

AGENDA ITEM 3

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 11th May 2017

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

1.0 INTRODUCTION

- 1.1 This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.
- 1.2 Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chairman.

2.0 ITEM 4 – APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against RECOMMENDATION	For REC.
89551	Land to the north of Station Road, Stretford	Gorse Hill	1	✓	✓
89819	80 Temple Road, Sale, M33 2FG	Sale Moor	22	✓	✓
90224	2 Ashlands & 43 Ashton Lane, Sale, M33 5PD	Ashton on Mersey	30		✓
90364	29 Kenwood Road, Stretford M32 8PS	Longford	42	✓	✓
90415	54 Briarfield Road, Timperley, WA15 7DB	Village	49	✓	

Page 1 89551/OUT/16: Land to the north of Station Road, Stretford

SPEAKER(S) AGAINST: Mrs Dawn Carberry-Power
(Neighbour)

FOR: Mr Alexis De Pol
(Agent)

SPEAKER(S) **AGAINST:**
(Recommendation to refuse)

**Miss Amanda Hilton
(Applicant)**

FOR:
(Recommendation to refuse)

**Eric Seddon
(Neighbour)**

APPLICANT'S SUBMISSION

A further letter has been submitted on behalf of the applicant suggesting that the application should be approved with the following conditions: -

1. The use hereby permitted shall relate solely and specifically to the proposed child minding use for no more than **13 children** (including the applicants and staff members children) at any one time in relation to the use as stated in the submitted application, during the permitted hours of operation. Should this use cease the lawful use of the building shall revert back to a C3 dwelling house. This is notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2. The hours of operation of the development hereby approved shall be restricted to **0800 to 1730** Mondays to Thursdays, not at all on Friday, Saturdays, Sundays or Bank Holidays unless otherwise approved in writing by the LPA.

3. No more than **6 children** (including the applicants and staff members children) shall be allowed to play outside at any one time and there shall be no children outside prior to 1000 or between 1300 and 1400 unless otherwise approved in writing by the LPA.

The applicant has also submitted a timetable for use of the garden depending on whether they go out in the morning and depending on the weather. This indicates that when they stay at home there would be outside play between 9.30am and 11.30am and 1pm until 3pm and 3.30pm and 5.30pm a total of 6 hours and when they go out 11.30am until 2.30pm and 3pm until 5.30pm a total of 5.5 hours.

The applicant also states that: -

The use of the building is not a day nursery but a child care function.

There were at least 5 householders / neighbours letters in support of the application.

CONSULTATIONS

Pollution and Housing- The applicant has suggested conditions which further restrict the number of children outdoors at any one time to 6, (including the applicants own children and staff member's children). This is acceptable. The applicant proposes 'quiet times/no outdoor use' between the hours of 0800 –

1000 and 1300-1400, Monday to Thursday. This leaves a maximum of 6 children outdoors at any one time, between the hours of 1000-1300(3hrs) and 1400-1730(3.5 hrs). The daily total of outdoor play is 6.5 hours. The 'quiet times/no outdoor use' time put forward by the applicant during the morning period is 0800-1000hrs. Pollution and Housing would suggest that a quiet time later on during the morning period would be more beneficial to neighbours; as would a good part of the afternoon, rather than just an hour at lunchtime.

Pollution and housing would recommend the following times as being reasonable for outdoor play:

1000 – 1130 (1.5hrs) and 1530 -1730 (2hrs). This gives the neighbours a reasonable, uninterrupted period of time between 11-30 and 1530 (4hrs) to enjoy their gardens without any noise/disamenity.

REPRESENTATIONS

No further representations have been received. However for a point of clarity, letters of support submitted with the application have been referred to under the section headed "Applicant's submission" and not included in this section.

OBSERVATIONS

It is recognised that the applicant has proposed a reduction in the total number of children to be present at any one time to 13 and suggested that a maximum of 6 play in the garden at the same time or alternatively that the hours of use are restricted to allow outside play for a maximum of 6 hours. It is also recognised that there are Council funded places provided at the facility. However, taking into account the comments of the Council's Pollution and Licensing team and the limited size of the application property and close proximity to neighbours, it is considered that this intensity of use would still result in an unacceptable loss of amenity in respect of noise and overlooking to the detriment of neighbouring properties. The recommendation therefore remains as set out on the original Committee report.

Page 30 90224/VAR/16: 2 Ashlands & 43 Ashton Lane, Sale

SPEAKER(S) AGAINST:

**FOR: Paul Carr
(Agent)**

A complaint has been received, highlighting a number of potential breaches of planning control at the site and raising concern in regard to the response from Planning Enforcement. This will be referred to the Councils Planning Enforcement Team.

Conditions

Replace condition 12 with:

The development shall be constructed and occupied in accordance with Crime Management Plan as approved in application 86222/CND/15. The development hereby approved shall not be occupied or brought into use until the Local Planning Authority has acknowledged in writing that it has received written confirmation that such measures have been included in the completed development.

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

Additional condition:

Within three months of the date of this permission, the faux chimney shall be brick clad with a dentil course and reconstituted stone capping in accordance with the approved plans.

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

Page 42 90364/HHA/17: 29 Kenwood Road, Stretford

SPEAKER(S)	AGAINST:	Roy Kettle (Neighbour)
	FOR:	Tom Allen (Applicant)

1 further letter of objection has been received from 31 Kenwood Avenue, making the following comments: -

The objector considers that the officer report has not fairly stated the reasons for objection, or addressed them.

- The concerns regarding loss of light and overbearing impact are dismissed on the basis that the projection of the extension is within SPD4 limits - but the relevant sections of the guidance do not suggest they can be dismissed on this basis - they stand in their own right. Paragraph 2.14 states that extensions should not cause a significant loss of light to windows in neighbouring properties and / or their patio and garden areas and should not have an overbearing impact on neighbouring amenity. Paragraphs 2.16, 2.17 and 2.18 do not suggest that these concerns can be ignored because the extension is within limits. Paragraph 3.4 states that

“Large extensions which restrict light to a large part of a neighbouring garden for sitting out and / or which block light to the habitable rooms of a neighbouring dwelling will not be considered acceptable”.

- The objector believes that the officer report does not make it clear that there is only one source of light to the neighbour’s **main** living room. The assessment of the impact is subjective, as the planning officer has not visited the neighbouring property. How can this judgement be made that there would not be an unacceptable loss of light or unacceptable overbearing impact without visiting the neighbour’s property? The extension will have a significant impact, taking light away from the main living room and patio area between the hours of 12 noon and 4pm, meaning that it would not be possible to sit on the patio at lunchtime /early afternoon and enjoy any sunshine. The height of the wall will be very imposing and will create a feeling of being hemmed in.
- In relation to the design of the structure, the summary of the objection is very imprecise. The objection actually stated “The proposed development involves a flat roofed neo-modernist design which is incongruous and incompatible with an early 20th century dwelling.” Paragraph 2.2.1 states that extensions should reflect the character, scale and form of the original dwelling by matching and harmonising with the existing architectural style and detailing. Paragraph 2.2.2 states that the roof design should reflect the main roofs and that flat roofs will not be accepted and materials should match the existing. The guidance implies the reason one might depart from a matching style is if the property is of unusual design or layout - which 29 is not. The planning officer’s interpretation of paragraph 2.2.3 of SPD4 is questionable. SPD4 makes clear that 2.2.1 and 2.2.2 are sufficient for most cases. 2.2.3 states that a contemporary design may be acceptable but must be justified and explained in detail as to why the individual proposal is appropriate, responsive to the character of the property and the surrounding context. However, no justification has been provided and none of the surrounding houses have contemporary extensions.
- The report refers to “loss of light and warmth to No. 31’s ground floor living room doors” but it is the whole room that will be affected.
- The report refers to “overbearing and overshadowing of rear garden” but should have mentioned that the patio area will be overshadowed and the amenity of this area will therefore be lost.

OBSERVATIONS

In relation to the concerns raised in the further representation, it is important to emphasise that the SPD4 Supplementary Planning Document sets out guidelines for house extensions and alterations that must be read in conjunction with national and local planning policies including Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework (NPPF), which sets out a presumption in favour of sustainable development. The SPD4 guidelines also need to be considered as a whole and individual paragraphs should not be taken out of context. Additionally, SPD4 does not suggest that there would be no impact arising from extensions which meet the guidelines within the SPD. Instead, it is intended to set out parameters where any impact on neighbouring properties from compliant development will normally not be so severe that it would render the proposals unacceptable.

With regards to the impact on residential amenity, the specific purpose of the guideline set out in paragraph 3.4.2 of SPD4 (that a single storey rear extension on a terraced or semi-detached property should not normally project more than 3m from the rear elevation plus the gap to the boundary) is to provide an objective means of applying the general guidance in paragraphs 2.14 to 2.18 in respect of rear extensions. The paragraphs quoted by the objector must therefore be read in conjunction with paragraph 3.4.2. It is accepted that every application must be considered on its own merits and that there will sometimes be particularly unusual relationships between properties that mean that, even though an extension meets the guideline in paragraph 3.4.2, it is still considered to have an unacceptable impact on a neighbouring property. However, it is not considered that there are any particularly unusual site characteristics in this case that would justify departing from this guideline and, on this basis, it is concluded that the proposed extension would not have an unacceptable impact in terms of overbearing impact or loss of light.

With regards to the question of whether the impact of the proposal can be properly assessed without viewing the proposal from the neighbour's property, the planning officer's photographs demonstrate that there is inter-visibility between the two rear gardens. Furthermore, the application is not unusual or complicated in terms of the design of the extension or the relationship between the neighbouring properties and planning officers are used to making assessments of the impact of this type of proposal. It is therefore considered that there has been a satisfactory assessment of the impact on residential amenity based on the site visit to the application property.

With regards to design, paragraph 59 of the NPPF states that "design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally." Paragraph 60 states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."

