



### REPORTS PACK

**APPLICATIONS TO BE DETERMINED BY REASONS OF URGENCY BY THE HEAD OF PLANNING AND DEVELOPMENT OR THE HEAD OF MAJOR PLANNING PROJECTS IN CONSULTATION WITH THE CHAIR, VICE CHAIR AND OPPOSITION SPOKESPERSON OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Date: Friday, 17 April 2020 by 5:00pm

ITEM

1. **ADDITIONAL INFORMATION REPORT**

To consider a report of the Corporate Director of Place, to be tabled at the meeting.

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

To consider the attached reports of the Corporate Director of Place, for the following applications.

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Application	Site Address/Location of Development
<a href="#"><u>97883</u></a>	26A Marsland Road, Sale M33 3HQ
<a href="#"><u>98968</u></a>	United Services Club, 28 Southern Road, Sale M33 6HQ
<a href="#"><u>99131</u></a>	1 Belmont Terrace, Manchester Road, Carrington M31 4AZ
<a href="#"><u>99703</u></a>	80 Temple Road, Sale M33 2FG
<a href="#"><u>99829</u></a>	Land At Circle Court, Barton Road, Stretford M32 9QJ
<a href="#"><u>99933</u></a>	81 Firs Road, Sale M33 5FJ
<a href="#"><u>100130</u></a>	17 Bowness Drive, Sale M33 6WH

Further Information

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

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This reports pack was issued on **7<sup>th</sup> April, 2020** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH



## **APPLICATIONS TO BE DETERMINED BY REASONS OF URGENCY BY THE HEAD OF PLANNING AND DEVELOPMENT OR THE HEAD OF MAJOR PLANNING PROJECTS IN CONSULTATION WITH THE CHAIR, VICE CHAIR AND OPPOSITION SPOKESPERSON OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 17<sup>TH</sup> APRIL 2020**

### **REPORTS OF THE CORPORATE DIRECTOR OF PLACE**

### **APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.**

#### **PURPOSE**

To consider applications for planning permission and related matters to be determined by reasons of urgency by the Head of Planning and Development or the Head of Major Planning Projects in consultation with the Chair, Vice Chair and Opposition Spokesperson of the Planning and Development Management 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 and Development Service  
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 on the Council's website.

## TRAFFORD BOROUGH COUNCIL

APPLICATIONS TO BE DETERMINED BY REASONS OF URGENCY BY THE HEAD OF PLANNING AND DEVELOPMENT OR THE HEAD OF MAJOR PLANNING PROJECTS IN CONSULTATION WITH THE CHAIR, VICE CHAIR AND OPPOSITION SPOKESPERSON OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 17<sup>TH</sup> APRIL 2020

Reports of the Corporate Director of Place

### INDEX OF APPLICATIONS FOR PERMISSION TO DEVELOP ETC. FOR DECISION

Decisions will be made by the Head of Planning and Development unless an individual reports specifies otherwise.

<b>Applications for Planning Permission</b>				
<b>Application</b>	<b>Site Address/Location of Development</b>	<b>Ward</b>	<b>Page</b>	<b>Recommendation</b>
<a href="#"><u>97883</u></a>	26A Marsland Road, Sale M33 3HQ	Sale Moor	1	<b>GRANT</b>
<a href="#"><u>98968</u></a>	United Services Club, 28 Southern Road, Sale M33 6HQ	Ashton on Mersey	27	<b>REFUSE</b>
<a href="#"><u>99131</u></a>	1 Belmont Terrace, Manchester Road, Carrington M31 4AZ	Bucklow St Martins	45	<b>GRANT</b>
<a href="#"><u>99703</u></a>	80 Temple Road, Sale M33 2FG	Sale Moor	72	<b>GRANT</b>
<a href="#"><u>99829</u></a>	Land At Circle Court, Barton Road, Stretford M32 9QJ	Gorse Hill	85	<b>GRANT</b>
<a href="#"><u>99933</u></a>	81 Firs Road, Sale M33 5FJ	St Marys	126	<b>GRANT</b>
<a href="#"><u>100130</u></a>	17 Bowness Drive, Sale M33 6WH	Ashton on Mersey	135	<b>GRANT</b>

**WARD:** Sale Moor

**97883/FUL/19**

**DEPARTURE: No**

**Redevelopment of the site including: erection of 4no. new dwellings with associated landscaping and car parking; erection of single storey rear extension and alterations to roof shape and height of existing dwelling; widening of vehicular access including dropped kerb off Marsland Road and new internal access road and boundary walls/railings/fencing within the new plots.**

26A Marsland Road, Sale, M33 3HQ

**APPLICANT:** Mrs Burton

**AGENT:** County Planning Ltd

**RECOMMENDATION: GRANT**

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**This application is being reported to the Head of Planning in consultation with Chairman, Vice chairman and opposite spokesperson of the Planning and Development Management Committee as more than six objections have been received contrary to the Officer recommendation of Approval.**

**The statutory target date for decision making has already passed and there is no Planning Committee in the municipal calendar at which this application can be considered.**

### **SITE**

The application site currently comprises of a two storey detached property that is set back from Marsland Road and contains a large side and rear garden. The site measures 0.25ha in area. The site is situated on the north-western side of Marsland Road in a predominantly residential area and lies to the south of Sale Moor District Centre. Warrener Street lies to the north-east of the site, properties on Trinity Avenue bound the site to the north-west and residential houses on Chinley Close bound the site to the south-west. Residential properties are also situated opposite the site on the southern side of Marsland Road. A Kingdom Hall of Jehovah's Witnesses bounds the site to the north and north-east. A Council owned public car park, accessed off Warrener Street, also bounds the site to the north.

The front of the site is predominantly informal hard standing, forming the driveway of No.26A. The rear of the site is currently an overgrown garden area of No.26A, and includes a number of fruit trees.

## **PROPOSAL**

The application proposes the redevelopment of the overall site to include: the erection of 1no. two storey, 4 bedroom, detached property (Plot 1), with accommodation in the roof space, adjacent to the existing property No.26A; 1no. three bedroom detached bungalow property (Plot 2), with accommodation in the roof space, centrally within the site and 1no. pair of 4 bedroomed semi-detached two storey properties with accommodation in the roof space (Plots 3 and 4).

The proposed dwellinghouse in Plot 1 would measure 5.8m to eaves, 8.7m to the ridge and have a maximum width of 6.95m and maximum length of 12m. The proposed dwellinghouses in Plots 3 and 4 would measure 5.9m to the eaves and 10.35m to the ridge. The property in Plot 3 projects slightly beyond the rear of Plot 4 and also includes a single storey element to the side to provide an integral garage and family room. The proposed bungalow in Plot 2 would measure 3.1m to the eaves and 5.9m to the ridge. The bungalow would form an 'L' shape, having a maximum length of 11.2m and with of 9.1m.

The application also proposes alterations to No.26A, which includes increasing the height of the main roof and changing the roof from a hip to gable. A dormer window would also be provided on the front roof slope. A single storey extension would also be provided to the front elevation and alterations to the design of the main front door. The alterations to No.26A are proposed to harmonise the appearance of the existing property with the proposed new dwellings.

### **Value Added**

Amended plans have been submitted to address Officer's concerns regarding design, layout, visual impact and the impact on residential amenity. The proposal has been amended to enhance the external appearance of the properties and the layout of the overall development. Clarification on car parking provision and enhanced landscaping has been provided. The layout of the proposed bungalow has been amended to protect the amenity of future residents and neighbouring residents on Chinley Close.

## **DEVELOPMENT PLAN**

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

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

saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 - Land for New Homes

L2 – Meeting Housing Needs

L4 – Sustainable Transport & Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R2 - Natural Environment

## **PROPOSALS MAP NOTATION**

Unallocated

## **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 summer 2020 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) in 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 was updated on 1<sup>st</sup> October 2019. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

### Application site

99658/PIP/19 - Application for Permission in Principle for the erection of 4no. dwellings together with the provision of related infrastructure, surfacing and roadways (existing dwelling to be retained) – Approved 27.01.2020.

95578/FUL/18 - Erection of 2no. three storey detached dwellings and 1 pair of two storey semi-detached dwellings, with associated car parking and landscaping – Refused 05.04.2019.

91716/FUL/17 - Residential development of 6 dwellinghouses (2 detached, 2 pairs of semi-detached) in the grounds of 26A Marsland Road. Remodelling of the existing property to include: part single/part three storey rear extension, front extension, raising of the ridge height to accommodate a loft conversion with front and rear dormers and other external alterations including rendering of the property – Withdrawn 06.09.2017.

### Application site and adjoining land including Warrener Street Car Park

87339/FUL/15 - Mixed-use development comprising the erection of a retail foodstore with maximum of 1140sq.m sales area (Use Class A1) and two semi-detached residential properties (Use Class C3) together with associated vehicular access, car parking, servicing area and hard and soft landscaping. Vehicular access to foodstore from Northenden Road. Demolition of existing IMO Car Wash structures and 26a Marsland Road – Approved with conditions 22.07.2016

H/OUT/49969 - Demolition of 26A Marsland Road and garden store and erection of supermarket (1150 sq metres gross floorspace) with associated car parking (access via Warrener Street and servicing (access via car wash site) – Approved with conditions 02.11.2000.

H/OUT/48801 - Demolition of 26A Marsland Road and garden store and erection of supermarket (1,150 sq metres gross floorspace) with associated car parking, servicing and landscaping; erection of new garden store – Refused 10.07.2000, Dismissed on Appeal 29.06.2001.



## **APPLICANT'S SUBMISSION**

The applicant has submitted an Arboricultural Impact Assessment, an Arboricultural Method Statement, an Ecological Survey and a Mammal Habitat Survey in support of the application. The information provided within these documents is discussed where relevant within this report.

On behalf of the applicant, the agent has also responded to objectors comments, detailing the following: -

- The recent Permission-in-Principle application (99658/PIP/19) has now been approved and is a material consideration to be weighted in the planning when determining this application.
- The band of trees on the western side of the access track it are to be retained, as will the hedgerow on the eastern boundary which abuts Warrener Street car park.
- All 4 bed dwellings have a minimum of 2no. parking spaces. A shortfall in visitor spaces should not be a concern as visitor parking can be easily found in close vicinity of the site, including Warrener Street car park which is free for 2 hours and free 18:00-08:00.
- A full ecological appraisal has been submitted. The report raises no findings of concern and biodiversity improvements can be secured by planning condition.
- There is no public access to the site, which is the applicant's private garden. It has no policy designation and therefore cannot be stated to be a public asset.
- Appropriate amenity and separation distances which fully accord with the Council's guidance and previously approved planning permission 87339/FUL/15 are achieved within the amended plans.
- The submitted topographical information shows that the site is relatively level and no mutual overlooking of either property will occur.
- Rights to maintain hedgerows are a private law issue and not a material planning consideration.
- For clarity: there is no "right to a view" in planning; there is no intention to fell trees which are not within land owned by the applicant.
- There is little evidence to support that the existing level of foliage on the site would have any meaningful benefit in absorbing noise. By contrast, the brick façade of a dwelling would be considerably more effective.
- The Council's masterplans for the car park are at an early, unadopted, stage and are not a significant material consideration to the application. Moreover, latest revision of the masterplan no longer includes the application site and thus would not prejudice the progression of a regeneration programme.
- There is no requirement to provide affordable housing where the proposal is below 10 dwellings.

## **CONSULTATIONS**

LHA – Raise no objection and make the following comments

1. No objection on highways grounds to the approved PIP application and the previous refusal did not cite highways grounds.
2. The minimum required visibility splays for the proposed access are met (and exceeded);
3. The proposed access is an existing vehicle crossover and point of vehicle access, which would be improved to accommodate simultaneous vehicle access and egress (which has also been evidenced by swept path vehicle analysis);
4. The application form states four parking spaces are currently provided for 26a Marsland Road and it is proposed to provide 14, thereby increasing the number of vehicles by 10.
5. It is not considered that the number of trips generated by the proposed development would have a significant detrimental impact to existing daily vehicle flows and queue lengths at this location, including peak hour traffic flow.
6. The latest available five year personal injury collision data for this location does not show an existing road safety problem at this location.
7. The amended plans show ten driveway car parking spaces and one garage parking space). The SPD3 guidance states that for the number and size of dwellings 14 spaces should be provided and as such there would be a shortfall of 3 spaces
8. The garage for plot 3 does not appear to meet the minimum size requirements for a residential garage (should be 2.4m wide and 4.8m long for a single garage.)
  - Officers have measured the internal space of the proposed garage and can confirm it is in excess of the standard.

LHA does not consider the proposed shared use access and access road to be a parking area (and it is noted that no parking spaces are shown on the proposed development design drawings indicating an intention by the developer not to provide parking along the access road).

The LHA would request a condition to any subsequent grant of planning permission that the proposed access arrangements (including the Marsland Road access and the shared use internal access road), must be constructed in accordance with the Local Planning Authority approved design drawings; and the development access arrangements are to be retained for the sole purpose of accommodating wholly unobstructed simultaneous vehicle, cycle, and pedestrian access.

**Pollution & Housing: Contamination** – No objections.

**Pollution & Housing: Nuisance** – No objections, they recommend that a condition requiring the submission of a Construction Environmental Management Plan to minimise the potential for noise and dust nuisance during the construction phase.

**LLFA** – No objections, 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. Permeable surfaces should be considered for the parking areas and no surface water should discharge onto the highway.

**Economic Growth** – No comments have been received in connection with the current application, however in response to the previous Permission In Principle application they commented that the owners of 26a Marsland Road may wish to consider the wider objectives above and the overall Vision for Sale Moor.

Reference was given to the consented (now expired) development that extends to 0.64 hectares (1.58 acres) and incorporates the IMO car wash site and the residential property 26A Marsland Road, both of which would have been demolished as part of that scheme. In addition attention was drawn to the Council's adopted the Warrener Street Development Brief and the draft Place Plan for Sale Moor District Centre.

Whilst no objection was given to the proposal the aspirations for the redevelopment and improvements to the wider area were highlighted.

**Arboriculturalist** – No objections received from the. Full comments discussed in the Observations section below.

**GMEU** – No objections. An active fox earth has been reported on part of the application site. Although foxes are not specially protected, in the interests of animal welfare it is recommended that a Method Statement be prepared giving details of how foxes are to be excluded from the earth prior to any ground works commencing that could cause harm to foxes underground. It is particularly important to avoid direct harm to the earth during the period when young dependant foxes may be present (generally March to June inclusive). Any mature trees which are to be felled should be inspected before felling for the possible presence of bats. If bats are found at any time during works then works must cease and advice sought from a suitably qualified person on how best to proceed.

**United Utilities** – No objections, recommend conditions relating to surface water and foul water.

## REPRESENTATIONS

12 letters of objection were received from residents of 14 neighbouring properties on Marsland Road, Chinley Close and Trinity Avenue. A letter of objection was also received from the local residents group 'We are Sale Moor'. These representations were made following the original neighbour consultation and raised the following concerns: -

- Understand that the Council cannot currently demonstrate a five-year housing land supply, however this should not result in compromises to the standard of design of the proposed dwellings, nor lessen any potential impact upon the amenity of existing residents.
- Trafford Council are working in collaboration with the residents of Sale Moor village that would see significant improvements to the appearance and

community spaces of the village. This relatively small proposal would impact on these plans and make chances of major regeneration much less likely to be approved.

- Piecemeal small-scale development, such as this, will lessen the chance of major regeneration of the village centre. They urge the Planning Committee to consider the impact of the application on the bigger vision for the village, rather than as a stand-alone development, as they believe the two are incompatible.
- Over development of the land, posing issues for existing residents.
- There has been lots of new housing built in the area in the last few years, most of which is not affordable and feel that these would be the same.
- Concern over the increased volume of traffic turning into and out of the new driveway and the impact on road safety.
- The traffic at the one way system is horrible at most times of the day, they struggle to leave their road.
- Road safety risk. The site is near a school, where it is difficult enough with parents parking.
- Directly opposite the site is a pedestrian island, which would not allow for heavy goods vehicles to swing into an opening. The island is used by school children.
- There are cars are parking all day along Marsland Road and Victoria Road.
- There would be a negative impact on traffic flow and parking on Marsland Road.
- The vehicle entrance is alongside their own drive, preventing them from being able to access it safely.
- Do not object to the principle of the development, though strongly object to the access arrangements. The access should be made through the car park, which would not interfere with the daily traffic on Marsland Road.
- There is a shortfall in parking provision for Plot 4, adding to existing parking congestion on Marsland Road.
- There is limited circulation space between properties to allow for vehicles reverse and leave their driveway in forward gear.
- The proposal cuts across the vision to support the beeline network, which will change the road layout throughout the village to accommodate the cycle paths, as part of Andy Burnham's vision to improve public health, physical activity and lower carbon through cycle networks across Greater Manchester.
- The houses on Plots 3 and 4 are 3 storey buildings, which are too high and will affect their privacy. Two storey houses would be better.
- The dwelling types are not consistent with those found locally. The quality of design is not high quality as required by the NPPF paragraph 128.
- The houses will be unacceptably close to the boundaries of surrounding properties and will cause an unacceptable level of disturbance result in a significant loss of amenity for surrounding residents.
- Due to the scale of the property and level changes between the site and no.'s 22 and 24 Chinley Close, Plot 3 will result in a very dominant and overbearing property. Any new property should not sit higher than existing houses and should be subservient to those on Chinley Close.
- The ground floor of 11 Trinity Avenue is raised above the level of the site and looks directly into the site. The property has a number of windows, including

a dining/sitting room and a first floor bedroom window that look directly on the site.

- Plots 3 and 4 will be imposing and potentially intrusive, restricting light into their home.
- The previous application (87339/FUL/15) had provision for a 2m gap between the rear gardens of the proposed houses and the boundaries of 11 and 12 Trinity Avenue to alleviate some of the impact and enable them to cut both sides of their hedge. There is no such provision in this application.
- A pedestrian walkway is proposed adjacent to the side boundary with 28 Marsland Road, running past the back door and kitchen/dining room windows, directly infringing on their privacy.
- The communal bin store is adjacent to their kitchen door and windows, which will have a negative impact on privacy and reducing their level of amenity.
- The plans do not accurately represent their shared boundary.
- The development would increase traffic in close proximity to the living areas of their home, creating undue noise and disturbance.
- The houses will be clearly visible from Trinity Avenue and are therefore totally inappropriate for such a cramped site.
- There has been no agreement to the removal of the wall and hedge along the common boundary that they maintain.
- The loss of 8 trees, Sale Moor village lacks trees. This will have a detriment to both the environment, the appearance of the village and the wildlife. With air pollution being so poor, the removal of the trees seems irresponsible.
- The tree survey does not mention the impact on wild life and the submitted details do not show the true extent of existing trees, including those on neighbouring sites that could be affected.
- They understand that no land has been sold to the Jehovah's Witness Kingdom Hall, which is a big issue for the developer.
- The noise from the building work will be dreadful.

Five letters of objection have been received from neighbouring residents on Chinley Close and Trinity Avenue following a re-consultation of neighbouring residents in relation to the submission of amended plans. One of these representations is from a resident who did not make comments on the original consultation. A second representation as a result of the reconsultation has also been received from the local residents group 'We are Sale Moor'. No new concerns / objections from those detailed above have been raised.

Councillor Freeman also raises the following concerns in relation to the application: -

- The proposal represents over development of the site to the detriment of the amenity of surrounding properties.
- Questions how the proposal fits with current work being undertaken for a Master Plan for the regeneration of the Village area.
- Major concerns regarding the access and egress to the site from Marsland Road There is no guarantee that the additional land required to widen the driveway will be sold to the applicant. This creates road safety issues.
- Consideration will need to be given as to whether very large HGVs could safely access the site.

## **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 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. Policies controlling the supply of housing (L1 and L2) are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they impact upon the principle of the development. The Council does not, at present, have a five year supply of immediately available housing land and thus Policies L1 and L2 are 'out of date' in NPPF terms.
5. With regards Paragraph 11(d)(i) of the NPPF, analysis later in this report demonstrates that there are no protective policies in the NPPF, including those relating to habitats sites, heritage assets and areas at risk of flooding, which provide a clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF 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.

### Housing land supply

6. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK, and local planning authorities (LPAs) are required

to support the Government's objective of significantly boosting the supply of homes. The responsibility of local planning authorities in supporting the Government's ambitions include identifying and updating annually a supply of specific deliverable sites to provide five years' worth of housing against their housing requirement. However, latest housing land monitoring for Trafford indicates a supply of only some 2.5 years.

7. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites it indicates at bullet point c) that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
8. Policy L1 of the Core Strategy seeks to release sufficient land to accommodate a minimum 12,210 new dwellings (net of clearance) over the plan period up to 2026. Policy L1 is out of date in so far as the calculation of housing need should be based on the more up to date 2014 'Local Housing Need' figures. Using the 2014 LHN calculations, 1,362 net homes per annum are required. Given Trafford's historic under delivery of housing a 20% buffer is included within this figure. The Government introduced their own figures for housing need, known as the Housing Delivery Test. The Government's assessment shows that Trafford met 47% of its housing requirement for 2015 – 2018.
9. Regular monitoring has revealed that the rate of building is failing to meet the housing land target and the latest monitoring (based on 2014 LHN) suggests that the Council's supply is in the region of only two and a half 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 to meet the more up to date LHN figure and also to make up for a historic shortfall in housing completions.
10. The application proposal would deliver 4 new residential units. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. This proposal would amount to 0.3% of the new Government-directed annual requirement of 1,319 new homes (if it were assumed that annual requirements had continually been met such that no ongoing deficit had to be recovered). This is a very limited contribution, although officers still consider that significant weight should be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
11. The proposed development would take place on land that is currently the garden of No.26A Marsland Road and as such is considered to be greenfield

land, as identified by the NPPF. The proposal therefore needs to be considered in light of Policies L1.7 – L1.8 of the Trafford Core Strategy. Specifically, Policy L1.7 which sets an indicative target of 80% of new housing provision within the borough, to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area green-field land in order of priority. The first priority which details the release of land within regional centres and inner areas for new development of housing does not apply within this case, due to the location of the site. Therefore the application will need to be considered against the second and third points of Policy L1.7.

12. In this instance it is considered that the application site is located within an established residential area and is considered to be within a sustainable location, sited close to public transport links and local schools and other community facilities, including the services and facilities found within the adjoining Sale Moor District Centre. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
13. Policy L1.10 also states that *“Where development proposals would involve the use of domestic gardens, due regard will need to be paid to local character, environment, amenity and conservation considerations.”* The garden of application site is unusually large for this area of Sale and therefore the subdivision of the site into smaller plots is considered acceptable in principle. Matters of amenity and the impact of the proposed development on the character of the surrounding area is considered in more detail later in this report.
14. In terms of Policy L2 the application is for family housing, with 3 four bedroom and 1 three bedroom property proposed, providing a density of 20 units per hectare, including the existing property on site. This is considered to be appropriate and proportionate for site area. All of the proposed units would be for market sale and given the number proposed the development is below the threshold for affordable housing contribution. The proposal is therefore compliant with L2.4. It is noted that the proposed site is not identified within Trafford’s SHLAA (Strategic Housing Land Availability Assessment).
15. The site is outside of, but immediately adjacent to the designated Sale Moor District Centre and identified area covered by the Draft Sale Moor Village Place Plan. The draft place plan is aimed at improving the village centre as a place to be, a place to shop, eat and drink, and a place to support the local community. The plan aims to set a clear vision and development strategy for the area which is reflected in approaches to development management, design, investment, partnership working, transport and other matters. Objections to the proposal have pointed to the long term improvement plan for the District Centre, which objections received have stated would be hampered



by the current scheme, limiting opportunities for a more comprehensive redevelopment of the centre.

16. Officers are mindful of the wider plans for area and the relationship of the site to the District Centre. Following the previous refusal. Amendments to the site layout have relocated units away from the boundary with Warrener Street car park. This reconfiguration of the site allows for a greater buffer between the proposed dwellings and adjacent car park. This is considered to allow for the future redevelopment of the car park without prejudice of the proposed development. Whilst it may have been desirable to include the application site as part of a larger parcel of land for redevelopment, Officers must make a decision on the application as presented and against adopted policy.
17. The principle of residential development on the site has been confirmed previously and the current proposal is not considered to conflict with proposals for the adjacent District Centre or prejudice long term improvements to the centre that would warrant officers to recommend refusal on the principle of developing the site for residential.

#### DESIGN, LAYOUT AND VISUAL IMPACT

18. 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”*.
19. Core Strategy Policy L7 requires 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.
20. 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.
21. Paragraph 2.4 of the Council’s Planning Guidelines for New Residential Development (PG1) states:  
  
*“Whilst the Council acknowledges that the development of smaller urban sites within 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.”*

#### Siting and Footprint

22. The proposed development would be set back from Marsland Road, accessed by a driveway 43m in length and enclosed by the existing terraced properties on Marsland Road and the Jehovah's Witness Kingdom Hall building. Public realm views of the proposed development would be achieved from the adjoining Warrener Street car park, from the western side of the Marsland Road one-way system, across the car park and from Warrener Street and Trinity Avenue.
23. Plot one, would be sited adjacent to the existing dwelling with the internal access road wrapping around the front and then northeast side of this unit, running parallel with the Warrener Street car park boundary. Plot two would be sited to the rear of plot one and no. 26a Marsland Road and beyond this, adjacent to Warrener Street would be plots three and four. The relocation of the internal access road and siting of the proposed units compared to the refused scheme is considered as a significant enhancement, providing the proposed units with improved amenity space and defensiveness space.
24. The proposal for 4 additional dwellings within the plot is considered to be an appropriate density for the plot. The proposal would make best use of the land available to provide residential accommodation, whilst ensuring each unit has appropriate amenity space and plot sizes that would not be out of keeping with surrounding plots thereby respecting the local density and grain of development.

#### Scale and massing

25. The proposed dwelling heights would be acceptable with reference to the surrounding properties. Plot one complements its neighbour, the existing property of no. 26a, with plot two being a bungalow to avoid being overbearing or causing a loss of privacy to properties on Chinley Close as well as the development site. To the rear plots three and four reflect the scale of properties on Warrener Street, with Plot 3 being single storey as it projects towards the boundary with Chinley Close. The applicant has provided existing land levels and stated that the development would be built on the same or very similar finished floor level to the surrounding properties. However to ensure the levels of the completed development are consistent to the levels around the site a condition requesting finished floor levels and levels data for the sites adjoining the application site would be requested via condition.

26. The proposed dwellings are considered to have an acceptable visual impact in terms of their scale and massing, appearance and relationship with their surrounding context.

#### External Appearance/Materials

27. It is considered that the proposed dwellings would have an acceptable design in this backland location in terms of their external features, detailing and proportions overall. Whilst the bungalow would be visually different due to its scale and form, there are features that cross all of the properties. It is accepted however that the scale of roofs proposed for plots 3 and 4 are particularly high, however given the positioning of the dwellings on site and their relationship to surrounding properties this is considered on balance and in this instance to be acceptable.
28. The site is set back from Marsland Road and would have limited visual impact on the streetscene of Warrener Street and Trinity Avenue. The development does not seek to replicate any of the specific architectural styles of properties surrounding the site. However Officers have worked with the applicant team to secure a proposal that has a coherent design throughout the site, with an architectural style across all of the proposed properties and existing property, following alterations.
29. The proposed dwellinghouses would comprise of an external finish of brickwork with well-proportioned windows on the front elevation and large areas of glazed openings to the rear elevations. The properties have been designed to include stone headers and cills, stone surrounds to the front doors and brick course detailing and hanging tiles to the dormer windows, all of which lift the appearance of the properties, providing interest and character.
30. It is considered that the proposed properties, whilst having a contemporary appearance, have maintained traditional elements and proportions, including a simple and regular plan form, which are considered to be appropriate to the site and the character of the surrounding area.
31. Alterations to the existing property on site enables the property to complement the proposed dwellings in scale and architectural style and site more comfortably in visual terms in the setting of the overall development
32. To secure a high quality build conditions relating to window and door reveals, a greater level of architectural detail, along with submission of materials would be required by condition.

#### RESIDENTIAL AMENITY

33. Core Strategy Policy L7 requires 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.

34. 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. For the purposes of the determination of this planning application, Policy R5 of the Core Strategy is also considered to be 'up to date' in NPPF paragraph 11 terms.

#### Impact of Plot 1 and alterations to no. 26a on Neighbouring Residential Sites

35. The application proposes the erection of a two storey detached property, with accommodation in the roof space, adjacent to the existing property No.26A. The proposed dwelling would be situated in line with the front elevation of No.26A and would be set back from the rear elevation. The property would therefore not be easily visible to the neighbouring properties on Chinley Close. The proposed dwellinghouses in Plots 3 and 4 to the north-west of the site would also screen views of Plot 1 from Trinity Avenue.
36. The proposed dwelling in Plot 1 would be visible from the first floor rear windows of No.'s 28 – 34 (evens) Marsland Road, though a minimum distance of 34m would lie between the proposed property and the rear elevations of these houses. The rear elevation of the property would also be visible from neighbouring houses on Warrener Street, though these would be predominantly across the public car park. All separation distances between Plot 1 and these neighbouring properties are in excess of the privacy distances set out in PG1.
37. The alterations to no. 26a, including the change in roof design and dormer would increase the massing of the property. However given the relationship to the properties on Chinley Close and Marsland Road the required privacy distances would still be achieved and sufficient separation maintained so as not to be overbearing.

#### Impact of Plot 2 on Neighbouring Residential Sites

38. The application proposes the erection of a detached bungalow with accommodation in the roof space, centrally within the site, to the rear of No.26A and Plot 1. This property would be most visible to the neighbouring two storey houses on Chinley Close, being set back 5.5m from the rear boundaries of numbers 12-18, with elevational separation distances of between 17-20m. However as a bungalow with a maximum height of 5.9m and no windows in the roofspace facing towards Chinley Close it is not considered that plot 2 would result in any harmful loss of privacy, or be overbearing on the rear garden spaces.
39. To protect the amenity of properties on Chinley Close it is considered necessary to remove permitted development that would allow windows and

dormers to be inserted in the rear roofslope without planning permission. In addition for this plot it is also considered necessary to remove permitted development for rear extensions, given the already limited rear garden provided and relationship to neighbouring properties.

40. On the front elevation a window in the gable serving a first floor/roofspace bedroom is proposed along with rooflights for the 3<sup>rd</sup> bedroom. The window would be within 9.5m of the boundary with Warrener Street car park. However this is not considered to cause harm to surrounding residential properties or adjacent uses.
41. No.26A and the property in Plot 1 would screen views of the proposed bungalow from neighbouring houses on Marsland Road and the proposed dwellings in Plots 3 and 4 would screen views of the proposed bungalow from neighbouring houses on Trinity Avenue. Overall due to the scale of the proposed bungalow and location of openings it is not considered that the dwelling would result in harm to the amenity of surrounding properties.

#### Impact of Plots 3 and 4 on Neighbouring Residential Sites

42. The application proposes the erection of a pair of two and a half storey semi-detached houses to the rear of the site. The rear elevations of No.'s 20 – 26 Chinley Close would look towards the side elevation of Plot 3. A minimum distance of 15m would lie between the rear elevations of these neighbouring houses and the side elevation of the main elevation of Plot 3. Whilst the side of the garage would be less at 11m, this would only be single storey and have no side facing windows.
43. No.11 Trinity Avenue bounds the site to the rear, which has habitable windows on the side elevation facing the application site. The proposed semi-detached dwellings would be two storeys in height, although with accommodation in the roofspace served by rooflights on the rear roofslope and a dormer on the front roofslope. However the positioning of the rooflights is at a height to provide a degree of outlook, whilst limiting overlooking to neighbouring properties. There is a separation of 15m between the side elevation of no 11 and the rear of plot 4.
44. The Council's Planning Guidelines for New Residential Development (PG1) recommends separation distances of 21m across public highways and 27m across private gardens where there are major facing windows.
45. It is an unusual relationship to have a house with sole habitable room windows to a side elevation when it has its principal elevations and main garden areas to the front and rear of the property. While it is acknowledged there would be an impact to the outlook of these windows at 11 Trinity Avenue, it is also acknowledged that there would be no detrimental impact to the windows in the principal elevations of No. 11. Furthermore there is an existing level of overlooking as a result of oblique views from the rear windows at 10 Warrener Street and to some extent properties in Chinley Close.

46. The applicant has amended the position of these houses to move them as far as possible from the rear boundary with No. 11 and introduced a landscape buffer to ameliorate any impact. The guidelines contained within PG1 recommend a separation distance of 15m between a blank gable and a main elevation. In normal circumstances the proposal would comply and in this case it is considered reasonable measures have been taken, including the provision of a landscape buffer, to protect the residential amenity of the occupants of 11 Trinity Avenue. The proposal is considered to be in accordance with the aims of CS Policy L7. This was also concluded in the assessment of the previously approved planning permission 87339/FUL/15, which proposed a pair of semi-detached properties in a position similar to that which is currently proposed, which is a material consideration in the assessment of this current proposal.
47. The proposed semi-detached houses would also be situated adjacent to the common boundary with 10 Warrener Street. The proposed dwellinghouse of Plot 4 would project 3.7m beyond the front elevation of No.10 and a minimum distance of 5m would lie between the side elevation of No.10 and the side elevation of Plot 4. Windows are proposed on the side elevation of plot 4 facing towards the shared boundary. At ground floor level the property has a secondary lounge window, at first floor level and within the roofspace the windows would serve an en-suite and bathroom. It is considered that the above ground floor windows could reasonably be conditioned to be fixed shut and obscure glazed. It is also noted that the relationship of this property to No.10 is similar to that which was approved under the now expired planning permission 87339/FUL/15.
48. Given the proximity to the properties on Trinity Avenue it is considered necessary to remove permitted development rights that would allow for dormers or further rooflights on the rear roofslope of both plots 3 and 4, which could diminish the privacy specifically to no. 11 Trinity Avenue.

#### Internal Site Relationships / Amenity of Future Occupiers

49. The separation distance between the plots is considered to be sufficient. Whilst some of the inter-site separation is slightly below that as set out PG1, this is mainly in relation to the bungalow. Given the limited side windows on the bungalow there is not considered to be a loss of privacy.
50. The front elevation of Plot 1 would face towards the rear elevation of the Jehovah's Witness Kingdom Hall building. Whilst the Kingdom Hall building is single storey, it has a relatively high pitched roof. A minimum distance of 18m would lie between the main habitable room windows on the front elevation of Plot 1 and the rear elevation of the Kingdom Hall building. This distance is sufficient in providing residents with outlook and privacy.
51. The application would result in a new curtilage for 26A Marsland Road. Due to the positioning of the proposed dwellings in relation to No.26A, the separation distances between this property and the proposed four new dwellinghouses are considered acceptable.

52. Future occupants would be provided with an acceptable degree of internal and external amenity space. The development would not unacceptably harm the residential amenity of the neighbouring residential properties and would provide an acceptable level of amenity for future occupants. As such, the proposed development would comply with Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

#### Conclusion on Residential Amenity

53. It is considered that the proposed dwellinghouses would not have an overbearing impact or result in an undue loss of light or privacy to neighbouring properties surrounding the site and also 26A Marsland Road, providing that the conditions cited above are attached to any approval of permission. Therefore, the proposed development would 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.

#### ACCESS, HIGHWAYS AND PARKING

54. 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 operation space;

55. The proposed development would be accessed from Marsland Road, utilising the existing access to 26A Marsland Road. Following concerns raised by the LHA, the applicant has amended the proposal to include incorporating part of the land which is currently within the curtilage of the Jehovah's Witness Kingdom Hall, in order to widen the access point, allowing simultaneous access and egress.

56. SPD3: Parking Standards and Design for Trafford states that for three bedroom dwellings that two car parking spaces should be provided, and for four bedroom dwellings that three car parking spaces are should be provided. Whilst there is a shortfall of 3 spaces to be provided on site, it is considered that given the sustainable location of the site that the proposed number of spaces is acceptable and sufficient for the proposed development.

57. Concern over the additional land required for the access is noted, however given that the development would be required to accord with the approved plans, this land being included as part of the development is a condition of the consent. However the acquisition of this land is a private matter between the landowners and this consent does not provide any authority for the land to be required to be sold.

58. In addition there is sufficient amenity space around the dwellings for the storage of bikes and bins. The comments regarding the Bee network are noted, however the development is not considered to prejudice this or cycle

use in and around the site. Whilst it is considered that the main bin collection point towards the front of the site is not ideal, it provides for collection to be made without the need for the waste trucks to enter the site. However given the distance to the application properties further details of the waste management strategy are to be requested via condition.

## ECOLOGY / TREES

59. The application site currently contains a number of mature trees and fruit trees, which would be removed as part of the proposed development. None of the trees within the site are protected by a Tree Preservation Order. The applicant has submitted an Arboricultural Impact Assessment and an Arboricultural Method Statement in support of the application. These documents have been considered by the Council's Arboricultural Officer, who raises no objections to the proposed development, noting that the developer proposes replacement planting as part of the development. A landscaping condition is requested by condition.
60. There are no objections from GMEU on ecological grounds to the redevelopment, however bat boxes are requested, which would be a condition of the consent.

## DEVELOPER CONTRIBUTIONS

61. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
62. The development would be required to incorporate specific green infrastructure (tree planting and landscaping) on site, in accordance with the requirements of Policy L8 of the Trafford Core Strategy and revised Supplementary Planning Document (SPD) 1: Planning Obligations (July 2014). This would be in addition to any compensatory planting.

## **PLANNING BALANCE AND CONCLUSION**

63. The scheme complies with the development plan, the starting point for decision making, which would indicate in itself that planning permission should be granted. However, the development plan policies which are 'most important' for determining this application, those relating to housing land supply, are out of date. In terms of NPPF paragraph 11 d) i), there is no clear reason for refusing the development, and so Paragraph 11(d)ii) of the NPPF (the 'tilted balance') is therefore engaged and should be taken into account as an important material consideration.
64. The proposed development would provide much needed residential accommodation in the Borough. All detailed matters have been assessed, including the principle of development in light of the aspirations for the wider



area, visual amenity and design, highway safety, parking, trees, ecology and residential amenity. 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. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development with reference to NPPF paragraph 11(d) (ii).

65. The proposal is therefore considered to be acceptable with reference to Core Strategy Policies L1, L2, L4, L5, L7, L8, R2 and R3, the Planning Obligation SPD1, the Parking Standards and Design SPD3, the New Residential Development PG1 and the NPPF.

### **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 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: 200.1; 201 (1) C; 201 (2) C; 201 (3&4) C; 201 B; 202.2 and the associated site location plan.

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

3. No development, including demolition works, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during construction to manage and mitigate the main environmental effects. The following matters shall be addressed:

(i) hours of construction activity.

(ii) the parking of vehicles of site operatives and visitors (all within the site),

(iii) loading and unloading of plant and materials (all within the site),

(iv) storage of plant and materials used in constructing the development

(v) the erection and maintenance of security hoardings

(vi) wheel washing facilities

(vii) measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions.

(viii) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity

The development shall be implemented carried out in accordance with the approved CEMP.

Reason: In the interests of amenity and in compliance with policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

4. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and specifications of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

5. Notwithstanding the details hereby approved, no above ground development shall commence until detailed plans and sections at a scale of 1:20 showing the external reveals (of a minimum 100mm deep for windows and doors), detailing of window and door openings (including heads, cills and jambs and decorative brickwork), and the treatment of facade and roof edges, including verge details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Reason: In the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy and guidance in the NPPF.

6. Notwithstanding the submitted levels plans, no above ground works shall commence until details of the finished floor levels for the proposed properties and those plots bounding the application site 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 having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

7. Any external utility meter boxes shall not be placed on the front elevations of the properties hereby approved.

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.

8. 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, including replacement trees have been submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be limited to, the planting of a minimum of 10 additional trees net of any clearance, together with the formation of any banks, terraces or other earthworks, boundary treatments, hard surfaced areas and materials (including driveways and their permeability), 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 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

9. Prior to occupation a waste management strategy for the site, which shall include operation of the waste/recycling area and the accommodation this would provide for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be completed and made available for use prior to the first occupation of the dwellings and shall be retained thereafter.

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

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

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

11. The development hereby approved shall not be occupied unless and until a scheme for the installation of one electric vehicle charging point per property has been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be installed and made available for use prior to the development being brought into use and 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 guidance in the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the east side elevation of plot 4 facing 10 Warrener Street 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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 (or any Order revoking and re-enacting that Order with or without modification):

- (i) No rear extensions shall be added to plot 2 and;
- (ii) No dormer windows or rooflights on rear roof slopes shall be added to plot, 2, 3 or 4.

Other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, given the close proximity of the approved dwellings to existing dwellings in accordance with Policy L7 of the Trafford Core Strategy.

14. The completed development shall include a minimum of three bat boxes.

Reason: To improve the ecological value of the site and having regard to Policy R2 of the Trafford Core Strategy.

15. The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available prior to the development being first brought into use and shall be retained thereafter for their intended purpose. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-

enactment thereof, no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided.

Reason: To ensure that satisfactory provision is retained 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 Council's adopted Supplementary Planning Document 3 - Parking Standards and Design and the National Planning Policy Framework.

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VW



26A Marsland Road, Sale, M33 3HQ



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/04/2020
Date	01/04/2020
MSA Number	100023172 (2012)

**Erection of single detached dwelling with detached garage, car parking and associated external works including alterations to the existing car park of the United Services Club.**

United Services Club, 28 Southern Road, Sale, M33 6HQ

**APPLICANT:** United Services Club

**AGENT:** Howard & Seddon ARIBA

**RECOMMENDATION: REFUSE**

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**The decision on this application will be taken by the Head of Major Planning Projects (in consultation with the Chair, Vice Chair and Opposition Spokesperson). The statutory target date for decision making has already passed and there is no Planning Committee in the municipal calendar at which this application can be considered.**

**SITE**

The application relates to the United Services Club, which is situated on the north side of the junction where Southern Road meets Park Avenue in Sale. The site comprises of a bowling green (adjacent to Park Avenue), the club house building (situated in the middle) and a private car park (sited to the east).

A mature hedge surrounds the bowling green, a timber fence separates the club and existing car park to the west, whilst a brick wall surrounds the other sides (north and east) of the car park. The frontage to the south is open (providing vehicular access to the car park from Southern Road). The car park currently provides up to 13 parking spaces.

The club house (United Services Club) is a red brick, part single, part two storey building with a combination of roof types, including pitched and flat. The surrounding area is residential. The south side of Southern Road comprises predominantly of terraced properties (2 and 2.5 storeys) and the north side of Southern Road comprises of both semi-detached and detached properties.

An Order made in 1998 identified a definitive footpath running through the site. The existing footpath was made up to standards as a pedestrian footpath. The footpath is protected from vehicles by a kerb-face and fencing on its west side. The path is maintainable at public expense.

The site does not contain any listed buildings and is not located within a conservation area, however the bowling green is allocated as Protected Open Space.

## **PROPOSAL**

Planning permission is sought for the erection of a single 2.5 storey, 4 bedroomed, detached dwelling in the location of the existing car park, adjacent to No. 26 Southern Road (a semi-detached property with an attached garage to side).

The proposals involve the creation of a new car park comprising of 9 car parking spaces (including 1 no. disabled space), to be located adjacent to the existing United Services building.

The proposed dwelling comprises of a main (side) gable roof and includes: a single storey flat roof element and a two storey dual pitched projection at the rear; and a double-height splayed bay window and dormer window to the front elevation. The proposed dwelling would measure approx. 5.2m x 14m (W x D) at ground floor, including a 3.2m x 3.5m (W x D) two storey projection and 5.5m single storey projection. The flat roof single storey element at the rear would measure 3.6m tall. The two storey rear projection would have an eaves height of circa 5.8m with an apex of 7.7m. The roof of the main dwelling would have an eaves height of c. 6.1m, rising to 9m at its apex. The dormer's apex would be circa 2.5m above the main eaves line.

The proposed materials include brickwork and roof tiles to match surrounding dwellings, and Anthracite Grey uPVC windows and doors.

A single garage is proposed to be located adjacent to the rear/ north-west boundary with a car parking space to its frontage. These spaces would be accessed over the club's car park. A third parking space would be located to the front of the dwelling. The proposed garage would comprise of a dual pitched roof, constructed from brickwork and feature a single door and roller shutter garage door. The garage would measure approx. 3m x 5.3m (W x D) with an eaves height of 2.4m and ridge height of 3.5m.

The boundary treatment would consist of 2.1m and 0.9m high fences.

The total floorspace of the proposed development would be circa 140 m<sup>2</sup>.

## **Value Added**

- Height of dwelling reduced
- Footprint of dwelling reduced
- Dormer window reduced in size



## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

- L1 – Land for New Homes
- L2 – Meeting Housing Needs
- L4 – Sustainable Transport and Accessibility
- L5 – Climate Change
- L7 – Design
- L8 – Planning Obligations
- R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

- Bowling Green only = Protection of Open Space - OSR5

## **SUPPLEMENTARY PLANNING DOCUMENTS/ GUIDANCE**

- Revised SPD1 – Planning Obligations
- SPD3 – Parking Standards and Design
- SPD4 - A Guide for Designing House Extensions and Alterations
- PG1 – New Residential Development

## **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 summer 2020 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 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 has been updated regularly since. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

There are a number of historic planning applications in relation to the application site, however the most recent and relevant are as follows:

**97498/FUL/19** - Erection of single detached dwelling with detached garage, car parking and associated external works including alterations to the existing car park of the United Services Club. – Withdrawn 24.07.2019

**H47075** - Retention of air handling unit enclosures and boiler housing. – Approved 31.03.1999

**H43980** - Erection of single storey side extension to existing club; construction of basement & provision of car parking area following demolition of no. 28 southern road; diversion of public right of way. – Approved 13.08.1997

**H43192** - Construction of basement to form additional storage area and erection of 3.no air handling units on the roof to the side of the club. – Approved 09.04.1997

**H32580** - Erection of single storey front extension to form enlarged club and first floor side extension to form new boiler room – Approved 05.12.1990

### **APPLICANT'S SUBMISSION**

In addition to the standard drawing pack, the following supporting documents accompanied the application:

- Swept Path Assessment
- Transport Technical Note (DY/190556/TN1 - 10 September 2019)
- Access and Egress Swept Path Assessment
- Proposed Drainage Layout
- Hydraulic Calculations (Nov 2019)

- Drainage Statement
- EA Flood Mapping
- Highways response (SCP, DY/190556, 23 January 2020)
- Entry and Exit Counts Survey
- USC accounts for 2017, 2018 and 2019
- USC Supporting Statement (Hon. Secretary)

## **CONSULTATIONS**

**Local Highway Authority** – Object to the proposed development, on grounds of an unacceptable (significant detrimental) impact on highway safety, in particular to vulnerable road users. Discussed further in ‘Observations’ section.

**Lead Local Flood Authority** – No objection to the proposed development, subject to two conditions in relation to a scheme for flood flow routes and a management and maintenance plan for the lifetime of the development.

**United Utilities** – No objection subject to imposition of conditions in relation to surface water drainage (scheme and maintenance), and foul and surface water drainage.

## **REPRESENTATIONS**

This application was advertised by way of a site notice displayed near the site and neighbour notification letters. Ten letters of objection have been received in relation to this application. A summary of the concerns are detailed below:

- Amenity concerns
  - Loss of light
  - Overbearing impact / presence to outlook of No. 55 Southern Road
- Parking concerns
  - Parking is an existing issue
  - Proposed parking arrangements for club users and staff appear woefully inadequate especially considering the club hosts events such as parties, bowls matches, funerals, weddings etc
  - Amount of parking is already below the required amount (as evidenced by the amount of on-street parking in surrounding areas)
  - Proposal would create more congestion than present
  - New parking permit will not help with the congestion
- Transport Technical Note disagreements (considered misleading and inaccurate):
  - RE: Current parking layout – ‘not practicable and only holds 10 spaces’ - 13-14 parking spaces suggested to be available by residents
  - RE: The number of collisions is 0 - only shows what has been reported, minor incidents not reported. Damage to cars is an issue and a number of representations have reported damage to cars.
  - RE: The claim that the right of way through the car park would be no more dangerous than walking along Southern Rd is extremely misleading & disingenuous.

- 
- Garage/ parking access is ridiculous
- Safety concerns
  - PROW to northwest is inaccurate and has been amended to provide additional parking
  - Driving over PROW would be awkward and dangerous
  - The existing PROW is widely used throughout the day by residents of the neighbouring streets, including children and those with pets. The interaction between pedestrians and vehicles due to the revision in the layout substantially increases the risk of harm.
  - Swept paths are tight/ have tight tolerances for getting out of spaces
  - The swept path analysis does not show parked cars along Southern Road is therefore misleading – does not adequately address the question of visibility for pedestrians and motorists using the access.
  - Proposal will increase congestion and reduce safety
- Safety of construction phase
- Southern Road is very busy thoroughfare serving as an access road for many drivers to Cross St from residents on this side of Sale

A couple of representations have noted that the dwelling appears aesthetically pleasing and in keeping with some of the properties on the other side of the road

## **OBSERVATIONS**

### **BACKGROUND**

1. A detached mixed use property (ground floor retail and first floor residential) once existed at the application site - No. 28 Southern Road. Planning permission (ref: H/43980) granted in 1997 suggests that No. 28 was demolished approximately 21-22 years ago to accommodate the construction of the existing Club car park. An approved plan shows a single storey extension to the Club and a parking layout comprising 12 parking spaces. The single storey extension was not built.
2. The United Services Club supplied the registered accounts for the period 2017 to 2019 and a supporting statement from the Honorary Secretary. The evidence provided shows that NET assets are dwindling year by year and that the deficits are increasing for the period of 2018 and 2019.
3. The supporting statement explains that the Club has experienced a decrease in footfall over recent years and that the funds would stabilise the clubs immediate financial situation as well as funding repair works (roofing, pointing and lintels), and upgrades to facilities and accessibility (such as disabled toilets). The statement highlights that the Club has been established on its present site for over 98 years and provides a much-needed community facility. The statement claims that the refusal of this application “*will result in the removal of [creditors/ credit facilities] and will probably mean the closure of the club in the very near future.*”

## PRINCIPLE OF DEVELOPMENT

### The decision-taking framework

4. S.38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
5. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but was drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
6. 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.
7. 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 cannot demonstrate a 5 year housing land supply and the 'most important' policies are therefore deemed out of date. Some are also not fully consistent with the NPPF. Therefore, it is necessary to consider at the outset how the presumption above applies.
8. The proposed development does not affect any protected areas or assets of particular importance as listed under footnote 6 of the NPPF. As such, limb d(i) of paragraph 11 does not apply. The tilted balance in limb 11 d(ii) is triggered and discussed further below.

### Housing land supply, housing mix and affordability

9. Policy L1 of the Trafford Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Regular monitoring has revealed that the rate of building is failing to meet the housing land target as expressed in Table L1 of the Core Strategy. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.

10. The location of the proposed dwelling is currently in use as a parking area for users of the United Services Club. The proposed development would therefore be built on previously developed land (brownfield). Policy L1.6 states: Table L1 demonstrates that approximately 40% of the land to be released will be within the Regional Centre and the Inner Area and 60% within the South City Region area. Within the South City Region area half of the land to be released will support key regeneration priorities set out in Policy L3 and/or strengthen and support Trafford's four town centres.
11. Policy L1.7 which sets an indicative target of 80% of new housing provision within the borough, to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority. The first and second priorities which details the release of land within regional centres and inner areas for new development of housing and land that can contribute significantly to regeneration priorities set out in Policy L3 does not apply within this case, due to the location of the site. Therefore the application will need to be considered against the third point of Policy L1.7: land that can be shown to be of benefit to the achievement of the wider Plan objectives set out in Chapters 4 and 5 of this Plan.
12. The application proposes the erection of one large dwelling on a brownfield site within Sale thereby contributing to Strategic Objective SO1 Meet housing needs and Place Objective SAO1: To provide a more sustainable balance of housing types and tenures to meet the needs of the community. The proposed development is therefore compliant with the third point of Policy L1.7.
13. 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 would deliver one additional residential unit in a sustainable location. Additionally there is also likely to be a small economic benefit during the construction phase of the proposal. The proposed development would also be in line with the objectives set out in the NPPF with regard to housing supply.

## HIGHWAY SAFETY

14. In relation to highways, 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*". (Emphasis added)
15. 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*".

16. Policy L4.3 states: *“In particular, the Council will seek to develop a network of pedestrian and cycle routes and associated facilities to provide safe, secure, convenient and attractive cycling and footpath access linking residential areas to schools, workplaces, tourist and leisure facilities, including promoting the integration of cycling and walking at public transport interchanges, as part of longer journeys.”*
17. The proposals involve the erection of a new detached dwelling and new Club car park providing 9 spaces (including 1 no. accessible space). The dwelling would have a total of 3 off-street car parking spaces. This provision would include 1 no. space at the front of the dwelling accessed from Southern Road, as well as 2 no. spaces at the rear of the property (including 1 no. space within garage) accessed over the new Club’s car park.

#### Access

18. The applicant provided a swept path analysis, which demonstrates that vehicles would be able to access and egress the new car park simultaneously at the bell mouth. Vehicles, however, would also be required to drive across the amended definitive right of way (pedestrian footpath), which is discussed further below.

#### Car Parking

19. An independent parking survey was carried out on Friday 17<sup>th</sup> and Saturday 18<sup>th</sup> January 2020 by Traffic Sense (a specialist survey company). The survey produced data for two areas: firstly to look at the use of the existing club car park and secondly to look at the use of the public footpath. The letter of response from the transport consultants (SCP, ref: DY/190556, date: 23 January 2020) details the following:
20. *The Club is open between 14:00 to 23:00 therefore the survey took place between between 13:00 – 24:00 hrs. It counted car park movements and parking accumulation by 15 minute intervals. It also set out to record use of the car park by different vehicle types, however the survey showed that only cars accessed and parked in the car park.*
21. *The Club are aware that the car park is also used by local residents/others. This is evidenced in the surveys by the number of cars in the car park at the start and end of the survey and also through observing whether car park users entered or walked away from the club.*
22. *The survey shows:*
- *That the maximum use of the car park is by 9 cars. This mirrors the numbers recorded by the club when they undertook their survey in November.*
  - *There were a number of cars parked in the car park at the start and end of each survey, added to which the survey recorded that 25% of cars parked on a Friday and 42% on a Saturday, were parked by people not visiting the club. This suggests that between 2 and 4 of the 9 parked cars are not*

*associated with the club. This reflects previous claims from the club about local people parking off-street in the car park and the previously reported level of resident use recorded in the clubs own survey undertaken last November.*

- *The survey also demonstrates that there were no vans parked in the car park.*

23. The LHA has reviewed the survey, and although maintaining that the maximum standards should be applied at this location, considers that the data provided demonstrates that the proposals would not have a severe impact on the adopted public highway in comparison to the existing use. Therefore, the proposal to provide nine parking spaces is considered to be acceptable, having regard to paragraph 109 of the NPPF.

#### Public Right of Way

24. Paragraph 98 of the NPPF states: *“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”*

25. There is a definitive footpath running through the site, which is maintainable at public expense. When making the definitive footpath Order in 1998, the path was made up to standards as a pedestrian footpath, with use restricted to on foot only. The existing footpath is protected from vehicles by a kerb-face and fencing on its west side.

26. It is noted that a representation received in relation to this application referred to the route of the footpath within the north-west part of the car park as being inaccurate and noted that additional parking is proposed in this area. It is understood that this point refers to the area of land indicated for staff parking adjacent to No. 30 Stamford Street located in the north-west part of the site. The LHA has confirmed that The LHA have confirmed that the definitive footpath ends at the north-east corner of the Clubhouse and therefore car parking spaces would not obstruct a definitive footpath.

27. The proposed development would result in the footpath running through the middle of the proposed driveway and car park, immediately behind echelon car parking spaces. The existing kerbline and fencing to the footpath would be removed, and the footpath would only be identified through the use of road markings and contrast coloured surfacing. Swept path analysis confirms some vehicles would be required to drive across the definitive footpath for some distance. Furthermore, echelon parking can be more difficult for pedestrians to pass and overhanging vehicles create barriers for pedestrians.

28. To support the application a survey was carried out by Traffic Sense in January, which looked at the use of the definitive footpath. The survey found that:



- On Friday, 17 January between 13:00-midnight, 53 pedestrians (98.15%) used the footpath whilst only one (1.85%) cut through the car park;
- On Saturday, 18 January between 13:00-midnight, 62 (91.18%) pedestrians were recorded using the footpath, but only six (8.82%) cut through the car park;
- Across the two days, between 13:00-midnight, 122 pedestrians were recorded using either the footway or cutting through the car park, with the breakdown showing 115 (94.26%) pedestrians used the footway, and only seven (5.74%) used the car park.

29. The results of the survey clearly demonstrate a preference by pedestrians to use the footpath, contrary to the applicant's statement that the users of the footpath have no concern about sharing the space. It also shows that the footpath is well used throughout the afternoon and evening.

30. The LHA considers that the proposals as presented would result in a greatly inferior pedestrian footpath in comparison to the existing provision. It is therefore considered that the proposals would result in an increased risk of conflict occurring between pedestrians (who are classed as Vulnerable Road Users) and motorised vehicles in comparison to the existing situation, and therefore a reduction in pedestrian road safety at this location in comparison to the existing layout. The LHA considers that the proposals would have a significant detrimental impact to the definitive footpath.

31. The Transport Consultant stated within correspondence with the LPA that the current situation means that cars enter or leave the existing car park in reverse, crossing over the existing footway and that the proposed arrangement, which allows all cars to turn within the site and therefore enter and leave in a forward gear is much safer. However, it was noted on the planning officer's site visit that it was possible to enter and exit the car park in forward gear.

32. The applicant also stated that the proposed development is supported by guidance contained within SPD3 under paragraph 9.1.5 as well as Manual for Streets under paragraph 7.2.14. The aforementioned paragraphs are not relevant to this proposal as paragraph 9.1.5 (SPD3) relates to disabled parking provision and Manual for Streets refers to cul-de-sac arrangements rather than well used definitive footpaths (PROWs). Moreover, SPD3 states: *'the movement arrangement for pedestrians should be prioritised... over motorised vehicles'* and *'potential conflicts between pedestrians and vehicles should be avoided'* (Para 6.2.1.).

### Conclusion

33. The application submission has addressed two of the three key issues raised by the LHA: firstly, the swept paths demonstrate that vehicles would be able to access and egress the new car park simultaneously at the bell mouth; and secondly, the provision of nine car parking spaces (although short of the maximum parking standards) is not deemed to result in a 'severe impact' to

the adopted public highway and thus on this basis it is considered that the parking provision is acceptable.

34. However, the proposed development would result in a degraded and unprotected definitive footpath (PROW), which vehicles would cross over and thereby would result in an increased risk of conflict occurring between pedestrians (who are classed as Vulnerable Road Users) and motorised vehicles. The proposed development is therefore considered to have an unacceptable impact on highway safety, in particular on vulnerable road users. As such, the proposals fail to accord with paragraphs 98 and 109 of the NPPF and Policy L4 of the Trafford Core Strategy. In highway safety terms, there is no requirement to demonstrate that the impact would be 'severe' in order for the proposals to fail to comply with the NPPF. This requirement only relates to the residual cumulative impacts on the road network.

## **EQUALITIES ACT 2010/ ACCESSIBILITY**

35. The public sector equality duty (PSED), contained in the Equalities Act 2010, requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
36. The proposed development would provide 1 no. delineated accessible car parking space, located in the closest position to the USC entrance. This would fall short of the parking standards as set out within SPD3, which requires a minimum of 3 no. spaces. Although this would result in a shortfall from the Council's adopted standards, it is acknowledged that this is as an improvement on the current situation as the current parking layout does not have any designated accessible parking spaces.
37. Whilst limited positive impacts for those with disabilities are noted (albeit not to a level which would comply with the Council's standards in this regard), it is considered that the proposals would overall have an adverse impact on protected groups under the Equalities Act 2010 – in particular age, disability, pregnancy and maternity – as it would make the amended public footpath more difficult to navigate.

## **DESIGN AND APPEARANCE**

38. 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.

39. 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”.
40. Policy L7 is considered to be compliant with the NPPF 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.
41. The immediate area comprises mostly of a range of Victorian period dwellings: ranging from two and 2.5 storey terraced properties to two storey semi-detached and detached properties; all featuring brickwork, stone cills, and gable tiled roofs.
42. The proposed development comprises of a 2.5 storey dwelling sited adjacent to No 26 Southern Road. Although the proposed dwelling would have a greater ridge height than the neighbouring property, the eaves height would match No. 26 Southern Road. Furthermore, the width of the dwelling would be 5.3m and thus would be similar to surrounding properties. The new dwelling would be approximately 0.9m – 1.4m from the north-east boundary and approximately 1m from the western boundary and include a double height bay window with a gable dormer window above. The front door would be set back from the front elevation to create an open, covered porch area. The design of the proposed dwelling would include a number of architectural features present within the vicinity (in particular at Nos. 57-65 Southern Road) and therefore is considered to be in keeping with the context.
43. The side elevation of the proposed dwelling, which would have reasonably long distance views from a western perspective on Southern Road, includes a number of windows and blind windows, which provide architectural interest. The rear two storey gable projection and flat roof single storey element are considered proportionate and in keeping with the design of the proposed dwelling as well as the existing dwellings within the surrounding area.
44. The parking space to the front of the dwelling, would be similar to the parking layout of many of the dwellings within the immediate context. It would benefit from a small area of soft landscaping to each boundary. The proposed boundary treatment includes a 600mm high wall to the front and 2.1m high fence to the side boundary (adjacent to the new car park) and all other boundary treatment would be retained.

45. The proposal is therefore considered to be acceptable in terms of design, subject to a condition requiring a landscape scheme and boundary treatment details.
46. The proposed development, as described above, would reflect and enhance the character and appearance of the area. The proposed development, by reason of its scale, form, design and use of materials is considered acceptable within its context and in accordance with Policy L7 of the Core Strategy and the NPPF.

## **RESIDENTIAL AMENITY**

47. In relation to matters of amenity protection, Policy L7 states 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. PG1 - New Residential Development - 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 PG1 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.
49. The surrounding properties include United Services Club itself (west), No. 26 Southern Road (east), Nos. 51-55 (odds) Southern Road (south) and Nos. 23 and 30 Stamford Street (north). The properties located to the north and south are two storey terraced dwellings, whilst No. 26 to the east is a semi-detached property.
50. The proposed second floor dormer window would be approx. 18.6m from the front elevation of Nos. 53 and 51 Southern Road. Whilst the ground and first floor bay windows would be approx. 18m from dwellings opposite. These distances would therefore fall below the recommended distances as outlined within PG1. It is considered that the impact between the ground and first floor windows would be similar to the existing position between interfacing windows of the remainder of the street and therefore acceptable. The PG1 guidelines suggest that, in the case of a second floor window, the interface distance should be increased by an additional 3m. However it is considered that the impact of the second floor window and first floor windows would be similar. Furthermore, the second floor window would largely overlook the rooftops of the dwellings located on the south side of Southern Road. As such the second floor window is also considered acceptable.

51. The dwelling would be approx. 1.5m from the north-east site boundary, and would project approx. 4.8m at two storey height beyond the principal rear elevation of No. 26 Southern Road. In addition, the single storey element would project an additional 2m from the two storey rear projection. The dwelling at No. 26 is approx. between 2.4m and 2.7m from the site boundary (given a step in the side boundary). The first floor windows of No. 26 are over 2.5m from the site boundary and No. 26 has a single storey rear extension, which the proposed two storey rear projection would be approximately in line with. A distance of approximately 3.8m would be retained between the dwelling at No. 26 and the proposed dwelling. The space between the side of the dwelling at No. 26 and the boundary is not used by the occupiers of No. 26 as their primary amenity space.
52. Although this application relates to a proposal for a new dwelling rather than an extension to an existing dwelling, for the purposes of this assessment, guidance contained within SPD4: A Guide for Designing House Extensions and Alterations is considered useful. Guidance within SPD4 normally allows a single storey extension on a detached dwelling to project 4m plus the distance from the site boundary and a two storey rear extension to project 1.5m plus the distance from the site boundary. As the single storey element of the new dwelling would project approximately 2m beyond the rear elevation of the single storey rear extension at No. 26, this would comply with the SPD4 guidelines. Whilst the two storey element would project 4.8m at 1.5m from the boundary and would therefore not comply with these guidelines, given that the dwelling at No. 26 is set away from the boundary, it is considered that the extension would have no greater impact on the first floor windows of No. 26 than a 3m permitted development extension on an adjacent ground floor window. For these reasons, it is considered the proposed dwelling would not result in an undue loss of light, overshadowing or overbearing impact on No. 26.
53. The proposed single storey element would be approx. 8.2m from the proposed garage and approx. 11.7m from the rear boundary. Furthermore, the two storey gable projection would be approx. 13.9m from the rear boundary. No. 23 Stamford Street does not have windows within the side elevation facing the application site. As such the proposed development would comply with guidance and would not result in an undue loss of privacy or overlooking to the occupiers of No. 23 Stamford Street.
54. For reasons outlined above, it is considered the proposed development would not unduly prejudice the amenity of neighbouring properties, given its scale, location, existing and proposed screening, and distance from surrounding properties and is in accordance with Policy L7 of the Core Strategy.

## **FLOOD RISK AND DRAINAGE**

55. The NPPF sets strict tests in order to protect people and property from flooding, which all local planning authorities are expected to follow. In summary these tests are designed to ensure that if there are better sites in terms of flood risk, or if a proposed development cannot be made safe from

the risks of flooding, then it should not be permitted. A similar approach is embodied in Core Strategy Policy L5 (and thus this aspect of Policy L5 is also up-to-date for the purpose of decision-taking).

56. The application site is located within Flood Zone 1 and is thus categorised as having the lowest probability of river or sea flooding. However, there is an indicative area of surface water flooding on the site. A Proposed Drainage Layout, Hydraulic Calculations (Nov 2019), Drainage Statement, and EA Flood Mapping was submitted to support this application.
57. Having reviewed the information the Lead Local Flood Authority are satisfied the proposed development is acceptable with regard to flooding subject to conditions being imposed in relation to the control of flood flow routes and a maintenance plan for attenuation storage and hydrobrake.

## **DEVELOPER CONTRIBUTIONS**

58. Should this application be granted, the following would apply:
59. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
60. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide at least three additional trees on site as part of the landscaping proposals.

## **PLANNING BALANCE AND CONCLUSION**

61. The proposed development would result in a degraded and unprotected definitive footpath, which vehicles would cross over and thereby would result in an increased risk of conflict occurring between pedestrians (who are classed as Vulnerable Road Users) and motorised vehicles. The proposed development would therefore have an unacceptable impact on highway safety, in particular vulnerable road users. As such the proposals would fail to accord with paragraphs 98 and 109 of the NPPF and Policy L4 of the Trafford Core Strategy. It would also have an overall adverse impact on protected groups, as the realigned route would be more difficult to navigate, contrary to Policy L7 of the adopted Core Strategy.
62. With regard to paragraph 11 of the NPPF, it is recognised that with respect to paragraph d (i) there are no policies that protect areas or assets of particular importance that would provide a clear reason for refusing the development proposed. The proposal must therefore be assessed against the test in paragraph d(ii).

63. It is recognised that there would be some modest benefits of the development in the form of the addition of one residential dwelling contributing to the supply of housing in the Borough and a small amount of economic benefit associated with the construction process. In addition, it is understood that the funds generated from the proposed development would be used to repair and upgrade the accessibility and facilities of the United Services Club. It is noted however, that although it is acknowledged that the United Services Club serves the community, the improvements to the club would be enjoyed solely by the members and users of the club, whilst the impact upon the definitive footpath would affect the public users of the path. Furthermore, the proposal would result in a car park with fewer parking spaces, coupled with more difficult manoeuvrings.

64. As such, when assessed against the Framework taken as a whole, it is considered that the adverse impacts on highway and pedestrian safety arising from the amended and degraded definitive footpath, and the overall adverse impact on protected groups using the footpath, as outlined above, would significantly and demonstrably outweigh the benefits of the development. For these reasons, the application would fail to comply with paragraphs 98 and 109 of the National Planning Policy Framework as well as Trafford Core Strategy Policy L4, Policy L7 and Trafford Council's adopted SPD3: Parking Standards and Design. As such, the application is recommended for refusal.

65. It is therefore recommended that planning permission should be refused.

## **RECOMMENDATION**

### **REFUSE for the following reason:**

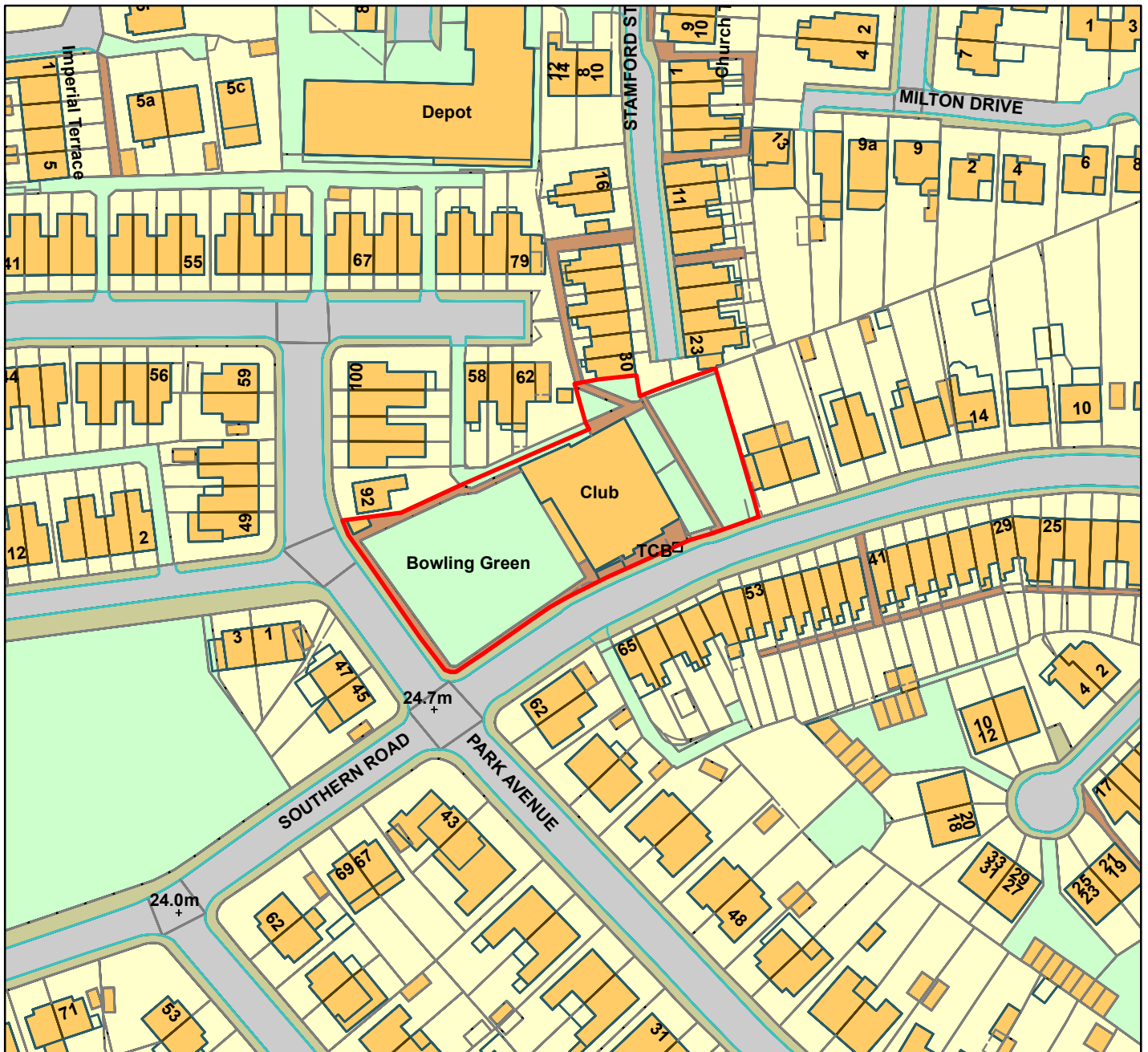
1. The proposed development would result in a degraded and unprotected public right of way (definitive footpath), by reason of the loss of the kerblines and fence, adjacent to parking and turning areas. The proposal would therefore result in vehicular cross overs that would have an unacceptable impact on highway safety, in particular on the safety of vulnerable road users. It would also have an adverse impact on the usability of the footpath for protected groups. As such the proposed development would fail to comply with Trafford Core Strategy Policies L4 and L7 and Trafford Council's adopted SPD3: Parking Standards and Design, and the National Planning Policy Framework.

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LT



United Services Club, 28 Southern Road, Sale, M33 6HQ



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/04/2020
Date	01/04/2020
MSA Number	100023172 (2012)



**Erection of 5 no. one bedroomed supported living apartments with parking, bike storage and amenity space (Part Retrospective).**

1 Belmont Terrace , Manchester Road, Carrington, M31 4AZ

**APPLICANT:** Fairhome Group PLC

**AGENT:**     Erimax Land, Planning & Communities

**RECOMMENDATION: GRANT**

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**This application is being reported to the Head of Planning in consultation with Chairman, Vice chairman and opposite spokesperson of the Planning and Development Management Committee as six objections have been received contrary to the Officer recommendation of Approval. The statutory target date for decision making has already passed and there is no Planning Committee in the municipal calendar at which this application can be considered.**

**SITE**

The application site relates to the curtilage of a semi-detached residential property situated on the south side of Manchester Road in Carrington. Land to the south and west is occupied by industrial premises whilst that to the east is in use as a residential garden serving No 2 Belmont Terrace. Beyond this is another pair of semi-detached properties.

It is noted that a planning application Ref. 88439/HYB/16 was approved on 14 April 2017, permitting redevelopment of much of the surrounding land for residential, employment, retail and health uses.

Permission 88489/FUL/16 was granted for an apartment block of five apartments on the application site on 28<sup>th</sup> October 2016 and a further subsequent Non-Material Amendment Application – 95539/NMA/18 - was submitted and approved, amending the approved development. This permission has now lapsed.

Since the previous planning permission, 1 Belmont terrace has undergone alterations including a rear extension and dormer extension under permitted development rights. The applicant's supporting information states the use of that property is to be C3(b) - 3 bedroom shared house with supported living.

Within the site itself, a two storey apartment building has been erected without planning permission in a different position from that permitted in 2016 and amended in 2018. This building is the subject of this application.

## **PROPOSAL**

Planning permission is sought for the erection of a 2 ½ storey apartment building. This would accommodate five 1-bed supported living apartments with additional staff sleeping accommodation. The application includes provision for 8 car parking spaces (of which one is an accessibility parking bay), facilities for the storage of bicycles and waste and recycling to serve the proposed apartment and existing dwelling at 1 Belmont Terrace.

The building, as constructed and shown on the submitted plans, has a gabled pitched roof. The exterior materials consist of red brick with a brown brick banding detailing, concrete grey tiled roof tiles and white UPVC windows. The design and form of the apartment building (including window and door openings) is similar to the previous planning permission as amended by the non-material amendment consent, 95539/NMA/18.

The building has been constructed approximately 2m further forward in the site and approximately 1.5m closer to the boundary with 2 Belmont Terrace than the building approved under planning permission 88489/FUL/16.

The land to the front of the apartment building is to contain car-parking, refuse storage and cycle storage. The hardstanding is to consist of porous tarmac to the car-park, utility paving coloured natural around the building and turf to the rear of the building. Boundary treatment to the side boundaries is to consist of 2m high close boarded fencing; the existing steel palisade fence is proposed to be retained to the rear. The front access is to be open.

The proposal contains a refuse/recycling area to be screened by a 2m high close boarded fence and the drawings indicate the provision of three 1100litre containers.

A cycle shelter with a steel frame and acrylic roof with a capacity for 4 bikes is proposed adjacent to the apartment building.

### **Value Added**

Amended and additional plans and information were submitted in regard to the drainage arrangements and in order to clarify the use and layout of the existing dwelling, 1 Belmont Terrace.

Additional drainage information was received, which includes revised drainage layout (Dwg.1256-900-RevP6a received 26 March 2020), drainage report (received 5 February 2020) and email to the LLFA (dated 4 February 2020). It is noted the Drainage Layout does not refer to the as built development layout. As such the agent has detailed a note on the drawing to clarify it is a ground drainage drawing only.

The total floorspace of the proposed development would be 300 m<sup>2</sup>.

## **DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25<sup>th</sup> January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19<sup>th</sup> 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**

SL5 – Carrington

L1 – Land for New Homes

L2 – Meeting Housing Needs

L3 – Regeneration and Reducing Inequalities

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

## **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

PG1 – New Residential Development

## **PROPOSALS MAP NOTATION**

Landscape Improvement Area

Special Landscape Features

Main Employment Area

Priority Regeneration Area (Carrington)

Main Industrial Area

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

E7 – Main Industrial Areas

E15 – Priority Regeneration Area: Carrington

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The MHCLG published the National Planning Policy Framework (NPPF) on 19<sup>th</sup> February 2019. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

MHCLG published the National Planning Practice Guidance on 6<sup>th</sup> March 2014, and was updated on 1<sup>st</sup> October 2019. 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 summer 2020 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**

### Application site

97640/CND/19: Application for approval of details reserved by conditions of grant of planning permission 88489/FUL/16. Condition number: 8 (Noise Impact Assessment). Withdrawn, 21 November 2019.

97430/CND/19: Application for approval of details reserved by conditions of grant of planning permission 88489/FUL/16. Condition numbers: 3 (materials), 6 (drainage). Withdrawn, 21 November 2019.

95539/NMA/18: Application for non-material amendment to planning permission 88489/FUL/16 for changes to the approved plans to allow for 5no one bedroomed apartments instead of 5no two bedroomed apartments and removal of the dormer. Approve with conditions, 14 September 2018.

88489/FUL/16: Erection of 5 no. two bedroomed apartments with parking, bike storage and amenity space. Approve with conditions, 28 October 2016.

87687/FUL/16: Erection of No6 2 bedroomed apartments with associated parking and amenity space – Withdrawn 18/05/2016.

### Land adjacent to the application site

99245/OUT/19 - Outline application for the erection of up to 320 dwellings, erection of up to 668,000 sq ft (62,057 sq m) employment floorspace (Use Classes B1/B2/B8 including open storage), erection of up to 12,917 sq ft (1,200 sq m) retail/health floorspace (Use Classes A1/D1), demolition of existing buildings and structures, re contouring of the site to form development platforms, creation of public open space, rugby pitch relocation along with new flood-lit training pitch, erection of replacement rugby clubhouse, landscaping and ecological works, noise mitigation, electrical sub stations, pumping stations, car parking and vehicle, cycle and pedestrian circulation including details of 5 access(s) off Manchester Road to serve residential, employment, retail/health development and 2 emergency access points off the A1 private road. Approval sought for access with all other matters reserved. Minded to Grant Subject to Section106 agreement, 5 March 2020.

88439/HYB/16 - Hybrid application comprising: - a) Application for full planning permission for the demolition of existing buildings and structures, re-contouring of the site to form development platforms, new access(s) off Manchester Road to serve residential, employment, retail/health development and new emergency access(s) off the A1 private road to serve employment development, improvements to the A6144 Manchester Road/Flixton Road/Isherwood Road junction and the A6144 Carrington Lane/Carrington Spur/Banky Lane junction; b) Application for outline planning permission for the construction of up to 725 dwellings, erection of up to 46,450sq m employment floorspace (Use Classes B1/B2/B8), erection of up to 929 sq m of retail (Use Class A1)/ health (Use Class D1) floorspace, creation of public open space, rugby pitch relocation along with new training pitch, erection of replacement rugby

clubhouse, replacement car park for retained parts of Carrington Business Park, drainage principles, landscaping and ecological works, noise mitigation measures, electrical sub stations, pumping stations, car parking and vehicle, cycle and pedestrian circulation. Approve with Conditions; 25 August 2017.

### **APPLICANT'S SUBMISSION**

CIL questionnaire form received 22 October 2019

Design and Access Statement received 22 October 2019

Noise Assessment ref. ARR/PPN/C/3049.01 Rev. A dated 30/4/19 received 22 October 2019

Drainage Report – Red Arrow Drains received 5 February 2020

Letter from 'Compassionate and Care Support Limited' received 15 January 2020

Kate Green MP Email to UU received 15 January 2020

UU letter to applicant re sewer requisition estimate received 15 January 2020

Applicants engineer (Sarah Griggs, Build Vision) letter to LLFA dated 4 February 2020

#### **Proposed Plans:**

- Dwg.2544 PL2b – Proposed site plan/block plan (received 5 February 2020)
- Dwg.2544-PL3 – Proposed Floor Plans (received 19 November 2019)
- Dwg.2544-PL4 – Proposed Elevations (received 19 November 2019)
- Dwg.1256-900-RevP6a;– Drainage Layout (received 26 March 2020)
- Hydro break design drawing received 22 October 2019

1 Belmont Terrace Floor Plans (received 9 January 2020)

- FP1532-010 PL1 – Pre-development Floor Plan
- FP1532-011 PL1 – Post-development Floor Plan
- FP1532-011 PL1 – Proposed Site Plan

### **CONSULTATIONS**

**Lead Local Flood Authority:** The proposed development will only be acceptable if the following measure(s) as detailed in the email received on 4<sup>th</sup> February 2020 submitted with this application are implemented and secured by way of a planning condition on any planning permission. The requirements include the repair and survey of the culvert within the red line boundary.

Where the site has more than one owner, a management and maintenance plan could be conditioned.

An informative is recommended to advise that works to repair the culvert will require the prior written approval of Trafford Council under s.23 of the Land Drainage Act 1991.

**United Utilities:** No objection subject to the imposition of a condition relating to foul and surface water drainage. UU strongly advise the LPA consults with the LLFA to provide a condition to ensure management and maintenance of the drainage for the lifetime of the development and advice regarding water supply is provided.

**Environment Agency:** No objection. Further to previous correspondence (letter ref: SO/2019/119921/01-L01), the Environment Agency has now received enough information to remove its objection to the application.

The proposed development involves the installation of a new private sewage treatment plant. This development is in an area which is serviced by public sewer. Any new private treatment system in these areas requires a permit for the discharge from the EA. The developer has approached the EA about making an application for such a permit and has now provided evidence to show that it may not be reasonable for this development to connect to the public sewer.

The Environment Agency has accepted an application from the developer for discharge consent for the proposed private treatment system. The application has been duly made and was issued on the 11 March 2020.

**Pollution & Licensing (Nuisance):** Recommend remedial works to be carried out which meet the criteria described with the Noise Assessment Report (NIA report by ADC Acoustics, ref. ARR/PPN/C/3049.01 dated 30/4/19) and submit a validation/completion report to confirm the detail of the measures are installed.

**Pollution & Licensing (Contaminated Land):** No comments or objections in relation to contaminated land.

**Local Highway Authority:** As the car park would be a communal parking area for the existing dwelling-house and the new development and the eight parking spaces exceeds the maximum parking standards for SPD3 for the housing mix, from a highways perspective it is not considered that the proposals would have a severe impact on the adopted public highway or road safety at this location, and we wouldn't insist on two of the bays being marked up as for use by the house. We would insist that the proposed and approved number of accessibility spaces have been provided on site.

**Health and Safety Executive:** HSE does not advise, on safety grounds, against the granting of planning permission.

## **REPRESENTATIONS**

**Carrington Parish Council** – Requested update on enforcement, progress on building regulations and the planning application and raised concern that the building had been constructed without planning permission and regarding the working traffic lights position on Manchester Road during construction.

5 letters of objection were received from five neighbouring properties further to the initial consultation and originally submitted plans and information. The following comments have been made:

- Confusing as development has already been built;

- Noise caused has been astronomical – building noise, swearing, pollution and loud music;
- Development built in the wrong place;
- Disruption to mobile phone and tv signal.
- Conflict with building regulations.
- The development has changed from original submission.
- Parking has been reduced to 4 spaces. Concern as parking is required for carers and other services. The reduction will force people to park on the car-park.
- Concerned one entrance to the building not enough from a safety point of view.
- It is closer to neighbouring properties and impacts on aesthetics and light.
- Window overlooking (3 School Lane).
- Proposed development does not provide 8 car-parking spaces. Currently occupants and deliveries park on pavement blocking use of local residents.
- Development built too close to existing septic tank, contractor advised existing properties affected would be put on the mains but this hasn't happened.
- Developer wishes to relocate septic tank, which cannot happen without consent from owners.
- Applicant intends to connect to a privately owned drain without consent.
- The information regarding mains drainage and existing septic tank location is inaccurate.
- What are the plans to relocate drains, cost location, rights to neighbours and owners?
- The applicant does not have permission to connect to the private drains on the land proposed, they link to the adjoining public sewers shared by the adjoining properties, but are not shared on the private land the applicant proposes to connect to.
- In accordance with the decision notice of the original application (Point 6) - No development shall take place unless and until full details of works re: drainage is provided to the local authority to ensure they meet with pollution guidelines and regulations. The applicant has changed the location of the proposed development and commenced the development without meeting these requirements and is now relying on the above information retrospectively.

Following the receipt of amended drainage plans and information, the application was re-notified on the 16 January 2020 and 6 February 2020.

3 further letters of objection were received from 3 of the original objectors. The comments are summarised below:

- [Developer] moving septic tank without approval.
- The applicant for this development has proposed connection to what is a privately owned drain without consent. Connection to a privately owned asset cannot be approved by United Utilities.



## **OBSERVATIONS**

1. The key issues for consideration in this application are the principle of development, the design of the development and its impact on the character and appearance of the area, its impact on residential amenity, drainage and highways matters.

## **BACKGROUND**

2. The existing apartment development on site is unauthorised. The application seeks retrospective consent for the apartment block in its current location and a revised layout/landscaping layout for the external areas. The application also seeks consent for a submitted drainage layout.
3. The site previously had consent for a two and a half storey building to accommodate no.5 1-bedroom apartments and associated parking and amenity space (88489/FUL/16). A subsequent Non-Material Amendment Application – 95539/NMA/18 – to amend the approved scheme was submitted and approved in 2018. The previous permission has now lapsed.
4. The apartment building (subject to this application) is similar in terms of design, scale, size and fenestration details to the previously approved development, as varied by the Non-Material Application – 95539/NMA/18. However the erected apartment building is sited in a different position and the landscaping/parking layout differs from the previous proposal.
5. The applicant's submission states that: -

*' ... The suitability of the site for residential development was established in 2016, when permission was granted for the erection of five two-bedroomed apartments with associated parking and amenity space [Planning consent - 88489/FUL/16].*

*A subsequent planning application for changes to the approved plans, to allow for the development of five one-bedroomed apartments was permitted in 2018 [Planning Consent - 95539/NMA/18]...*

*Essentially, the development for which planning permission is being sought is the same as that approved in 2018 other than siting and the reduction in car parking spaces from nine to eight, providing for a more spacious external environment, whilst still providing for sufficient off-road car parking spaces.*

*In order to avoid a culvert to the rear of the site, the development was constructed 2 metres further north than shown on the approved plans its orientation was angled slightly differently.*

*There are no increases to the footprint of the building, or changes to the exterior of the building, when compared to the 2018 planning permission. The reduction in car parking spaces, from nine to eight, meets parking standards, notwithstanding the fact that the supported living use reduces the likelihood of residents owning cars.*

*The plans submitted show that the internal layout is slightly different to that approved in 2018. This is in order to provide for support facilities.'*

6. However, it should be noted that the non-material amendment granted in 2018 was not a new permission but simply an amendment to the permission granted in 2016, which has now lapsed. The principle of development is therefore considered below.

## PRINCIPLE OF DEVELOPMENT

### The Decision Taking Framework

7. 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.
8. 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.
9. 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.
10. 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.

11. Policies controlling the supply of housing are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
12. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are 'out of date' in NPPF terms.
13. With regards Paragraph 11(d)(i) of the NPPF, analysis later in this report demonstrates that there are no protective policies in the NPPF, including those relating to habitats sites, heritage assets and areas at risk of flooding, which provide a clear reason for refusing the development proposed. Paragraph 11(d)(ii) of the NPPF 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.

### Housing Land

14. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK, and local planning authorities (LPAs) are required to support the Government's objective of significantly boosting the supply of homes. The responsibility of LPAs in supporting the Government's ambitions includes identifying and updating annually a supply of specific deliverable sites to provide five years' worth of housing against their housing requirement. However, latest housing land monitoring for Trafford indicates a supply of only some 2.5 years.
15. With reference to Paragraph 59 of the NPPF, the need to support the objective of boosting the supply of homes 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.
16. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites it indicates at bullet point c) that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
17. The apartment block has been built over an existing garden area which served 1 Belmont Terrace. As such, the application site is considered to be greenfield land, as identified by the NPPF. Notwithstanding this, in this instance it is noted that the application site sits within an established residential and commercial area, albeit it is recognised that the area is not currently considered to be a sustainable location because of the poor road and public transport links to Carrington.

18. As detailed within the application Design and Access Statement and the applicant's email dated 26 February 2020, the proposal is to provide Specialist Supported Housing need in Trafford, of which there is a deficit.
19. Policy L2, albeit out of date, is clear that all residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. It is considered that the proposal will make a positive contribution towards meeting supported living housing needs and would likely have resulted in a small economic benefit during its construction phase. The development therefore complies with the housing land supply policies of the Core Strategy and fact that the development would support housing targets in an appropriate location weighs in its favour. In acknowledging that the presumption in favour of sustainable development applies to this application, the significance of this benefit will be returned to in due course as part of the planning balance.

### **Design and impact on character and appearance**

20. 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.*
21. Paragraph 127 of NPPF advises that "planning policies and decisions should ensure that developments:
- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
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”.*

23. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code.
24. Trafford Planning Guidance 1: New Residential Development, in relation to small vacant sites 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.”*

25. The application site is situated within a residential context, given it is within the rear garden of the existing dwelling, 1 Belmont Terrace.
26. The design of the apartment building is similar to the previous planning permission, as varied by the non-material amendment consent 95539/NMA/18. Whilst this permission has lapsed, it is considered that, given this recent decision and the fact that, although NPPF policy on design has been updated and the National Design Guide published, there are no other significant material changes in circumstances, this carries significant weight.
27. The erected building has a ridge and eaves height and roof pitch similar to that of Nos 1 and 2 Belmont Terrace and its footprint is not dissimilar though wider. Given the comparative scale and massing to the existing dwellings and that the apartment building is set approx. 31m back from the road, the scale, massing and siting are considered appropriate to the context and it is considered that the building would not appear unduly prominent in the streetscene.
28. The building is orientated to face Manchester Road and, although it is set well back within the site, this orientation ensures the siting respects the existing streetscene and the siting of the existing pair of semis at the front of the site.
29. Red brick is the primary facing material used in the construction of the building, along with a brown brick banding detail, grey roof tiles and white upvc windows. These materials are considered to be acceptable in this location.

30. The proposed detailing (including bay windows, and cills) adds some interest to the building whilst also helping it relate to nearby residential properties.
31. The proposed scheme omits an amenity grassed section to the front of the building that was provided on the previously approved scheme. It is noted a grassed section is located to the rear of the apartment building. The proposed boundary treatment to the side boundaries is 2m high close boarded fencing and existing boundary treatments are proposed to be retained to the front and rear boundaries. The western side boundary treatment would come forward of an amenity grass strip of land adjacent to the site and highway. As such the proposed 2m fence could be detrimental to the visual amenities of the streetscene. To the rear boundary, the existing fence may not provide adequate screening as discussed in the residential amenity section below. Given these considerations, notwithstanding the submitted details, a condition is recommended for details of boundary treatments to be approved prior to their erection.
32. The design, scale, siting, massing and materials of the proposed apartment building is considered to be acceptable within the plot, having regard to the previous permission and the set back from the road. The scale and massing is considered to sit comfortably within the existing streetscene of Manchester Road and with other existing dwellings in the area. Subject to conditions to ensure appropriate landscaping and boundary treatment, it is considered that the development is acceptable in terms of impact on visual amenity. As such, the development is considered to be compliant with Core Strategy Policy L7 and the NPPF.

### **Residential amenity**

33. 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.*
34. Policy L7 is considered to be compliant with the NPPF 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 also seeks to avoid harm to residential amenity and to noise giving rise to significant adverse impacts on health and the quality of life.
35. PG1 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 PG1 states that 'In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15m 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.

Amenity of future occupiers of 1 Belmont Terrace and the apartment building (subject to this application)

36. The primary affected properties are the neighbouring properties at 1 and 2 Belmont Terrace and consideration is required in terms of the amenity of the future occupiers of the apartment building subject to this application.
37. The applicants agent has confirmed that *'the existing class use [of 1 Belmont Terrace] was a domestic family home (C3(a)) and the current class use is a 3-bedroom shared house with supported living (C3(b)). As defined as per the Town and Country Planning (Use Classes) Order 1987, "C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes "* The application is assessed on the basis of the use of 1 Belmont Terrace as Use Class C3(b).
38. Floor plans of 1 Belmont Terrace were submitted, which include details of a rear extension and dormer extension which were constructed since the date of the previous planning consent. The applicant has confirmed that these works were carried out under permitted development rights.
39. The apartment building (subject to the application) is to provide supported residential accommodation, which is consistent with the current use of 1 Belmont Terrace. The overall site at 1 Belmont Terrace potentially could provide supported living accommodation for up to 8 people. The applicant's agent email dated 9 January 2020 has advised that *'For the foreseeable future, both properties will be supported by the same provider but independently as two properties.'*
40. The revised position of the apartment building is 2m closer to the rear of 1 Belmont Terrace than the previous consents, as such, given this and the permitted development extensions on 1 Belmont Terrace, the interface distances have been reduced compared to the previous planning consents.
- Scale and Massing
41. The main apartment building would be approximately 17.5m away from the original main rear elevation of 1 Belmont Terrace. In regard to the recent ground floor rear extension at 1 Belmont Terrace, it would be 15.4m from the ground floor lobby section and 12.6m from the rear of the Support/Break Room. The recommended distance of 15m in part is complied with. As the lobby and support / break room are not main habitable room accommodation, it is considered that the distance to these windows is acceptable. It is also considered that the amenity of the occupiers of the apartment building would not be unduly affected by the massing of the neighbouring properties of 1 and 2 Belmont Terrace.

42. The distance to the rear garden boundary of 1 Belmont Terrace is 10.5m, which would comply with the guidelines and is considered to avoid undue over-bearing or overlooking impacts.

- Privacy and inter-looking

43. The inter-looking distances between the ground floor windows of the apartment building and the ground floor of 1 Belmont Terrace are screened by the boundary treatment (2m close boarded fence) to the proposed curtilage to 1 Belmont Terrace.

44. The ground and first floor apartments adjacent to the eastern boundary are closest to 1 Belmont Terrace. The ground floor window serves a bedroom and the first floor window serves an open plan living room/kitchen. The distance from these apartment windows to the first floor window serving bedroom (1) and dormer window serving bedroom (3) within 1 Belmont Terrace would be approximately 17-17.5m. This is short of the normal amenity guideline of 21m between windows, however given the overall benefits of the proposed use, it is considered that the overlooking / privacy impact on future occupiers would not be so detrimental as to merit refusal in this instance.

45. The lobby and support / break rooms are not habitable rooms and therefore it is considered that the proposal would not result in undue overlooking in respect of these windows.

46. In turn in assessing the impact on the first floor window of the apartment serving a living area, it is noted this is an elevated position and as such there would not be an undue overlooking impact from the rear ground floor windows of 1 Belmont Terrace.

- Outdoor Amenity

47. The Council's guidelines for New Residential Development (PG1) state that most new dwellings, including conversions, should provide some private outdoor space.

48. The resulting outdoor amenity space serving 1 Belmont Terrace has been reduced compared to the previous planning consent. However, a section of outdoor space will be retained to the rear and the existing amenity area to the front will be retained.

49. The proposed scheme omits an amenity grassed section to the front of the apartment building that was provided on the previously approved scheme. However, with the revised siting of the building further into the site, it has resulted in an increase in the size of the strip of land between the rear of the building and the rear boundary to 4.8m in depth approximately. This has improved the amenity distance for those habitable rooms with an outlook facing the rear boundary and provided a section of land that can serve as outdoor amenity.



50. The boundary treatment to the rear is indicated on the plans to remain as existing steel palisade fencing, however this would not provide adequate screening from the industrial site, either visually or from potential disturbance in terms of noise. As such, the provision of boundary treatment is recommended to be addressed through a condition requiring these details.

## 2 Belmont Terrace

51. The apartment building would be approximately 16.5m away from the main rear elevation of 2 Belmont Terrace. This is considered to be sufficient to avoid any overbearing or overshadowing impact on both the existing property and the proposed apartments.

52. The proposed building would be approximately 1.5m from the boundary with the garden of 2 Belmont Terrace, 1.5m closer than the previous consent. Whilst the presence of the building would be evident, given the apartments would be set at the rearmost part of the site and the side elevation would not extend along the full length of this boundary, it is considered the development does not have an unacceptable overbearing impact on the garden area of 2 Belmont Terrace.

53. The inter-looking distances between the first floor apartment adjacent to the eastern boundary and the rear windows within 2 Belmont Terrace would be approximately 17-18m, however this would be at an angle. Although this is less than the guideline of 21m between habitable room windows, given that the windows would not be directly facing, it is considered that this relationship would not result in a significant loss of privacy to the occupiers of 2 Belmont Terrace or the future occupiers of the apartments.

54. The building includes a second storey window in the east side elevation (a secondary bedroom window) and it is recommended that this is conditioned to require obscure glazing to be provided and retained. It is noted the previous consent did not condition the side window to be obscure glazed facing 2 Belmont Road, however the submitted application places the proposal 1.5m closer to the boundary and 2m further forward in the site and, as such, this side window would have greater potential overlooking on the neighbouring garden of 2 Belmont Terrace.

## Impact on 1 and 3 School Lane

55. The apartment building would be approximately 23m from Nos 1 and 3 School Lane to the east and the required separation distances set out in PG1: New Residential Development would be complied with.

## Land to the south and west boundary

56. Currently to the rear (south) and side (west) boundary the land is occupied with an industrial use. However the land also has outline consent for residential use and is the subject of a further current application seeking outline consent for residential use. Planning consent 88439/HYB/16 provides consent for residential use. Planning application 99245/OUT/19 seeks outline consent for residential use.

and on the 5<sup>th</sup> March 2020, the Planning and Development Management Committee resolved that it was Minded to Grant permission subject to a Section 106 Agreement.

57. The adjacent land therefore has consent for residential development in outline form but there is no approved detailed layout. The apartment building subject to this application is sited 2m further north into the site than the previously permitted scheme increasing the distance to the rear (southern) boundary to between 3.7m and 4.8m approximately. The building would be sited approximately 1m to 2m from the western shared boundary, which is a similar distance to the previous permission. As such, the amenity distance to the part of the site to the south would be improved with the relationship to the part of the site to the west similar to the previous permission. Overall, there would therefore be an improvement in terms of the relationship to the adjacent residential site compared with the previously permitted scheme.
58. There is a side window on the second floor elevation facing the Western boundary, and this window acts a secondary window to the shared living area of an apartment. The previous consents allowed this window to have a clear outlook. Whilst, there is consent for residential development on the land west of the site, given there is no specific approved layout, it is considered that it would be unreasonable to require this window to be obscure glazed.

#### Quality of Accommodation

59. The proposed apartments would be in excess of the national space standards for dwellings.

#### Noise/Disturbance

60. The proposal for a five bedroom apartment scheme is considered consistent with the existing residential uses and not detrimental to the existing neighbouring industrial uses given the existing mixed use nature of the locality.
61. A noise assessment was submitted which included a range of measures including upgraded glazing and non-acoustic vents to the rear, to protect the amenity of the apartments from the neighbouring industrial uses to the rear.
62. The noise assessment has not accounted for the grassed land to the rear of the apartment building potentially being used as outdoor amenity area, as it is based on the building being set closer to the boundary fence to the rear (as per the previous consent). The current proposals indicated the retention of the palisade fence which allows interlocking to the neighbouring industrial site and no provision to protect the outdoor area from noise associated with the existing industrial premise is accounted for. As this land to the rear is now proposed for amenity purposes (given the siting of the apartment building as per this application), it is considered reasonable that a condition is attached to require the submission and approval of boundary treatments (such as a screen/acoustic fence) to ensure a good level of amenity for future occupiers.

## Residential Amenity Conclusion

63. It is considered that the scale and massing of the building does not result in a harmful impact on amenity. As noted above some of the amenity distances between the apartment building and 1 and 2 Belmont Terrace do not comply with the normal guidelines. However, it is considered that sufficient separation distance is provided and that there would not be unacceptable overlooking impacts.
64. It is therefore considered that, subject to appropriate conditions, the development would not result in unacceptable impacts on the residential amenity of any neighbouring dwellings and would provide an adequate level of amenity for future occupiers of the development. As such, the proposal would comply with Policy L7 of the Core Strategy in this respect.

## **Highway Safety**

65. 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”.
66. Policy L7 of the Core Strategy is considered to be compliant with the NPPF as it comprises the local expression of the NPPF’s emphasis on good design. It 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
67. The site plan indicates a communal car-park for the existing property at 1 Belmont Terrace and the proposed apartments. The three-bedroom dwelling (use class C3(b)) would require one and half to two parking spaces and the apartment one-bedroom flats would require five spaces approximately, as per the parking standards for SPD3 for the housing mix. The Local Highway Authority has raised no objections and advised that the proposed eight car-park spaces (including one accessible space) ‘exceeds the maximum parking standards for SPD3 for the housing mix, [and] from a highways perspective it is not considered that the proposals would have a severe impact on the adopted public highway or road safety at this location.
68. A communal refuge and recycling store is provided on site and servicing will be carried out from Manchester Road as existing.
69. The cycle parking is indicated on the site; however there is concern the location is not ideal given the proximity to a habitable room window. Details of cycle parking are recommended to be managed through the provision of a condition.
70. Given the above considerations, subject to conditions the proposal would result in an acceptable impact in terms of highway safety, servicing and parking provision.

The proposal is therefore considered to be in accordance with Policies L4 and L7 of the Trafford Core Strategy and the NPPF.

## **Drainage**

71. Policy L5 of the Core Strategy relates to Climate Change and states that new development should mitigate and reduce its impact on climate change factors, including flooding.
72. Paragraph 17 of the submitted Design and Access statement states that, in order to avoid a culvert to the rear of the site, the development was constructed 2 metres further north than shown on the approved plans and its orientation was angled slightly differently. In practice, due to the position of the culvert, the 2018 planning permission would have been difficult, if at all possible, to implement.
73. During the application process the LLFA requested further information regarding the drainage strategy and the condition and impact on the existing culvert on site. Following the submission of further information, the LLFA has confirmed that it is satisfied with the proposal subject to a condition to require the scheme to be implemented in accordance with the submitted measures. The requirements include the repair and survey of the culvert within the red line boundary.
74. Neighbouring properties have raised concerns regarding foul drainage and there have been discussions between the developer, UU, the LLFA and EA regarding potential connections to public sewers or the provision of a private drainage scheme.
75. The proposed development involves the installation of a new private sewage treatment plant. Initially the Environment Agency expressed concerns regarding this, given that the development is in an area serviced by a public sewer; however the applicant provided evidence to show that it may not be reasonable for this development to connect to the public sewer, and this was subsequently accepted by the Environment Agency, which has withdrawn its objection to the application.
76. Any new private treatment system in these areas requires a permit for the discharge from the EA. The Environment Agency has accepted an application from the developer for discharge consent and this was issued on the 11 March 2020.
77. UU has no objection subject to the imposition of a condition relating to foul and surface water drainage.
78. It is understood the site is currently under one ownership, however the existing dwelling at 1 Belmont Terrace and the apartment building subject to this application may be managed independently and potentially owned separately. Given this situation it is considered reasonable to condition a maintenance plan for the life time of the development.

79. On this basis, it is considered that the development is acceptable in terms of foul and surface water drainage, subject to appropriate conditions.

## **Equality**

80. The public sector equality duty (PSED), contained in the Equalities Act 2010, requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

81. Section 149 – Public sector equality duty (PSED) of the Equality Act 2010 states:  
(1) A public authority must, in the exercise of its functions, have due regard to the need to—

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

82. Disability is a 'protected characteristic' under the Equalities Act 2010 and the Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. The application 'Design and Access statement' states the development is to provide living accommodation 'for people in the community with supported living needs'. 'Compassionate Care and Support Limited' which is a supported living provider, submitted a letter of support and information for the intended use of the apartments. They are in partnership with the developer Fairhomes PLC. Compassionate Care and Support Ltd provide individuals a home in the community where they can receive appropriate levels of support to enable them to maintain good mental health and complete daily living tasks.

83. The development would provide a form of supported living accommodation within the locality of Carrington and would advance equality within Trafford's housing accommodation. Whilst the interface distances between the apartment block and 1 Belmont Terrace do not meet the Council's guidelines and the level of amenity space is relatively limited, it is considered that no additional harm to the amenity of the occupiers of the buildings would arise in these respects as a result of their protected characteristics over and above the level of amenity for any other occupier.

84. The scheme would be required to be designed in accordance with relevant Building Regulations.

## **Other Matters**

85. The apartment building is nearing completion, however is not occupied. Pre-occupancy conditions are limited only to the drainage and car-parking arrangements as these are essential works to allow for habitable accommodation. Other conditions are worded to require works to be carried out within a timescale of nine months, with this timescale intended to allow for the impact of the measures to delay Coronavirus.

## **DEVELOPER CONTRIBUTIONS**

86. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'cold zone' for residential development. Consequently private market apartments will be liable to a CIL charge rate of £0 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

87. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

88. Paragraph 11 d) of the NPPF indicates where policies which are most important for determining the application are out of date, planning permission should be granted unless: (i) policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed (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.

89. In terms of paragraph 11 (d) (i), there are no policies that protect areas or assets of particular importance that provide a clear reason for refusing the proposed development.

90. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development will result in an acceptable form of development subject to appropriate conditions. All relevant planning issues (including design and visual amenity, residential amenity, highway safety, drainage and equality) have been considered and representations and consultation responses taken into consideration in concluding that the proposal comprises an appropriate form of development for the site. In saying that, it is acknowledged that the area is not currently considered to be a sustainable location because of the poor road and public transport links to Carrington, whilst the resulting impact of the development does not strictly adhere to the SPD4 guidelines regarding privacy however, a sufficient degree of separation is considered to be provided. Given the overall benefits of the provision of additional housing units (supported living accommodation), it is considered that the development is acceptable in these respect. There is a strong likelihood that residents living at the property may have protected characteristics and therefore the provision of specialist accommodation alone would have benefits to these protected groups.

91. In applying the test in Paragraph 11(d) (ii) of the NPPF, as required, it is considered that any adverse impacts of the development would not significantly and demonstrably outweigh the benefits (which comprise of the provision of an apartment building with five supported living residential units contributing to housing land supply and providing a community benefit and a small amount of economic benefit associated with the construction work). The application is therefore recommended for approval.

**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, numbers:
  - Dwg.2544 PL2b - Proposed site plan/block plan (received 5 February 2020)
  - Dwg.2544-PL3 - Proposed Floor Plans (received 19 November 2019)
  - Dwg.2544-PL4 - Proposed Elevations (received 19 November 2019)
  - Dwg.1256-900-RevP6a (received 26 March 2020)

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

2. The development shall not be occupied unless and until the drainage scheme for the development hereby approved, has been implemented in accordance with the principles set out in the submitted 'Foul & Surface Water Drainage Design Drawing 1256-900, Rev P6a received 26 March 2020 and measures included within the 'Drainage Report – Red Arrow Drains received 5 February 2020' and Applicants engineer (Sarah Griggs, Build Vision) letter to LLFA dated 4 February 2020. No surface water shall be permitted to drain directly into the public sewer. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding, having regard to Policies L5 and L7 of the Trafford Core Strategy and guidance in the NPPF.

3. The development shall not be occupied unless and until the culvert within the application site boundary has been repaired in accordance with details that have first been submitted to and approved in writing by the local planning authority and subsequently surveyed. A survey/completion report shall be submitted to and approved in writing by the Council to confirm that the repair measures have been installed.

Reason - To ensure there is no flood risk from the culverted watercourse. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, having regard to Policy L7 of the Trafford Core Strategy and guidance in the NPPF.

4. The development shall not be occupied unless and until a 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 management and maintenance plans shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, having regard to Policies L5 and L7 of the Trafford Core Strategy.

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

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

6. The development shall not be occupied unless and until all identified noise control measures as contained within Noise Report ref. ARR/PPN/C/3049.01 Rev. A dated 30/4/19 received 22 October 2019 have been implemented and these measures shall be retained thereafter. Within nine months of the first occupation of the development, a completion report shall be submitted to and approved in writing by the Council to confirm that the noise mitigation measures approved have been installed.

Reason: In the interests of the amenity of future occupiers of the apartments, in accordance with Trafford Core Strategy Policy L7 and the National Planning Policy Framework.

7. Within 9 months of the date of this decision, boundary treatment shall be erected on all perimeters of the site in accordance with details (including type, siting, design and materials) that have first been submitted to and approved in writing by the Local Planning Authority. The approved structures shall be retained thereafter.

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

8. (a) Within 9 months of the date of this decision, hard and soft landscaping works shall be implemented in accordance with details (including 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) that have first been submitted to and approved in writing by the Local Planning Authority.

- (a) 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.
- (b) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Trafford Core Strategy Policies R3 and R5 and the National Planning Policy Framework.

- 9. The development hereby permitted shall not be occupied unless and until the car parking, servicing and other vehicular access arrangements shown on 'Dwg.2544 PL2b – Proposed site plan/block plan (received 5 February 2020)' to serve the apartment building hereby permitted and 1 Belmont Terrace have been provided and made fully available for use. The approved access, parking, servicing and turning areas shall be retained thereafter for their intended purpose. The accessibility space shall be marked out as such and retained as such thereafter.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with Trafford Core Strategy Policy L4 and the National Planning Policy Framework.

- 10. Notwithstanding the details shown on the approved plans, within 9 months of the date of this decision, a scheme for cycle storage shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall thereafter be retained.

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.

- 11. Notwithstanding the approved plans and 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) within 9 months of the date of the permission hereby granted, the window in the second floor on the side elevation facing east shall be fitted

with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

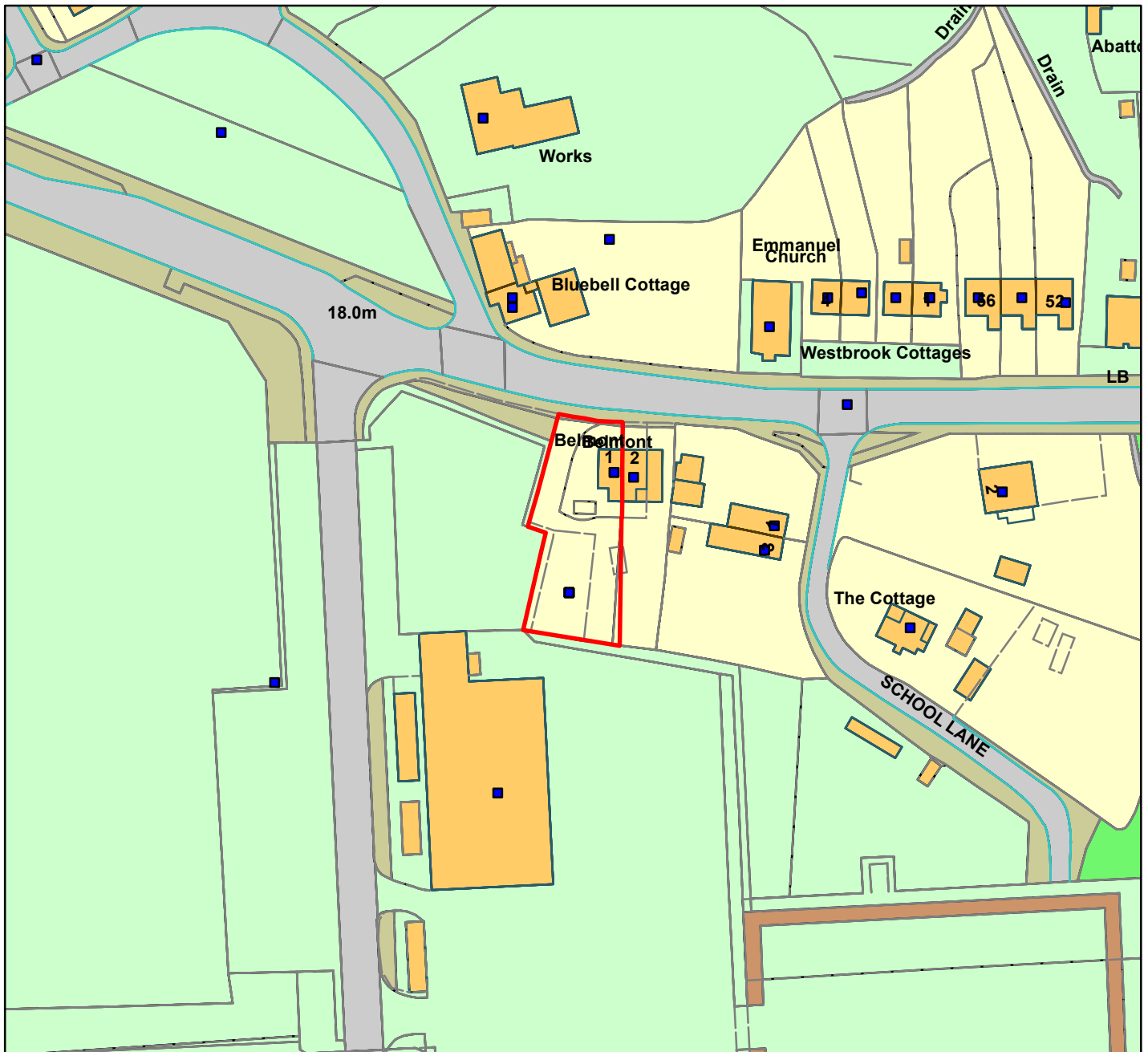
Reason: In the interest of the amenity of 2 Belmont Terrace having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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TM



1 Belmont Terrace, Manchester Road, Carrington M31 4AZ



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 16/04/2020
Date	06/04/2020
MSA Number	100023172 (2016)

**WARD:** Sale Moor

**99703/COU/20**

**DEPARTURE:** No

**Temporary continued use as a mixed use comprising of childminding and dwellinghouse.**

80 Temple Road, Sale, M33 2FG

**APPLICANT:** Mrs Lawton

**AGENT:**

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO CONDITIONS**

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**This application is being reported to the Head of Planning in consultation with the Chairman, Vice Chairman and Opposition Spokesperson of the Planning and Development Management Committee as an interest has been declared in the application from a council officer and as such it must be determined at committee, in line with the Council's Scheme of Delegation. In addition it should be noted that Councillor Bennett had requested call in of the application should officers be minded to approve.**

**The statutory target date for decision making has already passed and there is no Planning Committee in the municipal calendar at which this application can be considered.**

### **SITE**

The application site comprises a semi-detached bungalow with a high ridge and low eaves and rooms in the roofspace.

The property is located on the south-east side of Temple Road between Nursery Close and Stonyford Road and is sited within a dense residential area that does not display any real uniformity. The property is sited at a slightly higher level than the street frontage.

There is an existing paved driveway capable of accommodating two domestic vehicles off-street and modest garden areas to the front and rear. There are no parking restrictions to the immediate frontage along Temple Road.

Templemoor Infant and Nursery school is sited 50m to the south-east of the site and Moorlands Junior School is sited 145m to the north east.

## **PROPOSAL**

The proposal is seeking retrospective permission to continue to use the property for mixed use comprising running a childminding business and a dwellinghouse.

The previous approval ref: 95997/COU/18 was for the property to be used in this manner for a 12 month period in order to establish whether the impact of the use would be acceptable or not with the suggested conditions by enabling an assessment to be made of the operation over the term of the temporary consent. At the expiry of this period, unless either renewed or consent given for a permanent consent, the use would cease and revert back to its current use. This approach was supported by the Environmental Health Officer.

The time limit condition attached to 95997/COU/18 stated:

*This childminding use hereby permitted shall cease 12 months from the date of this permission and the property restored back to a single dwellinghouse on or before 11th January 2020.*

*Reason: To enable the Local Planning Authority to review the situation at the end of the period and in accordance with policy L7 of the Trafford Local Plan Core Strategy*

Aside from other standard conditions and conditions restricting hours and numbers of children, two conditions requiring active discharge (no.4 and 7) were attached, requiring a noise management plan and installation of sound insulation:

**4A.** *Within four weeks of the date of the permission hereby granted, the Party Wall Sound Insulation Enhancement Scheme, described in the statement referenced RSA213-2017 dated 7th November 2018 shall be installed and retained as such for the duration of this permission.*

**B.** *Within two weeks of the Scheme as required in part A. being installed a validation/completion report is to be submitted to the Local Planning Authority for approval, to provide evidence that the Party Wall Insulation Enhancement Scheme has been installed as per the specification.*

**Reason:** *To safeguard the amenity of the neighbouring properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy*

**7.** *Within 4 weeks of the date of the permission hereby granted, a Noise Management Plan shall be submitted to the LPA. This should include details as to how the noise outdoors will be managed, such as placement of outdoor play equipment. The use shall be carried out in accordance with the approved scheme.*

**Reason:** *To safeguard the amenity of neighbouring properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy*

During the 12 months of the previous permission, the applicant has now found alternative accommodation for her childminding business to continue on a permanent basis. Planning permission has been granted for the change of use of 142 Broad Road ref. 97889/FUL/19 and the applicant intends to move the business to this property as soon as possible. The supporting statement submitted with the applications states that the purchase of 142 Broad Road by the applicant was due to complete by the end of 2019. The applicant states that unfortunately, due to circumstances outside her control, the sales process has been delayed by up to 6 months. It is for this reason that the applicant applies for an extension of the temporary permission for an additional temporary period to allow for the business to be moved to 142 Broad Road, following which 80 Temple Road would revert to a single residential dwelling.

There are no changes to the existing approved application regarding numbers of children, employees, or operating hours. Details of the proposal are listed below:

### **Operating Hours**

Operate only between the hours of 08:00 and 18:00 Monday to Thursday only and at no time on Fridays, weekends, Bank or Public Holidays

### **Number of Children**

The childminding use hereby permitted shall operate such that a maximum of 6 children of pre-school age only are cared for at the property at any single time.

### **Number of Staff**

1 Owner/resident, 2 part time staff (equivalent to 1FTE). As per existing approved permission.

### **Room Usage**

Refer to building layout diagram. Ground floor rear rooms and conservatory to be used only. Previous permission restricted use of the garden in conjunction with the nursery between the hours of 10:30 to 11:30 and 14:30 to 15:30 each day.

### **Noise management**

A noise management plan including outdoor play was submitted and approved as a condition discharge under reference 96764/CND/19 on 22nd May 2019

A soundproof wall was installed along the party wall and the condition 4A/4B was discharged under reference 96764/CND/19 on 22nd May 2019. The soundproofing is to be retained for the duration of the use.

## **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 – Parking

L7 – Design

## **PROPOSALS MAP NOTATION**

*None*

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

*None*

## **OTHER RELEVANT GUIDANCE DOCUMENTS**

PG5 (1991) – Day Nurseries & Play Groups

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) in 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 was updated on 1<sup>st</sup> October 2019. 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 summer 2020 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**

96764/CND/19: Application for approval of details reserved by conditions of grant of planning permission 95997/COU/18. Condition numbers: 4A (Party wall Sound Insulation), 4B (Validation/Completion Report) and 7 (Noise Management Plan).

- Full discharge of conditions 22 May 2019

95997/COU/18: Change of use of the dwellinghouse (C3) to a mixed use comprising of childminding and dwellinghouse.

**\*Retrospective application. Permission approved for a temporary period of 12 months**

- Approved with Conditions (by committee decision) 11 January 2019

89819/COU/16: Change of use of the dwellinghouse (C3) to a mixed use comprising of childminding and dwellinghouse.

- Refused (by Committee Decision) 18 May 2017 with appeal Dismissed 19 December 2017

## **APPLICANT'S SUBMISSION**

Supporting information has been submitted which explains the requirement for the extension of temporary consent.

## **CONSULTATIONS**

**Highways** – No objection

**Environmental Health** – No objection to an additional temporary consent, subject to noise insulation required by previous permission being maintained and subject to attachment of same conditions relating to mitigation of nuisance.



## **REPRESENTATIONS**

**Letters of objection have been submitted from 4 separate addresses and one objection from Councillor Bennett on the following grounds:**

- Excessive noise and disturbance from the business over and above what would be acceptable in a residential setting
- The soundproofing installed along the party wall with the adjoining property is inadequate – noise from children can clearly be heard in adjoining habitable rooms
- Concerns that the temporary permission will be extended again
- Conditions have not been complied with, specifically:
  - concerns that the front room has been used for the business
  - there have been more than 6 children being looked after at the property on several occasions
  - The front garden has been used for play
  - Children arriving before the designated start time of 8.00 am
- Staff and parents creating parking problem / blocking access
- Loss of amenity in summer months caused by noise from outdoor play

**Letters of support have been submitted from 2 separate addresses on the grounds that the proposal would provide a valuable local service and has negligible impact on noise and highway safety.**

## **OBSERVATIONS**

### **PRINCIPLE**

1. The site is unallocated in the Trafford Local Plan Core Strategy. Given this, there are no specific policy restrictions relating to the principle of the use subject to there being no harm to the amenity of neighbouring properties and surrounding residential area or impact upon the highway network.

### **RESIDENTIAL AMENITY**

2. Policy L7 of the Core Strategy states that in relation to matters of amenity 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 Council's SPG, PG5 (1991) – 'Day Nurseries & Play Groups,' identifies that noise and the impact on residential amenity is a material consideration in assessing the impact of such uses in residential areas.
4. The Planning Inspectors decision, which is a significant material consideration, makes reference to the SPG as being '*outdated and of uncertain formality of its status...*' but '*...remains a material planning*

*consideration, addressing a range of planning considerations which are essentially timeless in their relevance and amenable to the simple application of good sense.'*

5. PG5 provides advice on the types of properties considered appropriate for the use. Whilst the proposed use, as a mixed use with a childminding business and residential would be less intense than a day nursery, due to the number of children, many of the considerations remain relevant.
6. The SPG sets out its expectations of the types of property that should be considered as suitable for day nurseries, the smaller types of which share many characteristics with the scale of childminding being applied for.
7. The 'Analysis of Effects' section within the SPG identifies the profile of the ideal domestic property that tends to be sought for the purpose. In this instance, it is neither large, nor detached. The Planning Inspector stated within the appeal decision that '...in planning terms, [the application property] is inherently unsuitable for the scale and intensity of the operation.' Although this decision was based on 13 children. The application, like the previously approved 95997/COU/18, seeks permission for 6no. pre-school children to be looked after at the property, not including the applicant's child. It was due to the uncertainty of whether the property was suitable for a reduced number of children, that the temporary permission 95997/COU/18 was granted: to ascertain the impacts of the proposed business use on residential amenity.
8. The SPG advises that the site should be sizeable in area with a long road frontage and large garden (over 10m<sup>2</sup> per child), so that comings and goings and outdoor play are not inevitably close to neighbouring properties and parking and manoeuvring space can be provided.
9. The site is relatively modest with a rear garden of approximately 75m<sup>2</sup> retained after a conservatory was erected at the property. For the number of children proposed to be attending the site, the level of external play area would be considered to be acceptable and in accordance with the requirements within PG5.
10. As stated in the previous report on 95997/COU/18 to ensure suitable mitigation to minimise the impact of the use on the adjacent properties, it would be necessary to provide appropriate controls to various aspects of the use, including restricting the hours of use for the garden.
11. The application documentation makes reference to the room layout and the rooms to be used for the childminding business. The applicant states that the front room labelled 3 on the plan, which shares the party wall with the neighbours lounge, is not used for the childminding business. The other rooms labelled 1, 2 and 4 on the plan, are to be used for the business – the conservatory (1) and back room (4) do not share a party wall with the adjoining property, but room number 2 does. The application states that room number 2 will retain the sound proofing to the party wall (in accordance with a

scheme submitted by RS Acoustic Engineering Ltd.) as required by condition 4A of permission 95997/COU/18.

12. Environmental Health have commented on the application and, based on the supporting information made available, they would support the continued use of the property for the business over an additional temporary period, provided that the soundproofing described is retained and that the other conditions previously applied to permission 95997/COU/18 are once again added and complied with.
13. The previous application 95997/COU/18 also had a condition requiring the use of the rooms to be in line with the submitted plan to ensure that the front room is not used for childminding, in order to reduce noise disturbance for the adjoining neighbours. However objections from neighbours suggest that the front room may still be used for childminding. It is not possible to say whether this is the case; however it is possible that neighbours are of the opinion that the front room is being used in connection with the childminding business as the noise from the business still carries through the party wall at an unacceptable level, despite the soundproofing in the back room.
14. The previous approval also conditioned the use of the outdoor play area to the rear of the property, stating that this shall be restricted to between the hours of 10:30 to 11:30 and 14:30 to 15:30 each day and at no other times, to restrict the level of noise nuisance in the interests of the amenity of the occupiers of adjacent residential properties. A further condition was also added to the previous permission requiring a Noise Management Plan including details as to how the noise outdoors will be managed, such as placement of outdoor play equipment to minimise impact upon neighbouring properties. While the NMP mentioned that play equipment would be sited in the middle of the garden away from boundary fences, as the rear gardens of the properties are relatively narrow this only retains a separation of around 2.5 / 3m either side which would not prevent noise carrying to any significant degree. Indeed it would appear that in practice the outdoor play still creates an issue for neighbours through noise disturbance, particularly when there is regular outdoor play during the summer months.
15. The previous permission also had a condition restricting hours of operation, although again objections from some neighbours suggest that children have on occasion arrived earlier than the specified 8am start which has led to early morning disturbance. In practice it has proven that though the conditions are in place and although the applicant may endeavour to comply with them, it is very difficult to control when parents would drop off / pick up children and even more difficult to monitor and enforce.
16. In summary, the reason for the temporary permission was granted to determine whether the mitigation measures proposed / conditions to limit noise and disturbance would be sufficient to ensure the business use had no detrimental impact on residential amenity. It would appear however that neighbours are still experiencing significant disturbance, particularly from internal / external noise and that the conditions put on the previous permission

are in practice very difficult to enforce / monitor. This is especially given the level of intrusion necessary to observe things like numbers of children at the premises at any one time, fluctuating noise levels, whether the front room (3 on plan) is being used as part of the business or not, whether children are playing outside within the allowed timeframes etc.

17. With this in mind it is considered that the temporary permission has demonstrated that the property is not suitable for permanent use for a childminding business of this type, as the levels of disturbance for residents (particularly the adjoining property) cannot be adequately controlled or mitigated and the result is a detrimental impact on residential amenity.

## **PARKING AND HIGHWAY SAFETY**

18. The property has a driveway and on street parking is available. It is noted that some residents have reported difficulties parking and with driveways being blocked at drop-off and pick-up times, however it is considered that given that the property has a driveway and that there is unrestricted on street parking available and also given that some drop-offs and pick-ups would be staggered to an extent, significant parking disruption would be unlikely and any minor disruption would likely be irregular and only be for very short periods.
19. The LHA has no objection to the proposal on these grounds. It is considered that the proposal would not result in any severe impact on highway safety.

## **CURRENT SITUATION**

20. The current COVID-19 pandemic and its impact on childcare and the economy is of direct relevance to this application. Government guidance on the use of conditions (para 14) states that under section 72 of the Town and Country Planning Act 1990, aside from using conditions to temporarily allow a change of use as a 'trial run' (such as with the previous permission), that:

*It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.*

21. Notwithstanding the above assessment, as the childcare use at 80 Temple Road is currently operational it is considered therefore that there is a clear rationale for considering an additional, short term (6 months) extension of the consent to enable the use to continue to operate and provide childcare support during the COVID-19 pandemic. Such an extension would only be considered acceptable due to the exceptional circumstances currently at play, to enable people to find alternative childcare arrangements for after the 6 months are concluded. The continued use of the property as a childcare business would not be supported following this period. The 6 month period

should also hopefully give time for the applicant to move the business into the new premises on Broad Road.

22. Officers consider that the proposed use is not acceptable long term and if not for the current situation would likely not support the proposal to extend the temporary use. However even if the extension of the use had not been supported any enforcement action would allow for a reasonable period of time for the business to close and for people to relocate their children to another childcare provider. Therefore in light of this and the current circumstances a 6 month extension would serve to enable ongoing support to parents and also give a reasonable timescale for finding alternative childcare.

## **CONCLUSION**

23. It is recognised that the use of this property for childminding purposes provides employment to two people and a valuable service to local residents. This must however be balanced against the amenity enjoyed by neighbouring properties, taking into account the proposed numbers of children and staff and the limited size of the application property and close proximity of neighbouring properties.
24. The temporary permission (ref 95997/COU/18) was granted to determine whether the mitigation measures proposed / conditions to limit noise and disturbance would be sufficient to ensure business use had no detrimental impact on residential amenity. It would appear however that neighbours are still experiencing significant disturbance, particularly from internal / external noise and that the conditions put on the previous permission are in practice very difficult to enforce / monitor, especially given the level of intrusion necessary to observe use and activity including: numbers of children at the premises at any one time, fluctuating noise levels, whether the front room (3 on plan) is being used as part of the business or not, whether children are playing outside within the allowed timeframes etc.
25. It is considered that the previous temporary permission has demonstrated that the property is not suitable for permanent use for a childminding business of this type, as the levels of disturbance for residents (particularly the adjoining property) cannot be adequately controlled or mitigated to ensure an acceptable level of amenity over the long term, contrary to L7 and NPPF. However on balance, given the current exceptional circumstances, it is considered appropriate to grant a short 6 month temporary consent to enable people to find alternative childcare arrangements for after the 6 months are concluded. It is considered that the impact on neighbour amenity over a short period, and likely with reduced levels of activity from the business due to the current lockdown, would on balance be acceptable for this period, however following this 6 month extension, the continued use of the property as a childcare business would not be supported.

## **RECOMMENDATION: GRANT subject to the following conditions:**

1. This childminding use hereby permitted shall cease 6 months from the date of the permission hereby granted. The temporary use will then cease and revert back to full residential use immediately on the expiry of the permitted term unless otherwise subject to the grant of express planning consent for the continuance of the use.

Reason: To prevent the permanent use of the property for a childminding business and to protect residential amenity, in line with policy L7 of the Trafford Local Plan Core Strategy and the NPPF.

2. The use hereby permitted shall operate such that no more than 6 pre-school children at any single time within the age ranges specified in the applicants supporting statement submitted 5<sup>th</sup> January 2020, are cared for at the property.

In order to ensure a use that safeguards the amenities of the occupiers of surrounding residential properties and thereby accords with the provisions of policy L7 of the Trafford Local Plan Core Strategy.

3. The use of the childminding business hereby permitted shall operate only between the hours of 08:00 and 18:00 Monday to Thursday only and at no time on Fridays, weekends, Bank or Public Holidays.

To safeguard the interests of occupiers of adjoining and nearby residential properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy.

4. The Party Wall Sound Insulation Enhancement Scheme, described in the statement referenced RSA213-2017 dated 7th November 2018, shall be retained until the childminding business use ceases.

To safeguard the amenity of the neighbouring properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy.

5. The use of the outdoor play area to the rear of the property shall be restricted to between the hours of 10:30 to 11:30 and 14:30 to 15:30 each day and at no other times unless otherwise agreed in writing by the Local Planning Authority.

To restrict the level of noise nuisance in the interests of the amenity of the occupiers of adjacent residential properties.

6. The use of the outdoor space to the front of the property shall not be used as a play area in connection with childminding use hereby permitted.

Reason: To restrict the level of noise nuisance in the interests of the amenity of the occupiers of adjacent residential properties

7. The measures detailed within the Noise Management Plan submitted under application 96764/CND/19 and approved on 22 May 2019 shall be retained throughout the operation of the use hereby approved.

Reason: To safeguard the amenity of neighbouring properties and in accordance with policy L7 of the Trafford Local Plan Core Strategy

8. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and supporting statement:
  - Amended House Layout Plan submitted 13<sup>th</sup> February 2020.
  - Supporting statement submitted 5<sup>th</sup> January 2020

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

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JS



80 Temple Road, Sale, M33 2FG



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/04/2020
Date	01/04/2020
MSA Number	100023172 (2012)



**Erection of a 9-storey hotel (use class C1) comprising 197 bedrooms, formation of a new vehicular access onto Barton Road; associated parking and servicing areas; landscaping; provision of a detached sub-station and associated development thereto.**

Land At Circle Court , Barton Road, Stretford, M32 9QJ

**APPLICANT:** Create Developments Ltd

**AGENT:** Icen Projects Limited

**RECOMMENDATION: APPROVE**

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**The decision on this application will be taken by the Head of Planning and Development (in consultation with the Chair, Vice Chair and Opposition Spokesperson) and Planning and Development Committee as six objections have been received contrary to the Officer recommendation. The statutory target date for decision making is imminent and there is no Planning Committee in the municipal calendar at which this application can be considered.**

### **SITE**

The application site (circa. 0.65ha) relates to an area of hardstanding immediately to the north side of Circle Court a high rise apartment block managed by Trafford Housing Trust (16 storeys in height) and which has been used as an overflow parking area associated with Circle Court. The application site is at a marginally lower level than Barton Road to the east side of the site. The slip road to the M60 (Junction 9) is located to the west side of the site, the motorway and slip road are at a higher level to the application site. To the north side of the site is Lostock Circle which is the main gyratory roundabout of Junction 9 linking to Barton Road, Lostock Road and Parkway.

Vehicular access to the Circle Court apartment block and the application site currently is from Moss Vale Crescent to the south side of the site. Existing car-park provision for Circle Court is located along the western boundary, part of which is included within the red edge of the application site and includes a flat roof five car garage block.

To the east side of the site on the opposite side of Barton Road is a petrol station and a terrace of commercial premises collectively referred to as The Circle. To the south side of the site is Moss Vale Crescent which is predominantly residential. The M60 motorway is located to the west side of the site beyond which is residential development within Urmston. A pedestrian pathway extends under the motorway close to the vehicular access to the site leading to Canterbury Road in Urmston.

The Trafford Centre is located to the north-west of the site beyond Lostock Circle and Barton Clough Primary school is located to north-east of the site. A new SEN school has recently been approved within the grounds of Barton Clough School.

The site is unallocated within the Revised UDP Proposals Map, although the Circle Court apartment block is part designated as a neighbourhood shopping centre. The site is located within a Flood Zone 1 area (lowest risk of flooding); a Critical Drainage Area within Trafford Council's SFRA and is also within an Air Quality Management Area. Longford Brook Culvert extends under the application site in addition to a high pressure oil line. There are no identified designated or non-designated heritage assets in the vicinity of the development site.

## **PROPOSAL**

The application proposes the erection of a 9 storey hotel building with 197 bedrooms (use Class C1). The building would be located towards the northern-eastern extremity of the application site and would measure approximately 33.5m at the highest point.

The building would incorporate a rectangular footprint and form which would be replicated across all nine floors. The ground floor area would include the main reception hub/welcome zone area with restaurant and communal areas including toilets; seating areas, dining areas and meeting pods. The back of house area is also located at ground floor level and includes housekeeping/laundry; offices; staff changing room and break room; food preparation area, luggage storage and plant room. The main entrance will be on the west side of the building with a secondary entrance on the east elevation (Barton Road side).

A fitness suite is located at first floor level with bedrooms suites provided across level 1 – Level 8, two guest lifts and stair cores are provided for guests across all 9 floors. Roof plant including the lift shaft housing will be located behind a parapet screen incorporated into the building design.

A new vehicular access would be formed from Barton Road along the eastern site boundary. A new car-park area will be located along the southern and western side of the hotel building providing 127 car park spaces (including 9 disabled spaces) six of the car parking spaces will also be allocated as electric vehicle charging points. A drop off and pick up area will be located immediately in front of the main entrance lobby. A dedicated area for deliveries including a HGV turning area is provided to the north west side of the site. 20 cycle spaces and 8 motor cycle spaces will be provided and a substation and generator structure will be located adjacent to the building and the new site entrance. It is suggested that the development will result in 40 full time jobs.

The floorspace of the proposed new development is stated as 7047sq.m.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

W1 – Economy

W2 – Town Centres and Retail

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R2 – Natural Environment

R3 – Green Infrastructure

R6 – Culture and Tourism

## **PROPOSALS MAP NOTATION**

None

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

SPG1 New Residential Development (2004)

Revised SPD1: Planning Obligations (2014)

SPD3: Parking Standards and Design (2012)

## **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 summer 2020 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) in 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 was updated on 1<sup>st</sup> October 2019. The NPPG will be referred to as appropriate in the report.

## **NATIONAL DESIGN GUIDE**

This document was published by the Government in October 2019 to illustrate how well designed places can be achieved in practice. It forms part of the Government's collection of planning practice guidance.

## **RELEVANT PLANNING HISTORY**

90557/FUL/17 - Erection of residential development on land adjacent to Circle Court tower block, comprising of 40 no. flats within 2no. five-storey apartment blocks. Formation of a new vehicular access from Barton Road and a highway through the site, demolition of existing garage block. Includes car parking, landscaping and boundary treatments to site – Approved 10<sup>th</sup> November 2017

79116/FULL/2012 – Land of Circle Court – Use of site for contractors compound for a period of 24 months and provision of new vehicular access – Approved 16<sup>th</sup>

November 2012.

## **APPLICANT'S SUBMISSION**

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

- Planning Statement
- Crime Impact Statement
- Design & Access Statement (incl. Waste Management Strategy)
- Drainage Statement & Preliminary Drainage Strategy
- Flood Risk Assessment
- Lighting Assessment
- Local Economic Benefits & Employment Plan
- Noise Assessment
- Phase I & II Site Investigation Reports
- Statement of Community Involvement
- Townscape Visual Impact Appraisal
- Wind Microclimate Desktop Review
- Town Centre Statement (including subsequent statement in response to representations received)
- Transport Assessment and Framework Travel Plan (including updated Framework travel Plan)
- Air Quality Assessment
- Arboricultural Survey

## **CONSULTATIONS**

**Local Highway Authority (LHA)** – Recommend condition for submission of a Full Travel Plan to address concerns over parking shortfall, other highway conditions recommended. Further comments are discussed in detail in the Observations section of this report.

**Trafford Council Pollution & Housing (Air Quality)** – No objections, subject to inclusion of a Construction Method Statement condition. Further comments are discussed in detail in the Observations section of this report.

**Trafford Council Pollution & Housing (Nuisance)** – No objections, subject to inclusion of appropriate conditions with regards glazing & ventilation; servicing/deliveries hours of operation; kitchen extract details; external lighting and a construction method statement. Further comments are discussed in detail in the Observations section of this report.

**Trafford Council Pollution & Housing (Contaminated Land)** – No objections, subject to a conditions requiring submission of a remediation strategy and associated verification report. Further comments are discussed in detail in the Observations section of this report.

**Trafford Council (Strategic Planning)** – No objections, further comments are discussed in detail in the Observations section of this report

**Trafford Council (Strategic Growth)** – No comments received at time of report preparation

**Trafford Council (Waste Management)** – No comments to make regarding the proposed development.

**Trafford Council Heritage Development Officer** – No objections, further comments are discussed in detail in the observations section of this report.

**Lead Local Flood Authority (LLFA)** – No objections subject to drainage condition, further comments are discussed in detail in the Observations section of this report.

**GM Ecology Unit (GMEU)** – No objections, further comments are discussed in detail in the Observations section of this report.

**GM Police (Design For Security)** – No objections, recommend a condition to secure physical security specifications within the CIS

**GM Fire Authority** – No objections, recommend informatives relating to internal site access roads and sprinkler systems.

**GM Archaeological Advisory Service (GMAS)** – No objections

**Highways England** – No objections

**Cadent Gas** – No comments received at time of report preparation

**Transport for Greater Manchester (TfGM)** – No objections, further comments are discussed in detail in the Observations section of this report.

**Electricity North West** – No comments received at the time of report preparation.

**United utilities** – No objections, recommend conditions relating to surface water drainage and separate drainage systems for foul and surface water. Further comments are discussed in detail in the Observations section of this report.

**National Air Traffic Services (NATS)** – No objections

**Environment Agency** – No objections, further comments are discussed in detail in the Observations section of this report.

**Manchester Airport Group (Aerodrome Safeguarding)** – No objections, recommend an informative be included relating to cranes.

**Manchester Airport Group (Operator)** – No comments received at time of report preparation

**City Airport** – No comments received at time of report preparation

**Health & Safety Executive** – No objections

**Trafford Power Station** - No comments received at time of report preparation

## **REPRESENTATIONS**

**Neighbours:-** Letters of objection have been received from seventeen individual addresses, citing the following concerns:-

### Impact on Residential Amenity

- There will be an increase in noise in a residential area, during construction and after (circle Court only has single glazing)
- The site suffers from vermin (rats)
- Residents endure a high level of pollution due to the motorway
- Views of residents at Circle Court impacted
- Air pollution will result from the construction, how will Circle Court residents be protected.
- Privacy problems with looking out over private properties in the Barton Road and Lostock/Canterbury Roads.
- 24 hour access to the hotel will disturb residents at Circle Court

### Design

- The surrounding area will not be enhanced by the erection of a taller building and additional car-parking.
- Such a tall building will be considerably visible throughout residential areas and predominantly two storey domestic scale surrounding.
- It is suggested that the hotel should be scaled down to 5 stories in height.

### Highways and Parking Issues

- The development will remove parking provision from Circle Court apartments. Residents from Circle Court currently park along Moss Vale Crescent.
- The application proposal will result in an increase in the amount of visitors, cars and supply vehicles to the area, the site cannot accommodate this increase.
- Increase in traffic on surrounding streets and the motorway and particularly to the Trafford Centre and Trafford Park.
- The hotel should be located in Trafford Park nearer leisure activities and the tram system.
- Lostock Circle is a very congested area in addition to the M60 motorway, the proposal should be delayed until the new school is functioning to better understand traffic and parking activity from the school
- Construction traffic should not share the access/driveway into Circle Court
- Frequent tailbacks on roads serving junction 9 of the M60 including Barton Road and such tailbacks will pass the proposed entrance to the site.
- The site is not easily accessible by bus or train and people would use the Holiday Inn at the Trafford Centre, people will use taxis to access this site.

- Trafford Council are showing disregard in relation to the impact of the congestion will have on the public and environment and the issue should be put to a public Inquiry.
- There is inadequate access
- If the size of the hotel is reduced then this would reduce parking pressures.

### Other Matters

- The site should be developed for social housing
- A recent fire at Circle Court could have ended in tragedy.
- The application will result in hotel car parking on the green space beside Moss Vale Crescent (Officer Note: This is not correct no parking for the hotel is located outside of the application red edge)
- A new school will be built on green space on land behind Audley Avenue; this proposal will result in the loss of further green space used by residents at Circle Court
- There are currently four mid-range hotels (3x Premier Inn and 1 x Holiday Inn) operating in close proximity to Trafford Park and the Trafford Centre, they are reasonably priced and rarely fully booked. Another hotel is unnecessary.
- The existing Circle Court building is an eyesore and was built by Stretford Council, Urmston local authority and residents strongly objected and it was still built and is still a sore subject in Urmston.
- Such a tall building could affect terrestrial radio and terrestrial television signals
- Trafford Housing Trust tried to get housing on the site but they weren't getting the profits, it is believed the cost of fitting out the housing to filter air pollution means it is cheaper to sell to a hotel development.
- The site should be bought by Trafford Council and create a small nature plot and should be used to counter the pollution and not add to it.
- Crime will increase as opportunists see parked cars as an easy target
- The area is already overbuilt and the site is too small
- It is acknowledged that the scheme will make good use of derelict land and boost the economy and jobs but it needs to be reduced in size.

A letter of Objection has been received from Lostock Community Partnership, citing the following concerns:-

- This is the only area of green space in the vicinity of the high rise flats, residents will be looking onto a car park instead of green space.
- Noise & disturbance of visitors parking and associated activity particularly to residents of Circle Court and Moss Vale Crescent.
- Loss of this green space and the area for the new school will mean there is no green space for residents of Circle Court or Moss Vale Crescent.

An objection has also been received from Intu Trafford Centre and also from Peel Land & Property (L&P)



## Intu Trafford Centre

Intu Trafford Centre object to the proposal in relation to the sequential site selection procedure. Intu suggest that the Strategic Location of the Trafford Centre Rectangle is a sequential preferable location and that the applicants consideration of available sites within the Trafford Centre Rectangle is considered not to be robust.

Intu also object to the proposal with regards the lack of car parking provision and the unsustainable nature of the site. They have also highlighted that the TRICS based trip rates within the Transport Assessment should include weekend trip generation for hotels not only week days. Intu also suggest that in order to provide a robust assessment of the traffic generation that committed developments at Land at Neary Way (Food retail store) and a number of recent drive-thru restaurants boarding the Trafford Centre Rectangle should be considered.

## Peel L & P

Peel L & P have also objected to the proposal with regards the sequential site selection procedure. Peel L&P have highlighted a number of sites within the Trafford Centre Rectangle which they consider should have been considered as part of the applicants sequential assessment. These include Trafford Waters which has an outline approval for a hotel with up to 300 bedrooms; a site adjacent to the Container Terminal on Barton Dock Road the relocation of the Eventcity provides an opportunity for a new hotel to be located at the western end of the Trafford Centre Rectangle Area. Peel L&P have stated that the site has relatively limited accessibility by modes other than the private car and they highlight the LHA's observations that walking and cycling accessibility to the site is sufficient justification for the proposed parking shortfall.

## **OBSERVATIONS**

### Decision Making

1. S.38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions, 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. Although some aspects of relevant development plan policy are out of date (e.g. the requirement to 'enhance' in Policy R1 and the housing land supply policies in L1 & L2), in relation to this particular application, when considering the overall basket of 'most important' policies the development plan is considered to be up to date for decision making purposes and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

## **PRINCIPLE OF DEVELOPMENT**

### Town Centre Use

5. Policy W2.12 states 'there is a presumption against the development of retail, leisure and other town-centre type uses except where it can be demonstrated that they satisfy the tests outlined in current government guidance'. A hotel (Use Class C1) is considered to be a main town centre use, as defined in the NPPF. The application site is not located within a designated centre, it is outside the Trafford Centre Triangle allocation and is an undesignated site. This proposal is for a 'main town centre' use, as defined in the NPPF and is therefore not in accordance with the NPPF or Core Strategy Policy W2.
6. Paragraph 86 of the NPPF, states that a sequential test is required for main town centre uses that are not in an existing centre and which are not in accordance with an up-to-date Local Plan. It goes on to state that 'Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'
7. Paragraph 87 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. Annex 2 of the NPPF defines edge of centre, excluding retail use, as a location for all other main town centre uses within 300 metres of a town centre boundary.
8. Policy W2 of the Core Strategy is considered to be compliant with the NPPF in supporting the growth of town centres and the role they play in local communities and is therefore up-to-date for the purposes of decision making. This states that outside the established retail centres, there will be a presumption against the development of retail, leisure and other town centre type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.
9. A sequential test has been submitted in support of this application. The applicant has considered sites in the nearest town centres to the site which includes both Stretford and Urmston Town Centres. To ensure a robust approach, the applicant also considered available sites in out of centre shopping areas which includes the Trafford Centre Rectangle; Trafford Retail Park and White City Retail Park.

10. The application site measures approximately 0.65ha in area and the applicant has considered any existing units, buildings or sites between 0.5ha – 0.75ha in size to demonstrate flexibility. The applicant has also considered Altrincham town centre and Sale town centre as well as around Old Trafford. These sites were ruled out due to distance from the site; existence of hotel operators and suburban commuter areas with no core business users.
11. A total of 12 sites were considered within and on the edge of Stretford Town Centre but have been ruled out as potential sites due mainly to not being available or suitable to accommodate the proposed development. Within Urmston town centre and edge of centre no available sites within the size category specified were identified. The applicant has also considered three sites which had been identified as part of the consultation draft of the Land Allocations Plan (January 2014 although never adopted) as action areas for Urmston Town Centre. These sites had been ruled out for a variety reasons including specified retail/office/residential uses classes identified by the LPA as appropriate for these sites redevelopment and also that existing commercial operators currently occupy the site.
12. The objections received from Intu Trafford Centre and Peel includes the suggestion that the Strategic Location of the Trafford Centre Rectangle is a sequentially preferable area than the application site. Policy SL4.2 – Trafford Centre Rectangle details what this location can offer. Included is a high quality (4\* minimum) hotel and conference facility, in the region of 200 bed spaces and located close to junction 9 of the M60. A new hotel has been delivered as part of this policy requirement at the junction of Mercury Way and Barton Dock Road and the site is now occupied by a Holiday Inn Express.
13. Policy W2, paragraph 19.11 sets out the Boroughs hierarchy of centres as follows:-
  - Main Town Centre – Altrincham;
  - Other Town Centres – Sale, Stretford and Urmston;
  - District Centres – Hale, Sale Moor and Timperley; and
  - Local Centres, including Partington.
14. The Trafford Centre Rectangle is not a town centre location for the purposes of the NPPF definition or Core Strategy Policy W.2. The Trafford Centre Rectangle is subject to a specific Core Strategy Policy SL4 which aims to ensure certain forms of development are brought forward including infrastructure improvements.
15. Intu have provided details of two sites within existing car parks at the Trafford Centre that they are marketing for hotel development. The applicant has provided a response to the two suggested sites following the representation made by Intu.
16. The applicant states that these two sites are ‘out-of-centre’ locations and any hotel development proposal coming forward on either of these sites would be subject to a sequential assessment in accordance with national and local planning policy.

17. The applicant suggests that if the sites were suitable or viable a scheme would have already been progressed by Intu or another developer. The sites are located within the Trafford Centre car park which is currently operational and therefore unlikely to come forward for development within a reasonable time period. Given the amount of work involved in bringing a scheme forward, the site is not considered to be available for occupation by the applicant in the short term. The applicant has stated that the two sites within the car park of the Trafford Centre are not considered to be available, suitable or viable to accommodate the proposed development.
18. Peel L&P have identified three sites which they consider are more sequentially preferable within the Trafford Centre Rectangle. These include:-
19. Trafford Waters – An outline application (85282/OUT/15) has been approved for a comprehensive redevelopment of land at Manchester Ship Canal and Trafford Boulevard, to include 3000 dwellings; officer; commercial; car home and primary school and hotels (stated as up to an overall total of 300 bedrooms). This site although it benefits from an extant permission is not immediately available for the applicant. Applications for reserved matters have yet to be submitted and not all pre-commencement conditions have been discharged. As the proposal is large scale redevelopment (rather than an individual hotel proposal), there will be significant preparation, enabling, remediation and infrastructure works that need to be completed before any floorspace can be delivered. Any hotel delivered at this location would not be 'available' within a reasonable period of time having regard to the immediate operator need. The applicant has stated that the Trafford Waters scheme is neither available nor suitable to accommodate the proposed development.
20. Land at Containerbase Barton Dock Road – This site which extends up to Parkway is not being actively marketed or promoted for a hotel and therefore is not considered to be available and it is questioned if suitable or viable as no scheme has come forward by the landowner. In addition the site is not suitable or viable as it measures approximately 4ha over six times larger than the application site. It is too large to accommodate the proposed development, even when applying a significant degree of flexibility. In relation to the sites accessibility, whilst the Metrolink now extends to Barton Dock Road and the Trafford Centre, this does not provide a direct connection to Urmston and Stretford Town Centres (the two centres assessed as part of the sequential assessment). The application site is within walking distance (under 400m) to a number of bus stops (e.g. two on Barton Road and three on Lostock Road) which provide a direct connection to the town centres in the catchment area of the application site (i.e. the centres which are specifically being assessed as part of this application). For example, bus services 25 and 256 run from Barton Road (adjacent to the application site) directly to Stretford Town Centre and take just 7 minutes. Although there is no policy definition of how to determine accessibility it is suggested by the applicant that, on balance, the application site is no less accessible than the site suggested by Peel and cannot be concluded to be sequentially preferable. The applicant states that the former Containerbase site is not sequentially preferable to the application site. It is in an 'out-of-centre' location; the Trafford Centre Rectangle policy requirement for a hotel has

already been met; it is not more accessible than the application site; and it is not available, suitable or viable to accommodate the proposed development.

21. Land at Event City Barton Dock Road – Event City is still an active use as a conference, gala dinner and exhibition centre so not currently available to accommodate the proposed development. Planning permission was granted recently for the use of the site as a ‘Wellbeing resort’ which does not make provision for a hotel. The applicant has stated that Event City is neither available nor suitable to accommodate the proposed development.

22. The alternative sites within the Trafford Centre Rectangle have been considered by the applicant but ruled out for the reasons stated.

23. With regards the alternative sites advanced by Intu and Peel, the main consideration is that the Trafford Centre Rectangle (Core Strategy Policy SL4) does not constitute a sequentially preferable location for a main town centre use. Paragraph 86 of the NPPF is clear that the sequential test should be applied in the following order; town centre, edge of centre and then out-of-centre (only if no suitable sites are available elsewhere). There is no priority given to allocated sites. The issue of accessibility referred to in Paragraph 87 of the NPPF is not considered applicable in this case since neither the Intu or Peel sites are no better related to a town centre. Core Strategy Policy W2, in dealing with out of centre proposals, also defers to government advice within the NPPF. Concluding on these alternative sites suggested by Intu and Peel the sites are out-of-centre, not sequentially preferable, of no better status in NPPF terms, and the requirement for a hotel under Policy SL4 has in any event already been met. On this last point, even if a hotel had not been delivered as part of the Policy SL4 requirement, the site wouldn’t be a ‘sequentially preferable location’ in NPPF terms, although there may be material considerations under the development plan to apply (if the absence of a hotel could prejudice the delivery of the strategic location, for example).

24. The application site is considered to be in a reasonably sustainable location, it is within Greater Manchester Accessibility Level (GMAL) 6, (most accessible level is 8) close to bus routes on Barton Road and Lostock Road and approximately 0.9km from Humphrey Park railway station on the main Manchester to Liverpool line and a similar distance to the new Metrolink Station at Barton Dock Road.

25. On the basis that it has been demonstrated that there are no sequentially preferable sites (either within or closer to established retail centres) that could accommodate the proposed hotel it is considered that the proposal is an

appropriate use within this location and is compliant with Policy W2 and the NPPF.

## **DESIGN, SCALE & LAYOUT**

26. Paragraph 124 of the NPPF states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
27. Paragraph 130 urges local planning authorities to refuse 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. It continues in para 131 to state that when determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
28. The National Design Guide was published by the Government in October 2019 and sets out how well-designed buildings and places rely on a number of key components and the manner in which they are put together. These include layout, form, scale, appearance, landscape, materials and detailing.
29. This states at para 120 that *'Well-designed homes and buildings are functional, accessible and sustainable'* and goes on to state at para 122 that *'Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by.'*
30. Policy L7 of the Trafford Core Strategy reflects the importance of design quality to the Borough's built environment and states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
31. Policy L7 'Design' is considered to be compliant with the NPPF and therefore up to date for the purposes of determining this application as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code.
32. The proposed building is located towards the north-eastern side of the application site. Vehicular access will be taken from a new access point immediately to the south side of the building with car parking located to the south and west side of the site. The siting of the building near to the north-east boundary is due to an

existing culvert and a major pipe line which extends underneath the site. Whilst it would be advantageous to have the building located more centrally within the site, the physical restrictions as indicated severely limit the location of the building. The applicant has sought to design the building in order that the ground floor footprint extends nearest to the site boundary whilst the central tower core is set in from the ground floor plate particularly on the north and eastern sides nearest Barton Road.

33. The layout of the site will include a substation and generator structure located to the south side of the building and close to the vehicular access. This structure would be visible from the streetscene (measuring approximately 3m in height). However the constraints within the site have limited the location for the substation which must be easily accessible for operational purposes. The applicant has suggested appropriate external materials and surrounding landscaping to help mitigate its visual impact. It is considered that further detail can be secured through the inclusion of an appropriate condition seeking final details of the substation structure.
34. As indicated the building will measure approximately 33.5m to the highest point which is the parapet wall around a section of the roof perimeter. The footprint of the building follows an irregular rectangular configuration measuring approximately 22.5m x 55.5m and narrows in its width as it extends from 1<sup>st</sup> floor to 8<sup>th</sup> floor measuring approximately 16.5m in width. Due to the difference in site levels (i.e. Barton Road at marginally higher level than part of the application site ground level) it is proposed to increase site levels within parts of the site by up to approximately 0.8m this relates mainly to the new access road into the site and areas of the new car park layout. The new building is shown as being on a finished ground level raised by between 0.3m – 0.4m from the existing ground level. These changes to site levels are necessary to make the site functional in relation to have a level access into the site and to ensure a coherent land level is achieved across site.
35. The building will retain a distance of approximately 2.3m to the Barton Road boundary from the ground floor part of the building at the nearest point (towards the south side of the new building). Towards the north-eastern side of the building a distance of approximately 3.7m – 12m is retained from ground floor level to the Barton Road boundary given the configuration of the site and building footprint. As indicated the first to eighth floor central tower is set in from the ground floor footprint and this central core would retain between approximately 7m – 8m to the boundary.
36. The ground floor area comprises large expanses of glazing to create active frontages this includes part of the Barton Road elevation on the east side. The building height is relatively consistent with the exception of the parapet wall which has a section which extends marginally higher than the main building parapet

level; this higher parapet is constructed from aluminium insulated panels between brick panels to form a roof plant screen. The applicant has sought to incorporate marginal recesses on each side elevation to further differentiate the higher section of building.

37. The building also incorporates recessed vertical glazed elements along with aluminium panels in a bronze finish. This is further articulated by the brick frame design with a variety of brick bonds and recesses and follows a grid pattern across the building with regimented window layout reflecting the internal layout of the hotel rooms. The applicant has introduced additional glazing on the south elevation and sections of glazing and panels to the north elevation to provide further interest and articulation particularly as both these elevations will be highly prominent within the streetscene.
38. Proposed materials include dark and light grey facing brick to help draw out the detail of the elevations along with aluminium panels and spandrel window panels. At ground floor level the applicant is proposing to use artificial green walls as a means of screening external storage areas.
39. The area surrounding the site is generally two storey suburban residential development, particularly to the east and south of the site. The exceptions to this are the Circle Court tower block extending to some 16 stories in height, along with the raised M60 motorway. The motorway is a significant characteristic of the area and is detrimental to the quality of the townscape, in particular it acts as a barrier between Urmston to the west side of the site and Stretford and was completed in the late 1970s.
40. Circle Court tower block was developed circa.1968 and forms a landmark building in this location, albeit it would be considered to have a negative impact on the character of the area.
41. Further to the north is the Trafford Centre and Trafford Park where larger commercial and industrial development is prevalent. To the north east of the site is the Barton Clough Primary School and Lostock Park an urban parkland which acts as a green buffer between the residential areas and industrial development to the north
42. Due to the scale and height of the proposed building at nine stories in height it will be visible from all surrounding streets and certain viewpoints in the wider area as demonstrated in the TVIA submitted as part of the development proposals.
43. The TVIA identifies the application site to be of low sensitivity with regards its existing impact on Townscape sensitivity, the trees around the periphery of the site contribute to greening the urban environment. The proposed development is considered to result in a moderate townscape effect on the development site. The high quality design of the new building is considered to result in a beneficial



impact on the existing site and its impact on the wider townscape is considered to be neutral to beneficial as no identified areas of quality or value in townscape terms will be affected.

44. The TVIA undertook an assessment of near and mid-distance views of the development site (12 viewpoints in total) which are considered to be representative of the range of views that one would experience of the proposed development. These include M60 J9; Barton Road junction with Moss Vale Road; Moss Vale Road; Audley Avenue; Canterbury Road; Lostock Road; Westminster Road; Lostock Park; Audley Avenue; Barton Road; Trafford Centre Car Park and Kingsway Park. This assessment also considered the impact of the development on the skyline. The TVIA found that there was no visual receptors considered to be of a medium or high sensitivity (this includes Conservation Areas or waterfront walkways) or where the view includes features of noted cultural or historic importance. The TVIA found that the quality of views was poor to ordinary influenced by the poor quality public realm, the M60 motorway and existing features in the surrounding urban landscape.
45. The existing tower block at Circle Court as indicated is considered to have a negative impact on the character of the area. The tower block does break the skyline from some of the viewpoints which has the resultant effect of reducing the effects of the proposed building on the skyline. It is suggested in the TVIA that the new building would have a moderate effect to visual receptors close to the site. Views from beyond the immediate context are considered to be slight to negligible with the overall impact on the skyline assessed as low which is partly due to the impact of the significantly higher Circle Court tower block.
46. The proposed hotel building has a defined rectangular footprint, with the existing Circle Court having a staggered square layout. Circle Court measures approximately 45m in height which is approximately 11.5m higher than the proposed building. The new building will have a greater horizontal form to that of the existing Circle Court building. The TVIA has concluded that the proposed hotel would be proportionate to the scale of the existing Circle Court tower and would make a positive contribution to its setting and that there would not be any significant change to the existing skyline.
47. Good quality design is an integral part of sustainable development. The NPPF and PPG including the National Design Guide recognise that design quality matters and that the planning process should be used to drive up standards across all forms of development.
48. It is accepted that the proposed development at a maximum height of 9 storeys plus would be a significant building in the streetscene. The location of the application site however, beside the motorway which is at an elevated level from the application site, mitigates the impact of the building within the general

streetscene with the further consideration of the size and scale of Circle Court tower block which overwhelmingly dominates the landscape in this location.

49. The plans and supporting visuals prepared for the application demonstrate that the building will integrate well with its context and has an acceptable appearance in both short and long term views from the surrounding area. It is considered that attempts to break up the scale and mass of the building through articulation, verticality and quality of materials have resulted in an appropriately designed scheme. The design approach and contemporary materials proposed within the development are considered to result in well composed elevations which appear appropriate within the context of the site without harm to visual amenity. The proposal is therefore considered to be in accordance with Policy L7 of the Core Strategy and the NPPF.

## **RESIDENTIAL AMENITY**

50. Para 127 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.

51. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.

52. Although the application does not relate to new Residential Development it is considered that the Council's New Residential Development Planning Guidelines document (PG1) is of some relevance in considering the distances necessary to maintain good standards of residential amenity although it carries only limited weight in relation to the current scheme for a hotel building. The guidance document does not include specific guidelines for tall buildings but it does state that for development of four or more storeys where there would be major facing windows, flats should retain a minimum distance of 24m across public highways and 30m across private gardens.

53. The nearest residential properties with regards the new development is the Circle Court tower block. A distance of approximately 55.5m is retained from the north facing elevation of Circle Court to the south facing elevation of the new building. The northern elevation of Circle Court has two clear glazed windows either side of a central stairwell window over each level of accommodation (15 levels above ground floor)

54. The new building is located in a north-easterly direction from Circle Court and therefore it is not located immediately adjacent to the north elevation of the existing circle court building. This siting of the new building on site in addition to

the significant intervening distance of approximately 55.5m is considered sufficient to prevent any overbearing or loss of light to the residents within Circle Court. It is also relevant to note that the extant residential development permission (90557/FUL/17) included one of the two approved residential blocks located closer to the Circle Court building (retaining a distance of approximately 12m – 29m between both buildings given the irregular footprint of the approved residential block) than the proposed new hotel building, this is a legitimate fallback position which should be given weight. The residential block was also positioned adjacent to the north elevation of Circle Court and therefore more directly located with regards the windows on the north elevation of Circle Court, albeit the new residential block was five stories in height.

55. In terms of overlooking the south-east facing elevation of the hotel will have three windows across each floor from first floor to eighth floor. The central window serves a communal landing area and the window either side serves a stairwell core serving either side of the central corridor serving the bedrooms. Whilst the new building will be positioned in a marginally angled configuration relevant to the site boundary; residents at Circle Court would be able to view the west side elevation of the hotel. However it is not considered to result in any undue overlooking given the distance retained between both buildings and the angled positioned of the hotel windows which would be positioned in south-west direction towards the M60. It is therefore considered that given the intervening angled distance of approximately 55.5m between both buildings and the communal stairwell/landing windows positioned on the south-east elevation facing the Circle Court that no undue overlooking or loss of privacy would result with regards the occupants of Circle Court.

56. Residential properties are also located nearby to the south-east of the site above commercial premises at The Circle; Audley Avenue behind the petrol station on Barton Road and on the opposite side of the M60 on Lostock Road/Canterbury Road. However the proposed development is not considered to result in any adverse impact with regards overlooking or loss of light, given the separation distances. A distance of approximately 80m would be retained from the new building to The Circle; approximately 95m to the nearest property on Audley Avenue (No.96) with the petrol station located in the intervening distance and approximately 140m retained at the nearest point to Lostock Road with the elevated M60 in the intervening distance.

57. Part of the new car parking layout will involve parking spaces positioned whereby cars will face towards Circle Court and thereby car headlights will shine towards Circle Court, however it is not considered to result in undue impact on residential amenity. The ground floor area of Circle Court has no habitable residential accommodation; a distance of between approximately 8m – 10m is retained at the nearest point from the parking spaces to the Circle Court building and the

proposals will include the provision of soft landscaping measures such as hedgerow planting which would also limit lights from parked vehicles.

### Noise & Air Quality

58. The application is supported by a Noise Impact Assessment (NIA) that assesses the potential impact of noise sources within the vicinity of the site upon the proposed development and in addition, it considers the potential noise impacts of the operation of a hotel upon the surrounding residential amenity, in accordance with national planning guidelines, relevant British Standards and other guidance documents relevant to the assessment of noise impacts.
59. The required level of sound insulation and mitigation measures has been dictated by the incident traffic noise levels, particularly from the adjacent M60 motorway. A scheme of minimum glazing configurations has been presented within the NIA and in addition, the areas of the building where alternative means of ventilation will be required (where the sound insulation scheme relies on windows being closed at all times) have been identified. The Councils Pollution & Housing section have considered the proposed development with respect to noise and having regard for the information detailed within the NIA, and recommend a condition be attached to any decision that requires the submission of details of glazing and ventilation strategy that demonstrates compliance with the recommendations contained within the NIA. Noise from a likely suite of fixed plant associated with the hotel has been determined as having no adverse impact onto adjacent existing residential receptors. The potential for adverse impact to guests of the proposed Hotel due to activities from the adjacent Petrol Filling Station has been found to be unlikely.
60. There is a potential for undue disturbance to affect the adjacent residential occupiers, in addition to the guests of the proposed hotel, should servicing and deliveries occur during more noise-sensitive hours. It is therefore considered appropriate to condition the hours of servicing/deliveries at the hotel at appropriate times during the week and weekends to ensure no adverse impact on nearby residents.
61. The applicant has also submitted an Air Quality Assessment (AQA) in support of the proposed development. The AQA has been considered by the Councils Pollution & Housing section. The assessment confirms the hotel use and the absence of staff accommodation as part of the building means that the building itself will not be relevant in relation to annual exposure levels of nitrogen dioxide. The AQA advises that the levels of nitrogen dioxide across the site will be below hourly objective levels. The Councils Pollution & Housing Section have confirmed that the additional traffic generated as part of this development creates only a negligible impact on local air quality at nearby sensitive receptors. A condition is recommended for details of the extract cooking system as part of the

kitchen/restaurant element of the development to be submitted for approval in the event of planning approval being granted. A Construction Environmental Management Plan condition is also recommended, which would include details of how any construction related dust is mitigated to ensure no impact on air quality for nearby residents.

62. The Pollution and Housing section have considered the proposed development with regards noise and air quality considerations and have raised no objections subject to the inclusion of a number of conditions. These would include a condition to ensure an acceptable noise and vibration insulation scheme is incorporated into the design of the development to ensure an acceptable noise climate within habitable rooms having regards to the appropriate British Standard guidance. Construction related noise to be dealt with through an appropriate Construction Environmental Management Plan condition along with measures to control dust emissions on local air quality.

#### External Lighting

63. The applicant has submitted an external lighting plan that has been considered by the Councils Pollution & Housing section, who have no objections but recommend a condition that prior to development commencing a scheme demonstrating that the exterior lighting into nearby habitable windows (within or outwith the site) is within acceptable margins.

#### Wind Microclimate

64. A wind microclimate assessment (desktop review) has been submitted as part of the proposed development. The report assesses the effect of the proposed development on the local microclimate throughout the year against guidance for pedestrian comfort and safety. The most widely accepted criteria in the UK is the Lawson Comfort Criteria, which is also referenced in the British Research Establishment (BRE) in wind speed guidelines. This is a well established benchmark assessment that is used to assess the suitability of wind conditions in the urban environment based on a number of threshold values of wind speed and frequency defined against a range of pedestrian activities.

65. A number of design features have already been incorporated to help reduce microclimate risks:

- Avoidance of passageway, funnels or street canyons;
- Draught lobby entrances to reduce pressure and effect of wind between internal and external environments;
- Canopy detailing to limit the effect of the downwash on the surrounding pedestrian areas.

66. The report highlights potential higher risk zones in relation to:

- Main Entrance position – this is located on the centre of the building towards prevailing winds. Additional canopy detail over the entrance itself could be included as an addition to the canopy currently proposed.
- Orientation – The buildings south west façade is exposed to prevailing winds. The impact of the wind footprint created by the deflected prevailing wind is likely to cause some gusts around the sides of the building along with some areas of turbulence at ground level.

67.The report identifies that the development is likely to cause a building related wind microclimate impact; however the introduction of some mitigation methods are considered to minimise the impact on pedestrian comfort. This includes the entrance canopies which mitigate against downwash and wake (flows around the building) and also appropriately located planters or other landscaping can mitigate. All areas within the vicinity of the and in the site itself which includes building entrances, public realm and footpaths are considered to generally fall within the Lawson Comfort Criteria. The report concludes that the building layout and form is considered acceptable and in line with guidelines and site constraints.

68.In conclusion the proposal is considered not to result in material harm to the living conditions of occupiers of neighbouring properties, appropriate conditions can be imposed with relation to noise, odours, air quality and wind microclimate impacts and it is considered therefore to be compliant with Core Strategy Policy and the NPPF.

## **HIGHWAYS IMPACTS, PARKING AND SERVICING**

69.Core Strategy Policy L4 states: That the Council will promote the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.

70.The aim of the policy to deliver sustainable transport is considered to be consistent with the NPPF.

71.Para 103 of the NPPF states ‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.’

72.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’.

73. Policy L4.14 to L4.16 sets out the requirement to comply with the adopted maximum car and cycle parking standards as set out in Appendix 3 to the Core Strategy and within adopted SPD3.

74. Core Strategy Policy L7 states: In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.

#### Access Arrangements

75. Information contained within the Planning Statement states the access arrangements for the proposal would replicate that as approved under planning permission 90557/FUL/17. The approved access was located diagonally opposite the petrol stations northern entrance onto Barton Road (The petrol station has an exit point onto Audley Avenue). The Planning Statement also states it is proposed to provide 2m wide footways on both sides of the proposed access, to tie-in with the existing footways along Barton Road. This is considered to be acceptable.

76. The submitted visibility plan contained within the applicants Transport Assessment would suggest that the required minimum visibility splays of 2.4m x 43m cannot be fully demonstrated for both directions, as with no physical barriers in place, drivers are able to cross the centreline at this location. The Local Highway Authority have advised that given the extant planning approval which is considered the fallback position, which includes a new vehicular access point onto Barton Road in the same location as current proposed along with the site constraints particularly the major pipe line, that the proposed access is considered acceptable. The Local Highway Authority have discussed the visibility to the site with the applicants highways consultant who have also stated that whilst the existing map style direction sign on Barton Road is within the visibility envelope, the posts do not impact achievable visibility splays for the access.

### Traffic Flows

77. Traffic modelling has forecast the Lostock Circle junction would operate over capacity in 2026 with or without the development. Whilst it is predicted by the modelling undertaken that the proposed development would have an impact to traffic flows and junction capacity, a severe impact has not been identified. Barton Road has been shown to operate within capacity for both scenarios. TfGM had raised a concern over the modelling of the junction, however the LHA does not believe that the proposed development as currently presented would have significant impact to existing traffic flows. The LHA have also advised that the extant planning permission for residential development at the application site (90557/FUL/17) would likely have more of an impact to traffic flows at the junction during peak hours. The applicants Transport Assessment has included a number of large developments in the locality with regards traffic flows generated and include Trafford Waters; BMW Williams Motor dealership on Barton Dock Road; Therme and the Barton Square Extension.
78. Highways England have been consulted on the proposed development and have raised no objections.

### Servicing Arrangements

79. It is proposed to provide a refuse storage area on the northern side of the hotel, to include an allocated loading area, and it is intended that the waste collection operator would access the site to undertake an internal pick-up. Swept path analysis has been provided for a 12.0m long rigid delivery vehicle and a Vulture 2225 refuse vehicle with a Mercedes-Benz Econic 6x2 chassis. The overall length of the vehicle is 11.13 metres. At this stage it is unclear if the operator will use Trafford Council waste collection service or a private contractor. The Councils waste management section have been consulted on the application and have advised they have no comments to make regarding the proposed development. The LHA have requested that a condition requesting a waste management strategy is included.

### Car Parking

80. The car parking standards as detailed within SPD3 state that for this location C1 (hotel) use one car parking space per bedroom, including staff parking provision, is required. It is proposed to employ 40 full-time members of staff for a 197 bedroom hotel, Therefore the proposal would generate a requirement for 197 car parking spaces. The development proposes 127 on site car parking spaces this includes 112 standard car parking spaces; six electric vehicle charging point spaces and nine disabled parking spaces in addition there is one light goods vehicle space included in the proposals. The LHA have raised concerns regarding the proposed shortfall in parking and in particular any impact this may have with regards parking on-street in the surrounding area. In addition the LHA have raised a concern about the existing pedestrian and cycle accessibility of the



area and the likelihood that guests will be less willing to walk to the hotel with a suitcase.

81. Following these concerns the applicant provided an updated Framework Travel Plan. The objective of the Travel Plan is to achieve the minimum number of additional single occupancy car traffic movements to and from the development and to address the access needs of the site users (staff and guests) by supporting walking, cycling and public transport. Achieving a high rate of staff using public transport and cycling and walking particularly for local residents employed at the hotel will reduce demand for parking spaces on site for staff. The LHA have considered the Travel Plan and have highlighted a number of areas that will require addressing. These include the requirement for the Travel Plan to be monitored for ten years not five years by a Travel Plan co-ordinator. The Travel Plan needs to differentiate between guests who may not be staying overnight and needs to include for a higher return rate for the staff travel surveys than the 30% indicated. Other comments include robust measures to be included by the Travel Plan co-ordinator to ensure employee surveys are completed and returned and suggestions for using online/app survey options and the provision of an employee intranet. The LHA have advised that the revised Framework Travel Plan does not address the shortfall in parking provision and they have therefore recommended a Full Travel Plan condition which would be submitted for review and approval by the LHA within 6 months from the first date of operation of the hotel and to include a comprehensive package of measures to promote sustainable transport and realistic and quantifiable targets to reduce car travel. The provision of a Full travel Plan is also supported by TfGM.
82. TfGM have considered the proposed development and have recommended that the existing Pelican crossing at the Circle Court shops be upgraded to a Puffin crossing along with footway improvements in this location to improve pedestrian accessibility of the proposed development site and the surrounding area. The LHA have supported the suggested works which would be funded by the applicant. It is proposed to include an appropriate 'Grampian' style planning condition to ensure these works are undertaken and completed before the development is operational.
83. The existing Circle Court tower block has approximately 60 car parking spaces and five garages. The proposed development of the hotel would result in the loss of approximately 21 of the car parking spaces which serve Circle Court. However to compensate for the loss of these spaces Trafford Housing Trust will be submitting an application to create additional parking provision to the south side of the Circle Court tower block. At this moment it is unclear when the suggested application would be submitted, In order to ensure these works are undertaken and completed before the development is operational it is suggested that an appropriate condition is attached to any grant of planning permission to secure the parking provision for the Circle Court residents

84. The accessible parking standards shown in SPD3 Appendix A are minimum requirements (refer to Policy L4 & Appendix 3 of the Trafford Core Strategy). Where it is proposed to provide below 200 car parking spaces, the minimum number of disabled parking spaces required is three bays or 6% of total capacity, whichever is the greater. Based on the proposal to provide 112 car parking spaces, the LHA have advised 9 accessible car parking bays would be required, which the applicant has provided.

#### Cycle & Motor Cycle Parking

85. The minimum cycle parking standards as detailed within SPD3 state one cycle parking space per ten guest rooms is required. It is intended to provide 20 cycle parking spaces in two separate locations by way of Sheffield cycle stands, the minimum cycle standards and the level of cycle parking is acceptable to the LHA. The applicant has advised that the cycle parking would be covered spaces and monitored by CCTV. The LHA have requested that an appropriate planning condition is attached requiring details of cycle parking and storage arrangements. Staff showers and lockers are provided as part of the development proposals a measure which will encourage staff to cycle to work.

86. A dedicated segregated cycle lane is located for a section on both the north and south side of Barton Road from outside Lostock College and extending to the Circle Shops on the north side of Barton Road. The segregated cycle lane on the south side continues under the M60 motorway to the Urmston side. A combined cycle and pedestrian path is located along the north side of the Burton Road from the Petrol Station along Parkway linking with the cycle path network along Barton Dock Road. The site is accessible by bike with some of the cycle infrastructure of better quality than other sections. The applicant has been made aware of the TfGM Beelines initiative which is a scheme for a joined-up cycling and walking network that connects all of the communities in Greater Manchester.

87. SPD3 states one motorcycle parking space is required per 25 guest rooms, equating to a provision of seven spaces. The proposal details eight motorcycle parking spaces within the wider car-park layout.

#### Conclusion on Highway Impacts, Parking and Servicing

88. The proposed development is considered acceptable in terms of access, servicing, parking and overall accessibility subject to appropriate conditions as indicated. The application site is considered to be in a reasonably sustainable location, it is within Greater Manchester Accessibility Level (GMAL) 6, (most accessible level is 8) close to bus routes on Barton Road and Lostock Road and approximately 0.9km from Humphrey Park railway station on the main Manchester to Liverpool line and a similar distance to the new Metrolink Station at Barton Dock Road.

89. Proposed improvements to pedestrian crossing and footpaths at The Circle will improve pedestrian connectivity to the site. It is acknowledged that the parking provision on site is below the standards as detailed within SPD:3 however it is considered that the inclusion of a package of measures with a Full Travel Plan to

reduce reliance on car journeys and more use of public transport and alternative modes of transport such as cycling will help alleviate any parking on residential streets. Proposals are also to come forward to provide replacement parking spaces to those lost as part of the development and also additional car parking for the residents of Circle Court.

90. The development is considered not to result in any unacceptable impact on highway safety and that the cumulative impacts on the road network would not be severe. The development is therefore considered to comply with the requirements of Core Strategy Policies L4 and L7 and advice within the NPPF.

## **TREES & ECOLOGY**

91. Policy R2 of the Core Strategy identifies that the protection and enhancement of the environment is a key element of the Council sustainable strategy for the Borough. Developers will be required to demonstrate how their proposals protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets. Paragraph 175 of the NPPF states that *“if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.

92. The applicant has submitted an Arboricultural Report that details tree coverage within the application site. A total of ten trees have been identified on site, the initial proposals included the removal of all trees from site. However following discussions with the Councils tree officer it is now proposed to retain a mature Willow Tree located to the northern boundary of the site and the applicant has provided a tree protection plan indicating its retention. The Councils tree officer has no objection to the removal of the trees within the development site and has asked that a comprehensive landscaping condition is attached to any planning approval to ensure appropriate and realistic tree planting proposals along with other soft and hard landscaping works.

93. Prior to the planning application being submitted the applicant sought advice from the GMEU with regards to the level of ecology assessment required for the site. GMEU confirmed that given the hard surfaced nature of the site and limited ecology considerations. As part of the current application consultation process, GMEU have recommended an informative with regards status of nesting birds with regards tree removal and a robust landscaping to secure new tree planting having regard to biodiversity net gain. GMEU have also stated that there could be a negative impact on the water quality if surface and/or foul water is discharged directly into it.

94. It is therefore considered that subject to bio-diversity enhancements secured through conditions requiring native tree and shrub planting, it is considered that

the scheme would represent an improvement in the biodiversity of the site and consequently the application is considered compliant with Policy R2 of the NPPF

## **FLOOD RISK, DRAINAGE & CONTAMINATION**

95. 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 155 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.
96. The site is located within a Flood Zone 1 area (lowest risk of flooding) and is also within a Critical Drainage Area within Trafford Council’s SFRA. United Utilities have also confirmed that a number of public sewers cross this site and they may not allow permit building above them. United Utilities would require an access strip width of six metres, three metres either side of the centre line of the sewers. A culverted watercourse (Longford Brook/Croft Bank Brook) is located to the north of the site. United Utilities had also recommended a condition in relation to Surface Water scheme based on the hierarchy of drainage options.
97. The LLFA have however recommended an appropriate condition for a scheme to be submitted to improve the existing surface water drainage system, this follows receipt of an updated drainage strategy from the applicant which detailed the possibility of using non-infiltration permeable paving within the car parking bays and that areas of above ground safe storage (for exceedance flooding) are to be located within the car park areas, away from the proposed building.
98. The Environment Agency have considered the proposal and have no objections subject to inclusion of an oil separator before any water is discharged to the watercourse.
99. The applicant has submitted Phase II Geo-Environmental Site Investigation report which has been considered by the Councils Pollution & Housing section. The report confirms the presence of asbestos at the site which would have to be dealt with by a remediation strategy to ensure no impact on controlled waters or ground issues. The Pollution & Housing section have recommended an appropriate remediation strategy condition and an associated condition requiring the submission of a verification report demonstrating completion of works set out in the approved remediation strategy.
100. It is therefore considered that in relation to floor risk, drainage and contamination the development is acceptable and compliant with Core Strategy Policy L5 and the NPPF.

## **CRIME & SECURITY**

101. Core Strategy policy L7.4 relates to matters of design and security and states that development must be designed in a way that reduces opportunities for crime and that does not have an adverse impact on public safety.

102. GMP Design for Security have stated that they accept the proposed scheme is acceptable in principle but suggest three areas that they recommend are reconsidered. These include definition and enclosure of the site; the Barton Road elevation and Access Controls.
103. With regards enclosure of the site, initial plans submitted to GMP included a pathway link through to the Circle Court tower block site which GMP advised provides legitimacy for offenders to be present. The footpath link has now been removed and it is proposed to have a hedge or similar soft landscaping separating both sites. With regards access controls, this relates mainly to controlling access through the hotel particularly members of the public using the restaurant/bar area being able to access guest rooms. The advice with regards the Barton Road elevation is to improve monitoring of activity from that access and the external seating areas. Other comments include consideration of location of external structures such as bins, storage containers so that they cannot be used as climbing aids. Cycle parking should be inside the building for long stay parking and short stay should be well overlooked by staff.
104. GMP have also recommended a condition to reflect the physical security specifications set out within Chapter four of the CIS. The proposal therefore complies with Policy L7 of the Core Strategy in this regard.

## **EQUALITY ASSESMENT**

105. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
106. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications
107. The proposed development will include 9 disabled car parking bays, which is two more than the provision required for the level of car parking provided (6% of 112 spaces) as detailed. The disabled access parking bays are located close to the main entrance of the hotel.

108. In addition the guest accommodation details an accessible guest room (including for wheelchair users) on each floor from (1<sup>st</sup> floor – 8<sup>th</sup> Floor). The accessible rooms are located beside the lift lobby over each floor. The main entrance lobby will have a level threshold and all internal circulation doors will have an effective clear width of 850mm ensuring they are usable by disable guests and staff members.
109. It is considered therefore on balance that the development will provide satisfactory provision for protected groups and in granting the application the PSED would be discharged and the requirements of Policy L7.5 and the NPPF would be met.

## **DEVELOPER CONTRIBUTIONS**

110. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'hotel' development, consequently the development will be liable to a CIL charge rate of £10 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
111. The proposal development requires the upgrade of the pedestrian crossing at The Circle and improvements to the footpaths. It is proposed to include a Grampian condition to ensure the highway works are undertaken and completed before the development is occupied. The applicant would be required to enter a Section 278 (of the Highway Act) with the Local Highway Authority to secure these works.
112. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide tree, hedge and shrub planting and green roof areas where possible.

## **PLANNING BALANCE AND CONCLUSION**

113. 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.
114. 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.
115. 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 in some cases elements of the development plan are out of date. When

considering the 'most important' policies relevant to this application the development plan is considered to be up to date for decision making purposes and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

116. It is considered that the principle of a hotel use in this location is acceptable and in accordance with policy and the development would result in a well designed building which would contribute to the quality of the built environment and that the site is capable of accommodating a building of the scale and massing proposed.
117. Various reports have been submitted which demonstrate that when considered against the current situation the impacts on residential amenity would be acceptable.
118. The highways impacts of the development have been assessed and subject to various conditions including the provision/upgrade of the existing pedestrian crossing at The Circle, is considered to be acceptable.
119. Subject to appropriate conditions the development is also considered to have an acceptable impact on a number of other matters considered in the foregoing report including ecology, contamination and drainage.
120. The proposed development would provide a high quality hotel development, in a location close to a number of popular visitor attractions in the Borough. It is considered that the impacts of the development, subject to appropriate mitigation through conditions would be acceptable. The proposed development would be in compliance with the development plan and relevant policy in the NPPF. It is therefore concluded that the application should be approved subject to appropriate conditions and a section 106 agreement.

**RECOMMENDATION: Approve with Conditions:-**

2. 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.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-
  - Drawing No: 11159-AEW-XX-XX-DR-A-0501 Rev.P3 – Proposed Location Plan
  - Drawing No: 11159-AEW-XX-XX-DR-A-0503 Rev.P6 - Proposed Site Plan
  - Drawing No: 11159-AEW-XX-00-DR-A-0510 Rev.P3 – Proposed Ground Floor Plan

- Drawing No: 11159-AEW-XX-01-DR-A-0511 Rev.P2 – Proposed First Floor Plan
- Drawing No: 11159-AEW-XX-ZZ-DR-A-0512 Rev P2 – Proposed Second to Seventh Floor
- Drawing No: 11159-AEW-XX-08-DR-A-0513 Rev.P2 - Proposed Eighth Floor Plan
- Drawing No: 11159-AEW-XX-RF-DR-A-0514 Rev.P3 - Proposed Roof Level Plan
- Drawing No: 11159-AEW-XX-XX-DR-A-0520 Rev.P3 – Proposed North Facing Elevation
- Drawing No: 11159-AEW-XX-XX-DR-A-0521 Rev.P3 – Proposed East Facing Elevation (Barton Road)
- Drawing No: 11159-AEW-XX-XX-DR-A-0522 Rev.P3 – Proposed South Facing Elevation (Barton Road)
- Drawing No: 11159-AEW-XX-XX-DR-A-0523 Rev.P3 – Proposed West Facing Elevation (M60)
- Drawing No: 11159-AEW-XX-XX-DR-A-0524 Rev.P2 – Proposed External Substation and Generator Elevations
- Drawing No: 11159-AEW-XX-XX-DR-A-0530 Rev.P1 – Proposed Section AA
- Drawing No: 11159-AEW-XX-XX-DR-A-0531 Rev.P1 – Proposed Section BB
- Drawing No: 11159-AEW-XX-XX-DR-A-0532 Rev P3 – Proposed Section CC
- Drawing No: 11159-AEW-XX-XX-DR-A-0533 Rev.P1 – Proposed Section DD
- Drawing No: 11159-AEW-XX-XX-DR-A-0534 Rev.P2 – Existing and Proposed Site Sections
- Drawing No: 19916-XX-GF-DR-E-67-701 – Electrical Services External Lighting
- Drawing No: 11159-AJP-ZZ-00-DR-C-0900 Rev.P03 – Preliminary Drainage Strategy
- Drawing No: ARB/4068/Y/200 Rev.B – Arboricultural Layout
- Drawing No: TPP/4068/Y/300 Rev.A – Tree Protection & Retention

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

4. Notwithstanding any description of materials in the application, no above-ground construction works shall take place until samples and full specifications of all materials to be used externally on all part of the building 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, with these panels available on site for inspection, and retained for the duration of the build. Development shall be carried out in accordance with the approved details.

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

5. No above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and



approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:

(i) All brickwork detailing

(ii) All fenestration details and recesses

(iii) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building

(iv) Trim and coping details to the top of all buildings

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

6. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site (as indicated on Drawing No: TPP/4068/Y/300 Rev.A) 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.

7. 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 green roofs, banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), details of the raft system in relation to the trees to include area the system will cover and soil to be used 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.

8. The development hereby approved shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development 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 L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

10. The development hereby approved shall not be occupied unless and until full details of secure cycle parking 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: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development and in the interest to visual amenity, 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.

11. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March-August 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 clearance 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

12.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 demolition/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 including times of access/egress
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoardings including decorative displays and information for members of the public, including contact details of the site manager
- 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. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. proposed days and hours of demolition and construction activity (in accordance with Trafford Councils recommended hours of operation for construction works)
- ix. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity including details as to how this will be monitored
- x. procedures for dealing with any complaints

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 L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

13. No occupation of any part of the development shall take place until a full external lighting scheme and a Lighting Impact Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of exterior lighting installations in order to demonstrate compliance with the Obtrusive Light Limitations of The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including details of any necessary mitigation measures. Any mitigation measures shall be implemented in full before the development hereby permitted is first occupied and shall be retained thereafter.

Reason: In the interests of residential amenity and safety having regard to Policy L7 of the Trafford Council and the National Planning Policy Framework.

14. Servicing, deliveries and refuse/recycling collections to the development hereby approved must only take place between 0700 hours and 2100 hours Mondays to Saturdays and between 0900 hours and 1900 hours on Sundays and bank holidays.

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

15. Notwithstanding the details shown on the approved plans, prior to first occupation of the development hereby permitted, a scheme showing details of the means of extraction and filtration of cooking odours including details of the finish of any external flue(s), manufacturer's operating instructions and a programme of equipment servicing/maintenance shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use hereby permitted first takes place and shall remain operational thereafter.

Reason: In order to ensure the efficient dispersal of cooking odours from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to appearance of the building and the surrounding area having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16. No above-ground construction works shall take place unless and until, details of the glazing and ventilation strategy have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate compliance with the recommendations of the Noise Impact Assessment (Ref:19.057.1.R3: 17.02.2020) and the provision of adequate means of ventilation to guest rooms. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenity having regard to Trafford Core Strategy Policies:L5.13 and L7.3 and advice within the NPPF. The condition requires the submission of information prior to the commencement of development because

the approved details will need to be incorporated into the development at design stage.

17. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until a remediation strategy for contamination identified across the site has been provided in writing to the local planning authority. The remediation strategy shall give full details of the remediation measures required and how they are to be undertaken and include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

18. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

19. No development shall commence until a scheme to improve the existing surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the outline details provided in the Flood Risk Assessment and Drainage Strategy report (Ref: 11159-AJP-ZZ-XX-RP-C-3000) and Preliminary Drainage Strategy (Drawing No: 11159-AJP-ZZ-00-DR-C-0900 Rev.P03). Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: Such details need to be incorporated into the design of the development prior to development taking place 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.

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

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

21. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section 4 of the submitted Crime Impact Statement (Ref:2016/0414/CIS/02 Version A:10.01.202).

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

22. The development hereby approved shall not be brought into use unless and until a Travel Plan, which should include measurable targets for reducing car travel, has been submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development hereby permitted the Travel Plan 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.

23. No part of the development hereby approved shall be brought into use until the off-site highway improvement works to upgrade the pedestrian crossing and associated improvements to footpaths at The Circle, Barton Road have been completed in their entirety in accordance with a detailed design scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To improve pedestrian connectivity in the locality in the interests of sustainability and highway safety, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

24. No part of the development hereby approved shall be brought into use until a scheme for car parking provision for the residents of Circle Court has been completed in accordance with a relevant planning permission.

Reason: To ensure that satisfactory car parking provision is made at Circle Court apartments to compensate for loss of spaces as part of the approved hotel

development in the interest of highway safety having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

25. Prior to the development being brought into use, a Service Management Plan, which shall include a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include a strategy for the appropriate management of deliveries and waste removal. The servicing provision shall be provided before the development is first brought into use and deliveries shall thereafter take place in accordance with the approved plan.

Reason: To ensure that the site is properly and safely serviced in the interests of highway safety, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26. Notwithstanding the details on the approved plans, prior to any above ground construction works, details of the sub-station and generator including external materials and associated landscaping proposals, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

26. No part of the development shall be brought into use until details of the type, siting, design and materials to be used in the construction of boundaries, screens (including bin storage area) or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

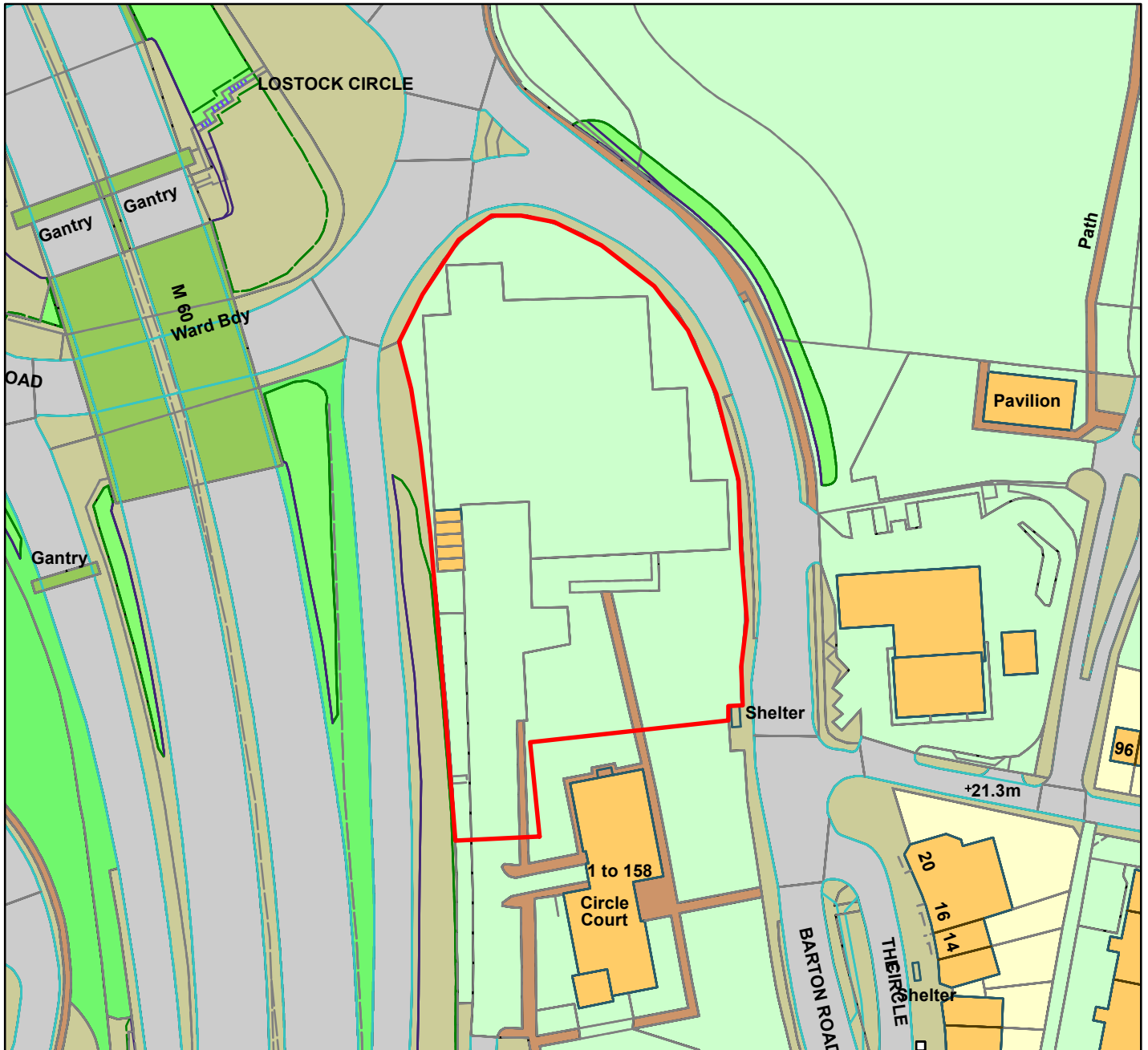
Reason: In the interests of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework

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CM



Land at Circle Court, Barton Road, Stretford, M32 9QJ



**Scale:** 1:1,250

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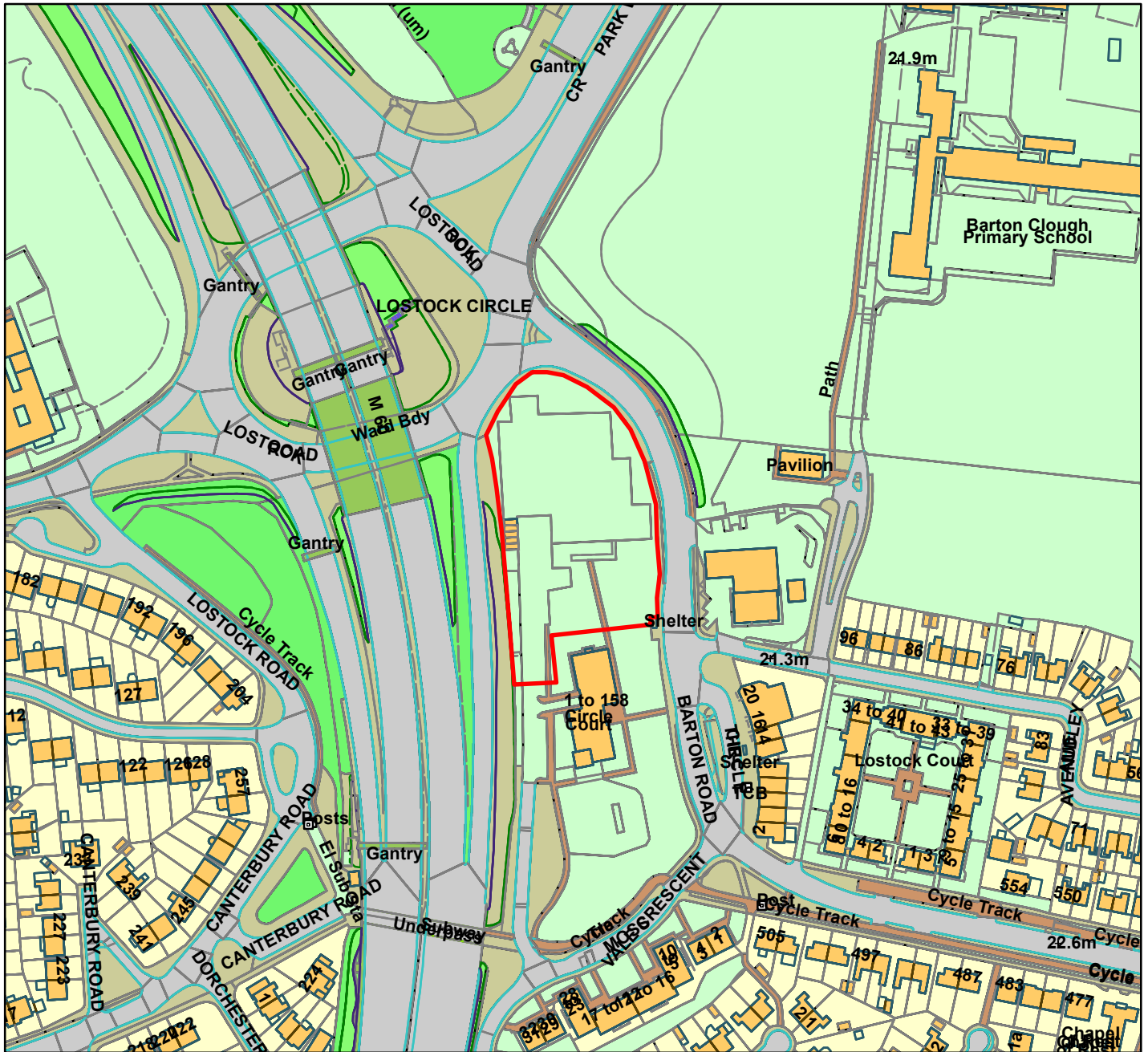
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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/04/2020
Date	01/04/2020
MSA Number	100023172 (2012)





Land at Circle Court, Barton Road, Stretford, M32 9QJ



**Scale:** 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/04/2020
Date	01/04/2020
MSA Number	100023172 (2012)

**WARD:** St Marys

**99933/HHA/20**

**DEPARTURE: NO**

**Retention of garden room.**

81 Firs Road, Sale, M33 5FJ

**APPLICANT:** Mr Wu

**AGENT:** NMW Design

**RECOMMENDATION: GRANT**

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**This application is being reported to the Head of Planning in consultation with the Chair, Vice Chair and Opposition Spokesperson of the Planning and Development Management Committee as the application has been called in by Councillor Holden on the grounds of impact on visual amenity. The statutory target date for decision making has already passed and there is no Planning Committee in the municipal calendar at which this application can be considered.**

**SITE**

The application relates to a 1970's two storey link detached property situated on the south-eastern side of Firs Road with an open frontage and within a predominantly residential area of Sale. Residential dwellings bound the site to the side and rear. Properties are connected by single storey side garage/utility elements.

The property towards the rear, 20 Stoneleigh Avenue, has a single storey outbuilding directly adjacent to the rear boundary in common with the application site. A 2m fence forms the common boundary with No.83 along the south western side boundary, whereas a mature hedge forms the north eastern boundary with No.79. Parking provision for 2no. vehicles is provided to the property's frontage.

Neither No.79 nor No.83 have been extended. The application site is not designated on the UDP Proposals Map.

**PROPOSAL**

The applicant proposes the retention of an outbuilding to be used as incidental accommodation (garden room) for the occupants of No.81 Firs Road.

The proposed development has timber cladding on its principal elevation, which faces back towards the main house, with brick slips proposed to be completed on both side elevations and a shallow mono-pitched roof with a maximum height of 3.1m reducing to 3m towards its rear. The building is sited towards the rear boundary of the application site, with a gap of 10m to the single storey rear extension of the

main property at ground floor level and 14.8m to the first floor elevation which is aligned with the two storey / first floor elevations of the immediate neighbours. A gap of 0.5m is retained to the rear boundary; with 0.9m to the boundary shared with No.83 and 0.5m to the boundary with No.79. The width of the outbuilding is 7m and it has a depth of 3.5m.

## **BACKGROUND**

Within a recently approved application (97562/HHA/19) planning permission was granted for a single storey rear extension with matching materials, a garden shed and associated decking 0.3m in height from external floor level. The single storey extension and associated raised platform have been built in accordance with the approved details.

In relation to the shed, the approved details proposed a footprint of approximately 3.6m by 7.2m with a gable ended pitched roof design with an eaves height of 2.3m and ridge height of 3.7m. The approved building incorporated a centrally positioned door with accompanying window either side of the proposed French doors. The proposed materials were brickwork and tiles to match the main dwelling.

The outbuilding that has been constructed and is the subject of the current application is predominantly timber clad to its principal elevation with brick slips proposed to each side (although only the north eastern side elevation had brick slips completed at the time of the planning officer's site visit). The building is sited on a slightly different footprint but in a similar position towards the rear boundary, retaining 0.5m to the rear boundary in common with No.20 Stoneleigh Avenue and the side boundary with No.79, and 0.9m to the side boundary with No.83. The decking (built in accordance with the approved plans) is to the outbuilding's frontage and links with a platform of the same appearance associated with the property's single storey rear extension.

## **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

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

## **OTHER POLICY DOCUMENTS**

SPD3 – Parking Standards and Design (February 2012)

SPD4 – A Guide for Designing House Extensions & Alterations (February 2012).

## **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 summer 2020 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 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 this was updated on 1<sup>st</sup> October 2019. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

97562/HHA/19

Erection of single storey rear extension, garden shed and decking. Approved with conditions July 2019.

## **APPLICANT'S SUBMISSION**

None.

## **CONSULTATIONS**

None.

## **REPRESENTATIONS**

The application was advertised by way of neighbour notification letters.

Councillor Holden has called in the application on the grounds of the structure being substantially different in style and scale from the original planning permission. The objection and call in is on the grounds of impact on visual amenity.

1 no. email received with the following comments:

- *Developers original plans were acceptable for the shed which would have blended in with the nearby sheds with its ridged roof.*
- *Unfortunately what has been built looks more like a pavilion more suited to a sports ground. It has a sloping roof with wood cladding only on the front wall whilst the side my neighbour and myself look at has been rendered in grey, looking more like concrete.*
- *As laid down in the council's criteria it should blend in with the other sheds and not be overbearing. This structure certainly stands out and does have an unacceptable adverse impact on neighbouring amenity.*

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. The proposal is for the retention of an outbuilding adjacent to the rear boundary of an existing residential property, and within a predominantly residential area. The proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy in terms of impact on visual amenity and residential amenity.

### DESIGN AND APPEARANCE

2. 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 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.”

3. 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 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.
4. SPD 4: A Guide for Designing House Extensions and Alterations has a specific section on Outbuildings within section 3.9 and this is highlighted for clarity in full:
  - 3.9.1. When proposing a structure in the rear garden it is important to minimise the visual impact and the potential effect on neighbouring amenity.
  - 3.9.2. Detached buildings in rear gardens that require planning permission will be carefully assessed with regard to:
    - I. Safeguarding neighbouring amenity
    - II. Potential impact upon trees and/or vegetation
    - III. Visual impact on surrounding residential character
  - 3.9.3. The residential character of rear gardens can be gradually eroded by the erection of garden structures that are large-scale in bulk and footprint. Ill-matching materials can make garden structures appear commercial in appearance. Extensive garden structures can detract from the landscaped nature of gardens. As such it is important that the materials, design and proportions of a detached garden structure should relate to the residential character of the setting, not be excessive in size or bulk and use characteristic materials. The retention of trees and landscaping is strongly encouraged and should be taken into consideration when considering the location of the garden structure.
5. The existing outbuilding has a width of 7m and a depth of 3.5m with the originally approved footprint being 3.6m by 7.2m. The footprint and siting of the existing outbuilding is therefore similar to that of the approved building, but the materials used and its roof design are different. The previously approved eaves were a constant 2.3m, with a centrally positioned maximum ridge height of 3.7m being parallel to the rear boundary instead of the existing building’s maximum height of approximately 3.1m. The building therefore has a higher eaves height but a lower maximum height due to its monopitch design but it is considered that the overall size, scale and massing is not significantly different from the approved building.

6. The outbuilding is relatively large, but due to the relatively good sized rear garden lengths of the application property and neighbouring properties, it is considered that the outbuilding does appear proportionate within its setting. Furthermore, due to the mature natural barrier in common with the connecting property No.79, and a newly erected fence with an approximate height of 2m along the common boundary with No.83, it is considered that any potential for visual intrusion has been mitigated. In addition to this, it is noted that there are a number of examples of outbuildings to the rear of properties along this side of Firs Road and therefore, in this context, it is considered that the structure is not out of keeping with the character of the wider area.
7. The outbuilding's design and general appearance (with timber cladding and a shallow pitched roof) is considered to be a relatively common form of development within rear gardens in Trafford and elsewhere. The recessed position of the outbuilding sited behind the main dwelling means that it does not have any impact in the streetscene and it is considered that the development does not have any unacceptable impact on the spaciousness and general character of the surrounding area.
8. It is also recognised that, under permitted development rights, a flat roofed single storey outbuilding with a maximum height of 2.5m could be constructed directly adjacent to the boundaries of neighbouring properties with no restrictions relating to materials.
9. As such it is considered that the proposed development does not have any unacceptable impact on the visual amenity of the surrounding area and complies with policy L7 of the Trafford Core Strategy, the Council's SPD4 guidelines and government guidance contained within the NPPF requiring good design.

## RESIDENTIAL AMENITY

10. In relation to matters of amenity protection Policy L7 of the Core Strategy states development must:
  - Be compatible with the surrounding area;
  - Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
- 11.3.9.4. of the guidelines within SPD4 states: "The positioning and size of a garden structure can affect a neighbour's sense of enclosure and have a potential overbearing and/or loss of light impact upon a neighbouring property. Consideration should be given to the siting of a garden structure and its potential impact on neighbouring amenity. The height and bulk of garden structures should be minimised and they should not be positioned so close to neighbouring boundaries as to adversely affect neighbouring properties".

12. The building does not have any windows to either side elevation and views from the rear facing windows primarily face back towards the application property with limited views towards neighbouring properties given the boundary treatment on the side boundaries of the site. It is therefore considered that the structure does not result in any undue overlooking or loss of privacy to neighbouring dwellings.
13. Given the relatively low height of the building, the gaps to the boundaries, the height of the boundary treatment, the fact that No.20 Stoneleigh Avenue to the rear already has an outbuilding adjacent to the boundary and the reasonable length of gardens within the immediate area, it is considered that the development does not result in any undue overbearing impact, visual intrusion or overshadowing to neighbouring properties.
14. It is also recognised that, under permitted development rights, a single storey outbuilding with a maximum height of 2.5m could be constructed directly adjacent to the boundaries of neighbouring properties. Whilst the application building is approximately 0.6m higher than this, it is also set off the boundaries and it is therefore considered that it would not have a significantly greater overbearing impact than a permitted development extension of this type.
15. It is therefore considered that the development does not have any unacceptable impacts on the residential amenity of neighbouring properties and complies with Policy L7 of the Core Strategy and SPD4 guidelines and associated guidance within the NPPF.

## PARKING

16. The development has not created any additional bedrooms as it is proposed as a garden room only and would not result in any loss of parking provision. As such the development is acceptable in this respect and will have no detrimental parking impact.

## DEVELOPER CONTRIBUTIONS

17. The proposed development increases the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore is below the threshold for charging. No other planning obligations are required.

## CONCLUSION

18. In conclusion, it is considered that the development does not have a detrimental impact on the character and visual appearance of the surrounding area or on the residential amenity of neighbouring properties. As such the proposal complies with Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document, SPD4: A Guide for Designing House Extensions & Alterations (February 2012) and the National Planning Policy Framework (2019) and it is recommended that permission is granted, subject to appropriate conditions.



**RECOMMENDATION: GRANT subject to the following conditions**

27. The permission hereby granted relates only to the details of development as shown on the submitted plans, numbers 81FRS-WD01 received on 6th February 2020, and associated 1:1250 site location plan.

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

28. Notwithstanding any description of materials in the application no further works involving the use of any materials listed below shall take place until samples and / or full specification of materials to be used externally on the building (including brick slips) 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.

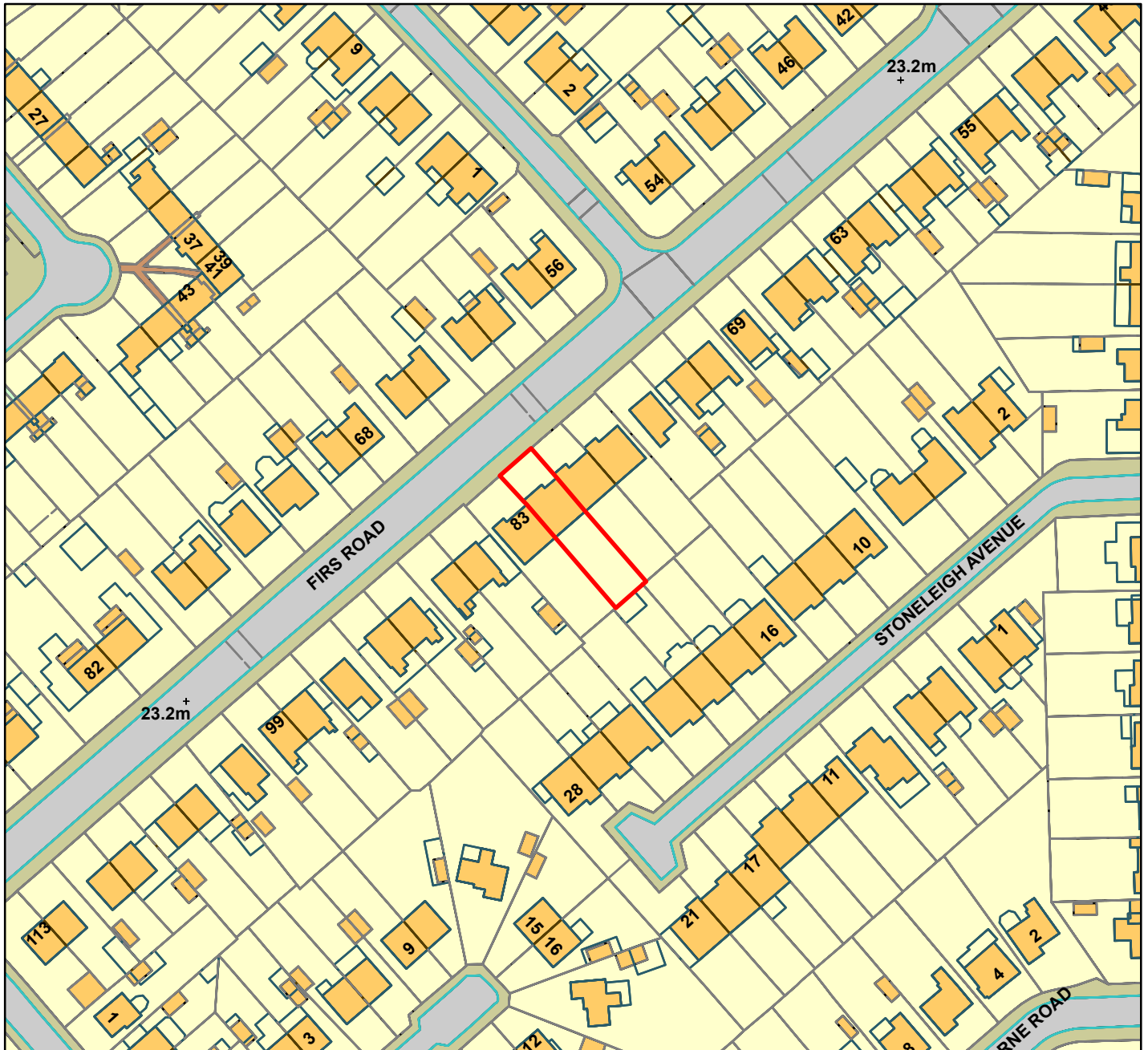
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

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GD



81 Firs Road, Sale, M33 5FJ



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/04/2020
Date	01/04/2020
MSA Number	100023172 (2012)

**Erection of a two storey rear extension with Juliette balcony and external alterations.**

17 Bowness Drive, Sale, M33 6WH

**APPLICANT:** Mr Martin

**AGENT:** Mr Reid

**RECOMMENDATION: GRANT**

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**The application is being reported to the Head of Planning in consultation with the Chair, Vice Chair and Opposition Spokesperson of the Planning and Development Management Committee as a Council employee lives in a neighbouring property. The statutory target date for decision making has already passed and there is no Planning Committee in the municipal calendar at which this application can be considered.**

**SITE**

The application property is a detached two storey dwelling of 1930's design. The site is located at the end of Bowness Drive. Bowness Drive is a cul-de-sac, which terminates in a circular turning head with properties sited at irregular angles facing inwards.

No. 17 Bowness Drive is located at the furthest south easterly point of the cul-de-sac, facing down the highway. The plot splays outwards, resulting in a modest front amenity space but large rear amenity space. The rear garden is enclosed by close boarded fencing on all sides.

Both adjacent neighbour's No. 15 and 16 Bowness Drive are sited at irregular angles to the application site, falling away from the plot. The rear gardens of Nos. 90, 92 and 94 Ashton Lane are located to the rear of the application site. An ancillary 'Granny Flat' associated with No. 90 Ashton Lane is sited adjacent to the shared boundary between the two dwellings.

No. 17 Bowness Drive features a number of extensions, additions and outbuildings constructed at various points over the property's history. The dwelling features a single storey rear extension, which is the only addition relevant to the current proposal.

## **PROPOSAL**

A two storey extension is proposed on the most north easterly portion of the dwelling house rear elevation. The extension infills the area between the side elevation of the existing single storey rear extension and original dwelling house rear elevation, matching both in depth and width. The extension has a proposed depth of 2.27m and proposed width of 3.29m.

A hipped roof is proposed, built into and subservient to the main dwelling house hipped roof. The proposed eaves height matches the original dwelling at 5m in height. The proposed ridge height is set below the original dwelling house by 1m, measuring 6.4m in height.

French doors are proposed on the ground floor rear elevation. A Juliette balcony with French doors is proposed on the first floor rear elevation. Both sets of doors are to be white uPVC.

An existing first floor rear elevation window which is not incorporated into the proposed extension is to be replaced with a marginally smaller window to accommodate internal alterations. The existing window has a width of 1.15m. The proposed window has a width of 0.9m. The proposed window is to be white uPVC.

A roof light serving a sun tunnel is proposed in the original dwelling house rear elevation roof plane.

Matching facing brickwork, matching concrete roof tiles and black uPVC rainwater good are also proposed.

Internally, the proposed extension houses a lounge extension at ground floor. At first floor the extension increases the floor space of bedroom 2. The existing bathroom is to be subdivided into a family bathroom and en-suite, with the proposed sun light serving the en-suite.

The increase in floor space of the proposed development would be approximately 16.25m<sup>2</sup>.

## **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.

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

## **OTHER POLICY DOCUMENTS**

SPD4 – A Guide for Designing House Extensions & Alterations (February 2012)

## **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 summer 2020 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 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)**

MHCLG published the National Planning Practice Guidance on 6 March 2014, and was updated on 1<sup>st</sup> October 2019. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

H16308. Erection of single storey extension to form two kitchens, two lounges and bedroom. Approved with conditions 7<sup>th</sup> April 1982.

H/68032. Erection of single storey side and rear extension to form additional living accommodation. Erection of hipped roof over flat roof of existing two storey side extension. Approved with conditions 20<sup>th</sup> November 2007. Part built out.

## **APPLICANT'S SUBMISSION**

None.

## **CONSULTATIONS**

None.

## **REPRESENTATIONS**

None.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. The proposal is for an extension to an existing residential property and therefore extensions and alterations are acceptable in principle subject to there being no harm to the character and appearance of the property through unsympathetic design or harm to the amenity of neighbouring properties and residential areas. The proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy.

### DESIGN AND APPEARANCE

2. The NPPF, Policy L7 of the Trafford Core Strategy and SPD4 all require that proposed development strives to achieve the highest level of design. Development should improve the character of both the host dwelling and immediate street scene. In this case, the proposed works will not be visible from any part of the street scene or wider public realm, being confined to the rear of the property.
3. Paragraphs 2.2.1 and 2.2.2 of SPD4 layout generic requirements that all householder developments should strive to achieve in terms of how an extension relates and responds to the character of the existing dwelling house:
4. *2.2.1. It is important that extensions should reflect the character, scale and form of the original dwelling by matching and harmonising with the existing architectural style and detailing. Ill-designed or excessively large extensions can spoil the appearance of your property. Careful consideration should be given to the individual details of the original property in designing any extension to help maintain and reinforce the style of the main dwelling and help an extension to blend in with the street scene.*

5. 2.2.2. *This includes features such as:*
  - *the architectural style of the property and design features*
  - *the roof style and eaves*
  - *window and door design and joinery*
  - *details individual to the dwelling e.g. brick detailing*
  - *being proportionate to the size of the original dwelling*
  - *external materials*
  - *gardens and landscaping*
  - *boundary walls and gates*
6. Paragraphs 3.4.10 and 3.4.11 layout specific guidance that all dwelling house rear extension should adhere to:
7. *3.4.10. The detailed design of a rear extension, including proportions and dimensions, should be reflective of the main building and respect important elevation features such as decorative bays. Pitched roofs are often more visually appropriate, relating better to the main dwelling and generally requiring less maintenance. An extension should also be proportionate to the dwelling in size and should not appear too bulky in relation to the host dwelling. It should not occupy a disproportionate amount of the garden to appear out of character with the surrounding residential area.*
8. *3.4.11. Awkward or incongruous designs contrived to overcome the restrictions on the length of rear extensions will not normally be looked upon favourably by the LPA, e.g. a splayed elevation which would not be characteristic of the original property. This may only be acceptable providing that it is an integrated design and relates to the design of the original dwelling.*
9. The proposed development responds to both the character of the original 1930's dwelling house and the existing single storey rear extension, ensuring that development effectively ties into both elements of the dwelling house.
10. This has been achieved through the inclusion of a subservient hipped roof, which matches the eaves height of the original dwelling house, whilst sitting below its ridge height.
11. The overall mass of the proposed development is also kept proportionate, extending to the existing maximum depth of the rear extension and not beyond the side elevation of the original dwelling house. The design is not contrived in any way to overcome restriction or limitations.
12. The two sets of proposed French doors (including Juliette balcony), whilst not strictly in keeping with the character of a 1930's property, are common contemporary additions to dwelling houses such as these, and do respond to the existing heavily glazed rear elevation on the single storey extension.
13. The proposed materials are appropriate, matching the original dwelling house.

14. The proposed works do not result in the overdevelopment of the plot, with the dwelling maintaining approximately 400m<sup>2</sup>+ of useable rear amenity space. There are no impacts upon the street scene.
15. As such, the proposed works will result in no harm to the character, design or appearance of the host dwelling, complying to all guidance as laid out within SPD4; and achieving the overall aims of Policy L7 of the Trafford Core Strategy and the NPPF.

## RESIDENTIAL AMENITY

16. In relation to householder extensions, both the NPPF and Policy L7 of the Trafford Core Strategy strive to ensure that development has no unacceptable negative impacts upon neighbouring or future occupiers. As the development is for a residential extension within an established residential area, the main areas of consideration are overshadowing, overbearing and overlooking.
17. SPD4 sets out specific tests that should be applied to a variety of types of householder extensions to assess their impacts. Paragraphs 3.4.1 – 3.4.9 of SPD4 set out the relevant tests to ensure that rear extensions do not have any materially negative impacts. The relevant tests to this specific extension are as below:
  18. 3.4.3. *For two storey rear extensions, normally extensions should not normally project more than 1.5m close to a shared boundary. 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 2.5m).*
  19. 3.4.9. *Extensions which reduce the distance between facing habitable room windows to less than 21m are unlikely to be acceptable.*
20. Paragraph 2.15.2 also lays out requirements for acceptable separation distances between rear facing habitable windows and plot boundaries:
  21. 2.15.2. *Extensions which would result in the windows of a habitable room (e.g. living room or bedroom) being sited less than 10.5m from the site boundary overlooking a neighbouring private garden area are not likely to be considered acceptable, unless there is adequate screening such as significant mature evergreen planting or intervening buildings. Where windows are proposed above first floor e.g. second storey or dormer windows, the above figure should be increased by 3m to 13.5m.*
22. The relationship between the proposed development and adjacent Nos. 15 and 16 Bowness Drive and Nos. 90, 92 and 94 Ashton Lane shall be assessed.

### No. 15 Bowness Drive

23. Owing to the siting of No. 15 Bowness Drive at an angle to the application site, with the rear elevations facing away from one another, there are no negative impacts to the neighbouring property in terms of overshadowing or overbearing. The proposed rear elevation of the extension does not extend beyond the rear elevation building



line of the neighbouring property and is sited 6.2m from the shared plot boundary. The existing conservatory sited to the side of No. 15 Bowness Drive is glazed on three sides, with the rear elevation building line again not being impact upon by the proposed extension. It is therefore considered that there would be no undue overbearing or overshadowing impacts on No. 15.

24. There are no windows proposed in the side elevation of the development, ensuring no negative impacts by way of overlooking.

#### No. 16 Bowness Drive

25. The proposed rear elevation and neighbouring rear elevation of No. 16 are again angled away from each other, this time with a separation distance from the plot boundary of 11m. Moreover, the existing two storey dwelling house obscures the development from the side elevation of the neighbouring property. As above, no windows are proposed in the side elevation. Therefore, the development will not result in any negative amenity impacts by way of overshadowing, overbearing or overlooking to the neighbouring No 16 Bowness Drive.

#### No. 90 Ashton Lane

26. The proposed extension has a separation distance of 14.6m to the shared rear plot boundary. The separation distance between the proposed rear elevation and the rear elevation of No.90 is approximately 55m. These distances are within the requirements as laid out within SPD4, ensuring no negative amenity impacts.

27. No. 90 Ashton Lane has an ancillary but habitable outbuilding set adjacent to the development site plot boundary. The building is angled so that its westerly corner faces the proposed French doors, with both its north westerly and south westerly side elevations facing away. As such, no direct views are afforded between the proposed extension and the existing outbuilding, ensuring no negative amenity impacts by way of overlooking to the habitable outbuilding.

#### Nos. 92 and 94 Ashton Lane

28. Both Nos. 92 and 94 Ashton Lane share a rear plot boundary with the application site, with the separation distance between the proposed rear extension and plot boundaries measuring 14.6m and 15.2m at their nearest points, respectively. The separation distance between the proposed rear extension and neighbouring rear elevations is approximately 54m and 57m, respectively. As such, the proposed works will cause no negative impacts to these neighbouring rear properties by way of overlooking, overshadowing or overbearing.

29. It is therefore considered that the proposed development would not have any unacceptable impacts on the residential amenity of neighbouring properties and would comply with Policy L7 of the Core Strategy in this respect.

#### PARKING

30. The development does not impact on the existing off road parking provision or increase the number of bedrooms associated with the dwelling house. As such, the proposed works will not have any detrimental impact in terms of parking provision.

#### DEVELOPER CONTRIBUTIONS

31. The proposed development will increase the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore will be below the threshold for charging. No other planning obligations are required.

#### PLANNING BALANCE AND CONCLUSION

32. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development will result in an acceptable form of development with regard to design and visual amenity and the impact on the amenity of neighbouring residents and would comply with Policy L7 of the Core Strategy and guidance in the NPPF.

It is therefore considered that the proposal comprises an appropriate form of development for the site and the application is recommended for approval.

#### **RECOMMENDATION: GRANT subject to the following conditions:**

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers A100, A104, A105, A106 rev C, and A107 received 19<sup>th</sup> February 2020.

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

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

4.

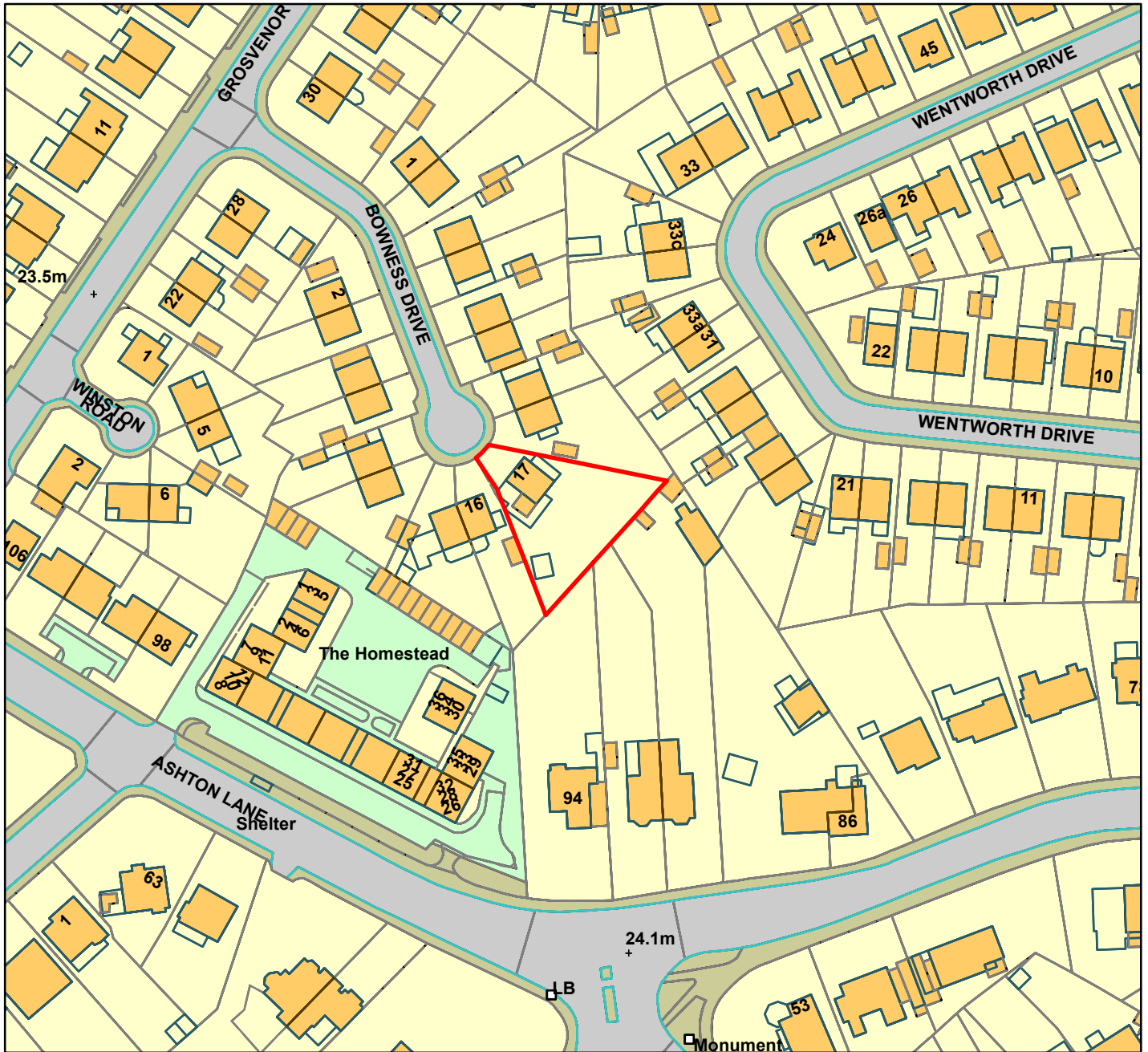
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

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SM



17 Bowness Drive, Sale, M33 6WH



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 16/04/2020
Date	01/04/2020
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