparable evidence without proper adjustment to reflect policy compliant planning obligations, this introduces a circularity, which encourages developer to overpay for sites and try to recover some or all of this overpayment via reductions in planning obligations” (RICS, 2015, p. 26).

110. Overpaying for a development site is part of development risk and is not accepted as justification for an affordable housing provision that is lower than the level that could actually be achieved at the site when an appropriate purchase price, consistent with planning policy requirements, is applied. This has recently been supported by the High Court in the *Parkhurst* case (Parkhurst Rd Ltd vs SoS for Communities and Local Government & London Borough of Islington).
111. Following discussions, provision of 10no on-site shared ownership units was offered by the applicant, representing a 20.4% contribution towards affordable housing. The applicant has indicated that the proposed units would comprise 4no one-bedroom apartments, 5no two-bedroom apartments and 1no three-bedroom unit.
112. The Council's financial viability consultants have advised that they consider this to be an appropriate offer of affordable housing and acknowledge that the full 45% sought by SPD1 is highly likely to be unviable in this instance. The uplifted affordable housing contribution would reduce the applicant's profit, reflecting the risk taken by the developer in overpaying for the site. On this basis, Officers consider this to be an acceptable level of affordable housing provision, given the submitted viability appraisal and the advice received from the Council's viability consultants. The affordable housing will be secured by way of a s106 legal agreement.
113. The applicant has also agreed to a viability review to enable the Council to capture an element of enhanced profit from the scheme should the proposed development perform better in viability terms than has been assumed by the submitted viability case. This would be by means of a commuted sum which would contribute to the Council's Affordable Housing Fund. Should sales values exceed £390 per sqft then any 'super profit' will be shared equally between the applicant and the Council. The reviews to assess the actual financial performance of the scheme will occur on the sale of the 29th unit (75% of the scheme) and the sale of the final unit.
114. This is considered to be an appropriate arrangement to secure the maximum possible affordable housing contribution in these specific circumstances and the application is therefore deemed to be acceptable in this respect.

OTHER MATTERS

Security and safety:

115. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety.
116. A Crime Impact Statement has been submitted alongside the application and notes that the layout of the proposed scheme is acceptable in terms of security and safety, subject to a number of recommendations being implemented. Specifically, these relate to boundary treatments, the prevention of public access to the canalside and control of access into the apartment building.
117. Greater Manchester Police's Design for Security section has been consulted and has recommended that the development is designed and constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement. They also recommend that a condition is imposed requiring the scheme to reflect the physical security specification set out in this statement.
118. On this basis, the proposed development is considered to be acceptable with regard to matters of security and safety subject to the condition requested above.

Contaminated land:

119. The application is accompanied by a 'Phase 1 Geoenvironmental Appraisal' which recommends that an intrusive investigation is carried out to fully assess matters of contamination. The Council's Pollution and Licensing section has been consulted and advises that a condition should be attached to any consent issued requiring the submission of a ground investigation, remediation strategy and verification report. The Environment Agency has also provided comments in this respect and recommends similar conditions.
120. Subject to the imposition of appropriate conditions, the application is considered to be acceptable with regard to matters of contaminated land.

External lighting:

121. The application does not include details of any proposed external lighting and as such, a condition will be attached to any consent issued requiring the submission of a lighting scheme. This will ensure there is no harm to residential amenity through excessive light levels and will also ensure that any external lighting does not cause disturbance to bats and other wildlife in the surrounding area. Subject to this condition, the proposed development is deemed to be acceptable in this respect.

Other representations:

122. Most of the concerns raised by local residents have been addressed in the appropriate sections of this report above, however a number of other concerns not covered are considered below.
123. With regard to potential disruption to local residents during the construction phase, this is not a matter for which permission can reasonably be refused, given that some level of disturbance would be expected as part of any development. A condition will however be attached to any consent issued requiring the submission of a Construction Method Statement in order to ensure potential impacts during construction are minimised as far as possible.
124. Other concerns relate to the impact on the stability of nearby properties and the health and safety of neighbours, however there is no evidence before Officers to suggest that this will be a particular issue in this instance. It is recommended that a condition is attached to any consent issued requiring the submission of a Construction Method Statement in order to minimise disruption to residents during the construction phase of development. Another representation states that an up to date Demolition Method Statement is required, however it is noted that an extant permission exists for all buildings on site to be demolished. Notwithstanding this, the condition requiring the submission of a Construction Method Statement can include a requirement for this to cover the demolition phase.
125. Concerns are raised that consultation responses from the Local Highway Authority (LHA) have not been published on the Council's website. The final comments of the LHA were made available on the website when they were received. These comments do not form part of the application submission and there is no requirement to give further time for representations to be made in response to these.
126. Further concerns refer to a lack of consultation, resident engagement and support for the scheme. It is noted that pre-application consultation by the developer is not a statutory requirement whilst full public consultation on the planning application has been carried out in line with the provisions for publicity set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) and the Council's Statement of Community Involvement. All representations received as a result of this consultation have been taken into consideration in the determination of the application.

CUMULATIVE IMPACTS

127. When the previous development proposal for this site was considered it was recognised that because the first development proposal at the Rileys Snooker

Club was also before Committee at the same time, and bearing in mind the relative proximity of the two sites, due regard should be given to the cumulative impacts of both developments, particularly in relation to highway impacts. As there is neither a live planning application nor an extant planning permission for a development on the former Rileys site, there is no longer any requirement, nor would it be appropriate, to consider the cumulative impacts of this scheme and any other scheme that might come forward on the former Rileys snooker club site. That said, it is still appropriate to consider the cumulative impact of this scheme together with the approved residential scheme at the eastern end of Bridgewater Road (ref. 91240/FUL/17). As has been concluded earlier, this cumulative impact on the highway network is not considered to be so significant as to warrant further assessment or refusal of planning permission on these grounds, given the limited scale of the Bridgewater Road development (10no units). The same conclusion has been reached in relation to any other cumulative impacts that might result from the two schemes.

CONCLUSION AND PLANNING BALANCE

128. A number of public benefits arise from the proposed scheme which are considered to demonstrably outweigh any residual harm. These are that the scheme will deliver a sustainable development including 49no new residential units on a brownfield site, a significant contribution to the Council's housing land supply figures and targets for delivering residential development on brownfield sites. It will also deliver 10no affordable units under shared ownership, with the potential for further financial contributions towards off-site affordable housing provision and will bring about the redevelopment of an underused site. The proposal would result in an improved street scene on this part of Bridgewater Road with a high quality contemporary designed building. The scheme will also boost the local economy both through the provision of construction jobs and also by way of new residents of the development contributing towards local shops and services.
129. Having carried out this analysis, there is no 'clear reason for refusing the development proposed' when considering the application against Paragraph 11(d)(i) of the NPPF. As the 'most important' policies for determining the application are out of date, 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.
130. All other detailed matters have been assessed, including highway safety, residential amenity, and impacts on non-designated heritage assets. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site. The

proposals are considered to be compliant with the development plan and where this is silent or out of date, national planning policy. It also largely complies with relevant adopted local guidance and where it does not the development is considered to be acceptable on its own merits for the reasons set out in the main body of this report. The public benefits identified above also weigh in favour of a grant of planning permission. The application is therefore recommended for approval.

RECOMMENDATION

That Members resolve that they would be **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:
 - The provision of 10no shared ownership apartments on site (4no one-bedroom, 5no two-bedroom and 1no three-bedroom)
 - A viability review mechanism upon the sale of the 29th unit and the final unit to secure 50% of any additional sales values achieved above £390 per square foot towards off-site affordable housing provision
- (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) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions (unless amended by (ii) above):
 1. The development must be begun not later than three years beginning with the date of this permission.

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

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

Plan Number	Drawing Title
L(00)190 (Rev F)	Proposed Ground Floor Plan
L(00)191 (Rev F)	Proposed First Floor Plan
L(00)192 (Rev F)	Proposed Second Floor Plan
L(00)193 (Rev F)	Proposed Third Floor Plan

L(00)194 (Rev F)	Proposed Fourth Floor Plan
L(00)195 (Rev F)	Proposed Roof Floor Plan
7687-L(00)222	Proposed North Elevation
7687-L(00)223	Proposed East Elevation
7687-L(00)224	Proposed South Elevation
7687-L(00)225	Proposed West Elevation
L(00)226	Site Plan
7687-L(00)238	Landscape Boundary Treatments Plan
7687-L(00)242	Façade Details 01 – Window
7687-L(00)243	Façade Details 02 – Balcony
7687-L(00)244	Façade Details 03 – External Wall
7687-L(00)246	Proposed Elevation 01
7687-L(00)247	Proposed Elevation 02
7687-L(00)248	Proposed Elevation 03
7687-L(00)249	Proposed Elevation 04
7687-L(00)250	Proposed Elevation 05
7687-L(00)251	Proposed Elevation 06

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

- No development shall take place unless and until a sustainable surface water drainage scheme which includes the SuDS Options within Table 6.3 of the submitted flood risk statement (prepared by Enzygo, Ref. SHF.1305.004.HY.R.001.C dated March 2019) and based on an assessment of the hierarchy of drainage options in National Planning Practice Guidance (including evidence of an assessment of site conditions), has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, the assessment of the hierarchy of drainage options and site conditions shall include an assessment of (in the following order of priority):

- the potential for infiltration; and then
- the potential for discharge of surface water to the Bridgewater Canal; and then
- the potential for discharge to the local highway drains.

If the assessment of site conditions demonstrates that infiltration is not acceptable, any surface water shall discharge to the Bridgewater Canal at a restricted rate of discharge which shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

In demonstrating the required reduction in discharge rates full details and associated evidence of existing drainage connections from the site shall be submitted to justify the proposed reduction in the rate of discharge.

No surface water shall discharge to the public sewer either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No development shall take place until details of existing and finished site levels relative to previously agreed off-site datum points or Ordnance datum points 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. The condition requires the submission of these details prior to works starting on site because these details will need to be incorporated into the development at design stage.

6. No development shall take place, including any works of demolition, until a Demolition and 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 demolition and construction period. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors
 - (ii) the loading and unloading of plant and materials
 - (iii) the storage of plant and materials used in the demolition and construction 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 demolition and construction
- (vii) measures to prevent disturbance to adjacent dwellings from noise and vibration
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (ix) measures to protect the Bridgewater Canal from accidental spillages, dust and debris.

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.

7. No development, other than works of demolition, shall take place unless and until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The phase II report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before the building is first occupied.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers having regard to Core Strategy Policies L5 and L7 and the National Planning Policy Framework. The scheme is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in risks to site operatives.

8. 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.

9. Demolition and construction work shall be limited to the following hours:

08.00-18.00	Monday – Friday
09.00-13.00	Saturday

No demolition or construction work shall take place on Sundays, Bank Holidays and Public Holidays.

Reason: 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.

10. 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.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution, having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of materials to be used externally on all buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork illustrating the type of joint, the type of bonding and the colour of the mortar to be used, together with fenestration recesses and with these panels available on site for inspection. 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.

13. No above-ground construction works shall take place unless and until a detailed scheme for all mechanical and electrical systems (M&E) have first been submitted to and approved in writing by the local planning authority. The scheme shall ensure that:
- (i) All apartments are provided with appropriate heating and ventilation systems
 - (ii) There are no individual extraction vents or flues to apartments visible on the exterior façade of the building, and that the M&E solutions do not impact on the fenestration detailing shown on the approved elevational drawings
 - (iii) All plant is included within the building façade and is not located on or protruding above the roof parapets of the buildings

Development shall proceed in accordance with the approved scheme.

Reason: In the interests of visual amenity and in protecting the original design intent of the architect and the quality of the proposed development, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

14. No above ground construction works on the townhouses shall take place unless and until a scheme for the provision of utility meter boxes to serve these units has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall seek to ensure that they are sensitively sited on the building and are that they are not visible from the street. Development shall proceed in accordance with the approved scheme.

Reason: In the interests of visual amenity and in protecting the original design intent of the architect and the quality of the proposed development, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

15. The development hereby approved shall not be occupied unless and until a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
- (a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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

16. The development hereby approved shall not be brought into use unless and until a scheme for Biodiversity Enhancement Measures, in accordance with the recommendations set out in section 5.4 of the Ecological Impact Assessment (Ref. SHF.1305.004.EC.R.001, dated 12th December 2018), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use.

Reason: In order to protect and enhance biodiversity associated with the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

17. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (including areas of the site designated for car parking), 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 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.

18. The development hereby approved shall not be occupied until a schedule of landscape maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

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 L5, L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework,

19. The development hereby approved shall not be occupied unless and until a Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include details of how residents' parking spaces shall be allocated and how visitor parking will be appropriately managed. The approved strategy shall be implemented at all times thereafter.

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.

20. Notwithstanding the details submitted, the development hereby approved shall not be occupied unless and until a Waste Management Strategy has first been submitted to and approved in writing by the Local Planning Authority. Thereafter waste and recycling bins shall be stored and made available for collection and return in accordance with the approved strategy'.

Reason: In the interests of highway safety and residential amenity and to ensure that satisfactory arrangements are in place for the disposal of refuse (including recyclables), having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. The development hereby approved shall not be occupied unless and until 'give way' markings have been provided at the junction of Wharf Road and Bridgewater Road in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

23. None of the dwellings hereby approved shall be occupied unless and until a hard surfacing materials schedule for the car parking spaces and circulation areas has first been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be surfaced 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.

24. The development hereby approved shall not be occupied until the means of access and the areas for the movement, loading, unloading and parking of vehicles and bicycles have been provided, constructed and surfaced in complete accordance with the submitted plans and the details approved in relation to condition 23. These areas shall thereafter be retained and not be put to any other use than their intended purpose.

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.

25. The development hereby approved shall not be occupied unless and until the electric vehicle charging points shown on drawing ref. L(00)226 have been installed and made available for use in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The charging points shall be retained thereafter.

Reason: In the interests of promoting sustainable travel having regard to Policies L4 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

26. The recommendations and mitigation measures contained in the submitted Noise Assessment (Ref. SHF.1305.003.NO.R.001.C, dated December 2018) shall be

implemented in full prior to the first occupation of the development hereby approved and retained as such thereafter.

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

27. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section 3.3 and the physical security specification within section 4 of the submitted Crime Impact Statement dated 19/10/2018 (URN:2017/0863/CIS/02) and retained thereafter. For the avoidance of doubt, the requirements of this condition do not include aspects of security covered by Part Q of the Building Regulations 2015, which should be brought forward at the relevant time under that legislation.

Reason: In the interests of crime prevention and the enhancement of community safety, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

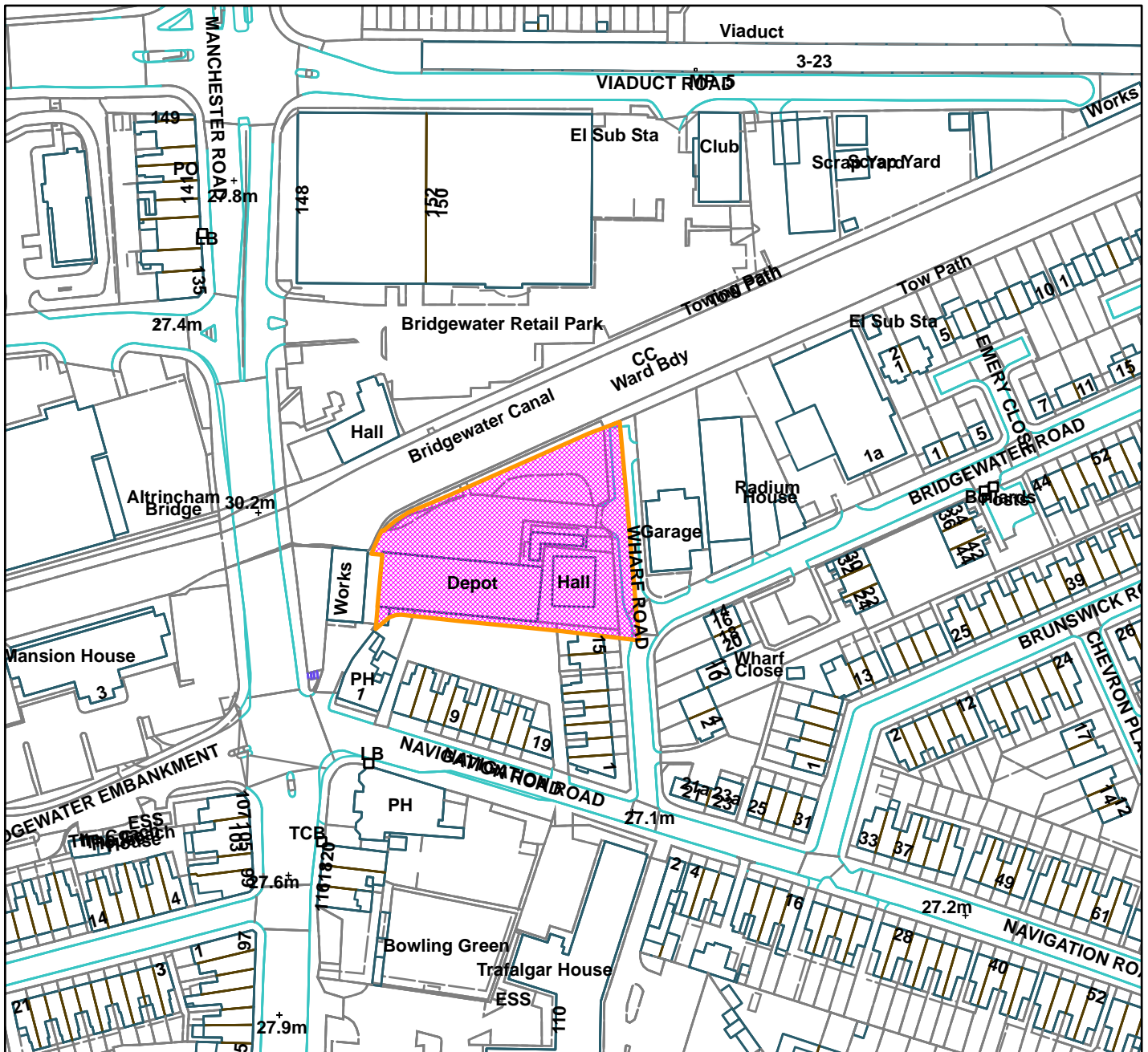
28. On or before the first occupation of the development hereby permitted, the submitted Travel Plan (ref. SHF.1305.TR.R.002, dated December 2018) shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

Reason: To reduce car travel to and from the site in the interests of sustainability and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

JD



Refuse Collection Depot, Wharf Road, Altrincham (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/07/2019
Date	01/07/2019
MSA Number	100023172 (2012)

WARD: Sale Moor

REF: 96944/FUL/19

DEPARTURE: No

Erection of a drive thru bakery with associated site access, car parking, landscaping and other works

Dovecote Business Park, Old Hall Road, Sale, M33 2GS

APPLICANT: Euro Garages Ltd

AGENT: WYG

RECOMMENDATION: GRANT subject to conditions.

UPDATE

Members will recall that they resolved to defer this application at the meeting of the Planning and Development Management Committee on 13 June 2019, pending further information to be provided in relation to:

1. Additional Highways information
2. A Litter Management Plan
3. A Noise Management Plan

The applicant has responded to the above points with the below statement:

1. *Highways Impacts – No additional information on highways is considered necessary. The original, extant planning application granted permission for a drive thru of 185 square metres, and this new application proposes a drive thru with a slightly reduced floorspace of 176 square metres. The previous application had no objections from the Highway Officer, and this new application will not alter the situation on site in terms of highways impact – as confirmed by a consultation response of no objection from the Highway Officer. There is nothing stopping the Applicant from implementing the approved consent and operating it for the brand now the subject of this site. The application was made purely for aesthetic reasons (i.e. building design changes and not the principle of development).*
2. *Litter Management Plan – This matter can be conditioned. Our client operates over 5,000 sites internationally and they promote litter management on and off their sites as this affects their reputation. They therefore take the matter seriously but there is no reason why a Litter Management Plan could not be conditioned, indeed it was a condition of the extant planning permission.*

- 3. Noise Management Plan – The site would not be a 24 hour operation and would be open during normal, social hours. The site is also next to a main road. It is unclear what a noise management strategy could include given that the Council has not demonstrated or provided detail on the sources of noise that are of concern and which party would be affected. Notwithstanding, the Applicant would be happy to deal with such a matter by way of the condition discharge procedure, providing the reasoning for the condition is clear and precise as to what is required.**

Beyond these statements no further information has been submitted by the applicant and Officers consider it would be unreasonable to require them to do so. There are no changes to the application since it was considered by Members at the previous Committee Meeting on 13th June 2019. The officer recommendation remains to grant the application subject to conditions and the previous officer report is set out in full below.

Members are reminded that the ‘fallback’ position in this case (i.e. the ability to implement the extant permission) should be given significant weight as a material consideration in the decision making process.

SITE

The application site relates to a 0.22 ha piece of land located on the western boundary of the Dovecote Business and Technology Park, at the junction of Old Hall Road with Dane Road.

Dovecote Business Park comprises two three-storey office buildings known as Dovecote House (currently occupied) and Number One Dovecote (currently vacant), along with associated access, parking areas and landscaping.

The application site lies to the east of Old Hall Road and to the south of the access road to Dovecote Business Park and comprises part of the existing parking and landscaped areas associated with the office building, along the Old Hall Road frontage.

The two office buildings of Dovecote Business Park bound the northern and eastern perimeters of the site; Junction 6 of the M60 lies further north. Trees and the residential properties of Old Hall Road and Lincoln Grove lie to the south of the site. Old Hall Road and residential properties beyond lie to the west of the site.

PROPOSAL

The current application is for the erection of a drive thru bakery with associated site access, car parking, landscaping and other works. The current proposal is substantially very similar to the previous planning permission, although proposes a bakery (retail) rather than a coffee shop. However such uses fall within the same planning use class. In addition to the change in end user, there are also minor changes

to the floorspace and design of the unit and the drive-thru and parking layout (and other minor changes including landscaping).

Under the current application, planning permission is sought for:-

- Erection of a single-storey contemporary drive-thru bakery (176 sq.m. internal floorspace) with a drive-thru lane (including two drive thru windows to Old Hall Lane elevation)
- Associated site access (via the existing access to the Business Park),
- Associated car parking (26 spaces including 2 disabled spaces to serve the non-drive thru customers)
- Associated landscaping (including planting of 30 new trees).

*The application site has an extant planning permission under application **91610/FUL/17** for erection of a single-storey contemporary drive-thru coffee shop with a drive-thru lane (including a service hatch) including:*

- *185 sq.m. internal floorspace*
- *Associated site access (via the existing access to the Business Park);*
- *Associated car parking (24 spaces including 2 disabled spaces to serve the non drive thru customers);*
- *Associated landscaping*

Access

The proposal will use the existing access to the Business Park, to the immediate north of the application site.

Design

The single storey unit will have a gross floorspace of 193 sq.m with a rectangular footprint. The unit will feature 2no. drive through windows on the west elevation facing Old Hall Road and the main pedestrian access would be located on the east elevation facing the business park.

The unit will be of a simple, modern design with the rectangular unit featuring large glazed panels across the main entrance facing east, and on the north and west elevations, interspersed with pale blue and light grey cladding. The south elevation will house the service doors and two drive thru windows are proposed in the west elevation facing Old Hall Road. The unit will be single storey with a flat roof, measuring 4.5m high.

Opening Hours

Proposed opening hours were originally states as 06:00 to 22:00 every day on the application form, however following consultation with the Environmental Health officer, this has been revised to 06:00 to 22:00 Monday to Saturday inclusive and 08:00 to 22:00 Sundays and bank holidays, in line with the previous permission and to protect residential amenity.

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

W1 – Economy

W2 – Town Centres and Retail

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

Policy EM3 of the emerging Land Allocations Plan should also be regarded as a material consideration.

PROPOSALS MAP NOTATION

Strategic Development Site

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

E13 – Strategic Development Sites

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the revised 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)

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.

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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. 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.

RELEVANT PLANNING HISTORY

Extant permission - 91610/FUL/17 - Erection of a Drive-Thru' coffee shop, with associated site access, car parking and other works. Approved subject to conditions 17.01.2018.

H/52993 – Use of building for Class B1 (business) purposes without complying with the restrictions imposed by condition 2 of planning permission H/29608. Approved with conditions 18/02/2002.

H45067 - Erection of 6,968 sqm (75,000 sq.ft) of office accommodation in a 3-storey building. Provision of 320 car parking spaces and landscaping of site including the provision of a central amenity feature. Approved with conditions 07/01/1998.

H43694 - Removal of condition 2 attached to planning permission H/29608 to enable proposed development to be occupied by any use within class B1 (Business) of the Town & Country Planning (Use classes) Order. Refused 21/05/1997. Appeal Allowed 23/02/1998.

H44232 - Erection of a 3-storey block and 2 two-storey blocks of offices (total 6964m² of floorspace) to be used for activities within class B1 (A) & (B) of Town & Country Planning (Use Classes) Order 1987. Provision of 294 car parking spaces and landscaping of the site including provision of central amenity feature – Approved with conditions 19/03/1998.

H/29608 – Proposed high technology and business park, maximum floorspace 150,000 sq.ft including first phase development of part two, part three-storey building of 51,750 sq.ft gross with 200 parking spaces and second phase extension (outline only) of 17,000 sq.ft; two 2 storey buildings each of 25,625 sq.ft gross with 85 car spaces per building and one 2 storey building of 30,000 sq.ft gross with 100 parking spaces.

Landscaping, new footpaths, construction of new vehicular access to Old Hall Road and reconstruction of Sale Old Hall Dovecote. Approved with conditions 07/03/1990.

APPLICANT'S SUBMISSION

Euro Garages currently have a programme of building or redeveloping sites to provide new road side services which include drive thru bakeries, both as part of their existing service station sites and as is the case for this site as, standalone developments.

The purpose of the development is to provide a new roadside offer with the prime customer base being motorists who pass the site as part of their journey. This is in line with Euro Garage's model who currently operate 37 coffee shop drive-thrus where, on average, circa 70% of customers either use the drive thru or purchase their goods 'to go'.

The primary use is takeaway sales from passing motorists and customers (via the drive thru lane) with a smaller proportion of sales for consumption on the premises. On average, across the Euro Garages coffee drive-thru portfolio, 46% of customers use the drive thru, 31% 'to go' and 23% stay on the premises to consume their purchases.

The proposed drive thru bakery shop will sell freshly prepared food such as salads, fresh fruit, sandwiches, cakes and pastries and coffee; some of this food is re-heated but no fresh cooking takes place on the premises.

Euro garages state that the proposal will result in the provision of up to 25 new jobs for local people in the new drive thru.

The site provides for the locational requirements of a drive thru coffee shop operation, as it is situated along a main arterial route (A6144 Old Hall Road) and is 250 metres from Junction 6 of the M60 motorway. The drive thru will also serve the needs of employees working within the Business Park. Euro Garages has identified a need for a road side offer at this location with the number of vehicles passing Junction 6 on the M60, averaging 120,000 daily.

With regard to the proposal's compliance with Core Strategy Policy W1, it is not considered that a sequential assessment is relevant to the subject application, on the basis of the previous planning permission for a drive thru coffee shop on the Site. As such the proposed use will not have any negative impact upon vitality and viability of any identified local or district centres within the Borough, in accordance with Core Strategy Policy W2 and Saved UDP Policy S11.

The proposed drive thru coffee shop is not expected to result in any material increase in new trips along the A6144 Old Hall Road or the surrounding highway network, as the target market for the operation will be existing pass-by trips. It also targets the existing employees at the Business Park, who will already be accessing the site, and this custom will not therefore result in additional impact upon the local highway network.

CONSULTATIONS

Strategic Planning – No objection. See ‘Observations’ for further comment.

LHA – No objection. See ‘Observations’ for further comment.

Pollution and Licensing – No objection subject to conditions. See ‘Observations’ for further comment.

LLFA - No objection subject to conditions. See ‘Observations’ for further comment.

Greater Manchester Police – No objection subject to the recommendations made within the Crime Impact Statement being incorporated into the proposal.

Tree Officer – No objection subject to conditions requiring tree protection plan for retained trees and landscaping implementation and maintenance.

REPRESENTATIONS

Comments have been received from Councillor Freeman who objects to the proposal on the following grounds: -

- The development will only add to the traffic congestion at peak times that Old Hall Road suffers from with the nearby motorway junction which will lead to increased levels of pollution. The traffic assessment submitted with the application does not provide ample evidence that the proposal would not result in a significant increase in traffic.
- The proposal would be detrimental to highway and pedestrian safety. There is a need for a safe pedestrian crossing to be installed at the junction of Old Hall Road and Dane Road with some re-configuration work being done to the junction.
- The assessment of alternative sites submitted with the application does not seem to provide ample justification for the selection of this site for a drive-thru bakery.
- Concerns that future applications will be submitted for a full motorway service station at the site.
- Opening hours of 0600 to 2200 seven days a week are not in line with the previous approval and could have an additional detrimental impact on residential amenity.
- Concerned about the impacts on residential amenity generally
- Concerned about ASB and crime as a result of the development.

Letters of objection have been received from the occupiers of 21 different properties. The objections are as follows:-

Traffic

- Increased levels of traffic and further local congestion on an already busy and dangerous road particularly during rush hour
- Increase in traffic may exacerbate aggressive driving behaviour on this road
- Why is a car park needed for a Drive-Thru?
- Parking is an issue in the area – the drive thru could lead to customers parking on the road and making the issue worse.
- Already difficult and dangerous for pedestrians to cross the road (no zebra or pelican crossings)
- The noise and vibration of traffic will cause disturbance to residents
- Increase in traffic pollution
- Suggest traffic calming measures/junction improvements/updated traffic lights
- HGV deliveries would increase pollution and noise

Amenity

- Increase in noise from traffic entering and leaving the site
- Loss of trees resulting in more noise from site (act as a buffer)
- Increase in air pollution from increased traffic
- Opening hours 6am-10pm are too long and for 7 days a week will cause major disturbance to residents (car doors, cooking smells, anti-social behaviour). Suggestion weekend opening hours should be restricted in accordance with Sunday shop hours i.e. from 10.00 a.m. to 4 p.m.
- Increase in litter (already a problem)
- Many mature trees have already been cut down/loss of further trees and wildlife
- Loss of trees having a detrimental impact on visual amenity
- Potential for crime and anti-social behaviour (e.g. congregations / ASB in the car park at night, vandalism, theft). Suggestions of measures to lock the car park at night, surveillance etc.
- Unacceptable change in the character of the area – too much development in recent years
- The commercial building will present an eyesore to the nearby residential properties
- Disturbance from deliveries throughout the day and night

Use of site

- Concerns that future applications will be submitted for a full motorway service station at the site.
- Commercial building not acceptable in a residential area
- Mc Colls shop close to the site already sells takeaway coffee and food
- A bakery is not needed in the local area – there are other existing shops and cafes nearby

- The proposal will have a negative impact on other similar nearby local businesses / cafes in nearby centres (taking business away)
- Concerns the business park is being turned into a retail park
- Why hasn't an alternative site been selected for the development.

Other

- Detrimental impacts on wildlife habitat from loss of trees / landscaping
- Devalue property
- The site is not the best location – the sequential survey is a 'cursory' and 'poor assessment'

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 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. It is acknowledged that some policies, including those controlling the supply of housing are out of date, not least because of the Borough's lack of a five year housing land supply. However, other relevant policies remain up to date and can be given full weight in the determination of this application. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. 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.
4. Paragraph 11 c) of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay.
5. The Site benefits from an extant planning permission granted in January 2018 for "Erection of a drive-thru coffee shop, with associated site access, car parking and

other works” (Reference: 91610/FUL/17). This application is for substantially the same development, seeking to revise the original proposals to accommodate a change in end user (albeit falling within the same A1 / A3 use classes as the previous permission) and with consequential alterations to the layout of the proposed drive thru building, car parking and drive thru lane. The Committee Report for the previous application set out the acceptability of the principle of development on the site and the same policies are applicable in the assessment of this application.

6. The application site is identified as part of a wider ‘Strategic Development Site’ in the UDP allocations plan. The site is located within the Dovecote Business Park, at the junction of Old Hall Road with Dane Road and close to Junction 6 of the M60 motorway. The Business Park currently comprises two large office buildings with associated car parking and landscaping. The Adopted Policies Map 2013 refers to relevant UDP policies however these have since been superseded and replaced by Core Strategy Policies W1 and W2 which are relevant in the assessment of this application.
7. Policy W1.11 refers to a number of smaller areas within Trafford that are identified for employment purposes to meet local needs, one of which is the Sale Business Park, or Dovecote Business Park. Policy EM3 of the emerging draft Land Allocations Plan (2014) states that within the identified office areas, which includes Sale (also known as Dovecote) Business Park, the Council will, *“permit the development of offices (Use Class B1) and small-scale ancillary commercial/community uses (Use Classes A1, A2, A3, D1 and D2), limited to a level to meet the needs of the occupiers, in order to safeguard their primary strategic function.”*
8. Under Policy W1.12, when determining applications for the loss of employment floorspace to other uses within allocated employment areas, the following tests need to be considered:
 - There is no need for the site to be retained for employment purposes and it is therefore redundant;
 - There is a clear need for the proposed land use(s) in this locality;
 - There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;
 - The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and
 - The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.
9. The application site currently comprises landscaping and part of the car park which relates to the business park use on the wider site and is therefore not in an active employment use. The original planning permission for the offices (H/29608) required part of this current application site to be landscaped – this was required as part of a Legal Agreement.

10. In relation to W1.12 and the need for the facility in this location, the applicant considers that it provides for the locational requirements of a drive through facility, given its close proximity to the M60 and its position on a main arterial route. It would also provide additional facilities for workers in the adjacent office buildings. The proposal is for a small scale coffee shop which would not change the primary office use of the business park. As such, it is considered that the facility would not have an undue impact on the primary function of the locality.
11. In relation to criterion 3 of W1.12 the applicant has demonstrated that they have considered other potential sites. Core Strategy Policy W2 and paragraph 24 of the NPPF require a Sequential Test for main town centre uses that are not in an existing centre, a drive through bakery is considered to be a 'main town centre' use as defined in the Glossary of the NPPF. The applicant has provided an updated Sequential Test which looked at a number of potential sequentially preferable sites in Sale town centre and Sale Moor district centre and has demonstrated that none were suitable, available or viable particularly given the specific requirements of the drive through facility.
12. On balance there is no objection to the principle of development on policy grounds. It is considered that the proposal is acceptable in terms of the loss of employment land and it has been demonstrated that there are no suitable sequentially preferable sites. The proposal is therefore consistent with Core Strategy Policies W1 and W2 and NPPF paragraphs 86 and 87. There have been no material changes in planning circumstances since the granting of the previous permission, which remains extant and capable of implementation. That permission therefore comprises a genuine fallback position which should be given significant weight in the determination of this application.

VISUAL AMENITY

13. In relation to matters of design, Policy L7 of the Core Strategy requires that development must be appropriate in its context; make best use of opportunities to improve the character and quality of an area; and should enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment. Development should also be compatible with the surrounding area.
14. With regard to the wider context, the proposed Drive Thru' is viewed in relation to the surrounding residential properties of Old Hall Road and the offices of Dovecote Business Park. The application site forms part of the Dovecote Business Park and as such when viewed from Old Hall Road and Dane Road the backdrop to the site is the three-storey offices beyond.

15. The proposed single-storey contemporary-style building as described above would be relatively small in scale when viewed against the business park backdrop and its simple, modern design is considered to be appropriate in this context.
16. It is noted that trees have been removed from the application site along the Old Hall Road frontage. The landscaping plan proposes to retain 2 trees along this frontage with the addition of 8 additional trees along this boundary. Landscaping plans would include a total of 30 new trees overall to soften the appearance of the building. 15 of these new trees would be planted to the south end of the site to provide additional screening to the nearest residential property of 100 Old Hall Road.
17. Overall it is considered that the design and appearance of the proposal would be in line with policy L7.

RESIDENTIAL AMENITY

18. Letters of objection from 21 different addresses have been received to the proposed development, many of which refer to the impact of the proposal on residential amenity resulting from traffic generation and patrons using the site as a drive-thru' and as a bakery.
19. The applicant states the primary use of the site is takeaway sales from passing motorists and customers (via the drive-thru lane) with a smaller proportion of sales for consumption on the premises.
20. At the closest point there would be a separation distance of 25m between the frontage of the application site and the boundary of the residential properties to the west on Dane Road and Old Hall Road (and approximately 35m building to building). A distance of 8m lies between the application site south boundary and the boundary of no.100 Old Hall at the closest point; the proposed car parking spaces at the south end of the site would be set back from the southern boundary of the site by a further 6m (at the closest point) with additional landscaping between the car park and no.100 Old Hall Road. As such, given these separation distances and the proposed landscaping scheme, it is considered there would be no unacceptable overlooking or overbearing impact.
21. With regard to noise generated by the proposed development, the Environmental Health Officer (EHO) considers that the scale and nature of this development is not significant enough to warrant a formal noise survey, however advises the retention of as much of the existing mature vegetation as possible to provide a visual screen, as there is evidence to suggest that the level of noise perceived is subjectively reduced when the source location is obscured. The landscaping plans show planting of shrubs and 15 new trees to create a screen at the southern edge of the site (to no 100 Old Hall Road) and it is also proposed to retain 2 trees along the west boundary of the site fronting Old Hall Road and the addition of several new

trees, which together will assist in mitigating potential noise created by the development.

22. Given the concerns of the residents of no.100 Old Hall Road and the proximity of that property to the southern boundary of the site it is recommended that a condition would need to be attached requiring suitable boundary treatment along the southern boundary adjacent to no.100, to be submitted for the Local Planning Authority's approval.
23. With regard to odours from the proposed development, the application submission states that the food on sale will comprise of fresh food such as sandwiches and some baked goods that will be reheated and that there will be no cooking of food on site. As such the EHO states that a ventilation extraction/odour abatement system will not be required.
24. The proposed opening hours are 06.00- 22.00 hours 7 days a week. However, the EHO considers it reasonable to assume Sunday mornings will be a quieter time of the week and has therefore proposed a later opening time of 08.00 hours, which the applicant has agreed to.
25. In the event of planning permission being granted, the EHO suggests a condition restricting delivery and waste collection times to ensure that they are not carried out during unsociable hours and are restricted to 0900-1900 on Saturdays, Sundays, Bank or Public Holidays and 0700-1900 Monday - Friday.
26. Given the concerns of residents that antisocial behaviour may arise on a car park of this type the EHO suggests a Noise Management Plan be submitted for the LPA's prior approval, in order to detail the arrangements for dealing with noisy patrons. In addition the EHO suggests the provision of clear signage to communicate opening hours and a lockable gate/barrier to the entrance of the site to prevent access whilst the premises are not trading. This will help to prevent the congregation of people within the car park during unsociable hours which could result in noise and antisocial behaviour.
27. Given the concerns of residents regarding litter, the EHO recommends a condition requiring the submission for approval of a Litter Management Plan.
28. The EHO required confirmation from the applicant as to whether the drive-thru would involve the use of public-address ordering units. The applicant confirms that order points are proposed, but consider they will not have adverse noise impacts given the site's location and existing background noise levels from the adjacent main road and Business Park activity. However, the EHO suggests attaching a condition requiring that the noise from the units is inaudible at the closest residential dwellings.

29. In relation to air quality, the EHO has agreed that an air quality assessment is not required in respect of the proposed development.
30. Taking into consideration the above, it is considered that the proposal would result in no significant or unacceptable detrimental impact on residential amenity. The unit itself is low-rise and relatively small in relation to the site and would result in no loss of light or outlook for neighbours. With regard to disturbance, as mentioned above, there remains ample separation distance from the closest residential properties and the proposed boundary treatments will create screening to mitigate light, sound and disturbance from the unit. It is considered that subject to the application of conditions mentioned above, including restricting opening and delivery hours, boundary treatments, car park access and management of litter etc. that the proposal would not give rise to any unacceptable disturbance for residents. Overall it is considered that the proposal complies with policy L7 with regard to protecting residential amenity.

TREES / LANDSCAPING

31. A Tree Survey Report incorporating an Arboricultural Impact Assessment has been submitted with the application. An amended site layout plan has also been submitted which is consistent with the proposed Landscaping Plan.
32. There is a Tree Preservation Order on the site (namely Trafford Borough Council Tree Preservation Order No.179) – Old Hall Road / Rutland Lane, Sale). The previously approved application sought to remove several trees from the group TPO, most of which were of poor condition. This was approved and the trees have since been removed. The previous application sought to retain just two trees from the group, namely the two 'B' category Silver Birch trees and the current application proposes the same (as shown on the landscaping and Tree Protection Plans submitted with the current application).
33. The Tree Protection Plan, prepared by the consultant, indicates the positioning of temporary protective fencing and indicates a portion of the 'drive-thru' route, close to the retained Silver Birch trees, which would require 'no-dig' construction techniques to be adopted. The Tree Protection Measures specifying the proposed fencing and the areas of 'No-dig' construction will be detailed in an Arboricultural Method Statement. A condition requiring the submission of a Tree Protection Plan, incorporating an Arboricultural Method Statement (compliant with B.S. 5837:2012 – 'Trees in Relation to Design, Demolition and Construction – Recommendations') detailing tree protection measures, is included within the recommendation.
34. The landscape architects have prepared a 'Landscape Layout' drawing which proposes new trees of advanced nursery stock size would be planted. The trees would be supplied as larger trees that would have some immediate impact at planting time. 30 new trees are proposed to be planted overall along with ornamental hedge and shrub planting around the site boundaries. In response to

the amended landscaping scheme (plan ref.3696 01 Rev C), it is considered the landscape proposals are acceptable and would enhance the appearance of the site and provide natural screening to the site boundaries.

35. With regard to the Legal Agreement relating to the landscaping of planning permission ref. H/29608, this would be superseded by the grant of planning permission for the current proposal insofar as it relates to the land within the current application site.

HIGHWAYS AND PARKING

36. The existing access to the Dovecote Business Park is via an access road from Old Hall Road; this will also provide access to the application site. The junction of Old Hall Road/Dane Road/Dovecote Business Park access road is controlled by two way signals.
37. A new entrance from the existing car park for One Dovecote will provide vehicular access to the proposed coffee shop. Additional pedestrian access points will be provided from the access road and from the existing car park; all pedestrian crossing points are to have dropped kerbs and tactile paving. The access arrangements are accepted by the LHA. The drive-thru arrangement is also considered to be satisfactory by the LHA.
38. There have been a number of representations from local residents objecting to the proposals due to increased traffic on the local highway network. The applicant has provided a Planning Statement in which it is stated that the proposals are not expected to result in a material increase in new traffic trips along the A6144 or surrounding highway network as the target market will be existing pass-by trips and employees at the business park.
39. The LHA accept that whilst there will be some additional vehicle movements generated by the development, the proposals will not have a significant impact on the operation of the local highway network. The impact of the proposals on the network would not therefore be 'severe' in NPPF Paragraph 109 terms.
40. Several representations mentioned the need for improvements to pedestrian crossings by the site. The proposed development is for a drive-thru facility, therefore the number of pedestrian visitors to the site will be relatively low. The LHA state that retrofitting of a pedestrian phase to the existing traffic signals is not possible due to the age of the existing equipment. It is recognised that generally pedestrian crossing improvements at this location would be desirable; indeed a recent challenge fund bid has been submitted to TfGM to this end. However, at the current time, there is no scheme or approval in place and therefore it would not be practicable for the LHA to suggest a condition requiring contributions to improvements when there is no scheme in place.

41. Notwithstanding the above, as the proposed development would have no significant impact on pedestrian numbers in the area, any condition requiring the applicant to take on sole responsibility for funding pedestrian crossing would not pass the 6 tests for ensuring acceptable use of planning conditions, as set out in paragraph 55 of the NPPF.
42. Servicing will be carried out via the access road from Old Hall Road. The proposals include a bin store located on the southern side of the building. Given the commercial nature of the site, it would allow for either private refuse collection or council refuse collection (a decision for the drive-thru company), the LHA recommend that refuse collection be secured via a Refuse Management Plan which is to have the prior approval of the LPA.
43. SPD3: Parking Standards and Design for Trafford states that for Use Class A1, food retail 1 space should be provided per 14sq m. The proposed drive through includes a café seating element also, and parking standards for A3/A5 (Restaurants/cafes/fast food & drive through) are higher, with SPD3 requiring one parking space per 5m² of public floor area is required. This equates to 24 spaces for this development which is in line with what is proposed (as in the extant permission). The proposed parking layout includes 2 disabled bays. The parking standards also require a maximum of 3 disabled bays for all parking areas of up to 50 spaces. However, as the overall parking provision is for 24 spaces in this case, and the majority of custom is expected to be via the drive-thru, the LHA consider that the provision of 2 disabled bays is acceptable. As such, this provision meets the requirements of SDP3 and is accepted by the LHA.
44. The LHA note that the proposals result in the loss of approximately 24 spaces from the existing business park car park. The applicant has provided information to demonstrate that sufficient parking remains for users of the existing business park. SDP3 requires one parking space per 30m² floor area for Use Class B1 in this area; this equates to 189 spaces for the existing office whilst the provision comprises 320 spaces.
45. Furthermore, the site is situated in a sustainable location being accessible on foot, by cycle and public transport with bus stops within a short walk.
46. SPD3: Parking Standards and Design for Trafford states that for both Use Class A1 and for use class A3/A5 a minimum of two cycle parking spaces and two motor cycle parking spaces are required. The proposals include the provision of 4 cycle spaces. Two motor cycle parking spaces should also be provided; this can be achieved via a condition.
47. Some of the existing landscaping is being removed and replaced with new planting and a knee-high rail. The LHA suggest that consideration is given to the boundary treatment to prevent headlights causing a distraction to vehicles approaching the

signal junction adjacent to the site on Old Hall Road from the M60 junction. This can be controlled by the landscaping condition.

DRAINAGE

48. The LLFA consider the drainage information to be satisfactory subject to the drainage scheme being designed in accordance with the submitted Flood Risk Assessment and Drainage Strategy. The LLFA suggest a condition requiring a full detailed drainage design, to limit the proposed peak discharge rate of storm water from the development, be submitted for approval by the LPA to meet the requirements of the Councils Level 2 Hybrid Strategic Flood Risk Assessment (SFRA). Also, a condition regarding the discharge and connection to the sewerage system; and a Sustainable Drainage Scheme.

CRIME AND SECURITY

49. A Crime Impact Statement by 'Design for Security' has been submitted which states the proposed development has been assessed against the principles of 'Crime Prevention Through Environmental Design' in order to reduce the opportunities for crime and the fear of crime. It concludes some features of the proposed development would make a positive contribution to the prevention of crime and fear of crime such as; additional activity and surveillance to the area at all times of the day and into the evening, a simple footprint providing few potential places for concealment, visible parking areas increasing natural surveillance opportunities, main entrance in a prominent position and uncluttered internal layout with few obstacles to surveillance.
50. The Crime Impact Statement also suggests areas for further consideration such as; enclosing the site with low level knee-rails and dense planting beds maintained at 1m height to maximise surveillance opportunities, retaining the existing fenceline and dense vegetation/trees at the southern boundary of the site with the footpath, lockable vehicle arm barrier or retractable bollards at night/when not in use, enclosed external store, lighting to vehicular and pedestrian routes and parking areas, and CCTV.
51. It concludes the design/layout of the scheme is considered acceptable and as long as the appropriate physical security measures are incorporated into the consideration of the scheme, the proposed development is supported. The Crime Impact Statement recommends a condition is attached that reflects the security specification listed in the report.

OTHER ISSUES

52. Any further applications for future development would need to be considered on their own merits. Proposals for signage will need to be the subject of a separate

application for Advertisement Consent. Any impact on property prices is not a material planning consideration.

DEVELOPER CONTRIBUTIONS

53. There is an adopted CIL Charging Schedule in Trafford and therefore as the proposal will create over 100 sq.m of new floorspace and will be a building that people normally enter, it will be CIL liable. However, there is a zero CIL charge for small scale A1 / A3 retail in Trafford in accordance with the Council's CIL Charging schedule.

CONCLUSION

54. The proposed development is considered to be acceptable in policy terms and would be acceptable in terms of visual amenity, residential amenity, highway safety and parking provision, subject to appropriate conditions. As such, it is considered the proposal is in accordance with the NPPF and Policies W1, W2, L4, L5, L7 and L8 of Trafford's Core Strategy and that planning permission should be granted.

RECOMMENDATION

GRANT subject to 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:
 - Elevations 1486 5a,
 - Plans and elevations 1486 7a,
 - Amended site layout 1486 3h,
 - Landscaping plan 3696 01 Rev C

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 above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

4. Notwithstanding the details submitted to date, the development hereby permitted shall not be brought into use until boundary treatment (including fencing on the southern and western boundaries of the site) has been provided to all perimeters of the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Details shall include the design and materials. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure satisfactory external appearance in the interests of visual amenity and residential amenity, having regard to Policy L7 of the Trafford Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any equivalent Order(s) following the amendment, revocation and re-enactment thereof, the premises shall not be used for any other purpose other than as a Drive Thru bakery.

Reason: In the interests of residential amenity / highway safety / free flow of traffic having regard to Policies L4 and 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 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 a Tree Protection Plan, incorporating an Arboricultural Method Statement compliant with B.S. 5837:2012 – ‘Trees in relation to design, demolition and construction – Recommendations’ detailing tree protection measures has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall be implemented as approved.

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.

8. The premises shall not be open for customers outside the following hours: -
06.00-22.00 Mondays to Saturdays and 08.00-22.00 on Sundays and Bank Holidays.

Reason: In the interest of residential amenity and in compliance with Policies L4 and L7 of the Trafford Core Strategy.

9. No deliveries shall be taken at or despatched from the site outside the hours of 0900-1900 on Saturdays, Sundays, Bank or Public Holidays and 0700-1900 Monday - Friday.

Reason: In the interest of residential amenity and in compliance with Policy L7 of the Trafford Core Strategy.

10. Before the development hereby approved is brought into use, the 26 off-road car parking spaces shall be provided in accordance with plan ref 1486 3h. The approved parking spaces shall be retained thereafter for the parking of vehicles.

Reason: In the interests of highway safety and convenience and in accordance with Policies L4 and L7 of the Trafford Core Strategy.

11. The development hereby permitted shall not be brought into use until bin stores have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, design, height and materials. The bin stores shall be retained thereafter.

Reason: To ensure satisfactory arrangements are in place for the disposal of refuse and in the interests of visual amenity in accordance with Policy L7 of the Trafford Core Strategy.

12. The development hereby permitted shall not be brought into use until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall thereafter be implemented in accordance with the approved noise management plan at all times.

Reason: To prevent a loss of amenity to the occupiers of surrounding residential properties from noise disturbance having regard to Policy L7 of the Trafford Core Strategy.

13. Noise from any public address units shall not be audible at any residential dwelling, at any time.

Reason: To prevent a loss of amenity to the occupiers of surrounding residential properties from noise disturbance having regard to Policy L7 of the Trafford Core Strategy.

14. Notwithstanding the plans hereby approved, the development hereby permitted shall not be brought into use until a Management Plan detailing facilities and measures for the disposal of litter by customers, such as additional litter bin provision and litter advice and signage to be provided at the premises, has been submitted to and approved in writing by the Local Planning Authority and has been implemented in full. The approved measures shall be retained thereafter.

Reason: In the interests of amenity of the occupiers of nearby properties, having regard to Policy L7 of the Trafford Core Strategy.

15. Notwithstanding the details submitted to date, no development shall take place until a scheme detailing crime prevention measures as set out in sections 3.3 and 4. of the Crime Impact Statement, in respect of the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated thereafter in accordance with the approved details.

Reason: In the interests of community safety and crime reduction, having regard to Policy L7 of the Trafford Core Strategy.

16. Notwithstanding the plans hereby approved, the development shall not be brought into use unless and until a barrier/lockable gate has been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The barrier/lockable gate shall thereafter be operated at all times as approved.

Reason: In the interests of residential amenity and community safety having regard to Policy L7 of the Trafford Core Strategy.

17. The development hereby permitted shall not be brought into use until CCTV has been provided in accordance with details (including siting and design) that have first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of visual and residential amenity and community safety having regard to Policy L7 of the Trafford Core Strategy.

18. A) No external lighting shall be installed unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The applicant shall submit details to demonstrate compliance with the criteria described within Table 2 of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011, for Environmental Zone E3.

B) The development hereby permitted shall not be brought into use until external lighting approved A) has been provided in full accordance with the approved details. Thereafter the site shall only be lit in accordance with the approved scheme

Reason: In the interests of visual and residential amenity and to ensure a satisfactory relationship between existing and proposed development and having regard to Policy L7 of the Trafford Core Strategy.

19. The development hereby permitted shall not be brought into use until cycle and motorcycle storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: In the interests of highway safety and sustainable transport, having regard to Policies L4 and L7 of the Trafford Core Strategy.

20. No development shall take place unless and until full details of the Sustainable Drainage Scheme, which shall include a maintenance and management plan for the site, have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out in accordance with the approved drainage scheme and thereafter managed and maintained in accordance with the approved details.

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed of from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. 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.

22. The use hereby permitted shall not take place unless and until a Service Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The operation and management of the servicing of the premises shall be carried out in accordance with the approved Service Delivery Plan at all times.

Reason: To ensure effective management of service deliveries 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.

23. The use hereby permitted shall not take place unless and until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The operation and management of refuse collection shall be carried out in accordance with the approved Refuse Management Plan at all times.

Reason: To ensure effective management of refuse collections 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.

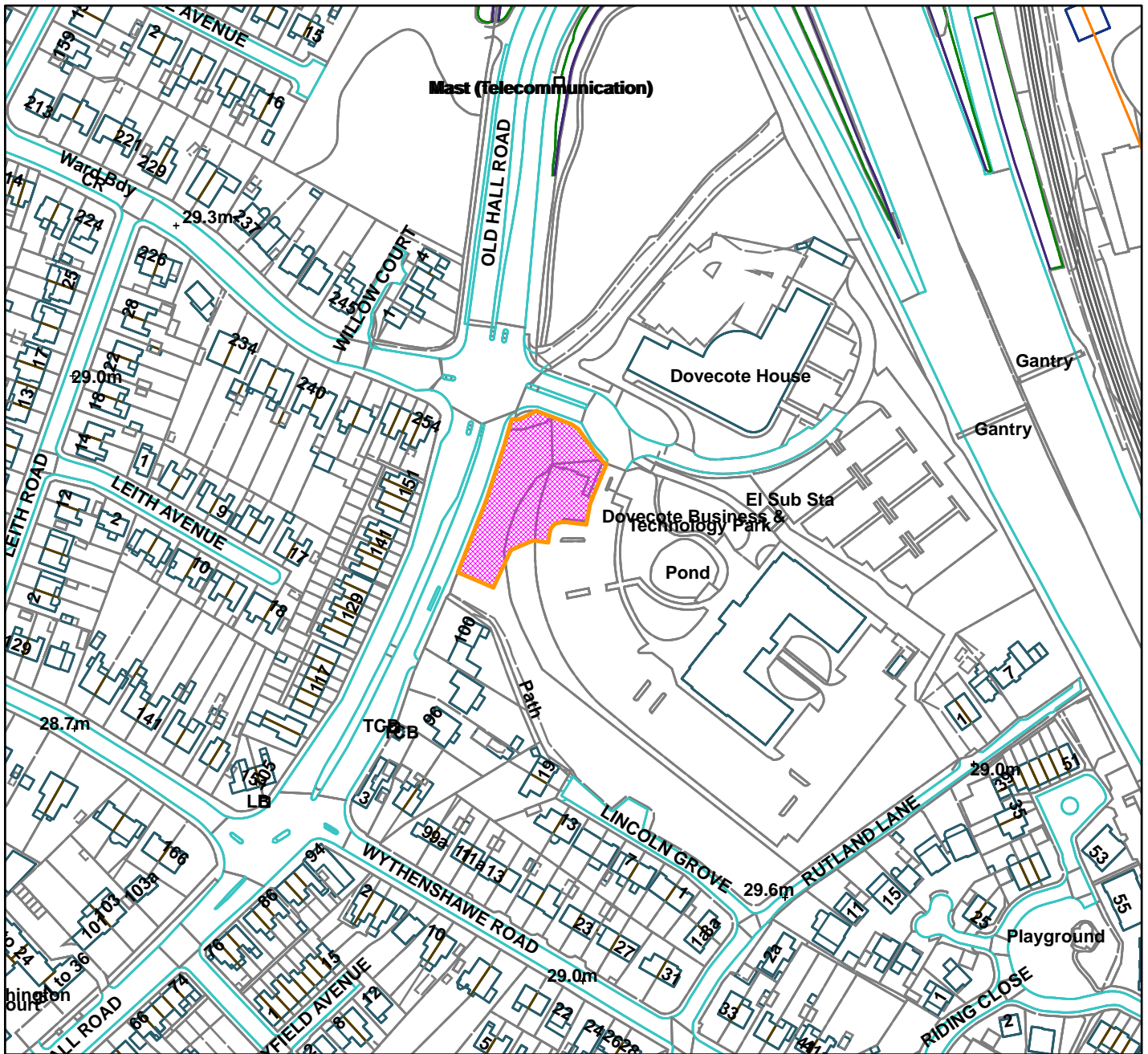
24. No development shall take place until details of existing and finished site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

JS



Dovecote Business Park, Old Hall Road, Sale (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/07/2019
Date	01/07/2019
MSA Number	100023172 (2012)

Application for variation of conditions 5 and 11 on the appeal decision Planning Inspectorate reference APP/Q4245/W/17/3179252 (appeal against conditions on) Use of premises as a mixed cafe (A3 Use Class) and function room use with an ancillary children's play area in the rear outbuilding. External alterations to include a flue to the rear, replacement windows to the front and an extension to the rear outbuilding.). To allow for an extension of opening hours for the building until 11pm Monday-Saturday (retaining 10pm Sunday), and allowing use of the yard area until 7pm.

42 - 44 Brook Road, Flixton, M41 5RY

APPLICANT: Javes

AGENT: Ms Foster

RECOMMENDATION: GRANT with conditions

This application is reported to the Planning and Development Management Committee as there have been 6 or more objections contrary to the officer recommendation.

SITE

The site currently consists of a two storey Victorian red brick detached building and rear external courtyard which contains a detached red brick outbuilding. The courtyard is enclosed by a brick wall of varying heights and there is a pedestrian access onto Briar Close.

The main frontage onto Brook Road comprises two separate shop fronts with a central covered passageway running through to the external yard to the rear.

The property is in operation as a mixed cafe (A3 Use Class) on the ground floor and function room use on the first floor. The rear yard has associated external seating and the outbuilding is used as an ancillary children's play area.

- The building opening hours are 08.00-2200 on any day; and
- The external courtyard to the rear of the premises for customer seating is permitted between 08.00-18.00.

Briar Close to the northeast is a residential cul-de-sac of semi-detached properties. The side (west) boundary of No. 2 Briar Close, a 1.8m high brick wall, forms the application site's (back yard's) rear (east) boundary. No. 36 Brook Road, a semi-detached property, is located to the south, this latter property having a detached garage adjacent to the

common boundary. To the north of the site, across Briar Close, is the blank gable elevation and garden of No. 48 Brook Road. Across Brook Road to the west are residential properties at 51-53 Brook Road.

Brook Road contains a mix of residential and commercial properties including Nos. 55-63 odds Brook Road and a public house (the Garrick's Head) which fronts Moorside Road to the north.

PROPOSAL

The application is to vary conditions 5 and 11 on the appeal decision in respect of the appeal against Conditions 2, 5, 11 and 12 of planning permission 89558/COU/16 (Planning Inspectorate reference APP/Q4245/W/17/3179252).

The application as amended proposes:

- the variation of Condition 5 to allow the use of the internal areas (ground and first floor) between 08.00 – 23.00 Monday to Saturday, with Sunday openings 09.00-22.00; and
- the variation of Condition 11 to allow the use of the external seating area in the yard to be used from 08.00 – 19.00 on any day

The applicant submission states *'The proposals represent an extra hour of trading each day from Monday to Saturday, inclusive. The impetus for the request to increase trading hours is due to the number of inquiries Javes receives for the use of the function room specifically. Many of these inquiries do not translate into bookings because of the 10pm cut off time, with most potential customers seeking to hire the venue until 11pm.'*

Value Added

The applicant originally proposed variation of condition to allow for an extension of opening hours for allowing use of the yard area until 21.00. The proposed extension of opening hours of the yard has been reduced to 19.00 following Environmental Health confirmation that such hours of use would result in an unacceptable amenity impact on the surrounding residential properties.

The applicant has submitted an additional plan – Dwg.A30 to confirm that the eastern area under the external passageway is only to be used until 22.00 (rather than 23.00 as proposed for the rest of the building).

S73 Application

This is an application under s73 of the Town and Country Planning Act and it is noted that when deciding such applications the LPA should normally limit its appraisal to the relevant conditions, albeit it does result in the grant of a new permission. Should this s73 application be approved the other conditions attached to the original grant of

planning permission which have yet to be discharged will continue to be attached to the new permission.

When assessing variation of condition applications the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions should this be deemed necessary.

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;
W2 – Town Centres and Retail.

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, and a further period of consultation on the revised draft ended on 18

March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. 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 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

91186/VAR/17 - Application for variation of conditions 2 (approved plans) and 11 (no access to rear yard) and removal of condition 12 (means of preventing public access to rear yard) on planning permission 89558/COU/16. Approved with conditions 14.07.17.

90997/CND/17: Application for approval of details reserved by conditions of grant of planning permission 89558/COU/16. Condition numbers: 6 (cycle storage), 10 (flue details), 12 (rear yard access) and 13 (bin storage). Confirmation full discharge of conditions subject to implementation 22 May 2017.

89558/COU/16 (as amended by the appeal decision APP/Q4245/W/17/3179252): Use of premises as a mixed cafe (A3 Use Class) and function room use with an ancillary children's play area in the rear outbuilding. External alterations to include a flue to the rear, replacement windows to the front and an extension to the rear outbuilding. Approved at LPA's monthly Planning Committee subject to conditions 9 March 2017 Appeal against conditions 2 (approved plans), 5 (hours of use), 11 (use of rear yard) and 12 (restriction of access to rear yard) – Allowed 6.12.17.

H/52565: Change of use of first floor from dance studio to martial arts and self-defence studio. Approved 2001.

H/35010: Change of use from shop and warehouse to office, storage and showroom with sales of non-domestic goods. Approved 1992.

APPLICANT'S SUBMISSION

Planning Statement

CONSULTATIONS

Pollution & Housing (Nuisance): No objection. Recommend a buffer zone be applied to the eastern end of the passageway which customers are to be prevented from occupying after 10pm on any day to control any additional impact that may arise.

GMP Design for Security: No comments received.

REPRESENTATIONS

Neighbours – Objections from 15 residential properties were received in relation to the proposal. The objections are summarised below:

- *Existing issues of noise, inconvenience, anti-social behaviour, parking, congestion and obstruction, access, deliveries and waste disposal.*
- *Increase in noise nuisance (including music, noise of people leaving and cars) detrimental to neighbours residential amenity and quality of life.*
- *11 pm is unreasonably late within the residential area.*
- *If this is granted would there then be more to follow to extend the hours further?*
- *Residents currently tolerating noise with knowledge that at 6pm it should cease. Unfair to residents, to takeaway small amount of quiet time for residents to enjoy in the evening.*
- *The Garrick's closing times are being used as a benchmark for the 11pm extension but the two premises cannot be compared. The Garrick is situated within a large car park with fencing, on a main road facing a golf course, not directly surrounded by residential properties.*
- *During past functions could hear DJ talking and music playing, on another occasion the front windows were open whilst live music was playing making any soundproofing irrelevant.*
- *Noise pollution, despite windows being closed. When adjoining doors are open connecting the two sections noise travels freely.*
- *This is a very large building , over 160m² , and can easily accommodate 80+ people that will not all be leaving in one taxi. The building is not air conditioned and it is inevitable that during warm weather, doors or windows will be opened or patrons will stand outside on the pavement for some fresh air.*
- *Properties now have an alcohol licence and use of the function room till 11pm will increase disturbance with last orders at 11pm and people leaving 11.30/11.45pm*
- *Smokers outside making noise, littering and venting smoke to passers-by.*
- *Concern of strangers hanging around.*
- *Houses too close for this to be a drinking establishment. The rear yard will be more like a beer garden rather than a café.*
- *Longer opening time would increase disturbance as longer drinking hours and more functions.*
- *Area is more residential as the off licence and Cobbles are now both residential properties. Other local business closed by 8pm.*
- *Increased number of taxis.*

- *Additional existing issues of parking due to parking fees for staff at hospital.*

BACKGROUND

Planning permission was granted in March 2017 for the change of use of 42-44 Brook Road to a mixed café and function room with children's play area in the rear outbuilding (89558/COU/16).

The permission was subject to various conditions relating to opening hours and use of the yard as follows:

5) The premises shall only be open for trade or business between the hours of: 08:00-19:00 hours Monday - Saturday inclusive and 09:00-17:00 hours on a Sunday

11) There shall be no public access by users of the premises to the shaded rear yard area shown on drawing ref. A0.13 dated February 2017 and this shaded rear yard area shall not be used for sitting out and no tables, chairs or seating shall be placed in the shaded area. Prior to the use hereby approved first taking place a 1.2 metre high timber fence shall be erected in the location shown on drawing ref. A0.13 and retained in situ in perpetuity to prevent access to the shaded area of the rear yard as shown on the plan by users of the premises.

12) Prior to the use hereby approved first taking place details of the means of preventing access to the rear yard via the central internal passageway by users of the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the use hereby approved being first commenced and retained as such thereafter.

The applicant subsequently lodged an appeal against these conditions and the Inspector allowed the appeal, modifying the wording of Conditions 5 and 11 and removing Condition 12 as follows.

5) The use hereby permitted shall only take place between the hours of 0800-2200 on any day.

11) The use of the external courtyard to the rear of the premises for customer seating shall only take place between the hours of 0800-1800.

It is the planning permission granted by this appeal decision that the applicant is now seeking to vary.

OBSERVATIONS

IMPACT ON RESIDENTIAL AMENITY

1. NPPF paragraph 127 criterion (f) states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
2. Policy L7 of the Core Strategy states that in relation to matters of amenity protection development must 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 or disturbance, odour or in any other way.
3. The main issue is whether the proposed amendments to the conditions relating to opening hours and the use of the external courtyard are acceptable having regard to the living conditions of nearby residents, with particular reference to noise and disturbance.

Opening hours

4. Condition 5 restricts the opening hours of the café and function room from 08.00-22.00 on any day. The proposal seeks to extend opening times through the remaining hour of the late evening to 23.00, with the eastern section of the ground floor passage to be prevented from being occupied after 10pm on any day (Dwg No. A30).
5. The 'Environment Health Noise and Pollution Team' have no objection to the proposed variation and advise this *'...is considered to be a modest increase ... There should be no significant additional impact arising from this change. However it is reasonable to close earlier on a Sunday, typically known as a day of rest.'*
6. It is appreciated that neighbours have raised concerns with the current operations as a café and function room until 10pm and concern the increase of hours till 11pm would intensify the use of the function room in particular. Concerns have also been raised in regard to alcohol consumption on the premises, and it is noted the existing ground floor use is A3 use class – café and restaurant, and that alcohol consumption would be expected to be associated with that use.
7. Notwithstanding this, in regard to the use of the building, given the detached nature of the property, the separation to neighbouring properties, and the existing condition requiring windows to be closed during amplified entertainment and given that the suggested closing time of 23.00 is generally recognised as being the beginning of night-time hours in environmental health statutes and national

planning standards, it is not considered that the extension of hours (as amended) will result in an unacceptable impact on neighbours. If windows were to be left open, this is a matter that could be subject to enforcement action. Furthermore, any excessive or undue noise that occurred from the premises would be subject to other regulatory legislation controlled by Environmental Health.

8. In regard to the open passageway between the ground floor rooms the Environment Health Noise and Pollution Team advised that *'There may be a potential for noticeable impacts of noise if customers were permitted to occupy the end of the passageway where it meets the rear external area as this part would be less contained and screened. I therefore recommend a rectangular buffer zone be applied to the eastern end of the passageway in which customers are to be prevented from occupying after 10pm on any day to control any additional impact that may arise.'*
9. Given the unique nature of the ground floor passage way and that it cannot be contained in a similar manner as the main building, an additional condition to ensure this requirement is considered reasonable. The applicant has submitted a plan to identify the buffer zone and is in principle agreeable to this approach.
10. Given the above factors and the fact that the 'Environment Health Noise and Pollution Team' has raised no objections to the proposal subject to a recommendation to restrict the eastern section of the rear passageway beyond 10pm it is not considered that the proposal to extend the opening hours of the building would result in neighbouring residents being exposed to an unacceptable level of noise and disturbance.

Use of the external courtyard

11. The use of the external courtyard to the rear of the premises for customer seating is currently permitted between 08.00-18.00. This application originally proposed to extend the hours that the external rear yard area could be used to 21.00, however this was objected to by Environmental Health. As a result the applicant has proposed, as an alternative, that the external courtyard be able to be used until 19.00.
12. The Environmental Health Team, advise that the proposed operating hours to 19.00 of the external yard area *'...does significantly lessen the likely additional impact on local residents, noting that various statutes, national standards etc. define the start of evening as 1900h. I can therefore support the proposal subject to the agreed changes.'*
13. With the amendment limited to 19.00, it is therefore considered that the proposal would be limited to daytime hours of use. Taking this into account and given that the 'Environment Health Noise and Pollution Team' has reviewed the proposal

and raised no objections, it is not considered that the proposal to extend opening hours would result in neighbouring residents being exposed to an unacceptable level of noise and disturbance .

14. As such, it is considered that the proposed amended opening hours would not have an unacceptable impact on residential amenity and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

OTHER MATTERS

15. Neighbour concerns noted disturbance from deliveries and waste management. The proposal would not impact on this matter and there is an existing condition to restrict such activities.
16. The concerns raised in regards to the impact on parking and the local highway from the development is noted however this was assessed within the previous application (89558/COU/16) approved by Planning and Development Management Committee, and was deemed acceptable without significant harm to the local area. This view was also concurred with in the subsequent allowed appeal - APP/Q4245/W/17/3179252. The changes as proposed are only in relation to opening hours and are not considered to introduce any new material considerations in terms of the previous assessment of the parking and highway issues. As such, the proposal is considered to be in accordance with Policy L4 of the Core Strategy.

PLANNING BALANCE AND CONCLUSION

17. It is considered that on the basis of the revisions submitted to the LPA during the course of the application the proposed variation of conditions 5 and 11 of planning permission 89558/COU/16 would be acceptable in terms of their impact on residential amenity and would not result in a significantly adverse impact on neighbouring properties to merit refusal. For the foregoing reasons the application is considered to be in accordance with the development plan and the National Planning Policy Framework and is therefore recommended for approval.
18. It is noted that condition nos. 1 (commencement of development) is not required as the use has commenced and Condition 12 was removed through the appeal decision – APP/Q4245/W/17/3179252 therefore these conditions should not be included in the amended list of conditions. As such there has been consequential renumbering of conditions and the conditions which are to be varied as a result of this application are numbers 4 and 11 below with an additional condition (10) in respect of the restriction of the use of the passageway.

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, ref. A0.5 and A0.6 dated September 2016 and A0.4, A0.9 and A0.10 dated February 2017.

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

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

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises shall only be used as a mixed cafe (A3 Use Class) and function room use with an ancillary children's play area and for no other purposes within the above Order.

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

4. The premises shall only be open for trade or business between the hours of:
08:00-23:00 hours Monday – Saturday inclusive and
09:00-22:00 hours on a Sunday

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

5. Within two months of the date of this decision, the secure cycle storage approved under Discharge of Conditions application 95456/CND/18 (secure staff cycle parking areas shown on plan submitted on 9 October 2018) shall be installed and shall be retained thereafter at all times.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

6. There shall be no external handling, collection or disposal of refuse and/or recycled materials between the hours of 21.00 hours and 07.00 hours on any day.

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

7. All external doors and windows shall be kept closed when entertainment comprising of amplified music or voices is being provided, except in the event of an emergency.

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

8. The LAeq noise level from the operation of all fixed mechanical or electrical plant and equipment, when rated and assessed in accordance with BS 4142: 2014 (or the prevailing guidance of the time), shall not exceed the LA90 background noise level without such plant operating, at any residential receptors.

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

9. The extraction flue discharge stack (kitchen extraction / ventilation equipment) approved under Discharge of Conditions application 90997/CND/17 (plan number A0.6, received on 22 May 2017) shall be retained in good order in accordance with the approved details.

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

10. There shall be no public access by customers of the premises between 22:00 and 23:00 on any day to the shaded eastern section of the ground floor passage shown on drawing ref. A30 received on 20 June 2019.

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

11. The use of the external courtyard to the rear of the premises for customer seating shall only take place between the hours of 0800 to 1900.

In the interest of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and guidance in the NPPF.

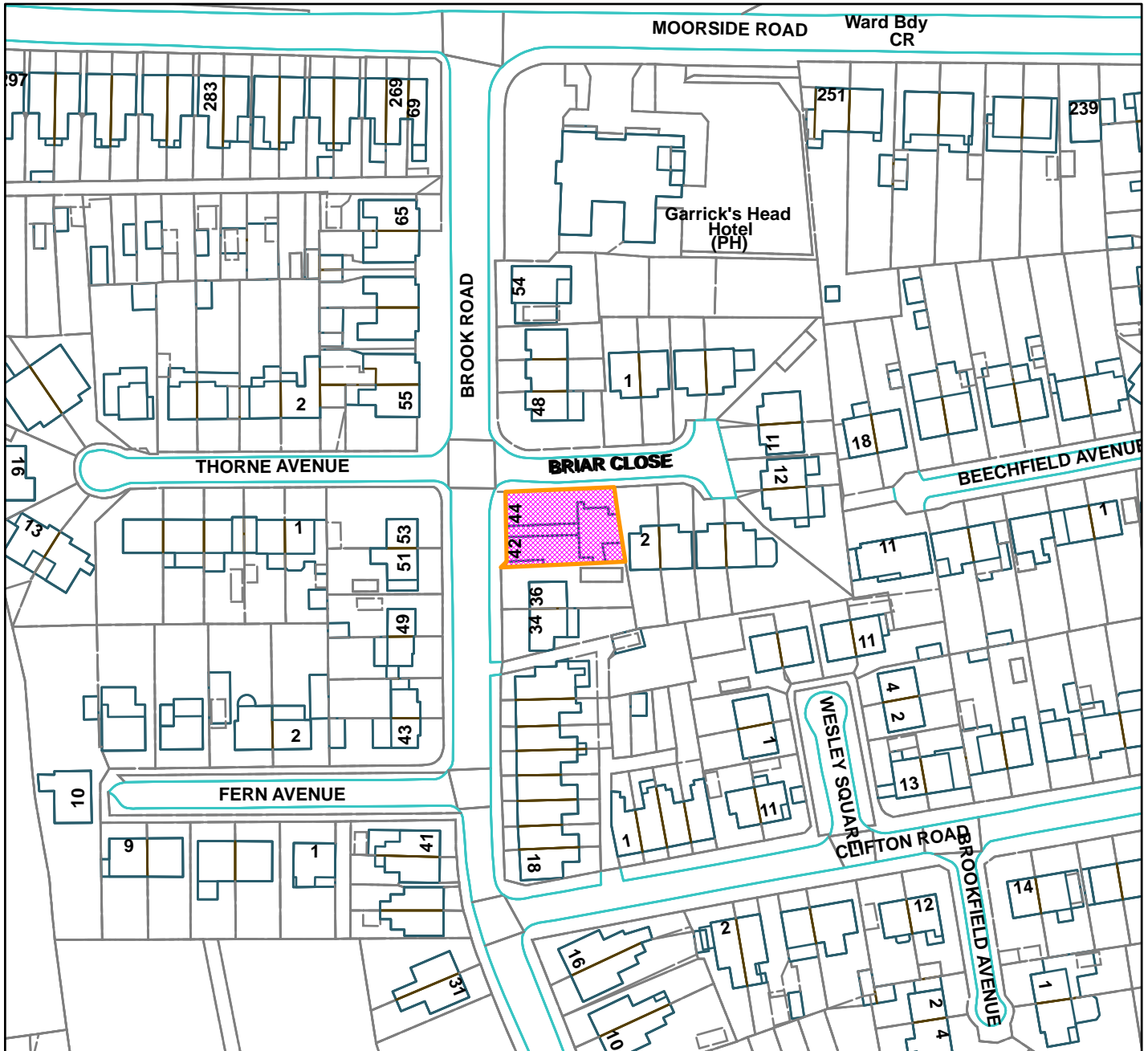
12. Within two months of the date of this decision, the bin stores approved under Discharge of Conditions application 90997/CND/17 (plan number A0.15, received 31 March 2017) shall be implemented and shall be retained thereafter at all times.

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

TM



42-44 Brook Road, Flixton (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/07/2019
Date	01/07/2019
MSA Number	100023172 (2012)

Application for variation of conditions 2 and 3 on Prior Approval 93859/PRC/18 (Change of use of property from Shop (Use Class A1) to Cafe/Restaurant (Use Class A3). Application for determination as to whether prior approval is required under Class C, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)). To allow opening of the premises between 11:00 to 23:00 Monday to Saturday and 11:00 to 22:30 on Sundays and to allow customers to sit outside the premises from 11.00 to 21:00 on any day.

122 Flixton Road, Urmston, Manchester, M41 5BG

APPLICANT: Mr Paul Fletcher

AGENT: N/A

RECOMMENDATION: GRANT with conditions

This application has been reported to the Planning and Development Management Committee as there have been 6 or more objections contrary to the officer recommendation.

SITE

The application site relates to the ground floor of no.122 Flixton Road and includes an area of forecourt in front of the premises measuring 5m x 6m.

The application property is central to a short row of three terraced two-storey properties. The adjoining no.124 is an on-line garden shop and no. 120 is a Temperance Bar. There are residential flats above all three properties. The premises are currently being refurbished.

The site lies to the west of Urmston Town Centre, and whilst not within the town centre, this short stretch of Flixton Road comprises of mixed use properties including shops, a day nursery, medical centre and physiotherapy practice. The residential properties of Glenhaven Avenue lie to the rear (north) of the site whilst the residential flats of Legwood Court lie to the front (south) across Flixton Road.

PROPOSAL

Prior Approval was granted on 1st May 2018 for the change of use of the property from a shop (Class A1) to a café/restaurant (Class A3) ref. 93859/PRC/18.

Condition no.2 states:-

The cafe/restaurant (Use Class A3) hereby approved shall not be open to the public outside the following hours:-

11:00 - 22:00 Sunday to Thursday

11:00 to 23:00 Friday and Saturday

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

Condition no.3 states:-

Notwithstanding the submitted details, there shall be no external seating to the front or rear of the site or use of the external yard area of the site by customers at any time.

Reason: In order to clarify the permission, having regard to Policy L7 of the Trafford Core Strategy.

This current application is for a variation of conditions no. 2 and 3 of permission ref. 93859/PRC/18. The applicant originally requested the opening hours of the premises as follows:-

11.00 – 23.00 Sunday to Thursday

11.00 – 24.00 Friday and Saturday

Also, to allow customers to sit outside the premises from 11.00 to 21.30 hours.

The application plan shows a small area of external seating measuring approximately 5m x 6m on the forecourt to the front of the premises.

Value Added

Following the advice of the Pollution and Licensing Officer discussions with the applicant resulted in the proposed hours of opening being reduced to between 11:00 to 23:00 Monday to Saturday and 11:00 to 22:30 on Sundays and to allow customers to sit outside the premises from 11.00 to 21:00 on any day.

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

L7 - Design

PROPOSALS MAP NOTATION

Unallocated

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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. 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 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

93859/PRC/18 - Change of use of property from Shop (Use Class A1) to Cafe/Restaurant (Use Class A3). Application for determination as to whether prior approval is required under Class C, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Prior Approval approved 1/5/2018.

82689/FULL/2014 – Erection of second floor extension to form 3no. 2-bed self-contained apartments. Erection of new staircase enclosure to rear, provision of parking

spaces and widening of existing vehicular access from Glenhaven Avenue. Refused 9/6/2014. Appeal dismissed 23/3/2015.

79690/FULL/2013 – (120-124 Flixton Road) Erection of second floor extension to form 3x two bed self-contained flats. Erection of new staircase to rear, laying out of parking spaces and widening existing vehicular access. Refused 13/2/2013.

CONSULTATIONS

LHA – No objection. A license is required from Streetworks for permission for tables and chairs on the public highway.

Pollution and Licensing – No objection subject to revised opening hours (see 'Observations' below) and a condition relating to the hours of use and management of the external seating area.

REPRESENTATIONS

6 letters of objection have been received (including a letter from Councillor Harding and a letter from Councillor Procter) on the following grounds:-

Amenity

- The extension of opening hours and external seating will result in lots of noise and car doors slamming late at night, also privacy will be invaded due to the new bi-fold doors
- This is a residential area with no other businesses/bars opening for these late hours for some distance. The extra hour into the evening is of greatest concern, especially when there is to be the proposed sale and consumption of alcohol.
- The later closing of the premises on all days is of concern in relation to the noise and disturbance caused by patrons using vehicles. Glenhaven Avenue (cul-de-sac) will be used if no spaces are available on Flixton Road - families will be woken.
- Concerned that noise from the outside seating area will reverberate around the houses and buildings in the vicinity, until 21:30 every night.
- This is a highly residential area with those businesses nearby only operating during office hours, apart from Bargain Booze and the Canton Taste takeaway.
- Neighbours are very apprehensive about what will happen to the top of the avenue when this bar opens.
- Concerned there will be another café/restaurant opening on Flixton Road
- The hours previously approved are perfectly adequate.

It was also noted at the premises licence hearing that the small size of the kitchen limited the type of food on offer and the menu would be largely be cold cuts and cheese. This reinforces the neighbours' concerns that this premises is more likely to become a bar rather than an eating establishment, and even later licencing hours increases the likelihood of disturbance and antisocial behaviour. Request that the extension of licencing hours is refused until the bistro is up and running and is proved to be a good neighbour.

- Concerned that the use will be directly next door to a Temperance Bar that has outdoor seating for children and families.
- Concerned about litter and anti-social behaviour
- There is no indication of how many people the premises will hold and the numbers that can use the outside area.

Parking

- Concerned at the lack of adequate parking at the site which is already a busy area because of the existing cafe next door and the Bright Futures Day Nursery on the other side.
- Vehicles already park on private car parks, this will make matters worse.

OBSERVATIONS

Impact on Amenity

1. Policy L7 of the Trafford 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. Policy L7.3 states in relation to matters of amenity protection, 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.
2. The application site lies within a stretch of Flixton Road that comprises a number of mixed use properties including shops, a day nursery, medical centre and physiotherapy practice. The adjoining no.124 is an on-line garden shop and no. 120 is a Temperance Bar. The residential properties of Glenhaven Avenue lie to the rear (north) of the site whilst the residential flats of Legwood Court lie to the front (south) across Flixton Road. Also, there are residential flats above all three properties. The site is close to Urmston town centre, but not within it.
3. The applicant originally requested a variation to the opening hours to 11.00 – 23.00 Sunday to Thursday, 11.00 – 24.00 Friday and Saturday also, to allow customers to sit outside the premises from 11.00 to 21.30 hours.
4. The Pollution and Licensing Officer has been consulted and their response recognises this short row of properties, which include the application site, are set back significantly from Flixton Road, thereby benefiting from reduced traffic noise impact. The officer states the external ambient noise level is likely to significantly reduce through the evening after the commercial activities have closed for the day and traffic flows lessen. Given the

sensitivity of the area, the proposal to operate the premises to midnight may give rise to adverse impacts of noise and disturbance, such as chatter, laughter and raised voices from customers, along with door slams and engine noise from their vehicles, especially at closing time. The Pollution and Licensing Officer therefore has suggested revised opening hours of 11.00 – 23.00 Monday to Saturday, and 11.00 – 22.30 on Sunday to protect the local residential amenity from undue impact of noise and disturbance. As 23:00 is generally recognised as the beginning of night time hours in environmental health statutes and national planning standards, it is considered that this is appropriate. In addition, the Pollution and Licensing Officer recommends customers are allowed to sit outside the premises from 11.00 until 21.00 hours only, to limit the potential for adverse noise impact from customers using the proposed external seating area. The 21:00h curfew follows the advice on the control of noise from external areas contained within the Institute of Acoustics Good Practice Guidance on the Control of Noise from Pubs and Clubs (2003). This restriction was accepted as a condition of a variation of the applicant's Premises Licence to include an external seating area within the Licence provisions. Therefore, a similar condition is proposed as follows:

“The outdoor seating area hereby approved on the Site Location plan (Scale 1:1250) shall not be used for the consumption of food or drink outside the hours of 11:00 and 21:00h on any day.

5. The applicant has agreed to the suggested revised hours by the EHO.
6. Whilst concerns have been raised by objectors about the number of covers that would be provided in the external seating area, it is considered the limited size of this area would be self-regulating. The submitted plan refers to an area of 5m x 6m for the external seating and as such it is suggested this plan is referred to in the condition regarding the hours of use of the external seating area and the external seating is restricted to this area.
7. Many of the letters of objection refer to potential noise and disturbance from the coming and going of vehicles associated with the proposed extension of hours, particularly late at night. The Pollution and Licensing Officer has considered this and as a result has suggested revised opening hours that are considered to be reasonable with regard to impact on residential amenity and which have been accepted by the applicant.
8. In conclusion, having regard to the fact that 23:00 is generally recognised as the beginning of night time hours, it is considered the suggested revised hours of opening, and those of the external seating area, would not result in undue harm to the residential amenity of the occupants of the surrounding properties, by reason of noise and disturbance, so as to warrant a refusal of planning permission.

9. As such, it is considered that the proposal would not have an unacceptable impact on residential amenity and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

Impact on Highways/Parking

10. This application is for a variation of the opening hours and as such there are no changes proposed with regard to access, parking, cycle parking provision and servicing.
11. Many of the letters of objection refer to the lack of parking at the premises. The use of the building was considered at the time of the original application and assessed to be acceptable in terms of parking impacts. The proposal would allow the scope for some additional covers in the external seating area. However, as this would be limited to an area of approximately 5m x 6m, it is considered that any additional parking impacts would be limited. The Local Highway Authority has raised no objection to the proposal and it is considered that the proposal is acceptable in terms of parking provision and highway safety.
12. The proposal includes the provision of an external seating area on the forecourt in front of the premises measuring 5m x 6m. A separate licence would be required from Streetworks for permission for the tables and chairs.

Other Matters

13. It has been raised as a concern by neighbours that that these premises are more likely to become a bar rather than an eating establishment. For clarification, planning permission would be required if the primary use of the premises were to become a bar (Class A4) rather than a café/restaurant (Class A3).

DEVELOPER CONTRIBUTIONS

14. This proposal is not CIL liable.

PLANNING BALANCE AND CONCLUSION

15. The existing use of the premises is a café/restaurant (Use Class A3), the proposal does not request a change of use of the premises but a variation of the opening hours and to allow external seating. It is considered the suggested revised hours of opening, and those of the external seating area, would not result in undue harm to the residential amenity of the occupants of the surrounding properties, by reason of noise and disturbance, so as to

warrant a refusal of planning permission. There are no objections to the proposal from the Local Highway Authority.

16. The proposal is therefore considered to be in accordance with the development plan, specifically Policy L7 of the Core Strategy and also guidance in the NPPF.

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 layout plan and red edged site location plan submitted with the current application and the plans submitted on 6th March 2018 in respect of application 93859/PRC/18.

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

2. The café/restaurant (Use Class A3) hereby approved shall not be open to the public outside the following hours:-
11.00 – 23.00 Monday to Saturday
11.00 – 22.30 Sunday

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

3. The outdoor seating area hereby approved shall be restricted to the area shown within the red edge on the submitted Site Location Plan (scale 1:1250) and shall not be used for the consumption of food or drink outside the hours of 11:00 to 21:00 on any day.

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

4. Notwithstanding the submitted details, there shall be no external seating to the rear of the site or use of the rear external yard area of the site by customers at any time.

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

5. Prior to the installation of any plant/extraction/flue equipment on site, full details of these alongside a noise assessment shall be submitted and approved in writing by the Local Planning Authority. The assessment should be carried out by a suitably qualified acoustic consultant and must be carried out to assess the noise level at the most exposed residential properties at the quietest time that the installed equipment would be operating. All measurements and assessments should be undertaken in

accordance with British standard BS 4142:1997. The development shall not be carried out other than in accordance with the approved details.

Reason: In order to protect the amenities of adjacent occupiers having regard to Policy L7 of the Trafford Core Strategy.

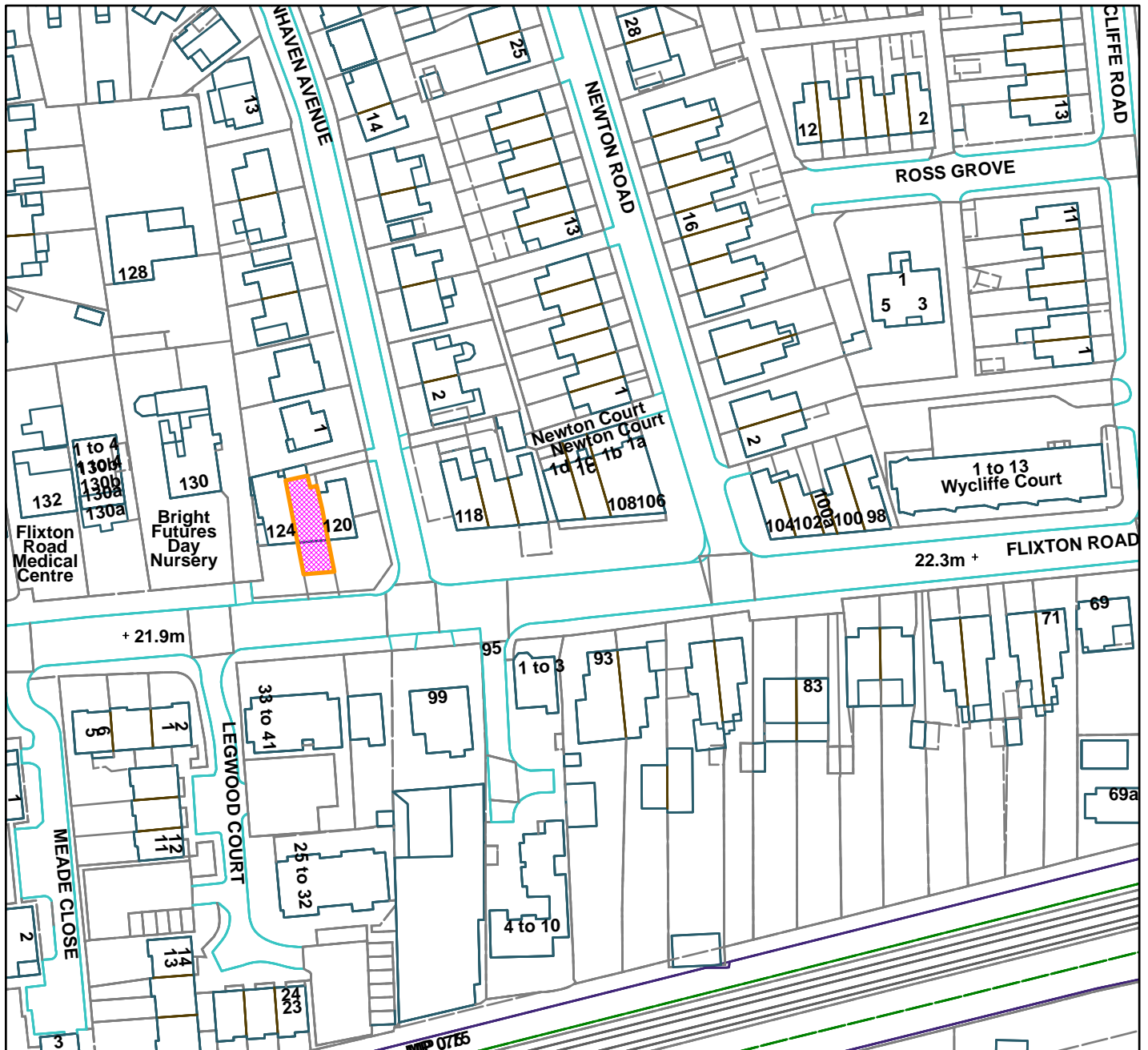
6. The storage of waste bins shall be restricted to the rear yard area of the site at all times and the collection or handling of waste and recycling shall take place only between the hours of 07:30 and 22:00 on any day.

Reason: To ensure satisfactory arrangements are in place for the disposal of refuse (including recyclables) and having regard to the amenity of neighbouring residents in accordance with Policy L7 of the Trafford Core Strategy.

AC



122 Flixton Road, Urmston (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/07/2019
Date	01/07/2019
MSA Number	100023172 (2012)

WARD: Bowdon

97357/FUL/19

DEPARTURE: NO

Erection of a new dwelling with vehicular access off Green Walk.

Land Adjacent To Heather Lea, Green Walk, Bowdon, Altrincham, WA14 2SJ

APPLICANT: Miss Goodman

AGENT: G.D.A. Design Associates Ltd

RECOMMENDATION: REFUSE

This application has been called in to the Planning and Development Management Committee by Councillor Sean Anstee on the grounds that the proposal would constitute appropriate development and conform to guidance.

It is also noted there have been 6 or more objections to the proposal.

SITE

The application site consists of garden land serving Flat 3, a first floor flat contained within Heather Lea, Green Walk, Bowdon.

The south boundary fronts Green Walk and consists of a 2m high stone brick wall and dense vegetation. A red brick wall and dense vegetation continue round the west boundary which is adjacent to land serving as a car-park for Bowdon Tennis Club. The north boundary consists of mature planting and is a shared boundary with the garden serving Apartment 3. The east boundary is adjacent to the existing property itself Heather Lea, and is partially over-looked by a ground floor residential Apartment 1 and first floor residential flat (no.3).

Heather Lea consists of a two storey Victorian villa converted into four residential flats. Three of the flats are served by gardens around the south and western elevations. To the north are rear gardens serving Heather Court and to the east there is a car-park and landscaping with an entrance off Green Walk. To the opposite side of Green Walk, is a modern large residential apartment block.

There are a number of trees on site, which are protected by the site's Conservation Area designation.

The application site is located within a residential area, Heather Lea is located within Character Zone C: Southern Residential Area of the Devisdale Conservation Area. The accompanying SPD 5.10 identifies Heather Lea and the adjacent cottage as a positive contributor.

The site also lies within the setting of Erlesdene, Grade II listed, located across Green Walk to the south west.

PROPOSAL

Planning permission is sought for the erection of a two and half storey 4-bed, detached dwelling with a rear two storey gable section and a rear single storey flat roof section. The proposed dwelling would measure approximately 14m in width and 12m in depth. The main two storey section of the roof would be hipped, the maximum ridge height would be 10m and the eaves height would be 7.5m. The front elevation would include a central gable, ground floor bay windows, and square dormers. There are chimneys proposed to both side elevations.

The house would have accommodation over three floors with the second floor accommodation within the roofspace. The dwelling's ground floor would accommodate living, kitchen, cloakroom, bathroom, utility space and a lift from ground floor to second floor. Bedrooms and bathrooms/en-suites are proposed within the first and second floors.

A new access off Green Walk and a parking area within the site is proposed.

The total floor area of the proposed new dwelling would be approximately 357sqm gross internal area.

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.
SPD5.10 - Devisdale Conservation Area Appraisal
SPD5.10A – Devisdale Conservation Area Management Plan

PROPOSALS MAP NOTATION

Devisdale Conservation 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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. 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 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

Flat 3

H/69527 - Relocation of external spiral staircase from its current position to its original position underneath the balcony. Approve with conditions. 10/07/2008

H/68613 - Relocation of spiral staircase from the balcony onto the north west elevation of the building. Refusal. 12/02/2008

Flat 2

H/61754 - Erection of garage. Approve with conditions 8 May 2005

The Cottage

H03397 – Conversion of Garages with Flat over to dwellinghouse and erection of a first floor extension. Refused 1976.

H02015 – Change of use of 3 garages to living unit plan 2-storey extension. Approved with conditions 1975

APPLICANT'S SUBMISSION

Design and Access and Heritage Statement

Tree Survey

Proposed drawings

Self-build form

Existing and Proposed plans. However the plans do not provide complete details of Apartment 3 of Heather Lea existing balcony and external staircase and the plans do not provide full elevations or cross section of proposed boundary adjacent to proposed boundary with Apartment 1 and 2 of Heather Lea.

CONSULTATIONS

Local Highways Authority – No objection to the application on highways grounds subject to a condition requiring cycle parking.

Lead Local Flood Authority – No objection. The site is not within the flood map for surface water 1 in 100-year outline and there are no records of flooding within 20m or Ordinary Watercourses within 5m. There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site.

Pollution and Licensing (Contaminated Land) – No objection or comments.

Pollution & Licensing (Air Quality/Nuisance): No objection subject to a condition for a construction management plan.

Conservation – Object to the proposal. The proposed development would cause **major harm** to the significance of Heather Lea and the contribution the site makes to the Devisdale Conservation Area and will cause **minor harm** to the setting of the Grade II listed building – Erlesdene.

Arborist (Trees) – No objection, subject to mitigation advice within submitted tree survey to be followed.

United Utilities - No objections subject to appropriate conditions.

REPRESENTATIONS

As part of the call in request Councillor Anstee stated in support of the application, the application constitutes appropriate development and conforms to guidance.

Letters of objection have been received from 7no. residential addresses and the Bowdon Conservation Group, These raise the following concerns:

- Fails to accord with national and local planning policy including the Conservation Area SPDs.
- Potentially set a difficult precedent.
- Mis-description, application is in 'within the curtilage of Heather Lea' rather than 'land adjacent.....'
- Overcrowding.
- Value of properties will fall.
- No pre-consultation/ application.
- Fails to accord with national and local planning policy including the Conservation Area SPDs

Design and Heritage

- Detriment to the Devisdale Conservation Area.
- Heather Lea was the first house on Green Walk.
- The application does not include any clear comparison of the balance of green and built upon area.
- Increase of density and massing towards Green Walk.
- Resulting garden for proposed dwelling consists only of a narrow strip.
- Contrary to planning policy and injurious to the character of the part of the Devisdale Conservation Area.
- Damaging precedent to the status and protection of Green Walk in particular and the Devisdale Conservation Area as a whole.
- Contrary to NPPF paragraph 53, 129 and 133.
- Contrary to the Character of Zone C of Devisdale Conservation Area and objective contained within the Conservation Area Appraisal.

- The increased footprint, scale and mass of the proposed new building and the proposed sub-division of the plot mean that the Application represents inappropriate new development, is over-crowding of the existing plot and contrary to the following Conservation Area Management Plan policies 35, 36 and 51.
- Contrary to Trafford Core Strategy – R1 Historic Environment.
- Loss of this significant part of the Heather Lea grounds will utterly reduce the quality and standing of this site and its 4 parts.
- Incongruous building.
- Garden intrinsic to the profile of the Victorian property within the conservation area.
- Detrimental to the setting of the Grade II Erlesdene. Detrimental to the setting of the non-designated heritage asset – Heather Lea. Does not sit in general profile of the area.
- Alterations to boundary and landscaping detrimental to Conservation Areas qualities and Green Walk.

Trees

- Removal of trees detrimental to conservation area and character.
- There is no room to allow the T11 an oak considered as being early to semi-mature and with 'good future potential' to grow and reach its future potential as it reaches full maturity.
- Retained trees will cause significant shading to small garden and proposed building.
- Trees will be under considerable pressure to be pruned or even felled.
- Tree line tiny to retained and will not hide the rear.

Residential Amenity

- Scale and mass of the proposed new building will have a detrimental impact on the neighbouring properties.
- Overlooking to Heather Lea apartments and application site.
- Building process will be disruptive (if approved, strict conditions recommend to be imposed on access and work hours).
- Affect sunlight coming into neighbouring gardens (including apartment 2 garden) and rooms.
- Detriment to view from roof terrace on Heather Lea.
- Loss of amenity and amenity distances unacceptable.
- Several windows of Heather Lea are north west facing, orientation of Heather Lea contributes to amenity concerns.
- Amenity distances unacceptable
- Drive and parking areas too close to Heather Lea
- Site is too small to accommodate dwelling.
- Apartment 3 would result with no garden.

Highways

- Detriment to highway safety – dangerous access on to Green Walk
- Exacerbate existing issues of parking (high on street parking in demand for the existing tennis club)

Legal

- Heather Lea is a leasehold development and the 4 apartment-owners are leaseholders, whereby legally-binding commitments have been given by all owners to the related Management Company. These expressly forbid development of any sort.
- Incorrect ownership certificate completed. – Certificate B required rather than certificate A, as the existing wall required to be partially demolished to facilitate access is owned by the entire Heather Lea development and the Management company.
- Three resident objectors have instructed a solicitor to take legal action against the application to stop the breach of leasehold covenants.

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 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.
3. 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.
4. 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 controlling the supply of housing, protecting heritage 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 surrounding area and the existing residents living close to the site.
6. 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. 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.
7. The Council also does not, at present, have a five year supply of immediately available housing land and thus the development plan Policies L1 and L2 relating to housing land supply are 'out of date' in NPPF terms. Paragraph 11(d) of the NPPF is therefore engaged.
8. Other policies relevant to this application remain up to date and can be given full weight in the determination of this application. 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.

Heritage

9. The site is on garden land of Heather Lea which is identified within SPD 5.10 Devisdale Conservation Area Appraisal as a positive contributor. Heather Lea is located within Character Zone C: Southern Residential Area of the Devisdale Conservation Area. The site also lies within the setting of Erlesdene, Grade II listed, located across Green Walk to the south west.
10. The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of

preserving listed buildings, their setting and any features of special architectural or historic interest.

11. 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.”*
12. 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.
13. 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.
14. 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.”*
15. The NPPF glossary definition of ‘significance is as follows: ‘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.
16. 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”*
17. 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).

18. 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).
19. Policy R1 states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to Conservation Areas, listed buildings and other identified heritage assets.

Significance of affect to heritage assets and assessment on the impact on Heritage Assets

Devisdale Conservation Area and Positive Contributor - Heather Lea (Positive Contributor)

20. The Conservation Area Appraisal SPD 5.10 identifies Heather Lea and the adjacent cottage as a 'positive contributor'. Several key views are identified along Green Walk looking north west and south east taking in the application site.
21. Heather Lea was the first house to be laid out on Green Walk in the 1860s for Edward Comer, merchant, bleacher & manufacturer. The large, detached Victorian villa is two storeys in height and designed in an Italianate style. The house was constructed from pitched faced stone, ashlar quoins and banding with a pitched roof clad with blue Welsh slate. The principal elevation fronts Green Walk and framed with a pair of two storey, canted bays. Now converted to four apartments, the villa has incurred some alteration and addition to the north and east elevations. Nevertheless the plot retains its spacious garden particularly to the south and west elevations and is set back from the road partially obscured by planting. Furthermore, the historic off set access remains with buff sandstone wall and coping which is unique to this section of Green Walk. It is concluded that the significance of Heather Lea derives from its architectural and historic value.
22. Heather Lea is located within Character Zone C: Southern Residential Area of the Devisdale Conservation Area. The Character Zone encompasses Park Road and Green Walk, with roads and developments leading off these roads that were developed in the late 20th – early 21st century. Green Walk has a more historic character, with mature planting, very little traffic, a higher proportion of historic properties, although there are some modern cul de sac developments in this area.
23. Green Walk was once the private coach road from Dunham Massey Hall for Lady Mary Booth, Countess of the 4th Earl of Stamford. Following the arrival of the railway in 1849, the 7th Earl of Stamford began to sell agricultural land adjacent to Green Walk specifying the density, rental value and materials. This resulted in a

wide, tree lined street with large residential properties set in spacious low density plots, magnificent gardens, sweeping drives, coach houses and a vast mix of revival architectural styles. The wide tree lined roads within the Conservation Area, such as St. Margaret's Road and Green Walk, also offer important views.

24. Green Walk is also a significant green space due to the historic planting schemes present along the road. Sycamores, Beech, Pine and Limes here all date to the late 19th century scheme by the Earl of Stamford. The road becomes pedestrianised at the western end as an original part of the historic road, linking Green Walk to Dunham Road and beyond to Dunham Massey Hall. Those to the historic properties, particularly along Green Walk, mirror those within Character Zones A and B, with low stone boundary walls, supplementary planting, stone gate piers and mature tree cover.

25. Relevant extracts and guidance from the Devisdale Conservation Area – Conservation area appraisal & managements plan SPD 5.10 & 10a adopted July 2016 is noted below.

26. Paragraph 3.1 in the Conservation Area Appraisal SPD summaries the special character of the Conservation Area and relevant parts are as follows:

- *...Its development in the second half of the 19th century was characterised by houses on a grand scale, set in large plots at a low density with magnificent gardens, sweeping drives and coach houses for the 'Cottontots'.*
- *There are many large, fine, individual residences in the area, in a variety of architectural styles. Some of the houses are the work of renowned architects.*
- *The wide tree lined roads within the Conservation Area, such as St. Margaret's Road and Green Walk, also offer important views.*
- *The area is characterised by the boundary treatment of the properties and the mature trees both on the roads and in the spacious gardens of the houses. Streets are lined with low garden walls of large stone blocks, with hedges of various species above and trees along the boundary.*

27. This document also states the following regarding Character Zone C: The Historic Core (4.3.3):

'The zone is dominated by two main streets, Park Road and Green Walk, with smaller roads that are lined by a combination of modern development, modern cul de sac development, several historic properties and modern apartment buildings. The highest proportion of historic properties is along Green Walk; Park Road has some properties of a more modern character.'

28. Further to this, the Conservation Area Management Plan SPD5.10A is clear that Character Zone C has been subject to a higher level of change than the other

Zones and has lost a degree of historic character. Moreover within this Character Zone much new development has taken the form of additional structures within the boundary of historic plots. This has increased the density of development in these areas and should generally not be considered an opportunity for development in the future as additional new development within plot boundaries negatively alters the character of the area.

29. SPD5.10A Management Plan advises that inappropriate development within The Devisdale 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:

- The significant loss of gardens or grounds in favour of hardstanding or parking. Where buildings are set further forwards in their plot such development will not be permitted. Buildings within a larger plot and/or set further back from their front boundaries will have greater flexibility but still need to respect a sympathetic balance of hard surface area to garden.
- The removal and/or alterations to historic boundary walls, gate posts and/or gate openings.
- Front extension which will make the building more prominent from the road where there are presently glimpsed or partial views. Where there is a unified front building line across a collection of buildings, front extension would not be appropriate, including porches or verandas where there were none originally.
- The increase of roof heights which is not in keeping with the building's wider context.
- 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.

30. Of further relevance, the Conservation Area Management Plan SPD aims (section 3.5, 3.6 & 3.8) include:

- To preserve and enhance the secluded and green nature of the Conservation Area, and the legacy of the Victorian planting schemes, which are crucial to its significance.
- To preserve key views within the Conservation Area.
- To preserve and enhance the significant low stone boundary walls and associated planting, which are characteristic of the Conservation Area.
- To retain the character of the built environment within each character area and the wider Conservation Area.
- To encourage a high quality of design for new development that will enhance the character and appearance of the Conservation Area.

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

- **Policy 23** - Mature trees should be retained as their loss greatly diminishes character as well as wildlife habitats. Trees, shrubs and exotic planting schemes associated with the Earl of Stamford's estate are of high significance.
- **Policy 24** - Trees and Victorian planting schemes within private gardens are of equal significance as those lining the streets. Existing planting schemes should not be removed to create additional hard standing or space for ancillary facilities. Mature trees should not be removed from individual plots where the house is being replaced.
- **Policy 31** - The characteristic historic low-level front and other principal boundary walls should be retained.
- **Policy 35** - Boundary treatments and front gardens should not be removed to create additional hardstanding, garaging or parking. In particular, the extensive and secluded gardens to historic individual properties should not be removed.
- **Policy 36** - Existing plots should not be sub-divided into smaller plots to create housing estates.
- **Policy 49** - 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
- **Policy 51** - The scale of any new development should mirror the existing building and plot sizes. The council reserves the right to refuse applications where any proposed development impedes on the building density of the wider area and/or the characteristics of the Conservation Area.

Assessment of impact on Devisdale Conservation Area and Positive Indicator (Heather Lea)

32. The application proposes the erection of a substantial, detached residential property in conjunction with the creation of a separate vehicular access. The proposed dwelling would be sited significantly closer to the road than the existing building. It is considered that the siting of a large dwelling house within the Positive contributor – Heather Lea's, historic garden would result in significant harm to the character of the Conservation Area. '.

33. It is considered that the development would result in the subdivision of the existing plot, the loss of a historic boundary wall, and an unacceptable reduction of spaciousness and soft landscaping and increase in hard surfacing. The development would result in a prominent addition to the streetscene, visible in key views along Green Walk. Furthermore, SPD 5.10a is clear that due to the 'grain of development in this character zone there is very little room for new development'. The Councils Conservation Officer *considers " the siting, scale, density, massing, height and architectural style of the proposed house, the loss*

*of historic boundary wall and planting will result in an unacceptable development which will cause **major harm** to the character and appearance of the Devisdale Conservation Area.'*

34. This view is concurred with and it is considered that the proposed dwellings and associated works would result in an unacceptable visual impact on the setting of Heather Lea and the Devisdale Conservation Area and would undermine the site's important characteristics as outlined above.
35. It is therefore considered that the impact of the proposals on the Devisdale Conservation Area, including the impact on the setting of Heather Lea, a positive contributor to the Conservation area, which 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.

Grade II listed building - Erlesdene

36. 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."*
37. The site also lies within the setting of Erlesdene, Grade II listed, located across Green Walk to the south west.
38. Erlesdene is a large Grade II listed building designed by Mills and Murgatroyd. The villa is sited in a large spacious plot and exhibits many similar attributes to Heather Lea including low density development obscured by mature planting and a historic boundary wall.
39. It is considered that the application site lies within the setting of the designated heritage asset and contributes and amplifies its significance. Due to its siting, scale, density, massing and height, the proposed development will greatly increase the density of development within the historic plot and will result in a prominent addition to the street scene visible in key views along Green Walk. This will diminish the contribution Heather Lea, its spacious garden and historic boundary treatment make to the significance of Erlesdene. As such it is considered that the proposed development will cause **minor harm** to the setting of the Grade II listed building equating to less than substantial harm in NPPF terms.

Heritage conclusion

40. 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.
41. 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.
42. The analysis above has found:
- 'less than substantial harm' arising to the Devisable Conservation Area, including harm to Heather Lea a positive contributor to the Conservation Area. This harm is at the very highest end of 'less than substantial', and is considered by the Council's Heritage Development Officer to comprise 'major' harm.
 - 'less than substantial harm' arising to the Grade II Listed building - Erlesdene. This considered by the Council's Heritage Development Officer to comprise 'minor' harm.
43. 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.
44. The summary of the Planning Design and Access Statement (incorporating the Heritage Statement) states:
- *The design of the property will allow for the construction of high quality energy efficient property in a sustainable location close to local public transport links.*
 - *The building is an appropriate scale and the proportions, height, layout and elevation treatment will enhance the street scene.*
 - *The proposed development is designed not to cause any harm to the Devisdale Conservation Area and it would make a positive contribution to this area of Green Walk.*
 - *The property would be an individual property designed with style and confidence which would be compatible with and contribute to the surrounding area and commensurate in scale to the adjoining building Heather Lea.*

45. Officers have considered the application and the supporting statement for the proposed residential dwelling and find that the proposal's potential public benefits would not outweigh the very major harm which would arise to the designated heritage assets from these proposals. It is noted, that whilst the applicant argues that the design of the dwelling would comprise a public benefit, in this case the proposed design is considered to cause considerable harm to the heritage assets for the reasons set out above and therefore cannot be considered to represent a public benefit. 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.
46. 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 Devisdale Conservation Area, this harm being considered to be very major harm at the upper end of the scale of less than substantial harm. In addition, it is considered that the applicant's stated benefits also do not outweigh the "less than substantial harm" to the setting of the listed building, notwithstanding that this is lower down the scale of "less than substantial harm".
47. 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 Devisdale 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

48. The application proposes the erection of one detached dwelling 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.

49. 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.
50. 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.
51. 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 of the proposals resulting level of harm to the heritage assets - Devisable Conservation Area including Heather Lea which is recognised as a 'non designated heritage asset' and a positive contributor to the Conservation Area. 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 one dwelling.

Application of NPPF Paragraph 11 d)

52. 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.
53. Further to the development in principle, the development must also be considered in regard to other national and local relevant policies in relation to the impact that the development may have in terms of design, residential amenity, parking and highway safety, and drainage considerations.

Design and visual amenity

54. The NPPF states within paragraphs 124 and 130 that: *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. 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.*
55. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”.*
56. Trafford Planning Guidance 1: New Residential Development, in relation to development in gardens, states:
57. *“Development of small vacant sites or the construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene. Both the new property and the retained dwelling should comply with the standards set out in these guidelines.”*
58. Paragraph 2.2 of the New Residential Development SPD further indicates that development will not be accepted at the expense of the character of the surrounding area.
59. The proposed dwelling protrudes forward of the building line of Heather Lea and is a similar height as Heather Lea, yet without the architectural merit of the original historic building. The proposed new vehicle access from Green Walk, central to the proposed dwellings entrance, would contribute to the prominence and increase the visibility of the proposed building.
60. The proportions and overall design of the front elevation do not reflect or contribute to the existing visual amenity and would appear as an over-dominant

and incongruous addition within the streetscene. The design of the dwelling and, in particular, the front elevation would appear poorly proportioned. The design of the rear two storey gable section and, in particular the large rear single storey flat roof section appears contrived and poorly related to the main front section of the building. The proposed depth of the proposal is excessive and following the proposed landscape alterations to the boundary adjacent to Bowdon Tennis Club, this would be a prominent addition viewed from the Tennis Club car-park and streetscene.

61. The form and design is not of a quality that would be required on such a prominent location in relation to the streetscene, conservation area and the vicinity of a listed building.
62. The proposed dwelling, by reason of its location, scale, form, scale, massing, siting, design and alterations to boundary treatment would result in a detriment to spaciousness and visual amenity within the streetscene and Conservation Area. Furthermore, the proportions and the overall design would have an unsatisfactory relationship to the surrounding area, detrimental to the character and appearance of the street scene and Conservation Area. For this reason, the application conflicts with the guidance for new residential development contained in the Council's adopted PG1 and would fail to comply with Trafford Core Strategy Policy L7 and the Framework (notably paragraphs 124 and 130).
63. The specific impact on the heritage assets, the Devisdale Conservation Area (including the positive contributor – Heather Lea) and listed building 'Erlesdene' is discussed in 'principle of development' section.

Residential Amenity

64. 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.*
65. Trafford Planning Guidance 1: New Residential Development, in relation to development in gardens, further states: *"Development of small vacant sites or the construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene.*

Both the new property and the retained dwelling should comply with the standards set out in these guidelines.”

66. SPG1 New Residential Development furthermore sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council’s Guidelines 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. This would also apply to views from balconies and would need to be increased by 3 metres for any second floor windows / balconies. With regard to overshadowing SPG1 states that ‘In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15 m should normally be provided. A distance of 10.5 metres is usually required between first floor windows and rear garden boundaries. An additional 3 metres is added for each additional floor.
67. 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.
68. The primary affected properties are those apartments contained within the converted villa – Heather Lea. Three of the apartments – 1, 2 and 3 (applicant’s property) have private garden areas. Apartment 4 has a roof terrace.
69. The historic building is orientated in a manner that a number of key habitable rooms of the apartments overlook the existing gardens of apartments 1 and 3. The existing garden of apartment 3 (the application site) has a unique relationship. It is accessed from apartment 3 currently via an external metal staircase which links to a metal balcony serving apartment 3. Apartments 1’s and 3’s south western facing habitable windows and Apartment 3’s balcony currently overlook the garden.
70. The proposed dwelling would be set within the garden, severing the garden from apartment 3. The existing balcony and metal staircase of Apartment 3 would be accessible through the retention of a strip of land between the proposed application site and apartment 1 (and its garden). The strip is 4.2m from the main side elevation of Heather Lea and 2.5m from the bay window. The Design and Access statement indicates that a new boundary between the application site and Heather Lea is proposed to be a laurel hedge. However there are no cross sections or elevations of the proposed boundary treatment submitted to fully detail the impact and ability to provide privacy.

71. The proposed dwelling is set forward of Heather Lea's building line and a rear section is limited to single storey and there are no side windows, which appears to be designed with the aim to avoid some potential amenity issues. However the siting, scale, massing and design would still result in a detriment of the level of amenity and privacy of the neighbouring apartments 1 and 3 and future occupiers of this discussed below.

Proposed future occupiers, Apartment 3 and Apartment 1

Privacy and inter-looking

72. The application site will be directly overlooked by ground floor apartment 1 and first floor apartment 3 and its existing balcony. The side elevation of Heather Lea which contains side windows would just be 4.2m from the side elevation of the application site and some of these habitable windows and the existing balcony would directly overlook the proposed rear and side garden of the application property. Furthermore, it is noted apartment 4's roof terrace would overlook the application site. The level of privacy afforded to the future occupiers of the application site would be unacceptable.

73. In turn, the presence a new dwelling unit would have a detriment to the privacy of Apartment 3's balcony. The balcony currently provides the apartment outdoor space without being overlooked (whilst the majority of the existing garden is overlooked by Apartment 1). With the garden proposed to be severed from Apartment 3, and the access strip adjacent to windows of Apartment 1, the balcony would be the main out door space serving Apartment 3, yet would have an unacceptable level of privacy given the close relationship with the garden of the proposed dwelling. .

74. Heather Lea is set at a higher level than the adjacent garden and, without suitable screening, would overlook the proposed dwellings garden area. Screening consisting of a laurel hedge is proposed to the boundary with Heather Lea, however full details have not been provided. There is concern, screening would be either inadequate to provide privacy or given the close proximity to the main habitable windows (2.5m to the bay and 4.2m to the main side elevation of Apartment 1), would appear over-bearing and intrusive compared to the existing outlook from these windows.

Overbearing/Overlooking

75. Apartment 1's private garden is to the front of Heather Lea and adjacent to the site's side boundary. The proposed dwelling's side elevation would be 10.6m to the boundary and not for the extent of the garden length. Overall the impact is considered acceptable.

76. The proposal would avoid an overbearing/overshadowing impact on Apartment 3.

77. Heather Lea, the grand two storey property would be just 4.2m from the side garden boundary, and affect a section of the application site, however, the impact is limited to a section of site and not considered significantly harmful in this instance given the size of the overall garden amenity space provided for future occupiers.

78. The proposed dwelling would be 7m to the rear boundary and 5m to the side boundary with Bowdon Tennis Club. Landscaping would need to consider both the impact on future residents and the quality of the Conservation area.

Apartment 2 and garden (to rear of site)

79. The rear elevation of the two storey rear section would be 7m (approx.) from the shared boundary of garden serving the ground floor apartment 2. The main rear elevation would be set 12.2m from the shared boundary. However all the first floor windows are obscured glazed and the second storey windows are rooflights. The proposal would avoid an unacceptable loss of privacy. In terms of massing, the distances of the main building from the boundary and the rear two storey section is limited to a section, the overall impact is not considered unacceptable on amenity. Notwithstanding, this there are significant concerns regarding spaciousness and setting discussed elsewhere within the report.

Noise/Disturbance

80. The dwelling would be accessed via a new driveway off Green Walk and given the siting and potential for landscaping the impact in terms of noise and disturbance would not be significant.

Quality of Accommodation

81. The proposed property would be in excess of the national space standards for dwellings and would be proportionate to neighbouring properties. The primary concern is the direct overlooking on the external amenity areas from the existing Heather Lea apartments as discussed above.

Residential Amenity Conclusion

82. In summary, the proposed development by reason of its siting would result in an unacceptable level of privacy available to Apartment's 1 and 3 of Heather Lea and future occupiers of the proposed dwelling. The resulting outdoor amenity space to Apartment 3 would be limited to a balcony with no privacy afforded to it, reducing the quality of the accommodation. The proposed development also would have a potential overbearing impact (through boundary treatment close to the habitable rooms of Ground Floor Apartment 1). For these reasons, the application conflicts with the guidance for new residential development contained

in the Council's adopted PG1 and would fail to comply with Trafford Core Strategy Policy L7.

TREES

83. The proposal would result in the removal of vegetation (including 4 trees of various quality) and proposed replacement landscaping. It is noted the arborist has confirmed no objection subject to standard tree planning conditions. 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.
84. In regard to the Conservation Area, it is noted trees, landscaping and boundary treatment provided an important element, and the impact on heritage is discussed in detail within the 'principle of development' section.

PARKING AND HIGHWAY SAFETY

85. 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.
86. 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
87. It is noted that objectors have been raised concerns regarding the provision of the creation of a new access and on street parking and increase in congestion with potential detriment to highway safety.
88. The LHA have been consulted on the plans and raised no objection to proposed access and parking arrangement.
89. The proposed hardstanding area to the front of the property can accommodate sufficient parking spaces; to accord with SPD3: Parking Standards and Design for Trafford (SPD3). The impact on the highway 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.

90. Servicing will be carried out from Green Walk. Refuse bins can easily be transferred to the roadside for collection and this arrangement is acceptable.

91. 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.

OTHER MATTERS

Legal matters

92. Objectors raised ownership Certificate B is required rather than certificate A, as the existing wall required to be partially demolished to enable access is owned by the entire Heather Lea development and the Management company. The applicant has been advised of the Ownership concerns raised.

93. In terms of planning assessment, the ownership is not a material consideration and it is noted that all the residents of Heather Lea have been consulted as part of the planning process.

94. It is noted that residents have raised legal concerns, such as breach of leasehold covenants. However, these legal matters are outside the remit of the planning process.

Drainage

95. The Lead Local Flood Authority has advised there will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site and as such no drainage conditions are recommended.

DEVELOPER CONTRIBUTIONS

96. 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).

97. 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.

PLANNING BALANCE AND CONCLUSION

98. 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.
99. 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 character and appearance of the Devisdale Conservation Area, this harm considered to be very major harm at the upper end of the scale of less than substantial harm, and the less than substantial harm to the setting of Erlesdene – Grade II Listed building, this harm considered to be **minor** harm. The application's potential 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 the heritage policies of the NPPF, Policies L2, L7 and R1 of the Trafford Core Strategy, as well as the Devisdale Conservation Area Management Plan SPD.
100. 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.
101. In addition the proposal would fail to comply with Policy L7 of the Core Strategy with respect to its impact on residential amenity and visual amenity, NPPF, and applying Paragraph 11 d) ii) of the NPPF, the adverse impacts on residential amenity, on the character and appearance of the area and on the designated heritage assets – Devisdale Conservation Area (including positive contributor Heather Lea) and the listed building would significantly and demonstrably outweigh the proposal's benefits, when assessed against the policies in the Framework taken as a whole.
102. It is therefore concluded that the proposal would be unacceptable and should be refused planning permission for the reasons set out below.

RECOMMENDATION: REFUSE

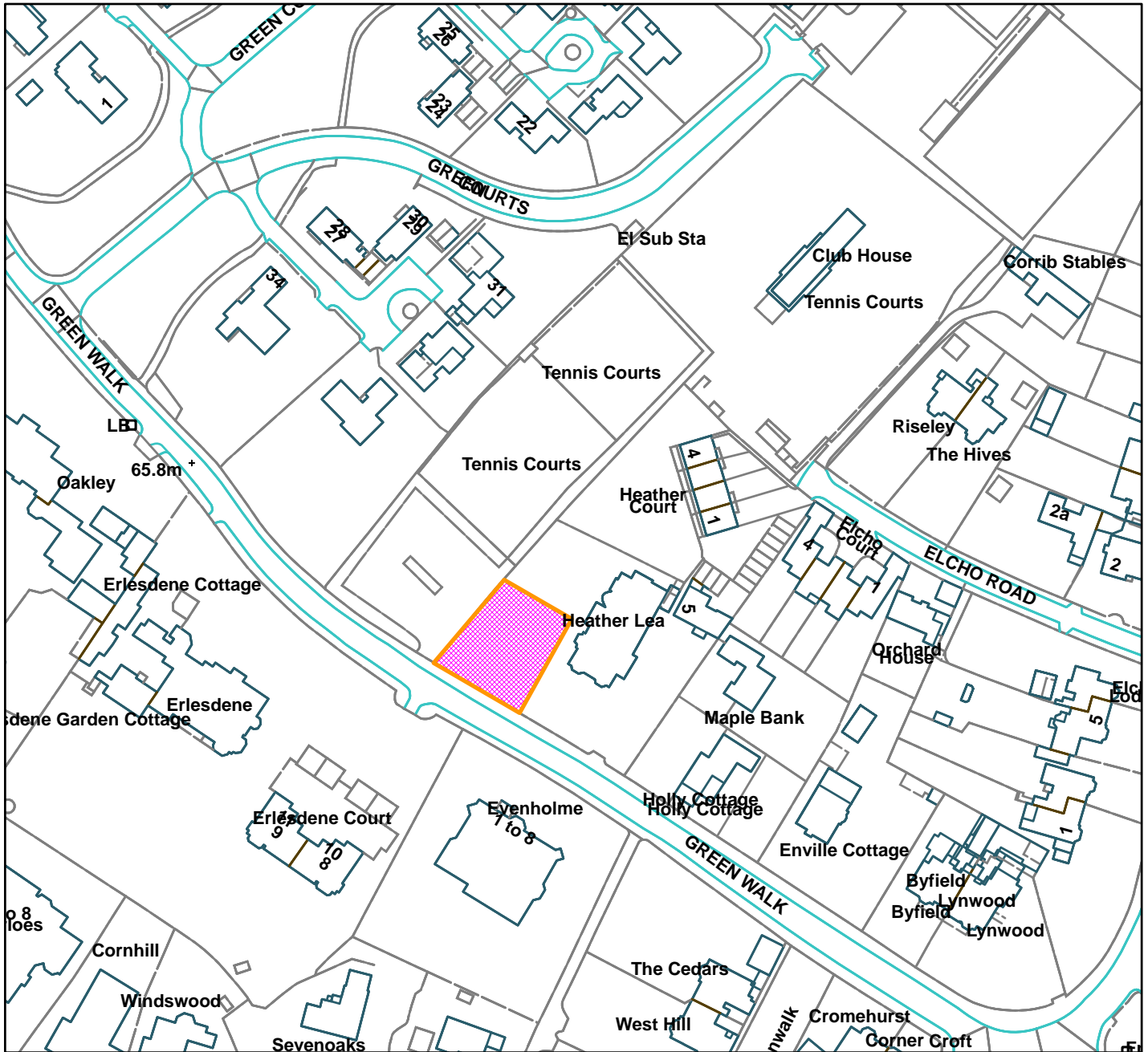
1. The proposed development, by reason of its scale, height, massing, siting, elevational design, the subdivision of the existing plot, the loss of a historic boundary wall, and an unacceptable reduction of spaciousness and soft landscaping and increase in hard surfacing, would result in less than substantial harm to the character and appearance of the Devisdale Conservation Area (including to the setting of the existing property Heather Lea – a positive contributor to the Conservation Area) and, this harm is considered to be at the upper end of the scale of less than substantial 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 designated heritage asset 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 setting of Erlesdene – Grade II Listed building. 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.
3. The proposed dwelling, by reason of its scale, height, massing and design would result in an over-dominant and incongruous form of development that would be out of keeping with the character of surrounding properties. The proposed development would therefore have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. As such, the proposed development would fail to comply with Policy L7 of the Trafford Core Strategy, Trafford Council's adopted Supplementary Planning Guidance, PG1: New Residential Development, and the National Planning Policy Framework.
4. The proposal would result in an unacceptable privacy impact to and inter-looking between the neighbouring occupants of 1 and 3 Heather Lea and the future occupants of the proposed dwelling house. The development, through its introduction of a limited access strip and boundary treatment adjacent to Apartment 1 of Heather Lea, would result in overbearing impact and visual intrusion (by way of boundary treatment necessary for privacy). As such the proposed development would result in an unacceptable amenity impact on neighbouring and future occupants of the proposed dwelling which would be contrary to the provisions of Core Strategy Policy L7, the New Residential Development SPG and the NPPF.

The proposal is therefore considered to be unacceptable in relation to its design and amenity impact and is contrary to Core Strategy Policies L1, L2 and L7, the New Residential Development SPG and the NPPF.

TM



Land adj to Heather Lea, Green Walk, Bowdon (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/07/2019
Date	01/07/2019
MSA Number	100023172 (2012)

WARD: Timperley

97849/HHA/19

DEPARTURE: No

Erection of a part single, part two storey rear extension and detached outbuilding (amendment to permission ref. 4376/HHA/18 in respect of appearance of outbuilding).

245 Stockport Road, Timperley, Altrincham, WA15 7SW

APPLICANT: Mr Brown

AGENT: N/A

RECOMMENDATION: GRANT

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

SITE

The application concerns a two storey semi-detached property located on the north-west side of Stockport Road opposite the junction with Merton Grove. It is surrounded by other residential properties on Stockport Road and Bloomsbury Lane at the rear. The property has a rear garden extending approximately 50m from the existing main rear elevation of the property and a front garden with off road parking.

PROPOSAL

The proposal is to erect a two storey extension projecting 3.9m from the rear of the property at a distance of 2.65m from the side boundary with No.247 Stockport Road. The single storey element will project an additional 1.1m extending to 5m. In relation to No. 243 there will be a single storey extension projecting 5m to the rear at a distance of 0.15m from the side boundary and a first floor extension of 1.5m. The extensions will be built with bricks and tiles to match the existing and white UPVC windows and doors.

An existing garage and car port will be demolished and a replacement outbuilding erected 6.13m in length and 3.21m in width and located 0.15m from the side boundary with No.247. The height to eaves will be 2m and 2.75m to ridge. It will have two windows and a door facing south west and will be constructed with off-white render over blockwork and with dark grey clay tiles over a pitched roof.

The increase in floor space of the proposed development would be approximately 40 m².

This application is a re-submission of 94376/HHA/18 with the difference relating to the appearance of the proposed outbuilding. It is now proposed that the outbuilding would be finished in rendered blockwork to match the main house, with clay tiles, as opposed to cedarwood cladding and concrete interlocking tiles as previously approved. Other changes include amendments to the design, positioning and scale of the windows and doors in the outbuilding. The windows would be uPVC framed and the bi-fold doors aluminium framed. Both would be finished in anthracite (grey).

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

For the purpose of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms.

PROPOSALS MAP NOTATION

None

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, which replaced a number of practice guidance documents. The NPPG will be referred to as appropriate in the report.

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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. 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.

RELEVANT PLANNING HISTORY

94376/HHA/18 - Erection of a part single, part two storey rear extension and detached outbuilding. *Approved with conditions 19th June 2018.*

APPLICANT'S SUBMISSION

CIL Questionnaire
Schedule of Materials

CONSULTATIONS

None

REPRESENTATIONS

One letter of representation has been received from a property located at the rear of the site on Bloomsbury Lane indicating that they are concerned if:

- The proposal results in loss of trees or impacts on wildlife in the wooded area located at the end of the garden.
- Do not wish to see views obscured.

OBSERVATIONS

Policy

1. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 124 of the NPPF states that the Government attaches great importance to the design of the built environment - good design is a key aspect of sustainable development, is indivisible from good

planning, and should contribute positively to making places better for people. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2. In relation to matters of design, Policy L7 of the Core Strategy states development must:
 - Be appropriate in its context;
 - Make best use of opportunities to improve the character and quality of an area;
 - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment and;

Design and Appearance

3. The proposed extensions will be located at the rear of the property and therefore there will only be very limited visibility of the extension from the street. The design will be similar to extensions on other properties in the vicinity and acceptable for a building of this character and appropriate in scale and massing. The applicant proposes to use matching materials to the 2-storey extension.
4. The outbuilding would incorporate an off-white render finish which would match to the principal elevation. Dark grey tiles would cover a pitched roof and metal roller shutter doors would be inserted within the front facing elevation. Anthracite (grey) upvc windows would be inserted alongside anthracite bi-fold doors. The resultant appearance would be of a contemporary style, although the use of roller shutter doors to the front elevation softens the presence of the building within Stockport Road helping to retain a garage-style appearance. Nonetheless, the building itself is of good aesthetic design which relates well to the surrounding garden and would preserve the visual amenities associated with Stockport Road. The contrast to the house allows juxtaposition to the main dwellinghouse which encourages a clearer perception between these two separate buildings.

Amenity

5. In respect of rear extensions SPD4 advises that (Para 3.4.1). All rear extensions should avoid overshadowing, physically dominating or overlooking neighbouring dwellings. Large extensions which restrict light to a large part of a neighbouring garden for sitting out and/or which block light to the habitable rooms of a neighbouring dwelling will not be considered acceptable. Paragraph 3.4.2 indicates the most common situation where harm may be caused to the neighbouring property is in the instance of terraced and semi-detached properties however these guidelines also apply to detached properties. Normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of semi- detached and terraced properties and 4m for detached properties. If the extension is set away from the boundary by more than

15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g, if an extension is 1m from the side boundary, the projection may be increased to 4m for a semi-detached or terraced extension. Paragraph 3.4.3 advises that 2 storey rear extensions should not project more than 1.5m close to a shared boundary but with similar provisions to those for single storey extensions if the extension is set away from the boundary.

6. In relation to No 247 the two storey extension will project 3.9m at a distance of 2.65m from the boundary. This is in accordance with the Guidance set down in paragraph 3.4.3 of SPD4. The ground floor will project 5m at a similar distance to the boundary and would also comply with the guidance in SPD4. It is also noted that No. 247 has previously been extended (Planning permission 87344/HHA/15) with a ground floor extension and first floor extension of 3.8m. It is therefore considered that the proposed rear extension will not have an undue impact on the amenity enjoyed by that property.
7. With regards to No. 243, that property has also had a part two storey, part single storey rear extension adjacent to the boundary with the application property. The proposed single storey element of the extension will project approximately 1.1m past the single storey rear elevation of that dwelling and the closest element of the first floor extension will be level with the rear of the neighbouring property's first floor rear elevation. In addition, where the first floor extension projects out to 3.9m from the rear elevation of the application property, it will be approximately 3.4m from the boundary. The single storey and two storey elements of the extension will therefore both comply with the SPD4 guidelines in terms of the impact on No. 243.
8. A new window is proposed in the north east facing side elevation at first floor level. This will serve a bathroom and it is recommended that this is conditioned to be obscure glazed to a height of at least 1.7m above finished floor level to avoid overlooking.
9. The proposed outbuilding would replace an existing garage and carport. It will have a similar footprint to the existing garage but will be located 0.2m closer to the side boundary and the ridge height will increase from 2.3m at the highest point to 2.75m. It is considered that this will not have an undue impact on the light or outlook of the garden of No.247 Stockport Road.
10. The proposed outbuilding would have a roller shutter door in the front elevation, bi-fold doors in the side elevation facing towards No. 243 Stockport Road and a large picture window in the rear elevation, facing towards the rear of the garden.
11. The existing garage has windows facing towards No. 243 Stockport Road and as there is also a fence approximately 1.8m high this is considered to provide adequate screening. In regards to the rear window, paragraph 2.15.3.of SPD4 advises 2.15.3. Window to window distances of 21m between principal elevations

(habitable room windows in properties that are directly facing each other) will normally be acceptable as long as account is taken of the fact that the facing properties may need in fairness to be extended also. The area for development is around 36m from the garden boundary with properties in Bloomsbury Lane and 57m from the rear of the dwellings. The proposal therefore accords with guidance. In addition there are trees and shrubs in this area to enhance the screening.

Trees

12. The applicant has confirmed that they own the area of trees and shrubs at the end of their garden. They have indicated that whilst they intend to do some general maintenance in this area they intend to retain the “robust boundary landscaping” including the silver birch in this area. The works proposed in this planning application are a significant distance from the trees and bushes and will not impact upon the vegetation or wildlife. Any works carried out to this area are beyond the scope of this application.

Parking

13. The proposal will not result in a change to the number of bedrooms (3) at the property. Parking for a minimum of three cars will be retained at the front of the property. The proposal would therefore be in accordance with the standards as set down in the Trafford Core Strategy and would not be detrimental to road safety or result in an undue loss of amenity to other road users.

DEVELOPER CONTRIBUTIONS

14. The proposal is for less than 100 square metres and would not therefore be liable for the Community infrastructure levy (CIL).

Conclusion

15. 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 in the NPPF. As such it is recommended that planning permission should be granted.

RECOMMENDATION:

GRANT subject to the following conditions:-

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the plans Nos. 1661/2/B; 001; 002; 003; Location Plan and the submitted statement titled 'Proposed outbuilding-materials schedule'.

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

3. The materials to be used shall be in strict accordance with those specified in the application. The development shall be carried out in accordance with the approved details.

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

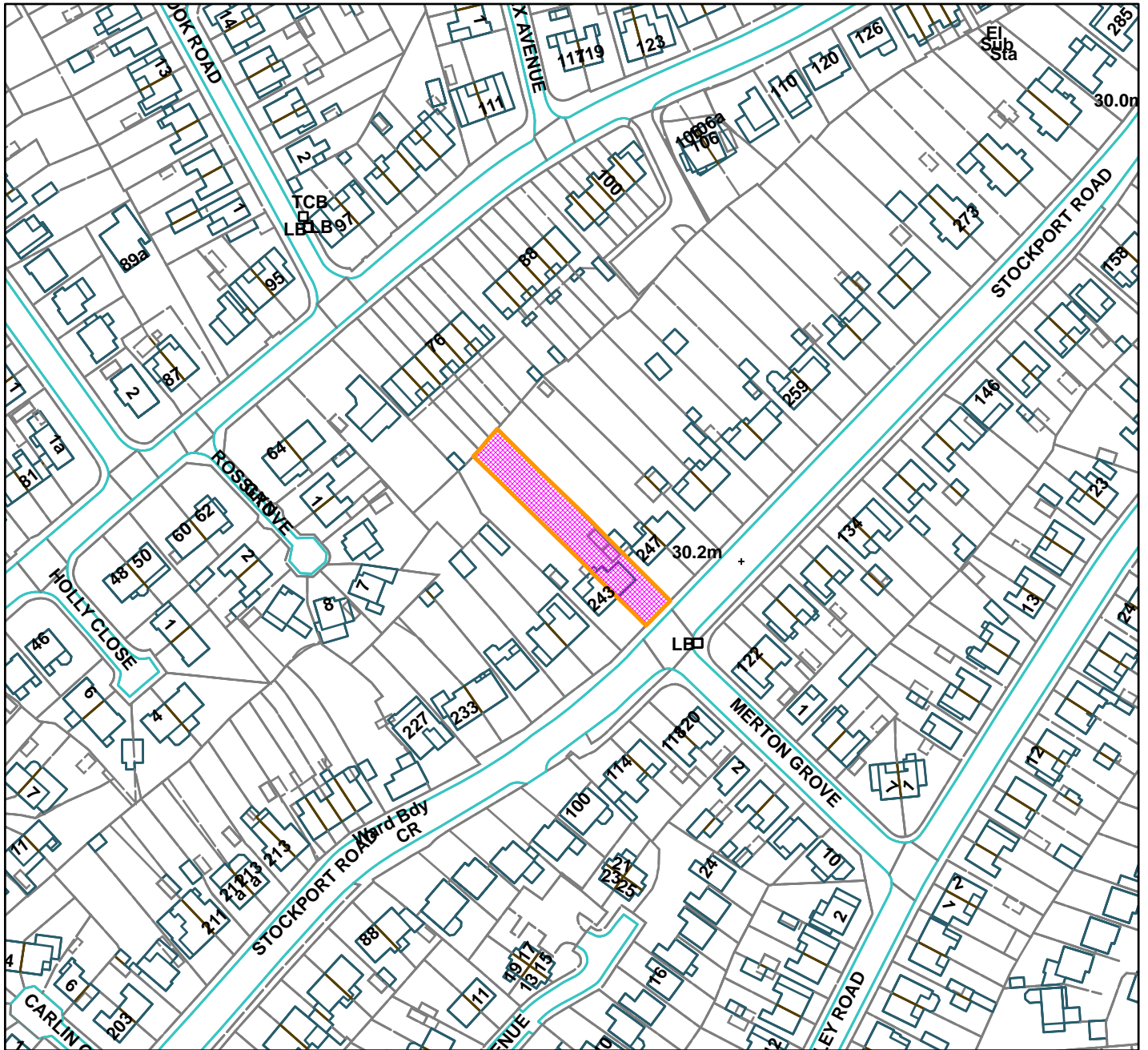
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the ensuite window in the first floor on the north-east side elevation of the existing dwelling facing 247 Stockport Road 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.

RCr



245 Stockport Road, Timperley (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/07/2019
Date	01/07/2019
MSA Number	100023172 (2012)

WARD: Stretford

97872/FUL/19

DEPARTURE: NO

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 south elevation.

Longford Telephone Exchange, 10 King Street, Stretford M32 8NS

APPLICANT: BT, British Telecom PLC

AGENT: Mr D Dawson, Airsys UK Ltd.

RECOMMENDATION: GRANT with conditions

This application is being presented at Committee due to a request for call-in from Councillor Slater who objects to the design changes to the building.

SITE

The application site relates to a part two storey, part three storey flat roofed commercial brick building dating from the mid-20th century, currently occupied by a BT telephone exchange. The windows contained within the building are symmetrically positioned and in a Georgian style with the fenestration giving the building a vertical emphasis.

Beyond the site to the south is the eastern end of the 1960s Stretford shopping mall with retail units at ground floor, a gym at ground and first floor with other commercial uses contained within. The application site is well screened from Chester Road by the shopping mall with only small glimpses of the southern elevation when approached from the south.

The application site is located at the main intersection of Kingsway and Chester Road, the eastern and northern elevations of the building are more prominent within the street scene. Through the previous application process the building has been identified as a non-designated heritage asset.

PROPOSAL

This application seeks consent for the installation of one louvre at first floor and three at the second floor to the southern elevation. These are to be made of aluminium and of a similar design to those already installed within the building. The louvres are to be left in their natural metallic colour to stop them from standing out and will match those already present on the building.

Three louvres are proposed within three of the second floor windows with each one measuring 0.5m (w) x 0.69m (h), whilst one is proposed to the first floor and will measure 0.5m (w) x 1.26m (h). The measurements include the louvres themselves and the flange.

The only part of the window being removed is the glazed portions of the windows. The louvre will be installed on the interior side of the window.

The requirement for the installation of the louvres has been detailed within the submission and relates to the ventilation and the buildings fire strategy given the use.

The scheme is to replicate louvres already in existence on the building to both the southern and eastern elevations.

DEVELOPMENT PLAN

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.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 – Design

W2 – Town Centres and Retail

For the purpose of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms.

R1 – Historic Environment

In NPPF Paragraph 11 terms, and for the purposes of the determination of this planning application, Policy R1 is considered to be out of date as it does not reflect NPPF policy or case law.

The site is located within Stretford Town Centre where there are a number of Strategic Objectives as well as Place Objectives specific to Stretford, however, none are of relevance in the determination of this application.

OTHER LOCAL POLICY DOCUMENTS

N/A.

PROPOSALS MAP NOTATION

Stretford Town Centre

Critical Drainage Area

Smoke Control Zone

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the Revised National Planning Policy Framework (NPPF) 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.

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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. 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.

RELEVANT PLANNING HISTORY

Numerous but most recent and relevant:

76333/FULL/2011 – Installation of aluminium louvres in four existing window frames within the building – Approved with conditions

96860/FUL/19 - 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 south elevation – Application withdrawn

APPLICANT'S SUBMISSION

The applicant submitted a Design and Access Statement:

'BT are planning high speed Broadband to the local area that this telephone exchange serves and as part of this upgrade additional ventilation is required at the above address. It is proposed to remove the glass panes from one window on the first floor and three windows on the second floor of the front (south) elevation. Only the glazing will be removed leaving the cast iron window spars in place, so the windows can be put back to their original condition if required. In place of the glass will be aluminium acoustic louvres. The louvres will be installed internally and set back as per the submitted drawings and photos. The existing louvres in the building are installed this way and it makes the least impact on the fabric of the building. The louvres will be left in their natural metallic finish to match the existing louvres already in the same elevation.'

CONSULTATIONS

None.

REPRESENTATIONS

Cllr J Slater – writing on behalf of the three Ward Councillors – ‘We called this in when it was last proposed. Has the application been amended? If not on what basis has it been resubmitted as we oppose the changes to this building which is one of the only buildings of character left in Stretford. It is a building that you see when you come into Stretford from Edge Lane and to have the windows remove would impact on aesthetics of the building which is part of the gateway into Stretford.’

The application was also advertised by way of neighbour notification letters. No neighbour letters were received in relation to this application.

OBSERVATIONS

Principle

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 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 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. 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.
4. 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. Policy R1 of the Core Strategy (CS), requires 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 setting; in particular in relation to conservation areas, listed buildings and other identified heritage assets. As Policy R1 of the CS is out of date for decision making purposes, the requirements of Paragraph 11 of the NPPF are engaged.

Visual amenity/Design:

6. 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.’
7. 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.’
8. 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.
9. The proposed louvres to all sections of the building will be installed in existing window openings within the building fabric. The louvres follow a simple form of overlapping segments that allow appropriate ventilation into the building for the purposes as detailed earlier in this report. The louvres will be mounted on the interior side of the window with only the glazed portions removed and will not protrude beyond the buildings external brick face.
10. The louvres will be of a natural metallic colour to match those that are in situ on the building. On the second floor 12 individual window panes to three of the windows would be removed to facilitate the new louvres. On the first floor 8 of the individual window panes would be removed to facilitate the louvre with no damage to the cast iron window struts.
11. The Longford Telephone Exchange building is a highly visible building in this immediate locality at the intersection of Kingsway and Chester Road, however, the louvres proposed are to be sited within the southern elevation which is sited to the eastern end of Stretford Mall.
12. The louvres would only be appreciated at close range along the pedestrianised entrance to the Stretford Shopping Mall from the east with glimpses from a relatively short stretch of Chester Road when approached from the south.
13. Whilst it cannot be contested that the proposals will have some visual impact, these still represent a small proportion of the number of window panes within the southern

elevation and are not considered to be an unduly obtrusive feature that would be seen as detrimental to the character of the area.

14. Officers acknowledge that there are several window panes that have previously been removed and replaced with louvre. However the cumulative impact of the existing and proposed louvres is not considered to erode the building quality so as to harm the character of the building and the contribution it makes within the streetscene and wider area.

Impact on non-designated heritage asset

15. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
16. The building is an attractive building and is considered to be a non-designated heritage asset. The louvres are required to enable the safe operation of the equipment within the building to prevent overheating. Whilst it is noted that the development would have some visual impact on the host building it is not considered to result in harm to the non-designated heritage asset.
17. The development would result in acceptable additions to the host property a non-designated heritage asset without harm to its significance. The proposal is therefore considered to be in accordance with the Local Development Plan and the NPPF.

PLANNING BALANCE AND CONCLUSION:

18. 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 proposal would not cause adverse harm to the building which is a non-designated heritage asset. Although it would not strictly 'enhance' the building, Policy R1 is out of date and can be given limited weight in this respect. Paragraph 11(d)(ii) of the NPPF is therefore engaged and there is no clear reason for refusing the development proposed.
19. The proposed scheme is to ensure the safe operation of the equipment within the building given its current use. The number and scale of the individual louvres are commensurate with the design of the windows and match those currently in situ. The proposals would not have any other harmful impacts and otherwise would comply with the development plan. There would be no adverse impacts which would significantly and demonstrably outweigh the benefits. The proposals would therefore be in compliance with Paragraph 11(d)(ii) of the NPPF, which in the absence of up to date development plan policy relating to heritage, is a determinative material consideration. The application is therefore recommended for approval.

RECOMMENDATION:

That Members resolve to **GRANT** planning permission for the development subject to the following conditions:

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

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

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

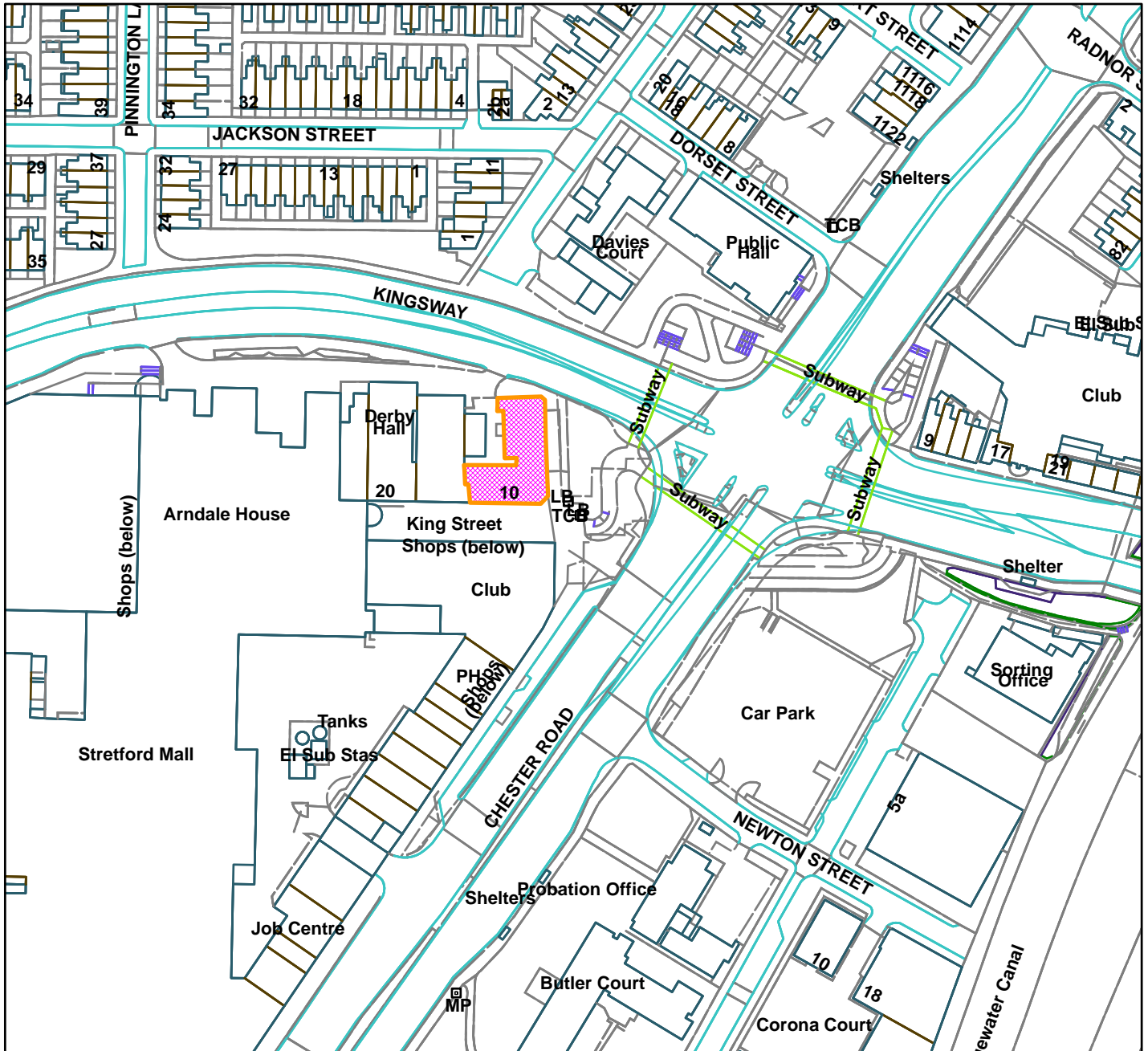
- Location Plan;
- Proposed Plan View: Existing Louvres numbered Longford_Plan_0259 Rev P1 (Plan view ground and 1st floors; planning drawing; window close up; plan view 1st and 2nd floors and proposed planning drawing) received on the 29th May 2019

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

ES



Longford Telephone Exchange, 10 King Street, Stretford (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 11/07/2019
Date	01/07/2019
MSA Number	100023172 (2012)