

**Outline application with all matters reserved for the erection of 1 no. dwellinghouse with landscaping, access and other associated works**

Land To The East Of Great Heys, 74 Bankhall Lane, Hale Barns, WA15 0LW

**APPLICANT:** C/O Agent

**AGENT:** NJL Consulting

**RECOMMENDATION: GRANT**

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**SITE**

The application site comprises a vacant greenfield site measuring approximately 0.4ha and is roughly rectangular in configuration, narrowing at the front of the site on Bankhall Lane. The site is positioned to the southern peripheries of Hale Barns and bound to the north, east and western aspects by existing residential development delineated by extensive hedgerow and a variety of mature trees.

The northern boundary of the site fronts Bankhall Lane and the boundary edge of the South Hale Conservation Area. To the east of the site lies a residential development, The Merridale and a large detached dwelling in a large plot sits to the west of the site (Great Heys, 74 Bankhall Lane). To the south of the site is open countryside contained within the Green Belt and it also forms part of a Protected Area of Landscape Character. This area, and incorporating the application site, is also a recognised Wildlife Corridor.

The site is accessed from Bankhall Lane via an existing dropped kerb field entrance which is fringed by established hedgerow and other mature trees and this currently provides access to the farmland to the south of the site.

As of the 27<sup>th</sup> March 2017 the site no longer forms part of the South Hale Conservation Area, being removed alongside surrounding residential properties. These properties are an eclectic mix of predominantly two storey detached dwellings on accommodating curtilages, most notably Great Heys to the west and those lying immediately north which shapes and strengthens the sylvan pattern of development. The most recent localised residential development containing seven dwellings along The Merridale (to the east) is uncharacteristic within its setting, occupying proportionately smaller house to curtilage ratios compared to the surrounding area.

## **PROPOSAL**

This application seeks outline permission for the erection of 1 no. detached dwellinghouse with all matters reserved.

Whilst all matters are reserved, an indicative layout has been submitted indicating access proposed off Bankhall Lane to the north east corner of the site. An access strip is shown to be retained to the east of the site, allowing access to the field to the rear of the site.

The plan shows a shaded indicative 'limit of build zone' area with minimum distances given to each of the site boundaries. The purpose of this is not to establish a maximum amount of developable area but rather provide an indication of where an appropriately sized and designed dwelling can be located within the plot.

A minimum set back of 16.5m is proposed to the front site boundary with 22.5m to the rear and 8m and 14m to the west and east boundaries respectively.

**Value Added:-** Further to negotiations with officers, the development description has been revised from 3 to 1 dwellings.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **PROPOSALS MAP NOTATION**

Wildlife Corridor

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

ENV10 – Wildlife Corridor

## **SUPPLEMENTARY PLANNING GUIDANCE**

PG1 – New Residential Development

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

SPD5.21a – South Hale Conservation Area Appraisal

SPD5.21a – South Hale Conservation Area Management Plan

SPG3 – Landscape Strategy

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in summer 2020 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

There is no planning history in relation to this specific site. The following planning history relates to the adjacent site, Great Heys, Bankhall Lane and is considered to be relevant to this application:

96465/FUL/18 – Demolition of existing dwelling and redevelopment of the site to provide

a new 64 bedroom care home (Use Class C2) together with associated access, car parking and landscaping.

Appeal against non-determination dismissed 7<sup>th</sup> August 2019

The Inspector's report sets out the main issues for consideration of the appeal application to be:

- The effects of the proposal on the character and appearance of the area;
- Whether it would provide satisfactory access to shops and services;
- Whether it would provide acceptable living environment having regard to amenity space and the model of care;
- Whether it would preserve or enhance the character or appearance of designated heritage assets including the South Hale Conservation Area and the Grade II listed Bank Hall; and
- The effects on protected species

The report concludes that *“the appeal scheme would result in some benefits, but they are significantly and demonstrably outweighed by the clear identified harms. Consequently, there is no reason to take a decision other than in accordance with the development plan. The appeal does not succeed.”*

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

Refused 17<sup>th</sup> April 2018 for the following reasons:

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

impact to protected species. As such, the proposal is considered contrary to Policy R2 of the Trafford Core Strategy, and the National Planning Policy Framework.

## **APPLICANT'S SUBMISSION**

The following documents have been submitted as part of the application:

- Heritage Statement
- Design and Access Statement
- Planning Statement
- Drainage Strategy
- Ecological Assessment
- Tree Survey
- Landscape Visual Impact Assessment
- Transport Assessment

## **CONSULTATIONS**

**United Utilities** – No objections subject to conditions requiring foul and surface water to be drained on separate systems and the submission of a surface water drainage scheme.

**Lead Local Flood Authority** – No objection subject to a condition requiring details of a surface water drainage scheme to be submitted and agreed.

**Local Highway Authority** – No objections to the outline application with all matters reserved. Should the application be for access, amendments are required to the access to ensure two vehicles can pass without causing blocking back onto Bankhall Lane. A visibility splay of 2.4m x 43m in either direction with nothing higher than 0.6m within the visibility splay is required.

**Greater Manchester Ecology Unit** – Surveys are not expected to be conducted and submitted with the application, however conditions in relation to nesting birds and biodiversity enhancement are recommended.

## **REPRESENTATIONS**

Letters of objection have been received from 63 different addresses and 3 additional objections received with no address given. The main points raised are summarised below:

### **Consultations**

- The consultations should be extended to include 69 Bankhall Lane and “The Orchard”, The Avenue, Hale.
- No site notice has been displayed;

### Character of the Area

- The area is classed as a 'wildlife corridor'
- Sensitive site around the River Bollin
- The area is used by locals for recreational activities;
- The development would detract from environmental features of the site;
- Open the gateway for further inappropriate development in the area;
- Adversely impact on views;
- Encroachment into surrounding countryside;
- The Bollin Valley and its wildlife are an asset to this part of Trafford;
- Damaging to the ecology of the area;
- Adverse impact on the character of the adjacent Conservation Area;
- 3 dwellings is overdevelopment of the site;

### Housing Type

- Query need for new private housing in this area;
- The site was previously rejected by the Council as being an unsuitable size with inadequate infrastructure for development;

### Green Belt

- Loss of Green Belt land;
- Should look to develop brownfield sites;

### Highways and Parking

- Exacerbation of existing parking problems on Bankhall Lane and associated highway safety concerns;

### Other Matters

- Errors in planning submission statement;
- Building disruption;
- The applicant has not declared this as agricultural land and has not submitted a change of use application;

1 no. letter of support has been received:

### Support

- HS2 is taking away local dwellings and therefore these houses should be built.

## **OBSERVATIONS**

### BACKGROUND

1. This application was submitted in November 2018 and was originally for the erection of up to 3 no. dwellings on the site. This was then reduced to 2 through the submission of amended plans and more recently to 1 no. dwelling. Additional neighbour consultation has taken place to advise of the latest position although

all original representations are also taken into consideration. A site notice was displayed during the first consultation phase.

2. Since the application was submitted, the Council's decision to refuse the proposed 64 bed care home on the adjacent site at Great Heys, 74 Bankhall Lane (ref. 96465/FUL/18) has been appealed and the Inspector's decision dismissing the appeal was issued on 7<sup>th</sup> August 2019. The comments within this decision have been taken into consideration in the Council's negotiations with the developer and in forming the recommendation for this application as set out in more detail within this report.

## PRINCIPLE OF DEVELOPMENT

3. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** emphasis added) development plan, permission should not normally be granted.
4. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. Nevertheless, without a five year housing land supply, where applications include housing development, the NPPF advises in Paragraph 11 and the associated footnotes that all relevant development plan policies should be deemed to be out of date. This means that unless NPPF policy that protects areas or assets of particular importance provides a clear reason for refusing the development proposed the tilted balance is engaged i.e. any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. For the avoidance of doubt, there are no NPPF policies which provide a clear reason for refusing this scheme and so the tilted balance is engaged.
5. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.

## Housing Land Supply

6. 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. Paragraph 73 of the NPPF advises that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirements set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. However, latest housing land monitoring for Trafford indicates a supply of only some 2.5 years.

7. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites it indicates at bullet point c) that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
8. Policy L1 is regarded as out-of-date for the purposes of decision-taking. 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.
9. The application proposal would deliver 1 new residential unit. This is an extremely limited contribution towards meeting the Borough's housing need, 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.
10. Policy L1 states that an indicative 80% target proportion of new housing provision shall be met on brownfield land. To achieve this Policy L1.7 advises that the Council will release sustainable urban area greenfield land in the following order of priority:
  - Firstly land within the Regional Centre and Inner Areas;
  - Secondly, land that can be shown to contribute significantly to the achievement of the regeneration priorities set out in Policy L3 and/or strengthen and support Trafford's 4 town centres; and
  - Thirdly land that can be shown to be of benefit to the achievement of the wider Plan objectives set out in Chapters 4 and 5 of this Plan (Strategic Objectives and Place Objectives).
11. The first and second priority cannot relate to this proposal because the site does not sit within either the Regional Centre or Inner Area or within any of the borough's town centres. Therefore the application will need to be considered

against the third points of Policy L1.7. Strategic Objectives SO6 (reduce the need to travel), SO7 (secure sustainable development) and SO8 (protect the historic built environment) are considered to be most relevant to this application. It was accepted under the consideration of the care home application that the site is located in a sustainable location for the majority of user groups and it would be wrong to take a differing approach in the consideration of this application.

12. The remaining issues to consider are the impact on character and appearance of the site and surrounding area (including the adjacent designated heritage asset), highway safety and convenience, residential amenity and impact on protected landscape and species.
13. The proposal is for 1 no. unit only and therefore falls below the trigger for any affordable housing contribution.

### CHARACTER OF THE SITE

14. The site is currently undeveloped and forms part of the designated Wildlife Corridor. Development is generally confined to the northern side of Bankhall Lane with the site forming part of the transition from the residential areas of Hale and Hale Barns to the open countryside to the south.
15. Land to the south of the site lies within the Green Belt and is designated as a Protected Area of Landscape Character.
16. The site sits outside of but next to the South Hale Conservation Area with the boundary running along the northern boundary of Bankhall Lane.

### Impact on the Designated Heritage Asset

17. The importance of preserving the historic environment is reflected in the National Planning Policy Framework (NPPF) and supporting Guidance (NPPG).
18. Paragraph 193 of NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
19. Policy R1 of the Core Strategy, relating to 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.
20. 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.

21. The site lies adjacent to the South Hale Conservation Area. The significance of the South Hale Conservation Area stems from its residential nature and the marriage of its built and natural environments. The buildings within the Conservation Area are characteristically of a high architectural quality and level of integrity. The retention of the generously-proportioned original plots is especially notable and, together with the mature planted boundaries and tree-lined streets, is one of the driving forces behind the characteristic greenness of the Conservation Area. South Hale enjoys views out of the Conservation Area towards the River Bollin. The topography, sloping down towards the river affects the views out of the Conservation Area. The undulating landscaping creates a semi-rural character within the Conservation Area.
22. Bankhall Lane forms one of the conservation area's southern boundaries with buildings directly opposite the site on the northern side of Bankhall Lane incorporated within it. The application site had previously been within the Conservation Area boundary however was removed in February 2017 during a review of the boundaries. The review explains that parts of Bankhall Lane, and extending into Rappax Road (including the Merridale estate), contain pockets of mid to late 20th century development that are not of sufficient quality or historic or architectural character to warrant continued inclusion in the conservation area. Nevertheless, the impact of the proposed development on the setting of the South Hale Conservation Area is a main consideration in the determination of this application.
23. As noted previously, the site has been omitted from the South Hale Conservation Area as explained within section 7.1.3 of the adopted South Hale Conservation Area Appraisal (2017). Notwithstanding this, the site lies adjacent to the Conservation Area boundary and therefore whilst an assessment of the policies contained within the Conservation Area Appraisal are not a material consideration, it is essential to ensure the local distinctiveness and setting of the area and that of the designated heritage asset is preserved as necessitated through the Policy R1 of the Core Strategy and NPPF.
24. All matters are reserved matter for this outline application and therefore a thorough assessment of the visual impact of the proposed development cannot be undertaken. However, it is evident that the distinctive characteristics of the area include the spaciousness around buildings; its verdant appearance; degree of natural boundary treatments; and predominantly active frontages with principal elevations facing the highway.

25. In relation to the appeal at the adjacent site, the Inspector's report states in paragraph 37 that *"The site's predominantly rural surroundings place it within a distinctly different context to the mainly built-up Conservation Area."*
26. In assessing the appeal proposal, the Inspector comments in paragraphs 41 and 42 *"I consider that the design of the proposal would be of a good standard and would not be at odds with the overall mix of dwelling styles in the Conservation Area..."*
27. *Moreover, because of the existing vegetation within the site, the parking area would not be seen in its entirety. Accordingly, the proposed changes to the site's frontage would not have a material effect on the appreciation of the historic significance of the Conservation Area in views from along Bankhall Lane."*
28. The submitted Tree Survey confirms that the proposed development will retain all the mature trees on the site frontage. As such the verdant character of the Conservation Area will be retained.
29. Although the appeal related to a different type of proposal (and a much larger building) the principle of retaining a well treed frontage with transient views beyond to a well-designed building of appropriate, but not necessarily pastiche style, can equally be applied to the application site. Subject to scale, design and appearance, it is considered that one detached dwelling erected within the indicated build zone parameters could reflect some of the characteristics of the Conservation Area with a single dwelling within a large plot.
30. It is therefore considered that the proposal would not result in harm to the character and setting of the adjacent Conservation Area.

#### Visual Amenity and Landscape Impact

31. One of the core planning principles of the NPPF (paragraph 17) is that plans and decisions should recognise the intrinsic character and beauty of the countryside. Further to this, paragraph 109 explains that the planning system should contribute and enhance the natural and local environment, including by protecting and enhancing valued landscapes. Within the Trafford Core Strategy, this objective is articulated by means of Policy R2 (Natural Environment). This policy restates the importance of protecting and enhancing landscape character and of recognising the value of the Borough's countryside assets, including not only their immediate location but also their surroundings. This policy is supported by Policy L7 (Design) which is clear that new development should be appropriate to its context and should appropriately address matters such as scale, density and massing when having regard to the character of the area.
32. With reference to the Proposals Map, the site is identified as part of the Wildlife Corridor which also runs to the south of the application site. The site also adjoins

an area of protected landscape character and Green Belt to its southern boundary.

33. The site is located in an area of transition between the residential area of Hale/Hale Barns and rural Cheshire. There are existing plots of built development on the south side of Bankhall Lane, including sites which adjoin the application site. It is understood that there are no intentions for wholesale release of land in this location as part of the ongoing preparation of the Land Allocations element of the Trafford Local Plan or the Greater Manchester Spatial Framework. On the contrary, this swathe of greenfield land is regarded as performing an important function in acting as a green buffer to the wooded River Bollin Valley further beyond.
34. Adopted SPG 30: Landscape Strategy sets out the character of particular countryside landscapes across Trafford, corresponding with the annotation of the Proposals Map. The SPG classifies the open land to the south of the application site and the River Bollin as wooded claylands. The key characteristics of this area are set out within the SPG and include a gently, rolling topography, an ancient wooded landscape, the restriction of views as a consequence of hedgerows and trees, and poorly draining soils. The site is considered to form part of an attractive and sensitive green finger between the developed areas of Hale/Hale Barns and the wooded river valley to the south. The SPG refers to the importance of new development making a positive contribution to landscape quality and character, thereby supporting the aims of Policy R2 and Policy L7.
35. Officers raised concerns with regard to the impact of 3 no. and 2 no. dwellings on this transitional site respectively with concerns that a disproportionately high density of development would undermine the site's visual harmony with the adjacent landscape and diminish its transitional character and function. It is considered that the current proposal for one dwelling however, with a sufficient buffer to the rear boundary and appropriate landscaping of the site, would not differ significantly from the density and general pattern of housing on this side of Bankhall Lane nor be perceived as extending into the surrounding countryside towards the River Bollin.
36. The retained access to the agricultural fields to the rear of the site serves not only to retain views through the site to the surrounding landscape but also to retain some of the function of the site as a Wildlife Corridor.
37. The land immediately to the south of the site is designated Green Belt. Being outside of this designation, the same principles of appropriate development do not apply.

## RESIDENTIAL AMENITY

38. The Council's guidelines for new dwellings are set out in PG1: New Residential Development (Adopted September 2004).
39. Policy L7 of the Trafford Core Strategy advises that in relation to matters of amenity protection, development must:
- Be compatible with the surrounding area; and
  - Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
40. The indicative build-zone plan demonstrates that there is scope for the erection of one detached dwelling to be erected without any undue harm on the amenity of adjacent and neighbouring properties. A full assessment of the impact on residential amenity would be able to be carried out at reserved matters stage once the detailed plans and elevations have been submitted.

## PARKING AND HIGHWAYS

41. Policy L7 states that in relation to matters of functionality, development must:
- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
  - Provide sufficient off-street car and cycle parking, manoeuvring and operation space.
42. In reflecting the NPPF, Core Strategy Policy L4 (Sustainable Transport and Accessibility) seeks to direct development to accessible places that benefit from existing transport networks, services and facilities in order to reduce the need to travel. It also supports opportunities to improve the pedestrian environment and cycling network. Planning permission will not be granted for new development that is likely to have a significant adverse impact on the safe and efficient operation of the strategic, primary and local highway unless appropriate transport infrastructure improvements and/or traffic mitigation measures can be secured, the policy states. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts on the road network, and thus Policy L4 has been concluded to be out-of-date for the purposes of decision-taking and full weight cannot be applied.
43. The LHA consultation comments were based on the original proposal for 3 dwellings and raise no objection for this outline application with all matters reserved. The requirement to provide an adequate visibility splay onto Bankhall Lane was raised and this should be addressed under a reserved matters application.

44. Whilst the proposal is outline, it is considered that there is sufficient space for the adequate provision of off-street parking and refuse/recycling storage.

## ECOLOGY

45. As part of the planning system's role in contributing to and enhancing the natural and local environment, the NPPF advises that this includes minimising the impacts on biodiversity. A number of principles for local planning authorities to adopt when decision-taking are put forward in the interests of conserving and enhancing levels of biodiversity. This includes refusing planning permission where significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, and encouraging the incorporate of biodiversity enhancement in and around new developments.

46. At the Development Plan level, this matter is covered by Policy R2 (Natural Environment) of the Trafford Core Strategy. This requires applicants for planning permission to demonstrate that their development proposals will protect and enhance the biodiversity value of a site and its surroundings.

47. Greater Manchester Ecology Unit were consulted on the application and raise no objection. Standard conditions are recommended relating to nesting birds and biodiversity enhancement.

## FLOOD RISK AND CLIMATE CHANGE

48. 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.

49. In line with consultation comments received from the Lead Local Flood Authority, a condition is recommended for a surface water drainage scheme to be submitted and agreed by the Local Planning Authority.

## **DEVELOPER CONTRIBUTIONS**

50. 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).

51. No other planning obligations are required.

52. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific

green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide at least three additional trees on site as part of the landscaping proposals.

## **PLANNING BALANCE AND CONCLUSION**

53. The proposed development would contribute 1 no. family dwelling to the Council's housing supply and result in an acceptable impact with reference to the site's location within a Wildlife Corridor, adjacent to an Area of Special Landscape Value, Green Belt and Conservation Area. No harm would arise to the setting of the adjacent Conservation Area. A single dwelling could reasonably be built without any harm to the residential amenity of the neighbouring residential properties. It would also result in an acceptable highways, parking and ecology impact. The proposal would therefore be in accordance with Policies L4, L7, R1, R2 and R4 of the Core Strategy and the guidance contained with the New Residential Development SPG and NPPF.
54. The application complies with the development plan as a whole which would, in itself, indicate that planning permission should be granted. Nevertheless, as NPPF Paragraph 11 is engaged given the Council's housing land supply position, and Policy R1 of the Core Strategy being out of date, it is also necessary to consider the application against it. The assessment of heritage assets has identified that no harm would arise and consequently there is no reason to refuse the application under Paragraph 11(d)(i). The adverse impacts of the development would not significantly and demonstrably outweigh the benefits and thus the application passes the test under Paragraph 11(d)(ii). All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. The application is therefore recommended for approval.

## **RECOMMENDATION**

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

1. Application(s) 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 – scale; appearance; means of access and 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, Revised Site Location Plan received 21 December 2018; 29372-600 Rev P1; Topographical Survey received 29 November 2018; Indicative Development Plan received 30 March 2020.

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

4. Notwithstanding any description of materials in the application no works involving the use of any materials listed below shall take place until samples and full specification of materials to be used externally on the building [brick, render or other external wall material, roofing, windows. Doors (including garage doors) and rainwater goods] have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 and R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

5. a) Any application for reserved matters which includes landscaping shall include the following details of hard and soft landscaping as a minimum: 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.

6. No trees, shrubs, or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the previous written consent of the Local Planning Authority; any trees, shrubs or hedges removed without such consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species. A copy of the submitted Arboricultural Impact Assessment shall be made available to the site manager in order that the proposed method statements to alleviate the impact of construction methods on retained trees are followed.

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

7. Any application for reserved matters which includes access shall be accompanied by a plan demonstrating a minimum visibility splay at the junction of the access and the highway of 2.4m x 43m in either direction. The development hereby permitted shall not be occupied until this visibility splay has been provided; and rendered effective by the removal of everything within the visibility splay which exceeds one metre in height above the carriageway level at the proposed junction, and the visibility thus provided shall thereafter be retained.

Reason: In order to safeguard public and highway safety, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

9. 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.

10. No above ground works shall take place unless and until a scheme identifying opportunities for biodiversity enhancement to be incorporated into the new development have been submitted to and approved in writing by the Local Planning Authority. These should include:
- Tree and hedgerow protection
  - Re-inspection in relation to protected mammals if work has not commenced within 12 months of the initial inspection date
  - Bat bricks and/or tubes within the new development
  - Bird boxes
  - Native tree and shrub planting
  - Bolstering and creation of new hedgerows

The development shall thereafter be carried out in accordance with the approved details which shall be retained as such thereafter.

Reason: To ensure opportunities for biodiversity enhancement, having regard to the requirements of the NPPF and Policy R2 of the Trafford Core Strategy.

11. The development hereby approved shall not take place unless and until a surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water runoff to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage feature. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

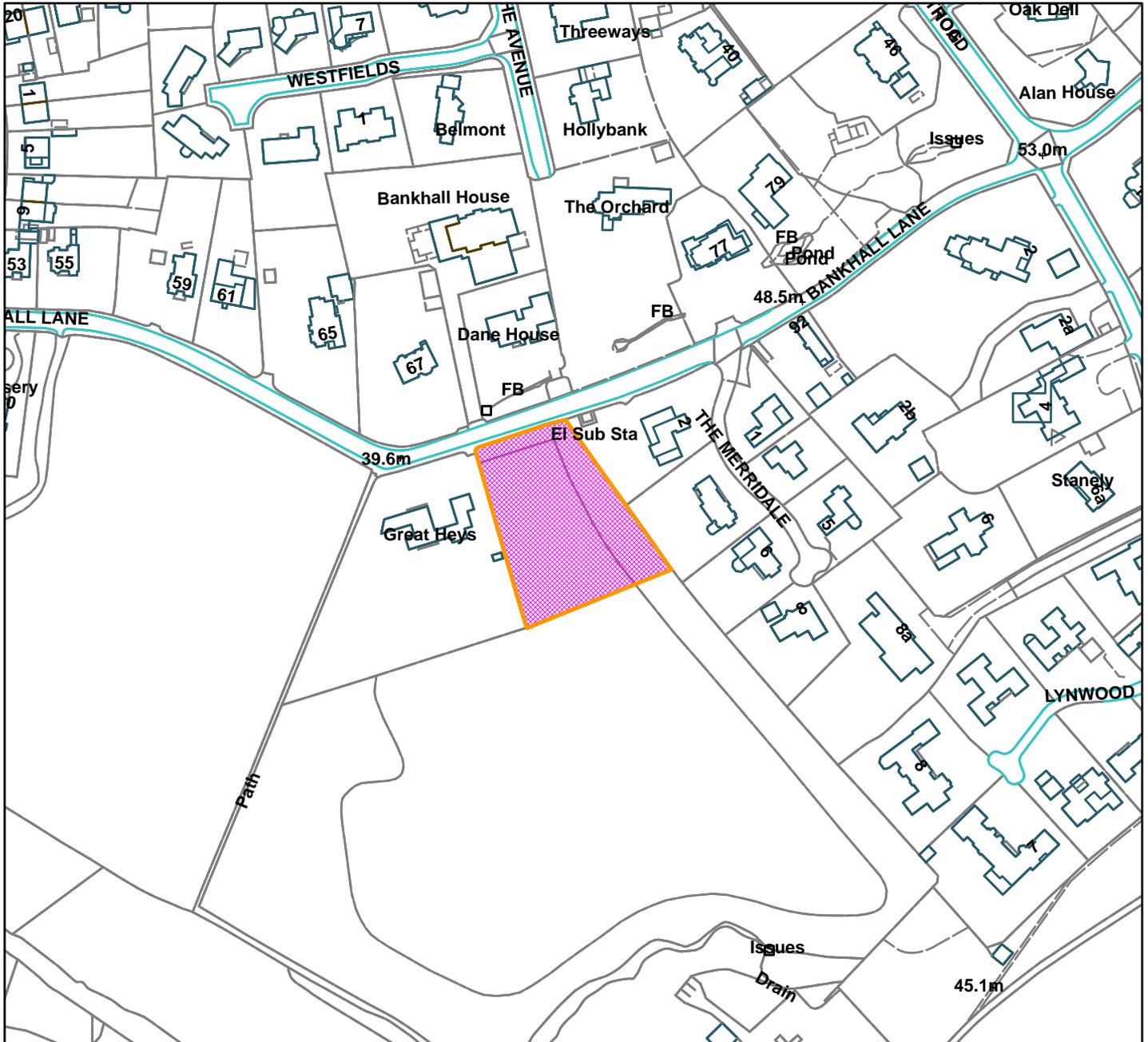
Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, having regard to Trafford Core Strategy Policy L5 and relevant sections of the NPPF.

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Land to the East of Great Heys, 74 Bankhall Lane, Hale Barns, WA15 0LW (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 28/05/20
Date	19/05/2020
MSA Number	100023172 (2012)

**WARD:** Urmston

**98898/FUL/19**

**DEPARTURE:** No

**Installation of 12 no. floodlighting columns on the 3 existing astro turf tennis courts.**

Urmston Cricket And Lawn Tennis Club , Moorside Road, Urmston, M41 5UU

**APPLICANT:** Mr Dagg

**AGENT:** Mr Butterfield Groves

**RECOMMENDATION: REFUSE**

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

**SITE**

The application site comprises an established sports club located on the south side of Moorside Road providing facilities for cricket, bowls and croquet as well as tennis.

The tennis courts to which this application relates are sited to the south of the site on the western side of the access road with the clubhouse located on the opposite side of the access road. The 3 courts have an astro turf surface and are surrounded by wire fencing.

Albany Court, a three storey apartment block for over 55s is sited on the western boundary of the courts and the grounds of Urmston Grammar School are sited on the southern boundary. The wider surrounding area is predominantly residential in character.

**PROPOSAL**

Permission is sought for the installation of 12 no. 7m high floodlighting columns on the 3 existing astro turf tennis courts. A total of 14 no. luminaires are proposed to be fitted to the columns.

The proposed installation is intended to create a year-round facility generating a 35% playing time increase and 50% membership increase as well as supporting school and community tennis schemes and competitive tennis teams.

**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**

L5 - Climate Change

L7 – Design

R5 – Open Space and Recreation

### **PROPOSALS MAP NOTATION**

Protected Open Space

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

None

### **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in summer 2020 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

H/71067 – Erection of a fixed frame cricket practice cage.  
Approved with conditions 20.05.2009

H/49672 – Erection of a covered shelter.  
Approved with conditions 11.09.2000

## **APPLICANTS SUBMISSION**

A Planning Statement has been submitted as part of the application. This includes information regarding on-going plans to regenerate the tennis facilities and the club's motto of 'Tennis for all.'

- This application should be considered in the context of a resurgence of the tennis club and its facilities as well as the ongoing sports development programme for the club overall;
- This application is the latest step of a 6 phase plan to regenerate the tennis facilities. The previous 5 phases taken together have driven increased community participation in tennis and increased club membership. This increased membership has substantially contributed to the financial stability of the club for future generations;
- The first 5 phases have been court resurfacing, new fencing, practice fence, court maintenance machinery and viewing area. These improvements have been delivered by club volunteers in line with a regeneration plan developed in partnership with the Lawn Tennis Association (LTA) and Trafford BC (Sports and Leisure team);
- These investments have already delivered a significant increase in tennis club membership;
- The tennis club is rooted in the local community and the club motto is "Tennis for all."
- The installation of floodlights will create a year-round facility that LTA data predicts (based on their research of tennis clubs nationally) will generate a 35% playing time increase and 50% membership increase;
- The facility will support school community schemes and 10 competitive tennis teams;
- Revenue from increased membership and court booking fees will support the sustainability of the tennis club for future generations;
- An enlarged membership will grow the pool from which new volunteers can be drawn and this will help deliver future community/schools engagement initiatives and will feed the pipeline of young coaches;

- Tom Haworth at Trafford Council has budgeted and committed £13k towards the club's floodlights project;
- Despite all of this progress the club is limited by its seasonal nature. The only sport that can be reliably played on site during the winter months is tennis and the lack of floodlights are clearly a huge limiting factor to the number of available court hours;

In addition to the above the agent has submitted a rebuttal to the consultation comments received from Pollution and Licensing as summarised below.

- There is an established precedent for floodlighting in Trafford and elsewhere locally that will make it difficult to sustain any refusal were the application to end up at appeal.
- The concerns set out by the Environmental Health team have little substance and seem likely to be unsuccessful if the case were ever to go to appeal.
- There is a laurel hedge approximately 3.5m high between the courts and the flats.
- For most the tennis club is a beneficial part of living in that location.
- The grass amenity space is currently already lit by security lighting at night to a high level.
- The application is on the premise that installing lights will increase the court utilisation. However, if the council were to refuse the application on the basis of the detrimental impact of this increased use then surely they would have to demonstrate that the playing of tennis in this situation actually has a detrimental effect on the lives of residents now and that apparent harm would increase if the application were approved? There is no mention of any complaints from residents to this effect.
- Many residents have commented on how much they enjoy watching the tennis.
- The current view from the courts is very bright having the main Grammar School building, the school gym and the Sports Club Clubhouse and car park in their clear view. Each of these facilities is well lit and so there simply is not a dark area to preserve.
- In the absence of any firm data it is the Club's assertion that the floodlights will not comprise a nuisance of any sort.
- No noise assessment is required for this type of application.
- The proposed floodlights are similar to all of the tennis club floodlights listed in the precedents referred to. They only differ in that they are using a more modern technology, are smaller, are able to be focussed more tightly on the courts and as a consequence create less spill.

## **CONSULTATIONS**

**Pollution and Licensing (Nuisance)** – Do not support the application on the grounds of impact on residential amenity.

## **REPRESENTATIONS**

### Support

Letters of support have been received from 45 different addresses as well as letters from Councillor Carter and Councillor Hynes, the Lawn Tennis Club, Urmston Primary, Urmston Grammar School and Flixton Girls School. An additional 14 letters were received with no address given. The main points raised are summarised below

- The club has a committed tennis section but needs more members to survive.
- Crucial to the local community
- Activity is significantly curtailed during the dark winter months
- The development would massively benefit the club
- The club is ideally located to support local schools and community
- To refuse the application would hold back the development of the club

### Objections

Letters of objection have been received from 5 different addresses together with a petition with 28 signatures

- Lack of consultation
- Will create disturbance to adjacent flats from lights and noise
- Residents have to shut windows to block out noise
- Adverse impact on property value
- Infringement on privacy
- Adverse impact on view of surrounding area
- Albany Court is for over 55s. Residents are of an age where they enjoy peace and quiet
- The lights will affect 27 flats over 3 different storeys
- Increased risk of crime to flats
- Exacerbation of existing car parking problems

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. In this particular

case the most important policies for the determination of the application are R5 'Open Space, Sport and Recreation,' L5 'Climate Change' and L7 'Design' as they underpin the assessment of the planning balance. These policies are considered to be up to date in NPPF terms and therefore the tilted balance in NPPF paragraph 11 is not engaged.

3. Paragraph 92 of National Planning Policy Framework (NPPF) advises that planning policies and decisions should plan positively for the provision and use of sports venues. Paragraph 96 continues that *“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.”*
4. Policy R5 of the Trafford Core Strategy (Open Space, Sport & Recreation) advises that the Council should seek to protect existing, and secure the provision of, areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose. Improvements to existing sports facilities are therefore acceptable in terms of Policy R5 of the Core Strategy.
5. The development plan and Policy R5 of the Core Strategy are both broadly supportive of proposals which improve outdoor sports facilities and consequently the principle of this type of development. This must be balanced against the site specific implications of the proposals on, in particular, residential amenity, but also design and impacts on the street scene.

### RESIDENTIAL AMENITY

6. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
7. Policy L5.13 states that development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put into place.
8. The main considerations for this application are therefore in relation to the impact of the lights and any noise and/or disturbance associated with an increase in usage of the courts.
9. The agent refers to a number of other clubs nearby and within Trafford where a precedent of floodlighting has been established. As with all planning applications, this application must be determined on its own merits and in line with current policy and guidance. It is important to address each scheme on a case by case basis, having regard to the specific context of that site. It should be noted however that at least one tennis club mentioned in the agents rebuttal has been

the subject of serious complaints and action under the Environmental Protection Act 1990.

### Lighting

10. The National Planning Policy Guidance (NPPG) provides advice on Light Pollution and acknowledged that artificial light provides *“valuable benefits to society, including through extending opportunities for sport and recreation and can be essential to a new development.”* It recognises however that it can be *“obtrusive and cause disturbance and harm through the creation of light pollution.”*
11. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development and creates better places in which to live and work that it can help make development acceptable to communities. Policy L7 of the Trafford Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of adjacent properties. Core Strategy policy L5 also states that development that has the potential to cause adverse pollution of light will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.
12. The lighting scheme has been reviewed by the Council’s Environmental Protection team who advise that they are unable to support the application on the grounds of the likely impact on the amenity of adjacent neighbouring properties.
13. The tennis courts are in close proximity to a number of dwellings in the locality, but directly adjacent to a 3 storey block of residential flats on Albany Court. The rear elevation to these flats is approximately 20m away from the boundary of the courts with an external grassed amenity space situated in between. There is no effective screening along the boundary that would provide significant protection from the impacts of the development.
14. The height of the hedge referred to in the agent’s rebuttal is closer to 2m rather than the stated 3.5m as observed by the case officer in February 2020 and the Environmental Health officer on 8<sup>th</sup> April 2020. As such it is not likely to offer any significant screening to the proposed lighting.
15. There is a security floodlight illuminating an area of the grassed area immediately adjacent to the south-eastern corner of the Albany Court flats. The floodlight appears to be of a domestic type and is not comparable to the proposed high intensity floodlighting designed to facilitate the safe play of outdoor sports.
16. Other wall lights provide similar complimentary illumination for residents and their visitors but this is not to a high level as suggested by the applicant. These lights are fitted to recessed parts of the elevation and are therefore behind the main living room windows.

17. The courts are not currently lit by any dedicated artificial means, therefore the usage of the courts is likely to be constrained by the availability of sufficient daylight. At present, activities would be restricted to the daytime hours, with any evening use of the courts occurring during the summer months only, and not until as late as is proposed under floodlights. The application proposes the use of the courts to 10.00pm on any day, potentially throughout the year.
18. Residents would have a clear view of the numerous high intensity floodlights being proposed with the potential for direct glare from the lights into habitable room windows. It is considered unlikely that the existing lighting attached to the apartment block would be directly visible through any habitable windows. In addition, the existing lighting is potentially not as high powered and intense as the proposed lighting such that the introduction of the new light sources will provide significant contrast with inevitable negative impacts.
19. The supporting statement to the application proposes to manage the impact of light by a phased approach whereby the court furthest away from Albany Court would be lit first and then the middle court and finally the nearest court. However, it is considered that this may not sufficiently eliminate the intrusion of light and glare that would affect many residents having a direct view of all three courts and the proposed lighting columns and luminaires. Irrespective of which court is being used, residents would be able to see, at close quarters, a large brightly illuminated area that had previously been dark during normal hours of darkness.
20. Clearly the development has the potential to cause a substantial change to the environmental conditions that residents have become accustomed to.
21. Undoubtedly residents enjoy periods of tranquillity and a pleasantly dark scene as viewed from their windows during the evening for many months of the year. The potential impacts of light may be severe enough to be considered a nuisance and detrimental to residential amenity. The impacts of glare may cause physical discomfort, necessitating the closing of curtains, which wouldn't be acceptable to residents.
22. A number of documents have been included to provide technical information of the proposed luminaire units and calculations of the expected lighting levels in and around the courts. There is no commentary on how the calculated levels can meet the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (GN01:2011), which recommend obtrusive light limitations for exterior lighting installations.
23. The supporting information does indicate that significant levels of spill light are likely onto the external areas and rear elevation of the Albany Court flats, which may result in shadowing effects within and around these dwellings. In addition, the manufacturer's technical information suggests that the luminaire source intensity would be at a very high level. An observer may therefore be impacted by

high levels of glare, meaning that it could be impossible to look out of a window overlooking the courts with a sufficient degree of physical comfort.

24. The application is not supported by a full assessment of the lighting impact on local residents provided by a suitably qualified consultant, referring to all relevant guidelines and standards, and therefore fails to demonstrate that the proposals would not have an unacceptable impact on the residential amenity of nearby properties in terms of light spill and glare.
25. It should be noted that since the application was submitted, the Institute of Lighting Professionals (ILP) has issued Guidance Note 01/20 *Guidance Notes for the Reduction of Obtrusive Light* to replace their former GN01:2011 document. Any further assessment would therefore need to have full regard to Guidance Note 01/20 to ensure consistency with current applicable guidelines.

### Noise

26. The application form indicates that it is intended for the courts to be available for use until 10pm every day, including weekends and Bank Holidays. Intensification in use of the courts is likely to mean an increase in noise impact, which in turn could compound the likely detrimental effect of nuisance and harm to residential amenity from the proposed lighting installation.
27. The application is not supported by any assessment by a suitably qualified acoustician of the likely increase in noise impact arising from an intensification in use of the tennis courts. Noise generated by tennis playing, including sudden, irregular impact noise and shouts, could be significant and intrusive, especially during sensitive parts of the evening where residents may wish to relax without being disturbed. Group coaching activities and practice could be noisier still. There is no acoustic standard relevant to recreational noise and the perception of impact will be judged by residents subjectively.
28. It is acknowledged that there have been no complaints made by local residents concerning a nuisance from sports activities at the Club. However, the absence of formal complaints up to now does not necessarily mean that residents will not have cause to complain about noise or any other nuisance in the future. A resident's representation to the application does refer to a need to close windows to keep out noise from the courts.
29. The potential for use of the courts to 10.00pm throughout the year would clearly result in noise impacts over a significantly greater period of time than is currently the case. The application fails to demonstrate that the proposals would not have an unacceptable detrimental impact on the residential amenity of nearby properties as a result of noise impacts. In the absence of any evidence to the contrary, it is concluded that the development would result in unacceptable impacts in terms of noise and disturbance to nearby residential properties.

## Conclusion

30. Having regard to the above, it is considered that the proposal would result in significant harm to residential amenity, due to both light spill and glare and noise impacts, and as such is considered to be contrary to Policies L7 and L5 of the Core Strategy.

## PARKING AND HIGHWAYS

31. The proposed development has been considered against Policy L7 of the Core Strategy with regard to parking and highways. It is considered that the development would not have any impact on parking and highways.

## COMMUNITY BENEFIT

32. The application has received a high level of support from local residents and club members from further afield. Notwithstanding this the Council has a duty to consider the impacts of development on existing and future occupants as well as any potential for complaints to Environmental Health.
33. The lack of floodlighting currently limits the amount of court playing hours during winter months. The Club indicate in their submission that the provision of floodlights will enable membership to continue to grow whilst increasing community participation in tennis and support to community schemes as set out within the Applicant's Submission of this report, Whilst it is acknowledged that the proposal would provide community benefit through the provision of improved sports facilities all year round, it is considered that impact of the lighting and potential use of the facility beyond the current hours would be harmful to the amenity of adjacent residents to an extent which would outweigh the community benefit of the proposals.

## PLANNING BALANCE AND CONCLUSION

34. The proposal complies with Policy R5 of the Core Strategy in terms of providing community benefits through improved sports facilities and promoting participation. However the proposal conflicts with Policies L5 and L7 of the Core Strategy in relation to the impact on the amenity of neighbouring residents and is considered to be unacceptable in this respect.
35. The proposed development by reason of bright illumination in close proximity to the rear of neighbouring residential properties together with the intrusion of light and glare would result in undue harm to the residential amenity of occupiers of Albany Court.
36. Hours of use are currently restricted by hours of daylight granting neighbouring residents some relief from the sporadic and intrusive noise events which are associated with sporting activity. The applicants have failed to demonstrate that

there would be no undue additional harm from noise and disturbance due to increased hours of play.

37. It is therefore recommended that the application is refused for these reasons.

### **RECOMMENDATION**

**REFUSE** for the following reason:-

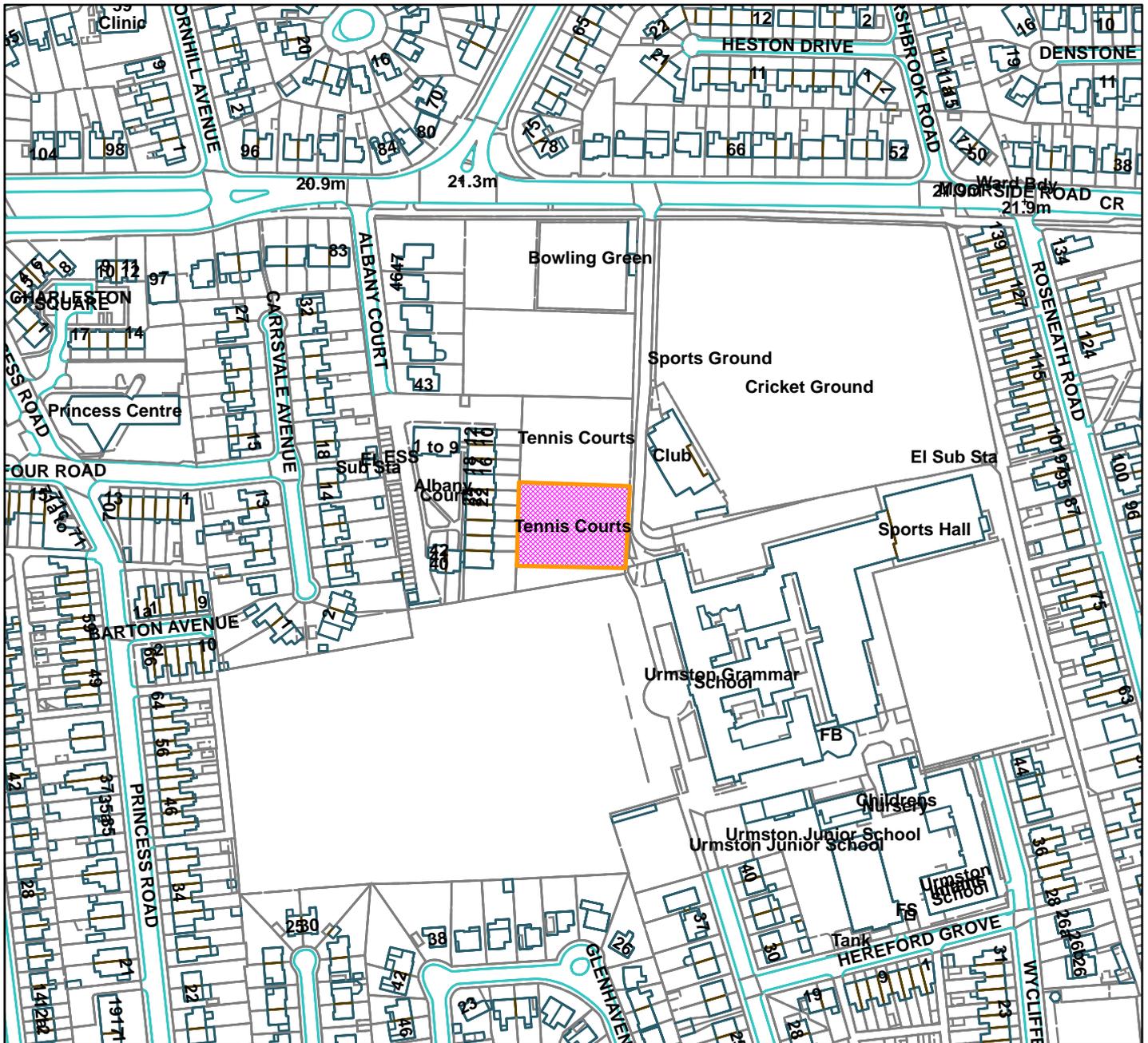
1. The proposed floodlighting scheme would result in undue harm to the amenity of residents of Albany Court by reason of light intrusion (light spill and glare) and increased noise and disturbance resulting from increased hours of play when the floodlights are in use. The proposal is therefore contrary to Trafford Core Strategy Policies L5 and L7 and relevant sections of the NPPF.

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Urmston Cricket and Lawn Tennis Club, Moorside Road, Urmston, M41 5UU (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 28/05/20
Date	19/05/2020
MSA Number	100023172 (2012)

**Erection of a single storey side and rear extension. Conversion of the garage to a home office with associated alterations including decking to the rear and adjoining 'canopy' flat roof.**

31 Queens Road, Sale, M33 6GA

**APPLICANT:** Mr Shaw

**AGENT:** ArchitectureM

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

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**This application is being reported to the Planning and Development Management Committee as it has been called in by Councillor Rigby on the grounds of overbearing impact and visual intrusion resulting in a loss of residential amenity.**

**SITE**

The site relates to a two storey dwelling in a predominantly residential area of Sale located on Queens Road. The dwelling looks north onto Queens Road with the main entrance door in this elevation and is one of a row of characterful semi-detached traditional Victorian properties. The property has no existing extensions. An existing outbuilding is located at the rear boundary of the property.

There is a driveway to the side of the property. Mature hedging is located along the front boundary.

An existing hedge is located along the side boundaries of the property between No 31 and 29 and an existing hedge and boundary wall is located along the shared boundary between No 31 and 33.

The property is not a listed building and is not located within a Conservation Area.

**PROPOSAL**

The proposal relates to a single storey side and rear extension, including decking and a canopy proposed at the rear elevation and the conversion of the existing outbuilding located at the rear into a home office/study.

The proposed side extension would have a hipped roof with an overall height of 4.8m and an eaves height of 3.2m, and would be immediately adjacent to the shared side boundary with No 29 Queens Road.

A proposed rear extension would be sited just behind the garage element projecting 2.7m beyond the main original rear elevation of the application property at single storey, and would have a flat roof with a height of 3.2m.

A canopy structure would be located at the rear of the extension, with a flat roof at a height of 3.5m sited 1.1m away from the common boundary with No 29. The extension would project 2.5m along the shared boundary with No 33 with the canopy then splaying away from the boundary at an angle.

Decking at a height of 740mm would be located at the rear, with this dropping to 400mm adjacent to the side boundary with No 29. Adjacent to the decking with No 29, an 1800mm high fence (measured from the level of the 400mm decking) is proposed behind the existing hedge.

The alterations to the existing outbuilding would include removing the pitched roof and incorporating a flat roof, ('living'/ green roof), and adding glazing and a door within the western side elevation, which would look onto the garden of the host property.

The side extension would be constructed in red brick and slate. The rear extension would be rendered with large elements of glazing and anthracite coping details. The outbuilding would be clad in timber.

The increase in floor space of the proposed development would be 48m<sup>2</sup>.

### **Value Added**

The proposals were amended to reduce the height of the decking and the height of the single storey side extension and rear extension to mitigate the impact on neighbours and the street scene.

### **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Parking

L7 – Design

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

## **OTHER LOCAL POLICY DOCUMENTS**

SPD4 – A Guide for Designing House Extensions and Alterations

## **PROPOSALS MAP NOTION**

None

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

None

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in summer 2020 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

H37725 - ERECTION OF DETACHED GARAGE AT THE REAR – Approved with conditions - 09/09/1993

## **APPLICANT'S SUBMISSION**

Amended plans

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

Multiple representations were received objecting to the application from two neighbouring properties and from Councillor Brian Rigby in relation to the impact of the proposal on the neighbour at No 29.

The application was called in on the grounds of overbearing impact and visual intrusion resulting in loss of residential amenity.

The following concerns were raised:

Loss of openness

Extends up to the boundary at ground floor

Driveway of no 29 narrow and extension would cause spaciousness issues

Impact on streetscene

Boundary dispute

Mass of brickwork alongside boundary

Proposed screening not on applicants land – reduce serviceable driveway and would be intrusive

Concern RE garage conversion into an office for commercial purposes

Proposals would be overbearing, cramped and constitute overdevelopment in contravention of SPD4 para2.11.2 and 2.17.2

The wall would be built over the boundary and reduce width of the driveway and be overbearing.

Tunnelling in effect would create a narrow alleyway and reduce openness

No unity of design

Various components of hard landscaping at varied heights and materials

Fragmented look

Proposals are ugly and out of character

Wall of side extension would have an overshadowing impact along driveway

Impact negatively upon streetscene and architectural merit of Queens Road

Result in an uncomfortable sense of enclosure

The proposed decking would be raised up and would overlook our garden  
Loss of amenities threatened by overdevelopment  
Blocks off access to the side of No 29's garage  
Loss of light to side windows in our property  
There will be no gap between their house wall and our boundary (SPD4 para.2.7.2.) Will leave no provision for the storage of wheelie bins and provide no access for the Fire Brigade, should they be required.  
Proposals would not have a reduced impact by soft landscaping  
Proposals will have a severe, detrimental effect on No 29.  
The roofline would be uncohesive  
Introduction of an office at the rear against original garage permission and would lead to additional usage and activity impacting upon residential amenity

*Comments in relation to the boundary are a private civil matter and not a material planning consideration*

*It is confirmed by the agent the office is to be used as a home office/study, is not for commercial use, and is ancillary to the host dwelling.*

*The planning history of the site is noted in the 'Relevant Planning History' and commented on in the 'Observations' section of this report.*

*All other matters are discussed within the 'Observations' section of this report.*

## **OBSERVATIONS**

### PRINCIPLE

1. Householder extensions and alterations are acceptable in principle subject to there being no undue harm to the character and appearance of the property through unsympathetic design or unacceptable harm to the amenity of neighbouring properties and residential areas. Further to this, issues relating to parking provision are also to be considered. There are no additional constraints in this instance.

### DESIGN AND VISUAL AMENITY

2. Paragraph 124 of 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*'

3. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts 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.
4. SPD4 'A Guide to Designing House Extensions and Alterations' sets out specific requirements that all householder developments should strive to achieve in terms of how an extension relates and responds to the character of the existing dwelling house and the surrounding area.
5. The proposed side extension is to project 3.3m from the original side elevation along the side boundary with a 2.7m wide garage door at the front elevation. The side extension would have a hipped roof with an overall height of 4.8m and an eaves height of 3.2m. The apex of the garage roof would be attached to the side elevation of the original property. The proposed hipped roof garage extension would be 6.7m in depth. The extension forms part of a side/rear single storey wraparound extension.
6. The proposed rear extension element would also project off the rear of the side garage extension leaving no gap to the side boundary, and would project 2.7m beyond the original rear elevation of the property with a flat roof height of 3.2m.
7. The proposed side extension would be set back from the original front elevation and is considered to be proportionate in height and scale to the original dwellinghouse. The proposed garage would have a similar impact in the street scene to the existing adjoined neighbour's garage. The proposal has a hipped roof and therefore would not appear out of scale or character with the original property in this respect.
8. The guidance in section 3.1 of SPD 4 in relation to the removal of gaps in the street scene is primarily related to two storey extensions in respect of which a minimum gap of 1m to the side boundary is normally required. However, the guidance does state that a 750mm gap should be kept for single storey side extensions to retain a through route, maintenance access etc. While the proposed side extension does not follow the guidance stated in Paragraph 3.1.6 of SPD4 in relation to a 750mm distance to the shared side boundary with No 29, it is noted that the applicant would be able to construct a single storey side extension up to the side boundary through the use of permitted development rights, which would not require planning permission. This is considered to be a realistic "fallback" position, which must be taken into account in the consideration of the current proposals. As the proposal would not allow a through route allowing bins to be stored in the rear garden, it is recommended that a condition

is attached requiring details of bin storage to ensure that this can be provided in a discreet way that does not have an undue impact on the visual amenity of the street scene.

9. The proposed side extension would be set back from the original front elevation of the property by 100mm, and due to the side extension increasing in width to the rear following the splayed boundary, the proposed flat roof contemporary element located at the rear would have minimal visibility from the streetscene.
10. Given the proposed eaves height of 3.2m and the apex of the hipped roof of 4.8m, which is considered to be in keeping with the host dwelling, it is not considered the side extension, by reason of scale, height, or roof design, would result in an unacceptable impact in respect of visual amenity upon the host dwelling or the streetscene, and it is considered that it would be compliant with guidance stated in Section 3.1 and Paragraph 2.6.1 of SPD4.
11. The design of the proposed rear extension and canopy area would be contemporary in style. This element is sited towards the rear and incorporates a flat roof with a height of 3.5m. The canopy element would not be visible from the front elevation, is set away from the side boundaries of the neighbouring properties, and maintains a 9.7m approximate distance to the rear boundary of the property. In design terms, the canopy is not considered an overbearing or unacceptable feature within the proposals in this instance, given the siting of the canopy away from the side boundaries.
12. Given that the contemporary element of the proposals is located at the rear with minimal visibility from the streetscene, it is not considered the extension would have an unacceptable impact upon the residential character of the area. It is considered that the use of a darker material for the banding around the canopy would further reduce the impact of the proposals and this can be controlled through the relevant materials condition which requires samples / detailed specifications of materials to be submitted.
13. The proposed alterations to the design of the existing detached garage outbuilding at the rear would remove the existing pitched roof and replace this with a flat roof with a height of 2.7m along the boundary. A 'living' green roof is proposed on the outbuilding. Glazing and a door opening would be located on the western side elevation of the outbuilding, and would give views into the rear amenity space of the host dwelling. An existing boundary wall divides the rear amenity space from that of No. 33.
14. Three rooflights are sited on the flat roof of the single storey rear extension element and would not increase the height of the roof. In relation to the proposed window design across the proposals, the glazing and doors on the extension and outbuilding are considered to be in scale and proportion to the original property and would have no unacceptable impact. The proposals would retain existing garden space and would not result in the overdevelopment of the site. The

proposed materials would include red brick and slate on the side extension with white render and glazing on the rear extension and the outbuilding clad in timber with a green roof. This is considered to be acceptable, given that the more contemporary materials would not be visible in the street scene.

15. As such, Officers consider the proposal would have no unacceptable impact in terms of the visual amenity of the street scene and the surrounding area. Subject to conditions, the proposed development is considered acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

## RESIDENTIAL AMENITY

16. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
17. SPD4 sets out specific tests that should be applied to a variety of types of householder extensions to assess their impacts on the amenity of neighbouring properties.

### Impact on 29 Queens Road

18. The proposed single storey side / rear extension would project 2.7m beyond the original rear elevation of the property along the side boundary with No. 29, sited behind the proposed garage. The extension would have a flat roof height of 3.2m. In relation to the projection, with reference to paragraph 3.4.2 of SPD4, it is considered the proposals would be compliant with SPD4 guidance and would therefore not have any unacceptable overbearing impact on windows on the rear elevation of No. 29 or the rear amenity space of that property.
19. The proposed decking to the rear of the extension would fill the gap and adjoin the space between the rear extension and the existing outbuilding, and would vary in height from 740mm to 400mm above ground level, with the 400mm decking level adjacent to the side boundary shared with No 29. An existing hedge, and proposed 2.2m high fence sited behind the existing hedge (1800mm from the level of the lower decking), would mitigate any overlooking impact. In addition, a glass balustrade is positioned 1m away from the boundary to reduce the usability of the space adjacent to the side boundary with the intention that this space is used only as an access route to the rear door into the extension rather than as a seating area. It is recommended that a condition is attached requiring that these structures are erected and retained thereafter in accordance with further details to be submitted. As such, given the existing and proposed screening it is not considered the decking would have an unacceptable overlooking impact on the neighbouring property at No 29.

20. In relation to overbearing, the proposals would be single storey with a maximum eaves/ flat roof height of 3.2m adjacent to the common boundary. This height is not considered to be over dominant or out of scale in relation to the host dwelling. While the 2.2m fence is relatively high, given that it would be to the rear of the existing hedging which is of a similar height, it is not considered the fence would have any undue overbearing impact. The proposed fencing and existing hedge would mitigate any undue overlooking into the rear amenity space of No 29.
21. It is noted that there are existing windows on the side elevation of No 29 however these are non-habitable room windows, and given the single storey nature of the proposals, the side extension would not be considered to have any unacceptable impact by reason of overshadowing or loss of light.
22. The proposed canopy would be a structure with a flat roof height of 3.5m, 0.3m higher than the flat roof side and rear extension. Given the distance away from the boundary with No 29 in conjunction with the height of the existing boundary treatment, it is not considered the flat roof would have any unacceptable overbearing or overshadowing impact on the rear amenity space of the neighbour.
23. While the proposals would reduce the existing degree of openness between the two properties, given the single storey nature of the structures, it is not considered this would have an unacceptable impact upon the residential amenity of No 29 by reason of visual intrusion or overbearing.
24. A 4m distance is shown on plan between the common boundary and side elevation of No 29, which is considered adequate width for a driveway. It is not considered the proposals would have an undue detrimental impact on the residential amenity of No. 29 or result in an unacceptable sense of enclosure in relation to this property.

#### Impact on No. 33 Queens Road

25. The proposed decking would be sited 2.5m away from the shared boundary and would taper to a narrow width at this end so that the main seating area would be positioned away from the boundary. The proposed rear extension would project 2.5m adjacent to the boundary with No.33 and the canopy would then increase in projection as it splays away from the shared boundary to mitigate any overbearing or overshadowing impact. It is noted that there is an existing boundary wall and hedging on site which provides screening between these properties at the rear.
26. The proposed alterations to the outbuilding to the rear, which include glazing and an opening proposed on the side elevation would not cause undue overlooking to No. 33 as the existing boundary wall along the western side boundary provides adequate screening of the rear amenity space of that property.

### Impact on properties to the rear

27. The proposed extension would maintain a 10.5m distance to the rear boundary and would introduce no first floor rear windows. The proposed extension would be single storey only and project 2.7m from the original rear elevation. The proposed alterations to the existing garage outbuilding would reduce the existing height to a flat roof of 2.7m in height. As such, it is not considered the proposal would have any unacceptable impact upon the residential amenity of properties to the rear by reason of overshadowing, overlooking, overbearing or visual intrusion.

### Impact upon properties on the opposite side of the road

28. There are no windows on the front elevation and the proposal is sited behind the existing front elevation and therefore would have no undue overlooking or overbearing impacts on the properties on the opposite side of the road.

### Other Matters

29. Concerns have been raised that the garage may be used for commercial purposes. The existing garage had planning permission granted under application reference H37725 on 09/09/1993. Condition 3 of this permission stated;

*'The garage and vehicle standing space(s), hereby permitted shall not be used for the storage of vehicles (other than private motor vehicles) or for any purpose other than those incidental to the enjoyment of a dwellinghouse as such, and no trade or business shall be carried on therefrom.'*

The applicant's agent has confirmed that the use of the garage is to be as a home office / study only with no commercial use. The use would therefore be ancillary to the host dwelling. Planning permission would be required for any future use that is not ancillary to the existing residential property.

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

### **PARKING AND HIGHWAY SAFETY**

31. The proposals would not increase the number of bedrooms on the property. The proposed garage side extension would accommodate one parking space with an existing 7m approximate distance to the front boundary of the site maintained. Existing parking restrictions are located on Queens Road. Given the above it is therefore not considered the proposal would result in any detriment to parking provision.

## DEVELOPER CONTRIBUTIONS

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

## PLANNING BALANCE AND CONCLUSION

33. It is therefore considered that the proposed development would be acceptable in terms of design and visual amenity, would not have any unacceptable impacts on the residential amenity of neighbouring properties and would be acceptable in terms of parking provision. As such, the development accords with the development plan and is recommended for approval subject to the conditions listed below.

## **RECOMMENDATION:**

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

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

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

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

- 202 Rev F;
- 203 Rev F;
- 210 Rev F;
- 211 Rev F;
- 212 Rev F; all received by the local planning authority on 23/03/2020;
- 220 Rev F; received by the local planning authority on 06/04/2020 and
- 001

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 works involving the use of any materials to be used externally on the dwelling and outbuilding, including a darker material for the canopy structure, shall take place until samples and / or a full specification of all such materials have been submitted to and approved in writing by the Local Planning Authority. Such details shall

include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

4. The decking hereby permitted shall not be brought into use unless and until the screen fencing on the boundary with No. 29 Queens Road and the glass balustrade between the higher and lower sections of decking shown on the approved plan, number 212 Rev F, have been erected in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The fencing and balustrade shall be retained thereafter.

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

5. The extension hereby permitted shall not be occupied unless and until bin storage has been provided in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved bin storage shall be retained thereafter.

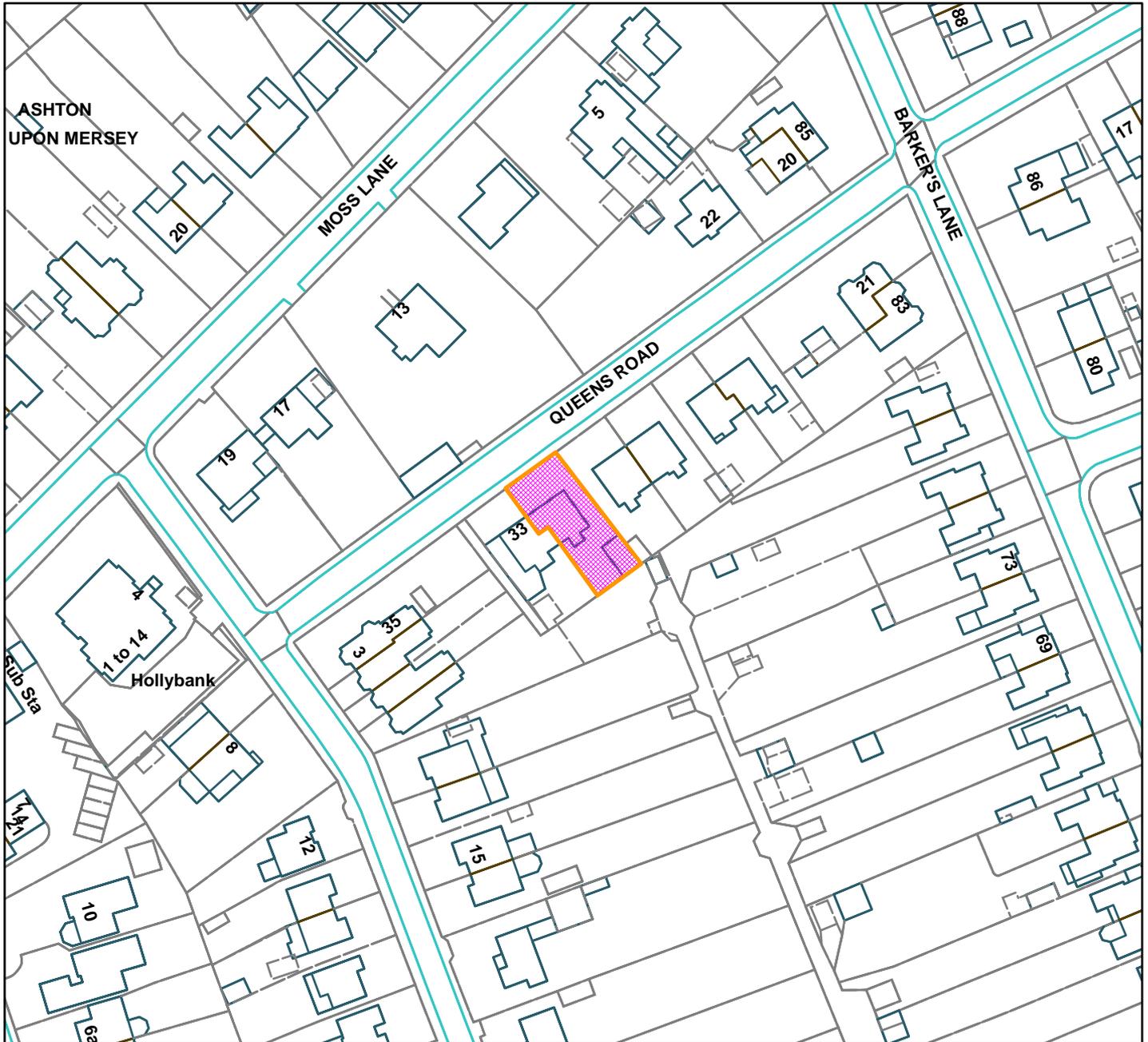
Reason: In the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy and guidance in the NPPF.

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RGR



31 Queens Road, Sale, M33 6GA (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 28/05/20
Date	19/05/2020
MSA Number	100023172 (2012)

**Retrospective change of use of dwelling to part residential dwelling / part childminding business and retention of a detached log cabin for use in relation to the child minding business.**

28 Thorold Grove, Sale, M33 2FN

**APPLICANT:** Mr Daly

**AGENT:**

**RECOMMENDATION: GRANT FOR A TEMPORARY PERIOD, SUBJECT TO CONDITIONS**

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**This application has been referred to the Planning and Development Management Committee because a representation has been received by an employee of the Council.**

**SITE**

The site is located on the north side of Thorold Grove, Sale, at the head of a residential cul-de-sac. The property is bounded to the north, east and west by residential properties.

The application property is a two storey, semi-detached dwelling with front garden, front driveway (which also extends part way along the east side of the property) and a rear garden.

The log cabin, which is the subject of this proposal is sited in the north east corner of the site, with its access door and windows facing south toward the front of the site. The cabin measures 5.5m wide by 4.5m deep. It has a shallow asymmetric pitch roof measuring 2.2m high at the eaves and 2.3m high at the ridge. The cabin is equipped with electricity and has heating and air conditioning.

**PROPOSAL**

The proposal is for the retention of a log cabin in the rear garden, which is used in conjunction with the running of a childcare business. Permission is therefore retrospectively sought for the cabin and the continued use of the property and cabin as a part residential (use class C3), part childcare business (use class D1).

The cabin itself is located to the north-east corner of the garden, close to the side and

rear boundary fences shared with number 26 Thorold Grove and 210-208 Dane Road (to the rear). The cabin measures 5.5m across the front (facing the front of the property) 2.2m high at the eaves and 2.3m at the ridge.

Were the cabin 'incidental to the enjoyment of the dwellinghouse' i.e. not used in conjunction with the business, it would be classed as permitted development (not requiring planning consent).

The applicant states that currently the business employs two people (both of whom reside at the application property) and a maximum of 6 pre-school aged children are looked after at any one time.

Hours of operation are: 7.30 to 18.00 Monday to Friday.

The applicant states that approximately 50% of the days' activities associated with the childminding business will be contained to the cabin, with children's play times and nap times taking place there. The garden will also be used for outdoor play. The cabin has no running water so the main property would effectively also be used in conjunction with the business, for food preparation / sanitary / washing purposes etc.

The property has a driveway and the applicant states that this is always kept clear with two spaces for pick-up / drop-offs.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Parking

L7 – Design

## **PROPOSALS MAP NOTATION**

None

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

None

## **OTHER RELEVANT GUIDANCE DOCUMENTS**

PG5 (1991) – Day Nurseries & Play Groups

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

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## **RELEVANT PLANNING HISTORY**

H10235: Conversion of roof space to form bedroom and installation of dormer windows. Approved with condition 11 October 1979.

## **APPLICANT'S SUBMISSION**

Supporting statement submitted outlining nature of business use and hours etc.

## **CONSULTATIONS**

**Local Highway Authority** – The car parking standards as detailed within Supplementary Planning Document 3 (SPD3) state that for this location a D1 use would require one car parking space per member of staff, with drop-off spaces to be determined on a case-by-case basis. It is understood a maximum of six children attend

the property, with children dropped off between 7.30am-9.30am and collected between 4pm-6pm. Information seen states two car parking spaces are provided at the property.

It is also understood this is a family run business employing two people, both of whom are residents of 28 Thorold Grove (one being the owner of the property). It is considered that a childminding facility for a maximum of six children is unlikely to have an adverse impact of highway safety or parking at this location, although it is also observed that there are a limited number of on-street parking spaces available.

The minimum cycle parking standards as detailed within SPD3 require a minimum of two cycle parking spaces to be provided, therefore clarification is requested from the applicant.

In conclusion there are no objections on highway grounds to the proposals; however, clarification for the proposed cycle parking arrangements (minimum two spaces required), should be secured by condition on any subsequent grant of planning permission.

**Pollution & Housing: Nuisance** – As with any nursery/childminding business there is potential for noise generated by children and activities carried out in connection with the operation of the business to impact adversely on nearby residents. As this is a semi-detached dwelling, there is potential for the transmission of noise generated indoors to cause a nuisance. The applicant would need to appoint an expert to assess this potential noise and make recommendations as to whether a noise mitigation scheme would be feasible and necessary to ensure that no nuisance is caused.

There is also potential for noise break out from use of the outdoor cabin. Again, this potential noise would need to be considered, reported, and any necessary remedial works implemented.

In respect of controlling the noise generated within the outdoor area, it is recommended that the applicant submit a Noise Management Plan to describe how this would be achieved. This should include the timetabling of outdoor play to ensure that there are predetermined periods of 'no outdoor play' scheduled for each day to enable periods of respite for neighbours.

In principle, it may be possible that the premises could operate as a childminding business in harmony with residential neighbours; however, on the basis that a complaint has been received about the current operation, and in the absence of the information described above, it is not possible to recommend approval at this time.

## **REPRESENTATIONS**

One letter in support of the application has been received from Cllr Freeman, who requested that if Officers were minded to refuse the application that it be referred to the Planning and Development Management Committee for determination.

One letter of objection has been received from the neighbouring property of 26 Thorold Grove on the following grounds:

- Noise and disturbance from early morning drop offs (7.30am and sometimes earlier).
- Unacceptable levels of noise from activities within the cabin and outdoor play in the garden
- The location of the application at the end of a cul-de-sac leads to problems at pick up / drop off times with people reversing / manoeuvring and cars blocking driveways

## **OBSERVATIONS**

### **PRINCIPLE OF USE**

- 1 The Council has produced Planning Guidelines- Day Nurseries and Playgroups (Revised June 1991 and September 1997) which state that the Council considers that for a childminder looking after no more than 4 children in their own home planning permission will not be required. In this case planning permission is required because the number of children cared for exceeds this level.
- 2 The site is unallocated in the Trafford Local Plan Core Strategy. Given this, there are no specific policy restrictions relating to the principle of the use subject to there being no harm to the amenity of neighbouring properties and residential areas or impact upon the highway network.

### **VISUAL AMENITY**

- 3 The cabin itself is of a small scale and of a type which would commonly be found in a residential garden. It is not highly visible from the public highway being set to the rear of the property. Under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) were the cabin 'incidental to the enjoyment of the dwellinghouse' i.e. not used in conjunction with the business, it would be classed as permitted development (not requiring planning consent). In conclusion it is considered that the cabin itself is acceptable in terms of its appearance alone. No other external alterations are proposed to the property.
- 4 The impact of the use of the cabin in conjunction with the childminding business is to be assessed below.

### **AMENITY**

- 5 The NPPF (section 12) requires that development should secure high quality design and amenity for all existing and future occupants of land and buildings and states in Paragraph 130 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, taking into account any local design standards or style guides in plans or supplementary planning documents.*

- 6 Policy L7 of the Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
- 7 The cabin itself is of a relatively small scale and due to its scale, height and siting in the rear garden would have no detrimental impact on the light, privacy or outlook of any of the surrounding dwellings.
- 8 With regard to the proposed continued use of the property and cabin as a childminding business, the Council's Planning Guidelines – Day Nurseries and Play Groups (PG5) provides advice on the types of properties considered appropriate for day nurseries and playgroups and the issues that will be taken into account. However whilst the use of this property as a childminders would be a less intense use than a day nursery due to the number of children involved, many of the considerations remain relevant.
- 9 With regard to the nature of activities associated with such childcare uses, PG5 states that:

*“A day nursery or playgroup generates considerably more activity than a family house. In the case of a converted semi-detached, terraced house or flat this may well be noticeable to neighbours through the structure.”*

*And...*

*“Outdoor play is an essential feature of day nurseries and common with playgroups, in fine weather there could be some children outside most of the time. This can be noisy and disturbing to residents in nearby dwellings if they are close and can detract from the enjoyment of nearby gardens if the numbers are large and the area is otherwise quiet.”*
- 10 The applicant has advised that they are seeking permission for up to 6 pre-school age children (as at present).
- 11 PG5 advises that the ideal property for a day nursery would be detached so that noise does not occur through a party wall. The property is semi-detached and as such there is potential for noise to travel through the party wall. The Pollution and Housing comments state that in order for them to potentially support an application it would be necessary to appoint an expert to assess this potential noise and make recommendations as to whether a noise mitigation scheme would be feasible and necessary to ensure that no nuisance is caused. It is considered however that as the property is semi-detached, the proposal does not comply with PG5 guidance

and even if acoustic information were submitted to demonstrate that transfer of sound through the party wall was not an issue / could be prevented, due to the fact that 50% of the activities are carried out in the cabin there is still potential for regular noise and disturbance from the outdoor cabin, outdoor play and comings and goings between the house and cabin. Within a close-knit residential setting there is potential for undue noise and disturbance to neighbours.

- 12 PG5 advises that the site should be sizeable in area, with a long road frontage and large garden (over 10sq. m per child), so that comings and goings and outdoor play are not inevitably close to neighbours and parking and manoeuvring space can be provided.
- 13 This application concerns a relatively small site with a rear garden of approximately 110 sq. m (not including cabin area) and limited road frontage of approximately 7.5m. The property is located at the head of a cul-de-sac, however it does have its own driveway with space for 2 cars to park off road. The adjoining properties either side are in residential use, the adjoining property of no 29 is set back from the road by approximately 6.5m and with a smaller garden, the property of number 26 is set back by approx. 10m and has a slightly larger garden.
- 14 While the garden complies with the 10 sq. m per child recommendation in terms of providing adequate play space for the children being minded, the garden is still relatively small for the type of use proposed and noise and activity within the garden from the business is in very close proximity with other residential properties.
- 15 Concerns have been raised by a neighbour about noise nuisance resulting from the use of the garden / property. The use of the garden for child minding purposes could potentially begin at 7:30 hrs at the earliest and cease at 18.00hrs at the latest when the childminding business finishes. It is accepted that outdoor play is likely to be restricted to certain times of the day to fit in with the children's routine and even prevented altogether by bad weather sometimes. The comments received from Pollution and Housing suggest that a noise management plan may be conditioned, which could include restrictions on hours of outdoor play to allow neighbours respite from noise and disturbance; it is however considered that the use of the rear garden as outdoor play space for the numbers of children proposed in the application is likely to impact negatively on the peaceful enjoyment of neighbouring properties given the close proximity of other dwellings and the relatively small garden sizes. It is considered that the use could result in noise and general disturbance which over the long term would be detrimental to the amenity of neighbouring residents.
- 16 As PG5 states: 'parents cars will rarely be parked for less than 2-3 minutes, 5 -10 minutes is normal and occasionally it is longer.' The number of drop-offs and pick-ups, particularly early morning drop-offs is likely to result in noise and disturbance. This would also be more noticeable due to the fact that Thorold Grove is a cul-de-

sac, and so additional visitors and manoeuvring would have more impact on residents, to the detriment of their amenity.

- 17 On balance it is considered that the impact of the use of the property by up to 6 pre-school children would likely result in an unacceptable loss of amenity in respect of noise and disturbance of neighbouring properties.

## **PARKING AND TRAFFIC**

- 18 The Local Highway Authority has advised that they have no objections to the application on highway safety grounds. Highways have requested that clarification for the proposed cycle parking arrangements (minimum two spaces required) are submitted, however, given the fact that the employees live at the property and that there is ample space at the property for bikes to be stored if required, it is, on balance not considered necessary to require details of cycle parking in this instance.
- 19 Whilst Officers have expressed concern in the above section about the disturbance to residential amenity from cars coming and going to the site, it is considered that on balance that the demand for parking would not in itself have a severe and unacceptable impact. The applicant has stated that drop off and pick up times are staggered, which is to be expected with the use. Therefore it is considered that 6 children could be dropped off and collected from the site without a severe impact on parking demand.

## **CURRENT SITUATION**

- 20 Officers have serious concerns about the impact of the use on neighbours, however, the current COVID-19 pandemic and its impact on childcare and the economy is of direct relevance to this application. Government guidance on the Use of Conditions states that under section 72 of the Town and Country Planning Act 1990, aside from using conditions to temporarily allow a change of use as a 'trial run' (such as with the previous permission), that:  
*It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.*
- 21 Notwithstanding the above assessment, as the childcare use at 28 Thorold Grove is currently operational it is considered therefore that there is a clear rationale for considering a short term (6 months) consent to enable the use to continue to operate and provide childcare support during the COVID-19 pandemic. Such a consent would only be considered acceptable due to the exceptional circumstances currently at play, to enable people to find alternative childcare arrangements.

- 22 Officers do not consider that the proposed use to be acceptable because of the adverse impacts on neighbours that have been identified and if not for the current situation would not be able to support the proposal. However even if the use had not been supported, any enforcement action would allow for a reasonable period of time for the business to close and for people to relocate their children to another childcare provider. In addition this time would enable the applicant to look for other premises for their business or reduce the scale of their business if they wish. Therefore in light of this and the current circumstances. A 6 month temporary consent would support parents and also give a reasonable timescale for finding alternative childcare.

## **CONCLUSION AND PLANNING BALANCE**

- 23 It is recognised that the use of this property for childminding purposes provides employment for two people, (the applicant and partner who reside at the property) and a valuable service to local residents. This must however be balanced against the amenity enjoyed by neighbouring residents, taking into account the proposed numbers of children and staff and the limited size of the application property and close proximity of neighbouring properties.
- 24 One neighbour has reported experiencing significant disturbance, particularly external noise and comings and goings and conditions to restrict outdoor play hours would in practice be very difficult to enforce / monitor, especially given the level of intrusion necessary to observe use and activity.
- 25 It is considered that the levels of disturbance for residents cannot be adequately controlled or mitigated to ensure an acceptable level of amenity over the long term, contrary to L7 and NPPF. However on balance, given the current exceptional circumstances, it is considered appropriate to grant a short 6 month temporary consent to enable people to find alternative childcare arrangements and for the applicant to find alternative accommodation for the business if they wish. It is considered that the impact on neighbour amenity over a short period, and likely with reduced levels of activity from the business due to the current lockdown, would on balance be acceptable for this period, however following this 6 month extension, the continued use of the property as a childcare business would not be supported.

## **RECOMMENDATION:**

**GRANT** subject to the following conditions:

1. This childminding use hereby permitted shall cease 6 months from the date of the temporary planning permission hereby granted, after which the use of the application site shall revert back to that of a dwellinghouse.

Reason: To allow for the exceptional circumstances arising from the outbreak of Covid 19, as the permanent use of the property for a childminding business would harm the amenity of nearby residents, having regard to Policy L7 of the Trafford Core Strategy and the NPPF.

2. The use hereby permitted shall operate such that no more than 6 pre-school children at any single time are cared for at the property.

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

3. The use of the childminding business hereby permitted shall operate only between the hours of 07:30 and 18:00 Monday to Friday and at not time on weekends, Bank or Public Holidays.

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

4. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and supporting statement:

- Cabin Floorplans, cabin elevations and site layout plans submitted 24<sup>th</sup> January 2020
- Supporting Information Statement, submitted 8<sup>th</sup> January 2020.

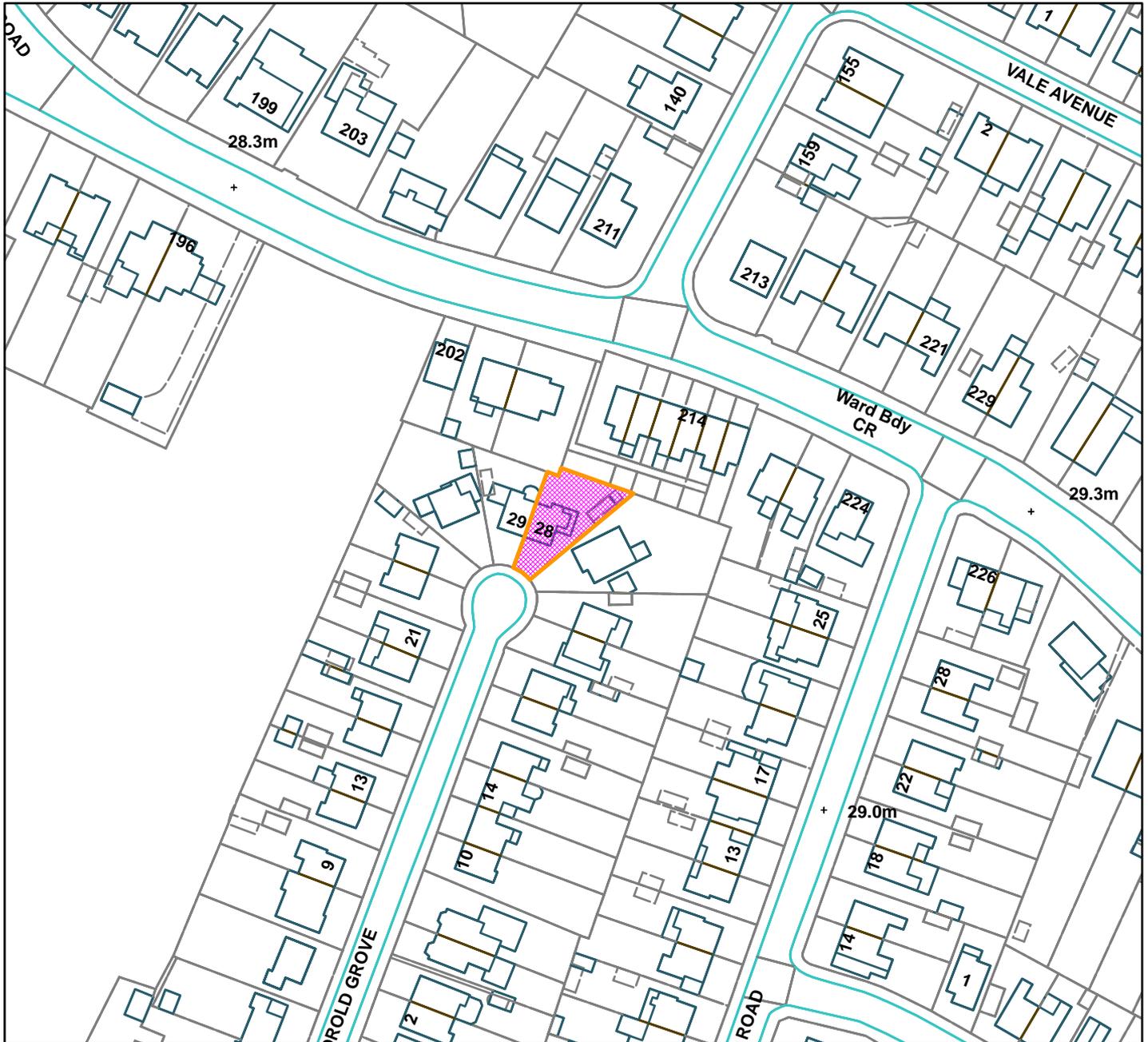
To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JS



28 Thorold Grove, Sale, M33 2FN (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 28/05/20
Date	19/05/2020
MSA Number	100023172 (2012)

**Demolition of an existing single storey front porch and make good existing front elevation, demolition of existing rear single storey extension and replace with new single storey extension to the rear and side of the property, creating kitchen, dining, utility and garage space.**

40 Ambleside Road, Flixton, M41 6PH

**APPLICANT:** Mr Brown

**AGENT:**

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee as the applicant is an employee of Trafford Council.**

### **SITE**

The application property is a detached two storey dwelling of 1930's design. The site is located along Ambleside Road, a predominantly residential road, featuring a relatively uniform and established street scene.

No. 40 Ambleside Road is located in the centre of a row of similar 1930's detached properties. The dwelling is bound by residential properties on all sides and the rear garden is enclosed with a close boarded fence. The properties sited to the rear, facing onto Western Road, are orientated at a slightly irregular angle to the properties facing onto Ambleside Road.

Both the adjacent No. 42 Ambleside Road and No. 38 Ambleside Road feature existing extensions projecting to the rear, with both having single storey extensions set adjacent to the application site plot boundary.

The application site features an unsympathetic front porch addition. There is a single storey, flat roof outrigger extending from the rear elevation. An outbuilding runs along the majority of the rear boundary between No. 40 and No. 38 Ambleside Road.

### **PROPOSAL**

The existing front porch is to be demolished, revealing the original front elevation brickwork which is to be made good and restored as appropriate.

The existing single storey flat roof outrigger is also to be demolished.

A single storey extension running along the majority of the width of the plot and out from the original dwelling house side elevation, wrapping around the north east corner of the original dwelling, is proposed.

The extension would have a depth of 4.725m when measured from the original dwelling house rear elevation. The wrap around portion of the development would have a maximum depth of 6.74m. The maximum width of the development would be 10.57m. The proposed portion that extends from the original dwelling house side elevation would have a width of 2.7m when viewed from the front elevation and would be set back from the front elevation building line by 5.75m and bay window by 6.7m.

A hipped roof is proposed on the western side of the rear portion of the extension, with a ridge height of 3.95m and eaves height of 2.7m. The easterly and side portion of the extension features a pitched roof with a ridge height of 3.75m and eaves height of 2.7m.

A three pane bi-fold door, door, two windows and three roof lights are proposed in the rear elevation. A roof light is proposed in the side elevation facing west. A garage door is proposed on the front elevation. The existing first floor landing window would be slightly repositioned.

Internally, the extension would house a kitchen, utility area and garage.

Multi red brickwork, concrete interlocking roof tiles, black UPVC rainwater goods, and white UPVC windows are proposed, all to match existing. The garage door is proposed to be steel with a powder coated finish.

The increase in floor space of the proposed development would be 33.6m<sup>2</sup>.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility;  
L7- Design.

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

## **OTHER POLICY DOCUMENTS**

SPD3 – Parking Standards and Design (February 2012);  
SPD4 – A Guide for Designing House Extensions & Alterations (February 2012).

## **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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in summer 2020 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

None.

## **APPLICANT'S SUBMISSION**

The applicant has submitted a selection of site photos.

## **CONSULTATIONS**

None.

## **REPRESENTATIONS**

None.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

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

### DESIGN AND APPEARANCE

2. The NPPF, Policy L7 of the Trafford Core Strategy and SPD4 all require that proposed development strives to achieve the highest level of design. Development should improve the character of both the host dwelling and immediate street scene.
3. SPD4 'A Guide to Designing House Extensions and Alterations' set out specific requirements that all householder developments should strive to achieve in terms of how an extension relates and responds to the character of the existing dwelling house.
4. The proposed works to the front porch would remove an unsympathetic addition, improving the overall appearance of the front elevation. The garage would have a considerable set back from the original dwelling house front elevation thus minimising its impact in the street scene. As such, the changes visible from the street scene respond to the character of the original host dwelling and would be acceptable in terms of visual amenity.
5. Pitched roofs are proposed on all elements of the rear extension, which are set below any existing ground floor ridge and eaves height, emphasising a subservient appearance.

6. It is considered that the proposed roof form would be slightly awkward in its relationship to the rear elevation of the main dwelling but, given its single storey height and position at the rear of the dwelling and the existing extensions of the neighbouring properties on either side, this would not have any undue impact on the overall character of the property. The placement of windows does not directly respond to the original dwelling house, however, the siting of each window ensures the rear elevation as a whole does not appear cluttered or out of character. It is therefore considered that the form of the development would be acceptable in terms of the character and visual amenity of the area.
7. The development would not result in the overdevelopment of the plot, with approximately 90.2m<sup>2</sup> (excluding outbuilding) of rear amenity space remaining.
8. The overall mass of the proposed development would also remain proportionate, extending to no further back than the neighbouring No. 38 Ambleside Road, 1.4m further back than the neighbouring No. 42 Ambleside Road and 1.6m further back than the existing rear outrigger rear elevation. The side extension extends less than half of the width of the original dwelling house.
9. The development does take up the majority of the width of the plot; however, as the development is single storey only and set considerably back from the front elevation, the impacts upon spaciousness and openness are minimal.
10. The proposed materials are appropriate, matching the original dwelling house.
11. As such, the proposed works would result in no harm to the character, design or appearance of the host dwelling, complying with all guidance as laid out within SPD4; and achieving the overall aims of Policy L7 of the Trafford Core Strategy and the NPPF.

#### RESIDENTIAL AMENITY

12. In relation to householder extensions, both the NPPF and Policy L7 of the Trafford Core Strategy strive to ensure that development has no unacceptable negative impacts upon neighbouring or future occupiers. As the development is for a residential extension within an established residential area, the main areas of consideration are overshadowing, overbearing and overlooking.
13. SPD4 sets out specific tests that should be applied to a variety of types of householder extensions to assess their impacts. Paragraphs 3.4.1 – 3.4.9 of SPD4 set out the relevant tests to ensure that rear extension do not have any materially negative impacts.
14. The relationship between the proposed development and adjacent Nos. 38, 42 and 29 Ambleside Road and Nos. 11 and 13 Western Road shall be assessed.

### No. 38 Ambleside Road

15. The existing conservatory at No. 38 Ambleside Road is set adjacent to the plot boundary and extends further into the rear garden than the proposed extension. There is no proposed fenestration facing onto No. 38 Ambleside Road's side elevation. The extension is only a single storey in height.
16. As such, there would be no adverse amenity impacts to the neighbouring No. 38 Ambleside Road by way of overshadowing, overbearing or overlooking.

### No. 42 Ambleside Road

17. The single storey rear extension is proposed adjacent to the plot boundary. The extension would project approximately 1.4m back from the neighbouring rear elevation. As such, the extension complies with the SPD4 guidance for rear extensions, ensuring no undue adverse impacts in terms of overbearing or overshadowing. No windows are proposed on the side elevation. A roof light is proposed facing the neighbouring plot. However, the roof light is set approximately 2.9m above internal ground floor at its lowest point, ensuring no opportunities for overlooking.
18. As such, there would be no unacceptable adverse amenity impacts to the neighbouring No. 42 Ambleside Road by way of overshadowing, overbearing or overlooking.

### No. 29 Ambleside Road

19. No new fenestration is proposed on the front elevation. The removal of the porch steps back the building line of this particular portion of the front elevation. The proposed garage door has a separation distance from No. 29 Ambleside Road of approximately 34m.
20. As such, there would be no adverse amenity impacts to the neighbouring No. 29 Ambleside Road by way of overshadowing, overbearing or overlooking.

### Nos. 11 and 13 Western Road

21. The proposed rear elevation would have a separation distance to the rear plot boundary of 11.4m and an interface distance of 27.5m to the rear elevation of No. 13 Western Road. The proposed rear elevation has an interface distance of 28.25m to the rear elevation of No. 11 Western Road.
22. As such, there would be no adverse amenity impacts to the neighbouring Nos. 11 and 13 Western Road by way of overshadowing, overbearing or overlooking.

## Future Occupiers

23. No gap has been maintained between the proposed side elevation and plot boundary. However, a garage which, owing to its dimensions, is unlikely to be used predominantly as parking, is proposed. This garage will allow for the storage of waste bins, cycles, etc. away from the street scene in a convenient location and a through route from the garage to garden via the utility area is available, which will mitigate against the loss of direct external access.

## PARKING

24. No new bedrooms are proposed and no existing parking provision would be lost. SPD3 requires a three bedroom dwelling to provide a maximum of two off road parking spaces.
25. The existing dwelling house features a front garden laid entirely to hard standing. This space is large enough, measuring 10.3m by 5.6m at its smallest point, to provide two SPD3 compliant off road parking spaces.
26. As such, the development would maintain an adequate provision of off road parking spaces, having no material impact upon the relationship between the dwelling house and public highway, complying with Policy L4 of the Trafford Core Strategy and national guidance.

## DEVELOPER CONTRIBUTIONS

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

## PLANNING BALANCE AND CONCLUSION

28. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development would result in an acceptable form of development with regard to design and visual amenity and the impact on the amenity of neighbouring residents and would comply with Policies L4 and L7 of the Core Strategy and guidance in the NPPF.

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

## **RECOMMENDATION:**

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PR01 and PR02 received by the local planning authority on 11<sup>th</sup> May 2020.

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

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

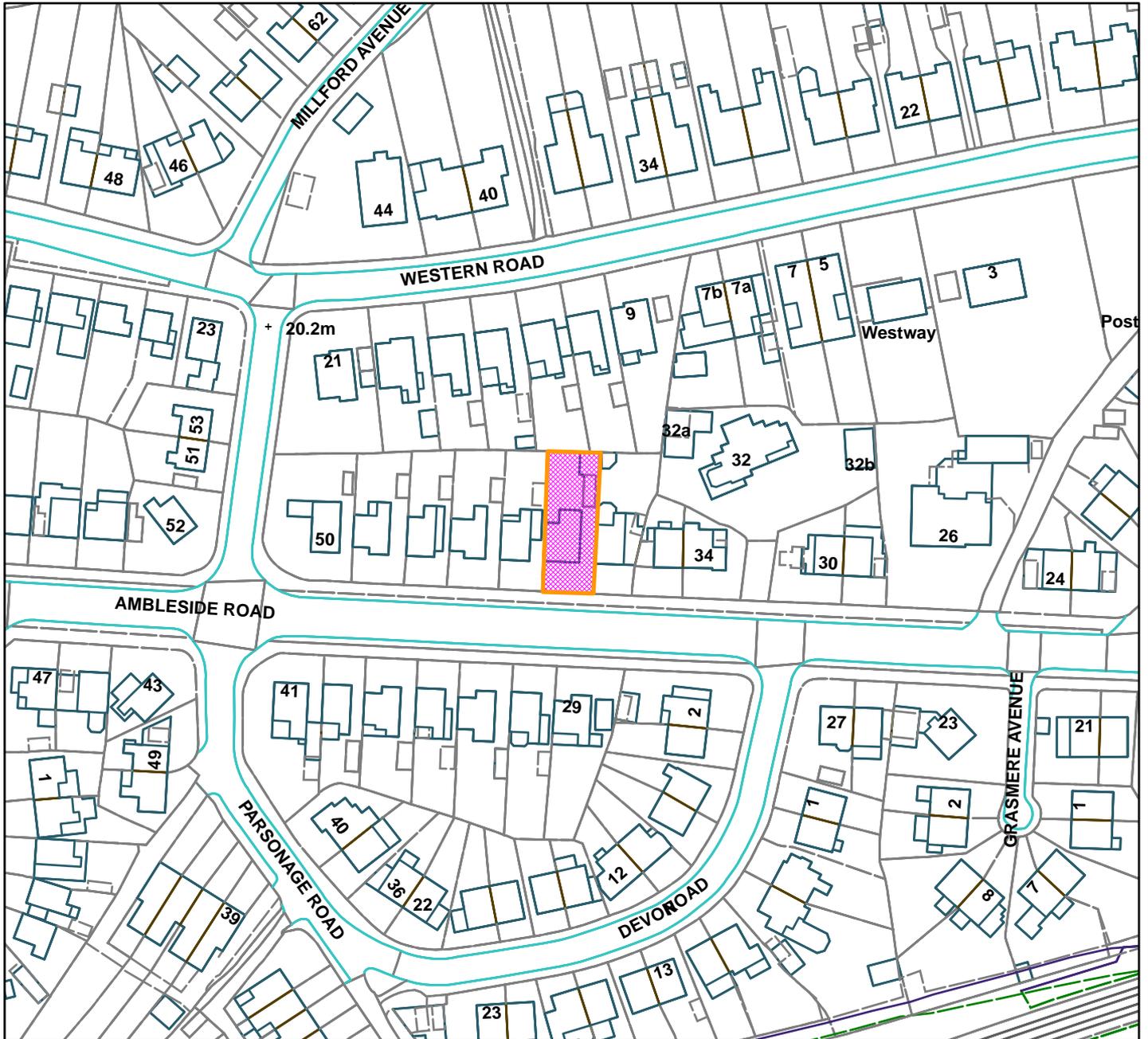
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning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

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SM



40 Ambleside Road, Flixton, M41 6PH (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 28/05/20
Date	19/05/2020
MSA Number	100023172 (2012)

## **Erection of a single storey side extension**

8 Dulwich Close, Sale, M33 4ZP

**APPLICANT:** Mr Ashling

**AGENT:** Bentley Planning & Project Management

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee as the applicant is an employee of Trafford Council.**

### **SITE**

The application relates to a detached dwelling with a gabled roof and rear conservatory which forms part of a modern residential development located in a predominantly residential area in Sale. It is situated on the south western side of a cul de sac and located at a junction of two other smaller cul-de-sacs within Dulwich Close.

The property itself is within a site of irregular configuration and backs onto Manor Avenue and has side and front boundaries to Dulwich Close. It has a double height gabled projection to its frontage and additional porch with a detached garage with high pitched roof forward of its principal elevation. The property is set substantially forward, but at an angle to the property immediately to its north, No.6, and that property has its own forward projecting double garage perpendicular to its principal elevation, with 2no. dormer windows with an apex design at first floor level facing the northern boundary of the application site. The application property is more or less aligned with the property to its immediate south (No.10) and faces the shared front driveways and open gardens of Nos.7, 9 and 11Dulwich Close which are all of similar design with low level planting which create informal boundaries.

### **PROPOSAL**

The proposal comprises the erection of a single storey side extension to the northern elevation of the dwelling, of the same depth as the existing dwelling and a width of 3.85m. Its eaves height would be 2.5m with a gabled roof design whose roof pitch angle is the same as the host building with a maximum ridge height of 5m. The extension's ridge would be set below the main roof ridge by 2.4m and above its first floor eaves by 0.2m. 2no. high level roof lights are proposed in the roof planes of both front and rear elevations. The extension would lie behind the existing garage and between the side elevation of the dwelling and the boundaries of the property with the highway and 6 Dulwich Close.

The development would be constructed in similar materials to the existing dwelling, with a standard window within the front elevation and a set of bi-folding doors within the rear elevation. 2no. pairs of secondary windows are also proposed within the side elevation facing north.

The increase in floor space of the proposed development would be less than 100m<sup>2</sup>.

### **ADDED VALUE**

Amended plans have reduced the width of the proposed development by 0.5m to allow it to appear more proportionate and subordinate to the main dwelling. This amendment has also mitigated its visual impact upon the habitable room at ground floor level within the principal elevation of No.6 Dulwich Close and has increased the space provided between the extension and the northern boundary at its closest point towards its rear.

### **DEVELOPMENT PLAN**

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

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

### **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 - Design

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

### **OTHER POLICY DOCUMENTS**

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

### **PROPOSALS MAP NOTATION**

None

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

None

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in summer 2020 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

DCLG published the National Planning Practice Guidance on 6 March 2014 and was last updated on 01 October 2019. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

H40477 Erection of 35 dwellings and associated garages, construction of access ways (amendment to H/ARM/37496). Approved with conditions 11th November 2013

### 6 Dulwich Close

H/64272 – Erection of rear conservatory. Approved May 2006.

### 7 Dulwich Close

94884/HHA/18 - Erection of a single storey side and rear extension. Approved August 2018.

## **APPLICANT'S SUBMISSION**

None.

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

The application was advertised by way of neighbour notification letters. No comments have been received.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

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

### **DESIGN AND APPEARANCE**

2. Paragraph 124 of the NPPF states that *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 130 of the NPPF states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*
3. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts 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.
4. SPD 4: A Guide for Designing House Extensions and Alterations requires extensions to reflect the character, scale and form of the original dwelling by matching and harmonising with the existing architectural style and detailing and the SPD sets out specific guidance in order that proposals can successfully do this.
5. As the proposed extension would be on the side elevation of the existing property, it would be visible from the street scene of Dulwich Close. The proposed development would align with the principal elevation of the property and provide a separation distance of 1.93m to the detached garage to its frontage. It would also align with the rear elevation, providing approximately 4m

to the northern boundary at its front corner, reducing to approximately 2.6m towards its rear. Being single storey in height and partially screened from view via a 2.4m high mature privet hedge, it is considered that the development would not be visually intrusive in the streetscene and would not have an unacceptable impact on the spaciousness of the surrounding area. The siting of the extension with relation to the application site's curtilage would retain sufficient outdoor amenity space and would not be out of character with the surrounding area.

6. The proposal would be erected using matching materials and the fenestration on the principal elevation would be aligned horizontally with that of the existing dwelling. The proposed rear facing bi-folding doors and side facing windows are also considered to be sited within appropriate positions without being over dominant as a design feature. The eaves and roof design of the development would align with the existing property and would not appear overdominant or incongruous to it.
7. It is therefore considered that the proposal would be acceptable in terms of design and visual amenity and would comply with Policy L7 of the adopted Core Strategy and guidance in the NPPF in terms of its design and general appearance.

#### **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.*

#### **Impact upon 6 Dulwich Close**

10. The proposed development would comprise of a ground floor extension that would be set back by between 2.6m and 4m from the northern boundary with 6 Dulwich Close, which comprises a mature hedge within the curtilage of the application site. Only the development's gabled roof pitch above eaves height would be visible when viewed from the north and in particular No.6. The application property has its full footprint forward of the principal elevation of this

neighbouring property with a projection of approximately 7m and a separation distance of approximately 8.5m between the two properties at their closest point.

11. The juxtaposition of these properties is such that they are not parallel and the application property has its rear elevation facing towards the side of No.6 but at an angle. The proposed development would therefore have its rear facing bi-folding doors looking towards the front corner of this property. The mature conifer hedge would screen all possible views towards the front facing ground floor habitable room window of that property with the window directly above being an obscure glazed bathroom window and thereby not considered to be a habitable room. As such, it is considered that the proposed development would not cause any undue harm to the amenity of that property through overlooking or loss of privacy.
12. It is also considered that, whilst the extension would be to the south-west of No. 6, it would not cause any significant additional overshadowing or overbearing impact on that property over and above the impact of the existing dwelling.

#### Impact upon other properties within Dulwich Close

13. The development itself is less than half the width of the main dwelling and provides between 2.6m and 4m to its northern boundary. When viewed from the east across the shared driveways of open gardens of Nos.7, 9 and 11 Dulwich Close, only No.11 would be able to view the proposed development and this would be at an oblique angle to the habitable room windows of that property.
14. No.1 is located towards the north east of the application with its own attached garage forward of its principal elevation. A mature hedge forms its own boundary, with any views of the proposed development from habitable rooms being partially obscured by this and the application site's conifer hedge and its own detached garage. As such no harm would occur to the occupiers of that neighbouring property. Furthermore, given the separation distances provided between the proposed development and other properties within the cul de sac, the impact upon these dwellings would be minor and again no harm would occur to the occupiers.
15. It is therefore considered that the proposal would not unduly impact on the amenity of neighbouring residents within Dulwich Close or the adjacent Manor Avenue which the application property backs immediately onto. The development would be acceptable in terms of Policy L7 of the Core Strategy in this respect.

#### **PARKING PROVISION**

16. The proposal would not increase the number of bedrooms at the property. There is off street parking provision for 5no. vehicles which would be retained in

addition to on street car parking in addition to this in the vicinity. This level of parking provision is therefore acceptable.

## **DEVELOPER CONTRIBUTIONS**

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

## **PLANNING BALANCE AND CONCLUSION**

18. The proposed extension would not be detrimental to the character and spaciousness of the streetscene and the design and appearance is considered to be acceptable. It is also considered that the proposal would not result in any unacceptable harm to the amenity of neighbouring dwellings.
19. As such, the proposal would comply with Policy L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations as well as guidance in the NPPF and it is recommended that planning permission should be granted, subject to conditions.

## **RECOMMENDATION**

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number SSSE-8DC-002 REV B which were amended and received by the local planning authority on 27<sup>th</sup> April 2020.

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

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

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

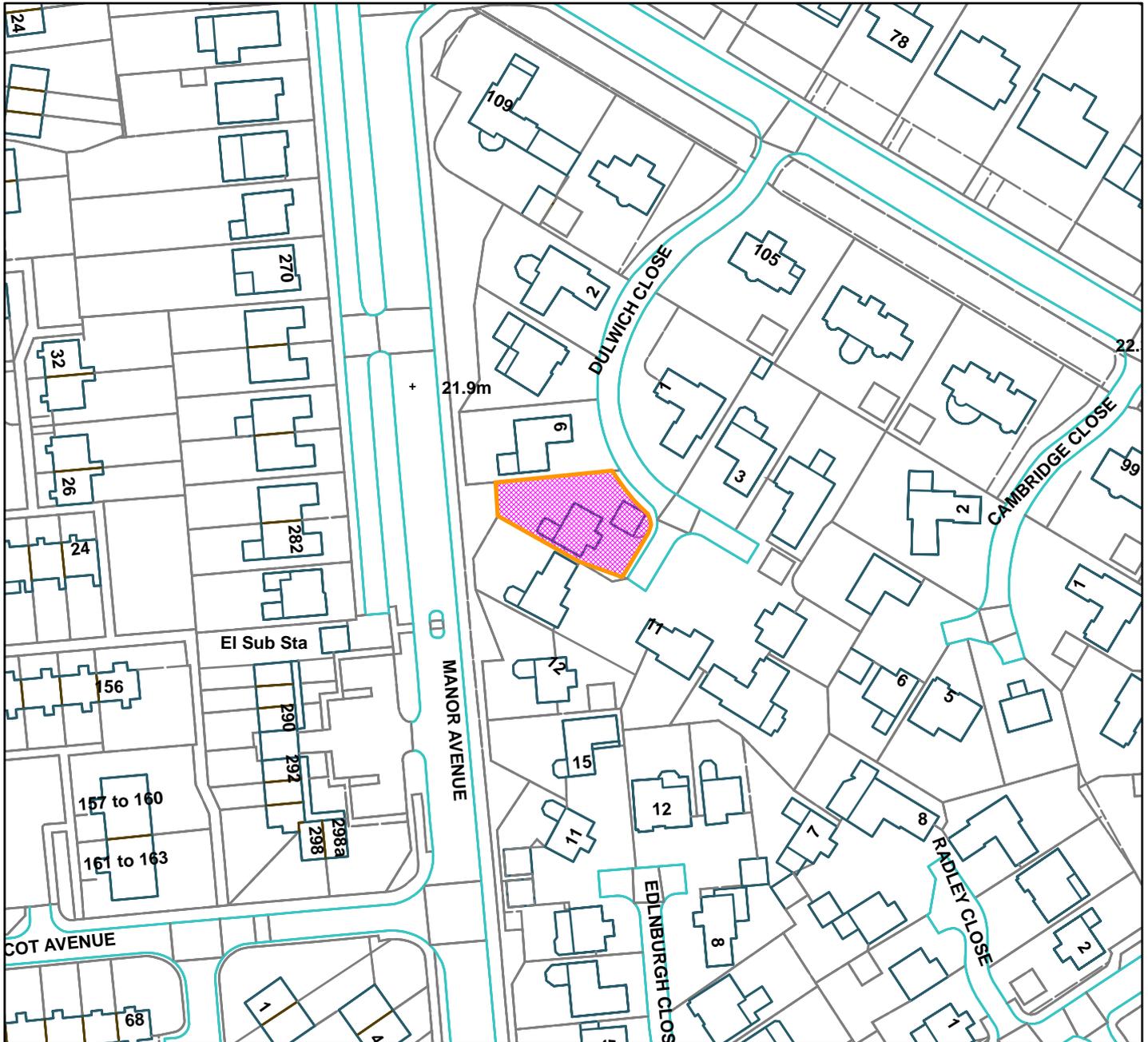
Extensions and Alterations and the requirements of the National Planning Policy Framework.

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GD



8 Dulwich Close, Sale, M33 4ZP (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date: 28/05/20
Date	19/05/2020
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