

WARD: Bowdon

94928/FUL/18

DEPARTURE: No

Erection of a pair of semi-detached houses.

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

APPLICANT: Mr & Mrs Mc Donnell

AGENT: Trinity Architecture & Design Ltd

RECOMMENDATION: GRANT

SITE

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

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

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

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

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

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

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

PROPOSAL

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

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

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

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

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 - Land for New Houses;
L2 - Meeting Housing Needs;
L4 - Sustainable Transport and Accessibility;
L5 – Climate Change;
L7 - Design;
L8 - Planning Obligations;
R2 - Natural Environment.

OTHER LOCAL POLICY DOCUMENTS

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

PROPOSALS MAP NOTATION

Critical Drainage Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

Site History

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

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

Application withdrawn 23 February 2016

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

Approved with conditions 11 June 2015

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

Approved with conditions 23 April 2012

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

Application withdrawn 14 January 2008

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

Application withdrawn 14 January 2008

Adjoining Site History

- **Determined applications**

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

Approved with conditions 16 March 2018

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

Approved with conditions 11 April 2017

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

Application withdrawn 6 February 2017

- **Undetermined Applications**

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

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

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

APPLICANT'S SUBMISSION

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

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

CONSULTATIONS

Local Highways Authority – No objection.

Lead Local Flood Authority – No objection.

Pollution and Licensing (Contaminated Land) – No objection.

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

United Utilities - No objections subject to appropriate conditions.

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

REPRESENTATIONS

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

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

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

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

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

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

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

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

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

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

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

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

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

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

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

DESIGN AND IMPACT ON THE STREETSCENE

20. Paragraph 124 of the NPPF states that “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 130 states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
21. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code. It can therefore be given full weight in the decision making process.
22. Policy L7 states that ‘In relation to matters of design, development must:
 - Be appropriate in its context;
 - Make best use of opportunities to improve the character and quality of an area;
 - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and
 - Make appropriate provision for open space, where appropriate.
23. Objections have been received on the basis that the development would be out of character and appearance with the area due to its style and semi-detached nature, overdevelopment of the site and detriment to the Conservation Area.

Conservation Area

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

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

Character, scale, siting and massing

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

Appearance, Materials and Fenestration

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

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

Landscaping

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

Conclusions on Design and impact on streetscene

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

IMPACT ON RESIDENTIAL AMENITY

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

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

Overlooking/loss of privacy

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

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

Overbearing/Visually intrusive/Detriment to visual amenity

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

Noise and light pollution

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

Quality of Accommodation

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

Conclusion on Residential Amenity

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

PARKING AND HIGHWAY SAFETY

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

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

ECOLOGY

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

DRAINAGE

59. Policy L5 of the Core Strategy relates to Climate Change and states that new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.
60. Objections raise concerns regarding surface flooding and proportion of hard surfacing.
61. The submitted Drainage Strategy and SuDS Maintenance Plan have been assessed by the Lead Local Flood Authority (LLFA). A neighbour's representation drainage review of the proposed drainage strategy has also been reviewed by the LLFA. Following consideration of these details, the LLFA

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

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

OTHER MATTERS

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

DEVELOPER CONTRIBUTIONS

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

PLANNING BALANCE AND CONCLUSION

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

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

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

RECOMMENDATION:

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

GRANT subject to the following conditions:-

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 'Materials' document received 10 April 2019; T18-28 Drawing No.01. Revision A – Proposed Plans & Elevations; T18-28 Drawing No.02. Revision C – Proposed Site Plan & Street scene; T18-28 Drawing No.03. Revision C – Location Plan; T18-28 Drawing No.04. Revision A – Proposed Block Plan and Extended Street scene; T18-28 Drawing No.05. Typical 100mm Window Reveal

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

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

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the east and west side elevations facing the adjoining sites shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

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

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

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

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

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

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

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

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

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

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

10. No development shall take place unless and until details of the full detailed drainage design and all relevant documents to limit the proposed peak discharge rate of storm water from the development to meet the requirements of the Councils Level 2 Hybrid Strategic Flood Risk Assessment (SFRA) have been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until such works, as approved, are implemented in full and they shall be retained and maintained to a standard capable of limiting the peak discharge rate as set out in the SFRA and FRA thereafter.

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

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

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

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

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

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

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

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

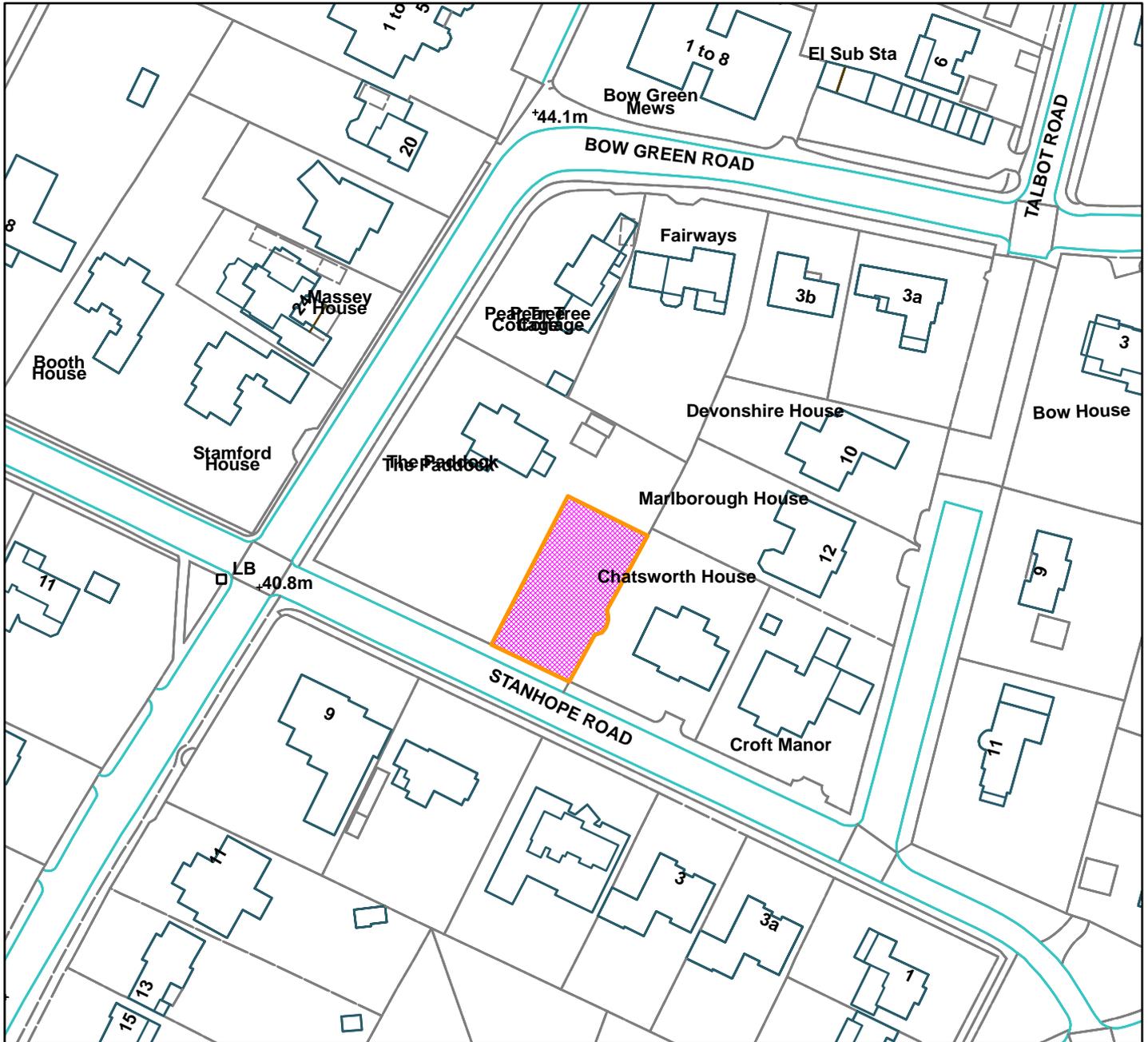
Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during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

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

TM



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



Scale: 1:1,250

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

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

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

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

AGENT: Mr Barry Tang, Tang and Associates.

RECOMMENDATION: GRANT

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

SITE

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

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

PROPOSAL

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

Layout

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

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

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

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

Scale

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

Access

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

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

The properties would be sold on the open market.

Value Added

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

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

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

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 - Land for New Houses;
 L2 - Meeting Housing Needs;
 L4 - Sustainable Transport and Accessibility;
 L5 – Climate Change;
 L7 - Design;
 L8 - Planning Obligations;
 R2 - Natural Environment;
 R3 – Green Infrastructure.

OTHER LOCAL POLICY DOCUMENTS

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

PROPOSALS MAP NOTATION

Critical Drainage Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the revised National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

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

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

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

CONSULTATIONS

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

LLFA: No comment.

UU: Awaiting final comment on drainage.

GMEU: No objection subject to condition.

Land Contamination: No objection.

Nuisance: No objection.

Arboriculturalist: No objection subject to condition.

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

REPRESENTATIONS

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

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

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

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

Land Use

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

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

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

demonstrate a five year supply of deliverable housing sites. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the government's aim of boosting significantly the supply of housing. The proposal would have a positive impact in this regard through the provision of three additional dwellings. There is likely to be a small economic benefit during the construction phase.

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

Demolition/Loss of Synagogue

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

LAYOUT AND SCALE

12. Paragraph 124 of the NPPF states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
13. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
14. It is noted that this is an 'outline' planning application with the consent being sought limited to matters of access, layout and scale. Details relating to appearance and landscaping are therefore not to be considered through the current application. Notwithstanding this the plans submitted with the current application provide indicative details regarding these additional matters.

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

Siting and Footprint

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

Bulk, Scale, Massing and Height

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

Internal Layouts

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

Additional Design Comments

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

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

IMPACT ON RESIDENTIAL AMENITY

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

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

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

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

Overbearing/Overshadowing

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

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

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

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

CRIME AND SECURITY

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

HIGHWAYS, PARKING AND SERVICING

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

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

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

TREES AND ECOLOGY

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

DEVELOPER CONTRIBUTIONS

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

OTHER MATTERS

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

PLANNING BALANCE AND CONCLUSION

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

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

RECOMMENDATION

GRANT subject to the following conditions:

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

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

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

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

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

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

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

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

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

5. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations' with reference to the approved Eden Arboriculture tree report reference EA-2017-054(AMS), dated 5 April 2019, and the Tree Protection Plan EA-2017-054(TPP) dated 4 April 2019. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

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

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

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and

users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the buildings' first and second floor side facing gable elevations shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

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

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

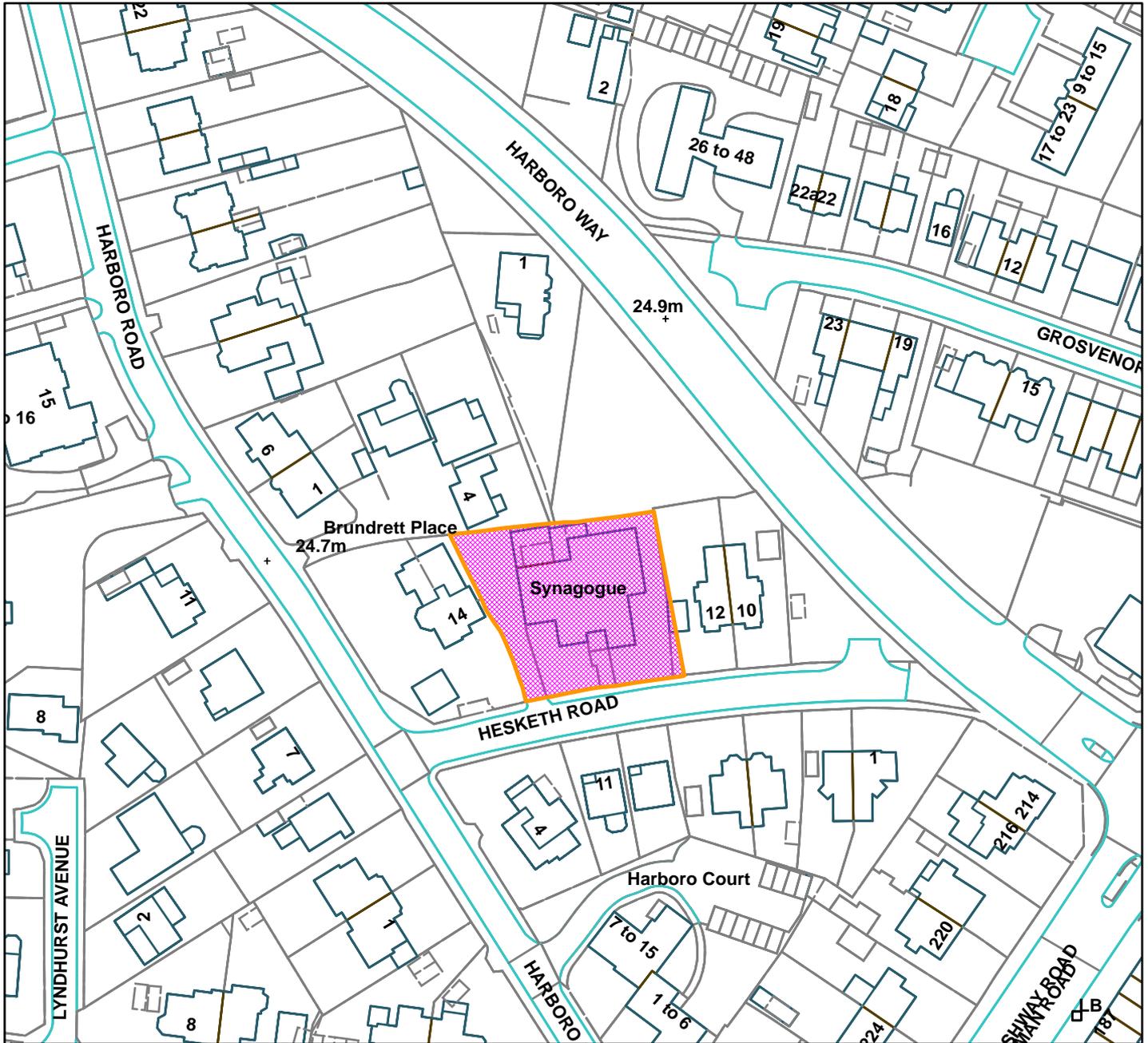
10. The approved dwellings shall have a roof ridge height of no higher than 10.1m and an eaves height of no higher than 6.1m.

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

TP



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



Scale: 1:1,250

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

WARD: Bowdon

95910/FUL/18

DEPARTURE: No

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

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

APPLICANT: Mr & Mrs Ryan.

AGENT: Miss Emer Cunningham, Indigo Planning.

RECOMMENDATION: REFUSE

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

SITE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROPOSAL

The applicant proposes to carry out works comprising the following:

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

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

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

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

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

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

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

DEVELOPMENT PLAN

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

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 - Land for New Houses;
L2 - Meeting Housing Needs;
L4 - Sustainable Transport and Accessibility;
L5 – Climate Change;
L7 - Design;
L8 - Planning Obligations;
R1 – Historic Environment;
R2 - Natural Environment.

OTHER LOCAL POLICY DOCUMENTS

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

PROPOSALS MAP NOTATION

Bowdon Conservation Area.
Critical Drainage Area;

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Conservation Areas.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the revised National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

APPLICANT'S SUBMISSION

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

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

CONSULTATIONS

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

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

Local Highways Authority – No objection.

LLFA – No objection subject to conditions.

United Utilities – No objection subject to conditions.

GMEU - No objection subject to conditions.

Pollution and Licensing (Contaminated Land) - No objection.

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

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

Trafford Housing Strategy and Growth Manager – No objection.

Arborist – No objection.

REPRESENTATIONS

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

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

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

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

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

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

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

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

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

Heritage Assets

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

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

13. Of relevance to the determination of this application is paragraph 190 *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”.*
14. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 194).
15. Where a development would lead to ‘less than substantial harm’ to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF paragraph 196).
16. Policy R1 states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to Conservation Areas, listed buildings and other identified heritage assets.
17. Paragraph 124 of the NPPF states: *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 130 states: *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”*
18. Policy L7 of the Trafford Core Strategy states: *“In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in*

accordance with Policy R5 of this Plan.” Policies L7 and R5 are up to date in NPPF terms.

IMPACT ON SETTING OF THE GRADE II LISTED BOWDON OLD HALL

Significance of Bowdon Old Hall and its Setting

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

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

Assessment of Proposals

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

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

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

IMPACT ON BOWDON CONSERVATION AREA

Significance of Bowdon Conservation Area/Relevant Conservation Area Policies

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

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

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

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

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

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

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

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

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

Policy 5

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

Policy 6

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

Policy 26

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

Policy 28

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

Policy 38

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

Policy 41

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

Policy 43

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

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

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

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

Assessment of Proposals

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

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

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

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

HERITAGE CONCLUSION

62. The Courts have decided that considerable importance and weight must be given to the objective of Section 66(1) and a finding of harm to a listed building or its setting. It is wrong for the decision maker to equate "less than substantial harm" with less than "substantial objection" to the grant of planning permission. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Further, Paragraph 194 states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Therefore, decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings and the character and appearance of Conservation Areas when carrying out the balancing exercise required by Paragraph 196 of the NPPF.
63. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset,

this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The analysis above has found 'less than substantial harm' arising to the setting of Bowdon Old Hall, the setting and fabric of curtilage listed structures within it and to Bowdon Conservation Area. This harm is at the very highest end of 'less than substantial', however, and is considered by the Council's Heritage Development Officer to comprise 'very major' harm.

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

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

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

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

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

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

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

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

Housing Land

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

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

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

Application of NPPF Paragraph 11 d)

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

IMPACT ON RESIDENTIAL AMENITY

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

Unit 1

Privacy and Overlooking

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

Overbearing/Overshadowing

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

Unit 2

Privacy and Overlooking

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

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

Overbearing/Overshadowing

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

Noise/Disturbance

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

HIGHWAYS, PARKING AND SERVICING

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

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

TREES AND ECOLOGY

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

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

DEVELOPER CONTRIBUTIONS

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

93. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of three additional trees per property. No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

OTHER MATTERS

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

Councillor Comments

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

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

Neighbour Comments

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

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

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

CONCLUSION

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

RECOMMENDATION

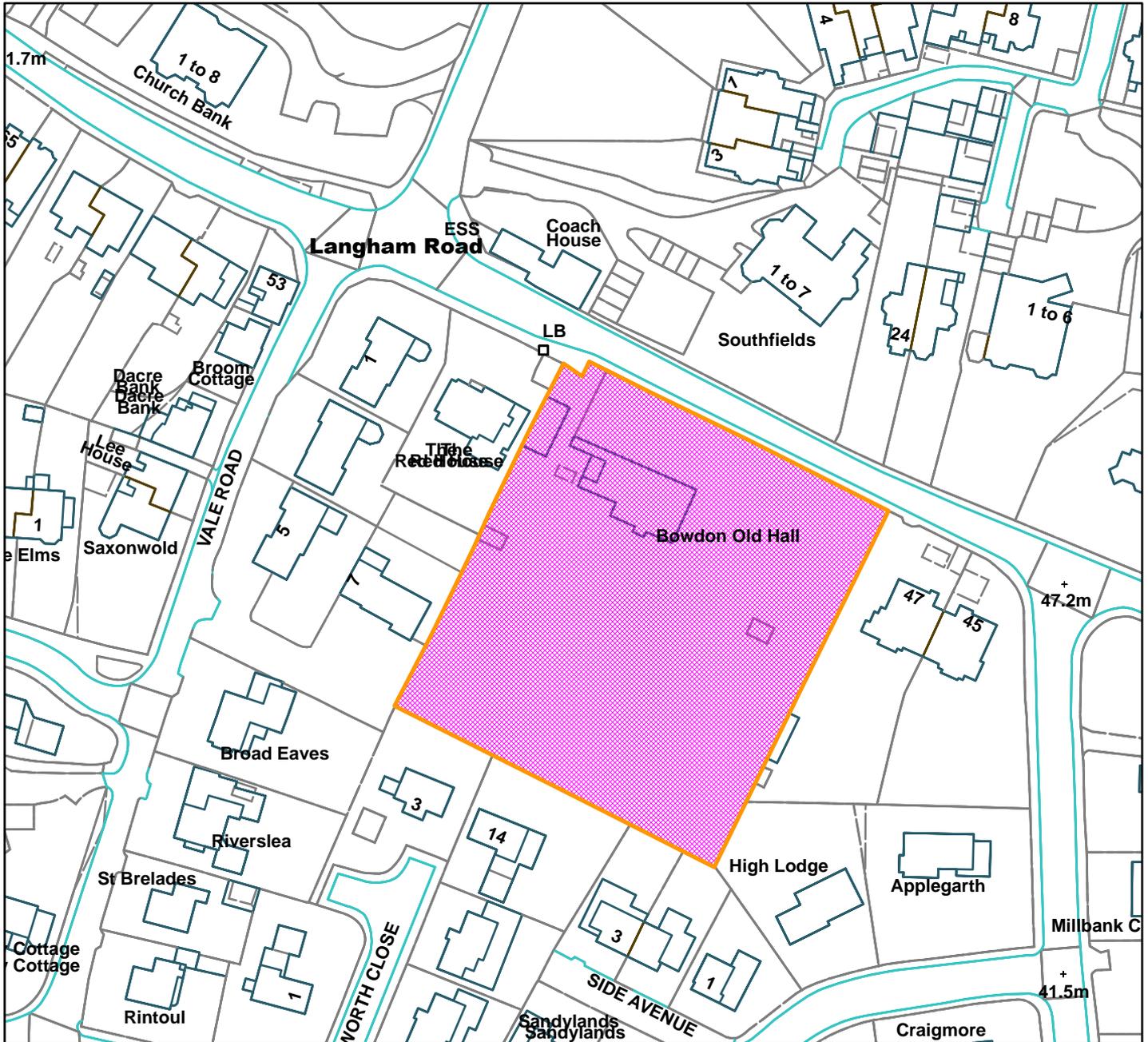
REFUSE for the following reasons:-

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

TP



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



Scale: 1:1,250

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

WARD: Bowdon

95911/LBC/18

DEPARTURE: No

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

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

APPLICANT: Mr & Mrs Ryan.

AGENT: Miss Emer Cunningham, Indigo Planning.

RECOMMENDATION: REFUSE

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

SITE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROPOSAL

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

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

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

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 – Design;
L8 – Planning Obligations;
R1 – Historic Environment.

PROPOSALS MAP NOTATION

Critical Drainage Area;
Bowdon Conservation Area.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Conservation Areas.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the revised National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

OTHER LEGISLATION

Planning (Listed Buildings and Conservation Areas) Act 1990.

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICANT'S SUBMISSION

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

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

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

CONSULTATIONS

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

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

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

REPRESENTATIONS

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

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

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

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

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

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

OBSERVATIONS

IMPACT ON DESIGNATED HERITAGE ASSET

The Planning (Listed Buildings & Conservation Areas) Act 1990

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

National Planning Policy Framework (Revised 2019)

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

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

Development Plan

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

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

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

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

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

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

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

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

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

Proposed Works to Front of Current Property

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

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

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

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

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

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

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

CONCLUSION

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

RECOMMENDATION:

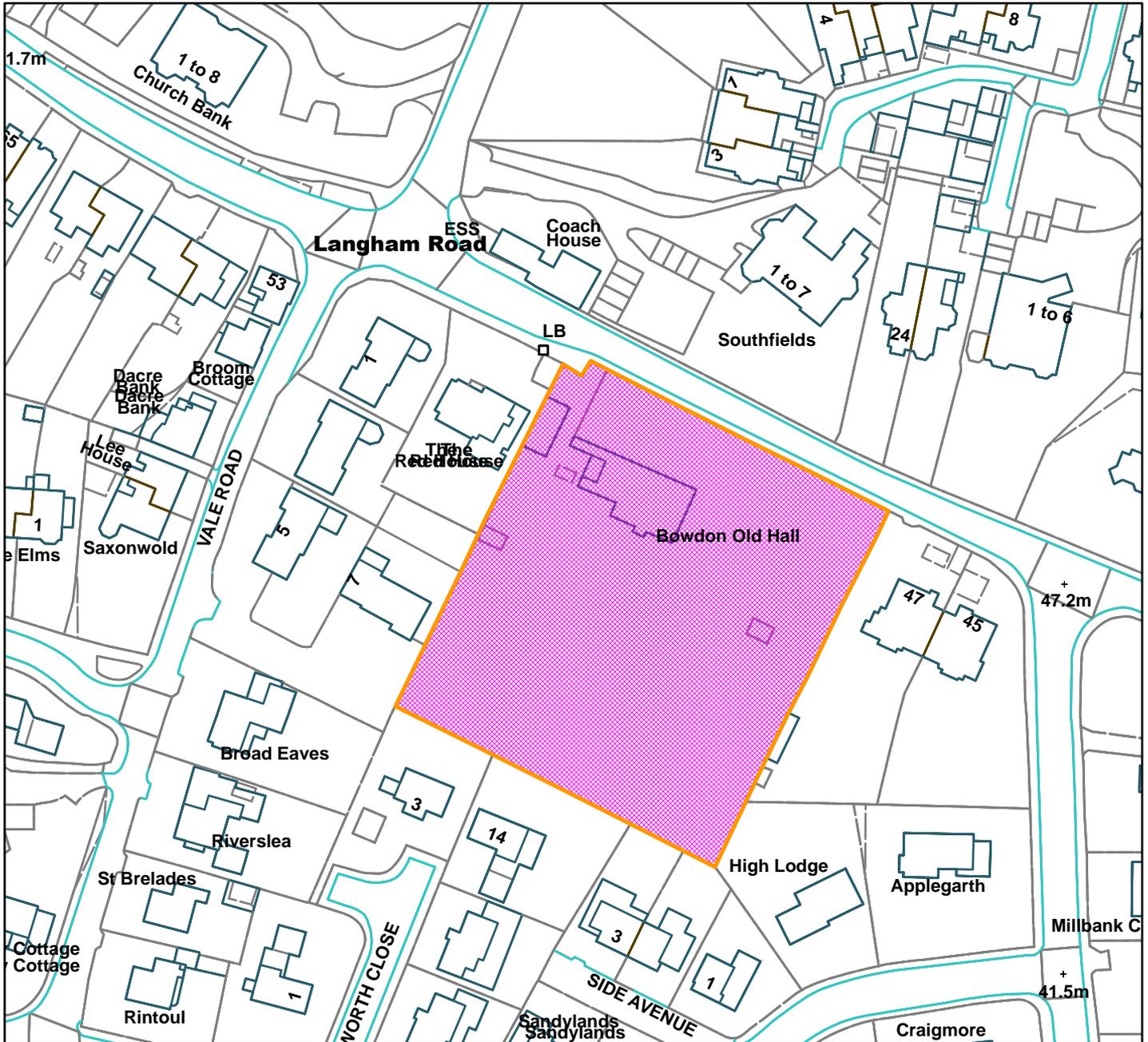
Refuse for the following reason:

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

TP



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



Scale: 1:1,250

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

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

12 Okehampton Crescent, Sale, M33 5HR

APPLICANT: Mr Robertson

AGENT:

RECOMMENDATION: GRANT

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

SITE

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

PROPOSAL

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

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

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

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 - Sustainable Transport and Accessibility;

L7 – Design

OTHER LOCAL POLICY DOCUMENTS

SPD3 – Parking Standards and Design

SPD4 – A Guide for Designing House Extensions & Alterations

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016. A revised consultation draft was published in January 2019 and a further period of consultation is currently taking place. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

None.

APPLICANT'S SUBMISSION

None.

CONSULTATIONS

None.

REPRESENTATIONS

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

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

OBSERVATIONS

PRINCIPLE OF PROPOSAL

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

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

DESIGN AND STREET SCENE

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

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

RESIDENTIAL AMENITY

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

3.4.2. The most common situation where harm may be caused to the neighbouring property is in the instance of terraced and semi-detached properties however these guidelines also apply to detached properties. Normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of semi-detached and terraced properties and 4m for detached properties. If the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g., if an extension is 1m from the side boundary, the projection may be increased to 4m for a semi-detached or terraced extension).

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

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

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

PARKING

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

DEVELOPER CONTRIBUTIONS

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

PLANNING BALANCE AND CONCLUSION

17. The proposed scheme is considered acceptable in terms of design and visual amenity, residential amenity and highway safety and would comply with Policies L4, and L7 of the Trafford Core Strategy and guidance within SPD4 and the NPPF. As the proposal is substantially complete and considered satisfactorily erected, it is recommended that there is no need to attach a condition for the materials used in construction to be similar to the main dwelling in this instance.
18. The development complies with up to date development plan policy and is therefore recommended for approval subject to the conditions listed below.

RECOMMENDATION

GRANT subject to the following conditions:-

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

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

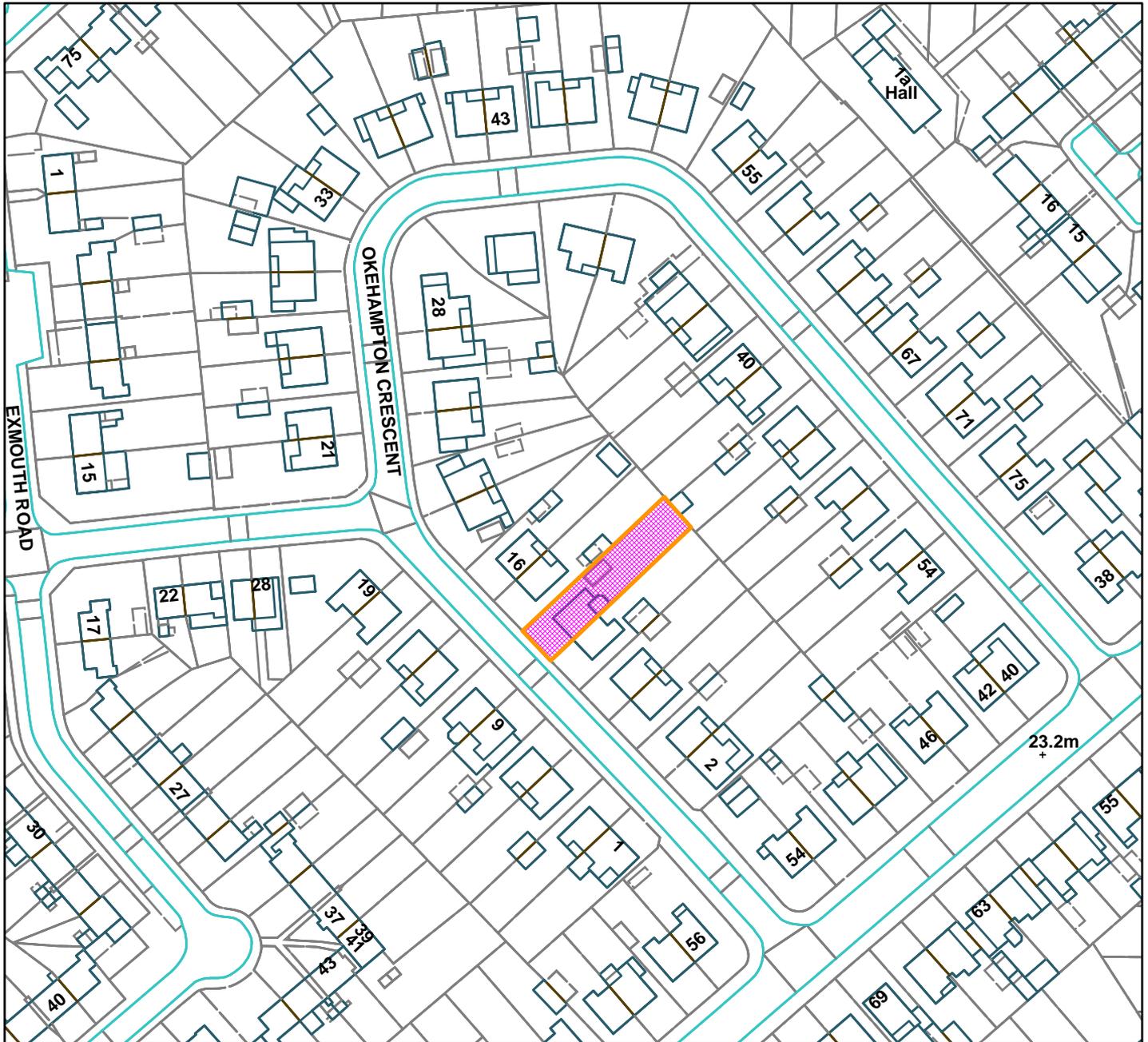
2. The development hereby permitted shall be constructed entirely of the materials details which are shown on plan No.IP-001.

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

GD



12 Okehampton Crescent, Sale (site hatched on plan)



Scale: 1:1,250

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