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## TRAFFORD COUNCIL

### **AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE MEETING**

**Date: Thursday, 14 July 2016**

**Time: 6.30 pm**

**Place: Committee Suite, Trafford Town Hall, Talbot Road, Stretford, Manchester  
M32 0TH**

<b>AGENDA</b>	<b>ITEM</b>
<b>1. ATTENDANCES</b>	
To note attendances, including Officers and any apologies for absence.	
<b>2. MINUTES</b>	
To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 9 <sup>th</sup> June, 2016.	2
<b>3. ADDITIONAL INFORMATION REPORT</b>	
To consider a report of the Head of Planning and Development, to be tabled at the meeting.	
<b>4. APPLICATIONS FOR PERMISSION TO DEVELOP ETC</b>	
To consider the attached reports of the Head of Planning and Development.	4
<b>5. AFFORDABLE HOUSING PROVISION: CASE LAW UPDATE</b>	
To note the attached report of the Head of Planning and Development.	5

## Planning and Development Management Committee - Thursday, 14 July 2016

### 6. URGENT BUSINESS (IF ANY)

Any other item or items which by reason of special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

#### **THERESA GRANT**

Chief Executive

#### Membership of the Committee

Councillors Mrs. V. Ward (Chairman), D. Bunting (Vice-Chairman), Dr. K. Barclay, N. Evans, T. Fishwick, P. Gratrix, D. Hopps, E. Malik, D. O'Sullivan, B. Sharp, J. Smith, L. Walsh and J.A. Wright

#### Further Information

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

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This agenda was issued on **Tuesday 5<sup>th</sup> July 2016** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

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## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**9<sup>th</sup> JUNE, 2016**

### **PRESENT:**

Councillor Mrs. Ward (In the Chair),  
Councillors Dr. Barclay, Bunting, N. Evans, Fishwick, Gratrix, Hopps, Malik, O'Sullivan,  
Sharp, Smith, Walsh and Wright.

In attendance: Head of Planning and Development (Mrs. R. Coley),  
Planning Development Manager Major Projects (Mr. D. Pearson),  
Senior Planning and Development Officer (Ms. C. Read),  
Principal Highways & Traffic Engineer (Amey) (Mr. J. Morley),  
Solicitor (Ms. J. Cobern),  
Democratic & Scrutiny Officer (Miss M. Cody).

Also present: Councillors Hyman and Mitchell.

### **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Members, Officers and members of the public to the first meeting of the Planning and Development Management Committee of the Municipal Year and conveyed a warm welcome to Councillor James Wright.

#### **1. MEMBERSHIP OF THE COMMITTEE**

RESOLVED: That the Membership of the Planning and Development Management Committee for the Municipal Year 2016/2017 be noted.

#### **2. APPOINTMENT OF SUB-COMMITTEE**

Members of the Planning and Development Management Committee were asked to appoint the Town/Village Green Sub-Committee.

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

#### **3. TERMS OF REFERENCE**

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

#### **4. MEETING DATES**

RESOLVED: That the scheduled meeting dates for the Planning and Development Management Committee for the Municipal Year 2016/2017 be noted.

**Planning and Development Management Committee**  
**9<sup>th</sup> June, 2016**

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**5. MINUTES**

RESOLVED: That the Minutes of the meeting held on 12<sup>th</sup> May, 2016, be approved as a correct record and signed by the Chairman.

**6. ADDITIONAL INFORMATION REPORT**

The Head of Planning and Development submitted a report informing Members of additional information received regarding applications for planning permission to be determined by the Committee.

RESOLVED: That the report be received and noted.

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

- (a) Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined

Application No., Name of Applicant, Address or Site

Description

87069/OUT/15 – Peel Land and Property – Land south of Barton Bridge, Trafford Way, Trafford Park.

Outline planning application with all matters reserved, except access, for general industrial and/or storage/distribution development on land adjacent to Barton Bridge, Trafford.

87240/COU/15 – Mr. Clare – Red House Farm, Red House Lane, Dunham Massey.

Change of use of agricultural barn to leisure use.

[Note: Councillor Dr. Barclay declared a Personal and Prejudicial Interest in Application 87240/COU/15, due to her involvement with the Application, she remained in the meeting but did not participate in the debate or cast a vote on the Application.]

87550/FUL/16 – Consensus Property Ltd – Land to the rear of 16-24 The Downs, Altrincham.

Erection of 10 dwellings comprising of 4No x 3 bed houses and 6No x 2 bed apartments including landscaping works and basement parking including parking provision for No 16-24 The Downs following demolition of buildings and extensions on site.

87695/HHA/16 – Mr. Brassington – 1 Dukes Walk, Hale.

Erection of a first floor side extension over the existing garage and conversion of the existing garage into habitable living accommodation.

88082/HHA/16 – Mr. Finnie – 36 Norris Road, Sale.

Erection of a single storey side and rear extension.

**Planning and Development Management Committee**  
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88103/FUL/16 – Bowdon Church of England School – Bowdon Church of England Primary School, Grange Road, Bowdon.	Change of Use of existing detached SIBCAS (Modular building) structure for use as a children’s day nursery with associated works thereto.
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[Note: Councillor Hyman declared a Personal Interest in Application 88103/FUL/16, being a Governor of Bowdon Church of England Primary School.]

88130/HHA/16 – Mr. & Mrs. Booth – 102 Craddock Road, Sale.	Single storey rear extension and first floor side extension above existing ground floor structure, together with alterations to the roof shape.
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88320/HHA/16 – Mr. Hallett – 14 Mayfield Road, Timperley.	Erection of single storey rear extension and conversion of existing integral garage/store to a playroom.
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88328/HHA/16 – Mr. Wardle – Oak House, 7 Vale Road, Bowdon.	Erection of single storey rear, first floor side, two storey rear extensions with conversion of garage and associated external alterations (Revised application following refusal of 87449/HHA/16).
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88362/ADV/16 – Timperley Taverners – Timperley Taverners, 43a Park Road, Timperley.	Display of one internally illuminated fascia sign.
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[Note: Councillor Fishwick declared a Personal and Prejudicial Interest in Application 88362/ADV/16, being the Chairman of the Club, after making representation to the Committee he remained in the meeting but did not participate in the debate or cast a vote on the Application.]

(b) Application deferred

Application No., Name of Applicant, Address or Site

Description

87616/HHA/16 – Mr. Ghidaoui – 2 Vernon Avenue, Stretford	Erection of part single part two storey side and rear extension, erection of single storey front extension and erection of new outbuilding at rear of garden.
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[Consideration of Application 87616/HHA/16 was deferred to allow further negotiation with the Applicant to take place in order that a compromise be reached in respect of the position of the outbuilding to address the neighbour’s concerns.]

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**8. APPLICATION FOR OUTLINE PLANNING PERMISSION 83924/O/2014 – MR. & MRS. JOHN DRINKWATER – LAND TO REAR OF 1-13 MASSEY ROAD, ALTRINCHAM**

The Head of Planning and Development submitted a report concerning an application for outline planning permission for the demolition of existing building and garages and redevelopment of site to form 4 no. one bedroom apartments (consent sought for access and layout with all other matters reserved).

RESOLVED: That planning permission be granted subject to the conditions now determined with an amendment to Condition 4 as follows:-

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. proposed hours of working, including the use of heavy machinery
- ix. deliveries during construction to only take place between 09:00 and 19:00hrs.

Reason: These details necessarily need to be considered and agreed prior to the commencement of development to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway during the construction period, having regard to Policy L7 of the Trafford Core Strategy.

The meeting commenced at 6.38 p.m. and concluded at 8.41 p.m.

# Agenda Item 3

## AGENDA ITEM 3

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14<sup>th</sup> July 2016

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

**1.0 INTRODUCTION**

**1.1** This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

**1.2** Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chairman.

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

**REVISED ORDER OF AGENDA (SPEAKERS)**

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against RECOMMENDATION	For REC.
<a href="#"><u>86620</u></a>	Land adjacent to 74 Ridgeway Road, Timperley, WA15 7HD	Hale Barns	1		✓
<a href="#"><u>86625</u></a>	Clay Lane Sports Club, Clay Lane, Timperley, WA15 7AF	Hale Barns	18		✓
<a href="#"><u>87339</u></a>	Land encompassing 26A Marsland Road, Warrener Street Car Park & IMO Car Wash Site Sale	Sale Moor	37	✓	✓
<a href="#"><u>87811</u></a>	11/13 Raglan Road, Sale, M33 4AN	Brooklands	78	✓	
<a href="#"><u>87933</u></a>	Land to the rear of 247 Hale Road, Hale Barns, WA15 8RE	Hale Barns	97	✓	✓
<a href="#"><u>88092</u></a>	1A Sinderland Road, Altrincham WA14 5EU	Broadheath	120		✓
<a href="#"><u>88172</u></a>	24 Hillington Road, Sale, M33 6GP	Ashton on Mersey	132	✓	✓
<a href="#"><u>88279</u></a>	Site of former MKM House, Warwick Road, Stretford, M16 0XX	Longford	140		✓
<a href="#"><u>88319</u></a>	1 Craddock Road, Sale, M33 3QQ	Brooklands	165		✓

**SPEAKER(S) AGAINST:**

**FOR:**

**Mark Jordan  
(For Applicant)**

**OBSERVATIONS**

**PRINCIPLE OF DEVELOPMENT**

Paragraph 8 amended to read - Recent case law has established that a development plan should be considered to be out of date in respect of any policies which seek to restrict new housing development where that authority does not have a deliverable five year housing land supply. As the Council doesn't have this deliverable five year housing land supply at present, it can be argued that the Council's Green Belt Policy R4 is out of date in relation to proposals for new housing in the Green Belt. Nevertheless, even if the policy is technically 'out of date' it remains in accordance with current government policy in the NPPF on the protection of Green Belt land. The weight it can be given therefore remains significant. In any event the NPPF, as a primary material consideration, would apply the same test of very special circumstances outweighing the identified harm to the Green Belt and any other harm in order to find this proposal acceptable. The NPPF states that the essential characteristics of Green Belt are their openness and their permanence. The relevant case law is now subject to challenge in the Supreme Court.

**RECOMMENDATION:**

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

- Drawing No: (EX)002 Rev.A - Existing Site Plan
- Drawing No: (PL)200 Rev.A - Street Scene
- Drawing No: (PL)004 Rev.A - Floor Plans
- Drawing No: (PL)005 Rev.A - Elevations
- Drawing No: (PL)300 Rev.A - Proposed Site Plan

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

**SPEAKER(S) AGAINST:**

**FOR:**

**Mark Jordan  
(Applicant)**



## **CONSULTATIONS**

**Greater Manchester Ecology Unit (GMEU)** – Further comments received from the GMEU confirm that floodlight lighting restrictions (i.e hours of use of the floodlighting as indicated under proposed condition 10) should apply throughout the entire year and not just the rugby union season which occurs generally between September – May inclusive.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

Paragraph 13 amended to read - The proposed works to the car-park involve resurfacing and demarcating parking spaces on an area of hard-core and therefore would have no additional impact on the Green Belt. The land is already used for car parking.

### **PROTECTED OPEN SPACE**

Paragraph 16 – amended to read - The site is allocated as Protected Open Space on the Revised UDP map. Core Strategy Policy R5 seeks to protect areas of Protected Open Space. Development that results in an unacceptable loss of quantity of open space, sport or recreational facilities, or does not preserve the quality of such facilities will not be permitted. Whilst the proposed clubhouse extensions will increase the floorspace of built form within an area of Protected Open Space, it is considered that the development proposals will result in an improvement in sports facilities at the club, the benefits of which will outweigh the harm caused by the loss of the open space. Advice contained within the NPPF (Paragraph 74) states that ‘existing open space, sports and recreational buildings and land, including fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location’. The extensions to the club house will provide upgraded club house and changing room facilities that are considered to reflect the above guidance. The proposed development is therefore considered to be in accordance with Core Strategy Policy R5 and advice contained within the NPPF.

### **IMPACT OF FLOODLIGHTING ON RESIDENTIAL AMENITY**

Paragraph 24 amended to read - Some residents will experience a degree of light pollution from the existing floodlighting provision at the site and also from the adjacent uses. The proposal will involve columns that are larger than the existing and therefore more visible from a distance. However, the design of the floodlighting columns, the low lux levels and degree of light spill, and the restriction on use (they will be conditioned to be switched off no later than 2130hrs), all means that the impact on residential amenity will be limited. Whilst some residents will be able to see the ‘box of light’ resulting from the development, it is not considered that the properties will be affected by light spill to an extent that it would be harmful to their amenity to a level which would warrant a refusal of planning permission. A suitable planning condition will

ensure that the lighting scheme that is implemented will incorporate protection against glare for nearby residents.

### **RECOMMENDATION**

Condition 4 - The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-

- Drawing No:-E4162 - SK005 Rev.A - Proposed Site Plan
- Drawing No:- E4162 - SK006 Rev.A - Part Site Plan Showing Proposed Car-Park & Pitch
- Drawing No:-E4162-SK007 - Proposed Clubhouse Extension Layout
- Drawing No UKS11477 - External Floodlighting (Abacus Lighting)
- Drawing No:- HL250D15/2/AL5760 - Mast

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

Condition 16. No development shall commence unless and until a scheme for cycle storage has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that appropriate cycle provision is incorporated into the scheme at design stage in order to promote sustainable forms of transport in accordance with Policies L4 and L7 of the Trafford Core Strategy and advice within the NPPF.

### **Page 37 87339/FUL/15: Land encompassing 26A Marsland Road, Warrener Street Car Park & IMO Car Wash Site, Sale**

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	<b>Martin Tonks Planning Consultants (For Neighbours)</b>
	<b>FOR:</b>	<b>Stella Millner (Neighbour)</b>

### **PROPOSAL**

#### **Amended and Additional Plans**

Further amended plans have been received. This includes an amended Proposed Site Plan to include amended 5 staff only car parking spaces to the south of the site and trees proposed to be retained at the site. Additionally an updated swept path analysis drawing has been submitted to reflect the amended 5 staff only car parking spaces to the south of the site.

In addition to the above, the applicants have submitted a written response from their appointed Traffic Engineers, to address the concerns raised in the submitted Sale Moor Community Planning Group Objection.

## **REPRESENTATIONS**

### **OBJECTIONS**

#### **Amended Paragraph**

To date, 405 letters and emails of objection have been received from local residents, businesses, Sale Moor Community Planning Group, a ward councillor and a neighbouring ward councillor on behalf of councillors for neighbouring wards. The concerns raised are summarised below:

#### **Further Representations Received**

In addition to those already reported in the committee report, a further 30 further letters of objection have been received from local residents. These raised many of the same concerns as already outlined in the committee report. Further issues raised are summarised as follows:

- The data used to assess the traffic impact is out of date and from 2006-07.
- Warrener Street would become a drop off area for taxis bringing unwanted pedestrian and vehicle traffic.
- The turning head on Warrener Street will be a danger to existing residents as a result of cars turning.
- Shopkeepers will be forced to park on side streets with the loss of the car park.
- Construction of the store will cause chaos in the surrounding area.
- Sale Moor is a village and a supermarket will ruin the village feel of Sale Moor.
- Comments related to the sale and value of the Trafford owned portion of the site.
- Comments asking the Council to impose a minimum timescale on any resubmission of a similar planning application for this site within the next 10 years.
- We are Sale Moor Community Group members claim they want the Sale Moor Village to have independent shops, markets, community events and meeting places, a safe and enjoyable night life and safer traffic. The proposal does not deliver any of these aims.
- Further concern expressed about the traffic implications of the proposals and impact on highway and pedestrian safety from traffic generation associated with the proposal. Have the Local Highway Authority witnessed the traffic generation at weekends and peak times?

- Safety concerns expressed regarding small children in the village and the impact of the proposed foodstore entrance and associated traffic on their safety.
- The supporting documents submitted by the applicant suggest the proposal is consistent with Government's town centre first approach. However Sale Moor is not a town centre.
- Local jobs could be negatively impacted as a result of the proposal having a detrimental impact on the existing traders in the village.
- Given the sheer number of people in the local community against this proposal, concern is raised about the impact on the community should the build go ahead.

In addition to the above mentioned letters of objection received, an online petition has been received. The petition gathered over 1500 signatures and comments. The comments received through this petition reiterate the many concerns already raised and summarised above and reported in the committee report.

Two further letters of support have been received. These outlined the same reasons for support as already reported in the committee report.

## **OBSERVATIONS**

### HIGHWAYS AND CAR PARKING

#### **Paragraph 55**

A further amended swept path analysis drawing has been submitted since the committee report was published. The 5 car parking spaces identified for staff parking only have been amended to ensure these spaces work independently and the layout of the car parking spaces changed. The LHA consider the proposed amended layout to be acceptable.

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

#### **Condition 2 amended**

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, 10628-001; 10628-106 Rev J; 10628-114 Rev B; 10628-115; 10628-109 Rev E; 10628-112 Rev C; 10628-111 Rev A; 10628-110 Rev C and TPMA 1256-100 Rev E.

Reason: To clarify the permission, having regard to Policies L1, L2, L4, L5, L, L8, R2, W1 and W2 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

### **Condition 17 amended**

17. The car parking, servicing and vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be provided and made fully available for use prior to the component of the development to which they relate (foodstore or dwellings) being occupied and shall be retained thereafter for their intended purpose.

Reason: In the interests of amenity and in compliance with Trafford Core Strategy Policies L4 and L7 and the National Planning Policy Framework.

### **Condition 19 amended**

19. Prior to the opening of the foodstore, a detailed scheme for the provision of the offsite highway works identified on drawing number TPMA 1256-100 Rev. E comprising the provision of enhanced pedestrian crossing facilities and traffic calming features at the Northenden Road gyratory junction immediately east of the site and localised widening of the Northenden Road westbound carriageway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full in accordance with the approved details prior to the first opening to the public of the retail foodstore hereby approved.

Reason: To facilitate access for pedestrians and encourage sustainable modes of travel in accordance with Trafford Core Strategy Policies L4 and L7 of and the National Planning Policy Framework.

### **Condition 28 amended**

28. No development or works of site preparation shall take place until, a detailed scheme of fox mitigation measures (including how foxes are to be excluded from any existing earth) has been submitted to and approved in writing by the Local Planning Authority. The scheme of mitigation shall be implemented in accordance with approved details thereafter.

Reason: To safeguard any protected species which may either live or forage within the site and which could be harmed at the outset of development works commencing on site in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

### **Condition 29 - Additional Condition**

29. No development shall take place until a survey to determine the presence of any of protected species under the Wildlife and Countryside Act 1981 (as amended), in the application site has been submitted to and approved in writing by the Local Planning Authority. The identity of the qualified person(s) undertaking that survey shall first be agreed in writing with the Local Planning Authority. If any protected species is found to either reside or forage within the site, no development shall take place until a scheme for the protection of their



Additional pressure on services:

The erection of 4no. 2 bedroom housing units, in this instance, is not considered to materially pressurise the existing broadband and water services within the area. Especially when considering that the development would be built within a well-established urban area. It should further be noted that United Utilities lodged no objections to the proposed development, when consulted by the Council.

Delete Para. 12 and replace with:

12. Raglan Road and its surrounding area remain largely diverse in terms of building styles and types, presenting a wide mix of detached and semi-detached dwellings, along with a number of apartment blocks and commercial sites; these are largely built at two storey level and present a mix of building materials and boundary treatments. The area is also not absent from the sub-division of existing plots, with the closest example being that of number 15 Raglan Road, sited to the application sites north-eastern side, with its access running along the sites eastern side boundary.

**RECOMMENDATION:**

Replace **condition 7** with:

- 7 Notwithstanding the approved drawing the openings on the rear (north-west) elevation of no. 11-13 Raglan Road at third and fourth floors levels, shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter. Furthermore no further windows or openings shall be formed within the rear north-western elevation unless planning permission for such development has been granted by the Local Planning Authority.

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

Replace **condition 8** with:

- 8 Prior to the first occupation of any of the residential units hereby approved, full details of the cycle storage sheds shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the dimension, siting and layout of the cycle storage shed, including the number of cycles it can hold and should also include the full specification of the materials to be used externally for the cycle store. Prior to the first occupation of any of the residential units hereby approved, the cycle storage shall be provided in accordance with the approved details and then be retained at all times thereafter.

Reason: In order to promote sustainable modes of transport in compliance with Policies L4 and L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Guidance 1: New Residential Development (2004).

**Page 97 87933/FUL/16: Land to the rear of 247 Hale Road, Hale Barns**

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	<b>Rob McLoughlin (Neighbour)</b>
	<b>FOR:</b>	<b>Gareth Salthouse Emery Planning (For Applicant)</b>

**OBSERVATIONS**

Replace **paragraph 38** with:

38. It is considered a reasonable argument that this piece of land is an anomaly left after previous developments to the rear of No's 247-251 Hale Road situated at the edge of the South Hale Conservation Area. For this reason it is considered that the loss of part of the garden area of 247 Hale Road would result in some impact on the character and spaciousness of the area for the reasons set out above. The assessment below will consider if this is harmful or not.

For clarification regarding paragraph 60 of the report. The Council's Senior Planner (Arboriculture) has confirmed that verbal agreement was given to remove the trees subject to suitable replacement planting. A suitable landscaping scheme, to include replacement trees, is required by recommended condition 4.

**RECOMMENDATION:**

Delete **Condition 7**

Replace **Condition 9** with:

- 9 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) no buildings, extensions or alterations permitted by Classes A, B, D, E and F of Part 1 and Class A of Part 2 of the Second Schedule shall be carried out, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: In order to protect neighbour amenity and the character and appearance of site and Conservation Area, having regards to Policies L7 and R1 of the Trafford Core Strategy.



**SPEAKER(S) AGAINST:**

**FOR: Gary Sutton  
(Agent)**

#### **OBSERVATIONS**

4. Further to this the development would bring back into use a large vacant unit. The change of use to a take away within the A5 use class would reinstate an active frontage on this prominent junction and the Sinderland Road street-scene. It is therefore considered that the development would have a positive impact on the wider area, adding to the vitality and vibrancy of the mixed use area within Altrincham, complying with the relevant policies from the NPPF and policy W1 and W2 of the TBC Core strategy.

#### PARKING AND HIGHWAYS

Delete Para's 21-23 and replace with:

21. The Councils adopted SPD3 Parking Standards and Design for Trafford states that for an A5 use (Hot Food Takeaways) in this area, 1 space per 6 sqm of public floor space should be provided. The proposed development has a gross floor space of 186 sqm, with a public floor area of 39sqm, hence, in accordance with SPD3, 6.5 parking spaces are required. The proposed development proposes no off street parking provision for the use of staff or customers.
22. It should however be noted that, there is no existing, allocated parking provision at the existing site. However, un-restricted on-street parking is available in close proximity to the site on Huxley Street and there are also 5 off-street parking spaces which are marked out at the turning head of Huxley Street to the east of the site. Under the sites existing use, a tile and bathroom outlet (class A1 non-food retail), the parking requirements would have been 1 space per 21 sqm which would be greater than the use, as currently proposed, at between 8 – 9 spaces. It should further be noted that as the site currently has an A1 use, the site could be converted into a more intensive retail use, such as food retail, which would require a greater number of parking spaces, under the Councils adopted SPD3 Guidelines, at around 13 spaces, double that of the use as currently proposed.
23. Therefore, in this instance, it has been considered that given the nature of the proposed use of the site, as a takeaway, it is unlikely that the site would require a high level of parking spaces. If driving, most customers are likely to be arriving to collect an order and would not require a parking

space for any significant length of time. In addition, it is likely that the peak parking demand for the site would be in the evening, which is usually a quieter period of day, with less pressure on the existing on street parking provision within the sites immediate vicinity. As such, the availability of parking on Huxley Street is deemed sufficient for the predicted customer requirements and it is considered unlikely that the change of use of the site would generate a significant increase in traffic to the site overall. In addition, given that the site is located in close proximity to public transport links (bus), the Local Highways Authority are also content with the proposals and have raised no objection to this application, on parking and highway grounds.

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

Please delete condition 6:

**Page 132 88172/HHA/16: 24 Hillington Road, Sale**

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	<b>John Hemsworth (Neighbour)</b>
	<b>FOR:</b>	<b>Tom Stanway (Applicant)</b>

**Page 140 88279/FUL/16: Site of former MKM House, Warwick Road, Stretford**

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	
	<b>FOR:</b>	<b>Richard Gee (Agent)</b>

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT** and subject to the following conditions:

- (A) That the application will propose a satisfactory form of development for the site upon completion of an appropriate legal agreement to secure a maximum financial contribution of £51,381 towards improvements to Gorse Hill Park comprising: £22,202 towards Local Open Space and £29,179 towards play provision; and
- (B) In the circumstances where the S106 Agreement has not been completed within three months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Head of Planning Services; and
- (C) That upon satisfactory completion of the above legal agreement, planning permission be GRANTED subject to the following conditions: -

Amend the following Condition:

18. Prior to the first occupation of any part of the development, 89 cycle spaces for residents, and spaces for visitors in a convenient location close to the building entrance, shall be provided in accordance with approved plans PL(00)004, PL(00)024 and PL(00)25. The cycle parking shall be retained at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sufficient cycle parking provision is provided within the development in the interests of promoting sustainable modes of travel and to comply with Policies L4 and L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 3: Parking Standards and Design.

**Page 165 88319/HHA/16: 1 Craddock Road, Sale**

**SPEAKER(S) AGAINST:**

**FOR: Belinda Wong  
(Applicant)**

#### **APPLICANT'S SUBMISSION**

The applicant for the above application has submitted comments in response to representations made in relation to the development. The points made in this are summarised below.

- We believed the extension would be permitted development, unfortunately this was incorrect.
- The Building Control Inspector dealing with building regulations did not advise that the extension was not permitted development.
- We would not have started the proposed development had we known from the outset that this needed full plans approval.
- We were not initially made aware that 24 Norris Road also had reservations. The design of the build was altered to incorporate windows in the side elevation at the request of 24 Norris Road. We would like to note that this was done at significant extra expense to us.
- We were led to believe by these detailed discussions with 24 Norris Road that they had no objections so we decided to continue the development.
- We would like to note that our closest neighbours at 3 Craddock Road do not have any objections, and have fully supported us throughout this whole process.

- Despite the initial error with whether the proposed development could process under permitted development guidelines, we feel this application must be considered on its planning merits just in the same way as any other application.
- The previous extension of a part first floor, part two storey, and rear double storey extension is not up for discussion, and had full plans approval in 2009.
- The proposed extension has been designed to be subordinate to the main dwelling being only 39m<sup>2</sup>, which is in proportion with the rest of the dwelling with a total floor space of 190m<sup>2</sup>. This is not disproportionate.
- The materials that have been used match the existing house. The house as a whole is in keeping with the character of this part of Craddock Road. There is sufficient space to the rear of the property to provide us the sufficient private amenity space, and does not appear cramped or affect spaciousness.
- The development would include a window in the side elevation. These windows are opaque/satin glass (obscured level 5), and they are above head height at 1.7m from the floor. They cannot be seen through at ground level. Therefore, there is no direct line of sight into the neighbouring property, and there is no unacceptable overlooking or privacy issues with the neighbouring properties.
- At midday, the shadow line from the proposed extension extends halfway up the garden fence on the neighbouring common boundary of 24 Norris Road, and does not whatsoever extend into the rear of the neighbouring garden, nor into the neighbouring windows.
- The blank gable wall that faces 24 Norris Road was built as part of a full plans application in 2009, and was built well before they bought the house, and their own subsequent extension. Furthermore, a row of mature screening trees in the rear of the garden at 24 Norris Road, was removed by the current owners, and has not been replaced.
- The proposed extension does not span the complete width of the rear garden at 24 Norris Road. In fact, the majority of the width of the rear garden at 24 Norris Road is spanned by the previous extension.
- We have no plans to erect a conservatory in the future, as the proposed extension will give us all the living space we require.
- We are minded that this application has been supported following due planning process and SPD4 planning guidance, and in addition, has the full support of Cllr Dixon.

The above comments do not affect the recommendation made in the Officer's report.

**HELEN JONES, DEPUTY CHIEF EXECUTIVE AND CORPORATE DIRECTOR,  
ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE**

**FOR FURTHER INFORMATION PLEASE CONTACT:**

**Rebecca Coley,  
Head of Planning and Development,  
1st Floor, Trafford Town Hall,  
Talbot Road,  
Stretford,  
M32 0TH.  
Telephone: 0161 912 3149**

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## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14<sup>th</sup> JULY 2016**

### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

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

##### **PURPOSE**

To consider applications for planning permission and related matters to be determined by the Committee.

##### **RECOMMENDATIONS**

As set out in the individual reports attached. Planning conditions referenced in reports are substantially in the form in which they will appear in the decision notice. Correction of typographical errors and minor drafting revisions which do not alter the thrust or purpose of the condition may take place before the decision notice is issued.

##### **FINANCIAL IMPLICATIONS**

None unless specified in an individual report.

##### **STAFFING IMPLICATIONS**

None unless specified in an individual report.

##### **PROPERTY IMPLICATIONS**

None unless specified in an individual report.

Further information from: Planning Services

Proper Officer for the purposes of the L.G.A. 1972, s.100D (Background papers):  
Head of Planning and Development

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Trafford Local Plan: Core Strategy.
2. The GM Joint Waste Development Plan Document.
3. The GM Joint Minerals Development Plan Document.
4. The Revised Trafford Unitary Development Plan (2006).
5. Supplementary Planning Documents specifically referred to in the reports.
6. Government advice (National Planning Policy Framework, Circulars, practice guidance etc.).
7. The application file (as per the number at the head of each report).
8. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
9. Any additional information specifically referred to in each report.

These Background Documents are available for inspection at Planning Services, 1<sup>st</sup> Floor, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH.

**TRAFFORD BOROUGH COUNCIL****PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 14<sup>th</sup> July 2016****Report of the Head of Planning and Development****INDEX OF APPLICATIONS FOR PERMISSION TO DEVELOPMENT etc. PLACED ON THE AGENDA FOR DECISION BY THE COMMITTEE**

<b>Applications for Planning Permission</b>				
<b>Application</b>	<b>Site Address/Location of Development</b>	<b>Ward</b>	<b>Page</b>	<b>Recommendation</b>
<a href="#">86620</a>	Land adjacent to 74 Ridgeway Road, Timperley, WA15 7HD	Hale Barns	1	Minded to Grant
<a href="#">86625</a>	Clay Lane Sports Club, Clay Lane, Timperley, WA15 7AF	Hale Barns	18	Minded to Grant
<a href="#">87339</a>	Land encompassing 26A Marsland Road, Warrener Street Car Park & IMO Car Wash Site Sale	Sale Moor	37	Grant
<a href="#">87811</a>	11/13 Raglan Road, Sale, M33 4AN	Brooklands	78	Grant
<a href="#">87933</a>	Land to the rear of 247 Hale Road, Hale Barns, WA15 8RE	Hale Barns	97	Grant
<a href="#">88092</a>	1A Sinderland Road, Altrincham WA14 5EU	Broadheath	120	Grant
<a href="#">88172</a>	24 Hillington Road, Sale, M33 6GP	Ashton on Mersey	132	Grant
<a href="#">88279</a>	Site of former MKM House, Warwick Road, Stretford, M16 0XX	Longford	140	Minded to Grant
<a href="#">88319</a>	1 Craddock Road, Sale, M33 3QQ	Brooklands	165	Grant



**WARD:** Hale Barns

**86620/FUL/15**

**DEPARTURE: Yes**

**Erection of 2x detached dwelling houses with new vehicular accesses and associated development thereto.**

Land Adjacent To 74 Ridgeway Road, Timperley, WA15 7HD

**APPLICANT:** Mr Frankland

**AGENT:** How Planning LLP

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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**SITE**

The application site is located on the south side of Ridgeway Road, Timperley and comprises a parcel of land with a rectangular configuration extending to approximately 0.14ha in area. The land has not previously been developed and contains low level grass sward throughout with a hedgerow along the northern boundary of the site with Ridgeway Road. To the east side of the site is a public right of way PROW (Definitive Footpath No.17 Altrincham) this is predominantly a grass track which extends from Ridgeway Road southwards onto Clay Lane. There is no definitive boundary treatment separating the application site and the public right of way. Beyond the eastern boundary are a number of football pitches and clubhouse facilities collectively known as Manor Farm which is Council owned land and property and is leased to a private operator; a 2.5m high hedgerow extends along the shared boundary of Manor Farm and the public right of way footpath.

To the western side of the site is 74 Ridgeway Road, a detached two storey dwellinghouse. To the south side of the application site is Bowdon Rugby Club, there is no physical boundary separating the application site and the rugby club land. To the north side of the site are 71 – 75 Ridgeway Road, detached dwellinghouses. The wider area to the north, north-east and north-west of the site is characterised by predominantly residential development.

The application site is located within Green Belt, the Green Belt boundary terminates along the northern boundary of the site with Ridgeway Road; land and properties to the east, west and south side of the application site are also located within Green Belt. Bowdon Rugby Club and Manor Farm land are designated as Green Belt and Protected Open Space, Manor Farm land is also designated as Protection of Landscape Character.

## **PROPOSAL**

This particular application proposes the erection of two detached dwellinghouses each with individual vehicular access onto Ridgeway Road.

## **FLOORSPACE**

The total gross internal floorspace of one of the new dwellings would be approximately 175m<sup>2</sup> (approximately 350m<sup>2</sup> for both dwellings).

## **DEVELOPMENT PLAN**

**For the purposes of this development, the Development Plan in Trafford Comprises:**

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes  
L2 – Meeting Housing Needs  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
R2 – Natural Environment  
R3 – Green Infrastructure  
R4 – Green Belt, Countryside and Other Protected Open Land  
R5 - Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Green Belt

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

C4 – Green Belt

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

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

### Application Site

H11569 – 74 Ridgeway Road (land adjoining) – Erection of two detached houses – Refused 13/03/1980 (This application was refused as it was contrary to Green Belt policy)

### Bowdon Rugby Club

86625/OUT/15 - Hybrid planning application comprising:- 1) Application for outline planning permission for the erection of front and rear extensions to the existing clubhouse to provide a new entrance lobby, additional changing rooms showers and toilets and a physio room, (consent sought for access, landscaping, layout and scale with all other matters reserved); 2) Application for full planning permission for the erection of new floodlighting to the first team pitch and training pitch together with alteration and resurfacing to provide improved coach and car parking area and associated development thereto. This application appears elsewhere on this planning committee agenda.

## **APPLICANT'S SUBMISSION**

The applicant has submitted a number of supporting statements as part of this application:-

- Planning Statement
- Design & Access Statement
- Ecological Appraisal

The information in the submitted statements will be referred to where necessary in this report.

## **CONSULTATIONS**

**Greater Manchester Ecology Unit (GMEU)** – No objections – Suggested conditions relating to hedgerow protection during construction works (The hedge is adjacent to a

Public Right of Way (PROW)); having regard to nesting birds season and biodiversity enhancement.

**Ramblers Trafford Group** – No objections subject to rural nature of PROW being retained including the hedgerow to the east side of the pathway.

**Peak and Northern Footpath Society** – No Comments received

**Local Highway Authority (LHA)** – No objections, general comments detailed later in this report

**Lead Local Flood Authority** – No objections, subject to inclusion of condition limiting surface water run-off in accordance with Trafford Councils Hybrid Level 2 SFRA.

**Highways (PROW)** – No objections, general comments detailed later in this report.

**Design For Security (GMP)** – No objections, recommend that the development is built to Secured by Design standards.

**Pollution & Licensing (Contamination)** – No objections.

## **REPRESENTATIONS**

**Neighbours:-** One letter of objection has been received from a local resident citing concern over the impact of the development on the public pathway and also that there would be an increase in parking and traffic on an already congested street.

## **OBSERVATIONS**

### BACKGROUND

1. The applicant for this particular proposal also owns the 'second pitch' also known as the Frankland pitch currently used by Bowdon RFC, which physically adjoins the application site. The applicant's family have maintained a 'gentleman's agreement' with the rugby club by allowing the club to use the Frankland pitch for approximately 50 years. The rugby club has grown significantly over the years in terms of members and players throughout all age groups. The club currently only own two of the six pitches it uses, the first team pitch and the training pitch. It leases two pitches from the Council known as the 'Ponderosa pitches' and it also has an informal agreement with the adjacent Hale Country Club to use its rugby pitch, in addition to the Frankland pitch.
2. The applicant's family have agreed to sell the Frankland pitch to the rugby club in order for the club to secure the freehold of the pitch and preserve its long term use.

3. Bowdon Rugby Club have also submitted a concurrent planning application alongside this particular application (Ref: 86625/OUT/15 which appears elsewhere on this planning committee agenda). The rugby club application details improvement works to the club which are intended to facilitate its ongoing growth and expansion with the acquisition of the Frankland pitch which the Club have indicated as being an important part of that wider expansion plan.

## PRINCIPLE OF DEVELOPMENT

### Green Belt

4. Paragraph 87 of NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Paragraph 89 of the NPPF advises that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt, subject to certain exceptions and Paragraph 90 of the NPPF sets out other forms of development which may be appropriate in the Green Belt. The proposed development does not meet any of the listed exceptions in Paragraphs 89 and 90. The proposed development is therefore inappropriate in the Green Belt.
6. The Trafford Core Strategy, at Policy R4, supports the policies in the NPPF and states: The Council will continue to protect the Green Belt from inappropriate development. New development including buildings or uses for a temporary period will only be permitted within these areas where it is for one of the appropriate uses specified in national guidance, where the proposal does not prejudice the primary purposes of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal.
7. New housing development in the Green Belt is, by definition, inappropriate development and contrary to national and local Green Belt policies. Recent Government statements have emphasized the importance of the Green Belt. Paragraph 88 of the NPPF says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances (advanced by the applicant) will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
8. Recent case law has established that a development plan should be considered to be out of date in respect of any policies which seek to restrict new housing development where that authority does not have a deliverable five year housing land supply. As the Council doesn't have this deliverable five year housing land supply at present, it can be argued that the Council's Green Belt Policy R4 is out

of date in relation to proposals for new housing in the Green Belt. Nevertheless, even if the policy is technically 'out of date' it remains in accordance with current government policy in the NPPF on the protection of Green Belt land. The weight it can be given therefore remains significant. In any event the NPPF, as a primary material consideration, would apply the same test of very special circumstances outweighing the identified harm to the Green Belt and any other harm in order to find this proposal acceptable. The NPPF states that the essential characteristics of Green Belt are their openness and their permanence.

#### Impact on the Openness & Encroachment into the Green Belt

9. The application site has a predominantly open aspect in that it is not currently screened from any public vantage point. The application site is located at the end of an established row of residential properties and would not therefore be considered as an infill plot. Openness in Green Belt terms is an absence of development rather than the impact of a development and therefore a loss of openness occurs from the presence of built form, regardless if this built form can readily be seen from the public realm. A public footpath runs to the north and east side of the application site and it is also readily visible from the rugby club land to the south.
10. Further advice within the NPPF which is reflected in Policy R4.2 of the Trafford Core Strategy recognises that safeguarding the countryside from encroachment is one of the five purposes of including land within the Green Belt. Developing this land for housing would, notwithstanding its edge of urban area setting, represent encroachment into the countryside. It would therefore be contrary to one of the identified purposes of including land within the Green Belt.
11. It is considered therefore that the proposed reduction in openness and encroachment into the countryside adds to the harm by reason of inappropriateness.

#### Consideration of the Applicant's 'Very Special Circumstances'

12. The applicant, in conjunction with Bowdon Rugby Club, as part of their submission, has presented a case of 'very special circumstances' in support of residential development on Green Belt land. As part of that case the applicant has provided details regarding the problems the rugby club has encountered with its ongoing growth and the demand that has put on the existing facilities at the club.
13. The club is a private members club and currently runs Under 6 mini rugby up to Under 15 junior rugby with 325 mini and junior playing members and 600 parents who are social members. The club also has four senior sides, a seasonal veterans side plus two sides run by Manchester University Medics with approximately 160 playing members and a further 100 social members. Further

planned expansion (as detailed by the Rugby Club in their supporting information for planning application 86625/OUT/15) over the next 3 seasons will see the creation of 3 new sides, U16's, junior colts and senior colts.

14. The club have suggested that the recent growth in the club particularly in the under-age groups is a direct result of the club reaching out to the local community through a Youth Development Officer who visits schools and encourages children to play rugby and join local clubs. The club also actively encourage schools to use the club facilities and have recently held the Cheshire U18's inter school 7s competition run by St Ambrose College. The club have recently hosted the Australian team who were competing in the U20 Rugby World Cup in Manchester (June 2016) and have also been asked to host Cheshire RFU county games at all levels.
15. The club has explored various other options in terms of securing additional land for playing pitches and also extending leases on existing pitches used by the club. The club have provided details of existing land that borders the site and details of why this land is not available for the club to acquire. This includes the Manor Farm site to the east side of the application site, which it is understood is to be leased on a long term basis to a company called Kicks Worldwide who have advised Bowdon Rugby Club that they will require all the land for their own purposes (football activity) and would not be interested in any short term leases.
16. The Ponderosa pitches are located a short distance from the main rugby club site via a dedicated pathway. The pitches share a boundary with the Manor Farm site. The rugby club have just acquired an extension to their lease for a further 15 years. A number of other peripheral areas of land around the club have been explored including on the opposite side of Clay Lane to the rugby club site. These parcels of land have been ruled out for a number of reasons including financial cost; existing long term leases; no desire by owners to sell/lease the land and unsuitable location of land to existing club site.
17. Acquiring the Frankland pitch will not only ensure the long term use of the pitch for the Club for use as a rugby pitch but it will also free up grant funding for essential drainage to the Frankland pitch. The Club have stated that in order to access the grant funding for extensive drainage works, the RFU have advised that the pitch involved must be under a long term lease or freehold of the club involved. The Club have explored other sources of funding and have established that a leasehold or freehold is required, neither of which the Club currently have over the Frankland pitch.
18. The Club have confirmed that the Frankland family are unwilling to enter into a long term lease with the club with regards the Frankland pitch. Effectively, the applicant for the two new dwellings (the Frankland family) who also own the rugby pitch wish to realise a capital receipt for the pitch and to insure themselves against any potential rise in the value of the land in the future. This is not

uncommon in land transactions, but is normally delivered by claw back or similar agreements where a proportion of future profits are agreed to be transferred to the previous owner. As the club do not intend to develop or use the land for any other purpose than outdoor sports, that type of arrangement is not possible in this particular instance. The applicant has confirmed that land speculators have made offers for the land (Frankland Pitch and the application site) which is far in excess of the figure they have agreed in principle to sell the pitch element of their land to the Club (i.e land speculators have offered more money for the pitch than the club can realistically offer). The Frankland family are keen to ensure that the legacy of the late Reverend Frankland is continued with the Club acquiring and continuing to use the pitch for future generations and this is their preferred option despite larger offers for the land. No formal agreement for the sale of the Frankland pitch and the Club is in place as yet. Therefore the development of the proposed two new dwellings is only possible when the sale of the land has taken place and the Club acquire the freehold of the Frankland pitch. Without the sale of the Frankland pitch to the club the development of the two new dwellings would not be able to take place as it is fully dependent on the pitch acquisition by the club.

19. The applicant therefore has indicated their intention to enter into a S106 legal agreement for the purposes of this proposal (two dwellings) with the Council which will involve the transfer of the Frankland pitch to the Club prior to any development taking place. The acquisition of the Frankland pitch by the Club facilitates access to available grant funding for drainage/pitch improvement works but most significantly it gives the club outright control of the pitch. The club currently has use of the Frankland pitch, this is through a 'gentleman's agreement' and therefore the club has operated with a degree of uncertainty with regards its plans for future growth and expansion without the freehold ownership over the Frankland pitch. The transfer of the Frankland pitch to the rugby club would constitute the applicants 'very special circumstances'. The S106 agreement would be worded accordingly to ensure that no development could commence on the application site, until such time that the Frankland pitch has transferred to the rugby club.
20. As indicated a concurrent application 86625/OUT/15 has been submitted by the club (which appears elsewhere on this committee agenda) and includes a number of important new development proposals within the club site, including resurfaced car park area; club house and changing room extensions and floodlighting to the training pitch and the main first team pitch. It is proposed that as part of that application the rugby club will enter into a Community Use Agreement with the Council. This Community Use Agreement would include the use of the club's pitches and facilities by local schools and community groups and would be extended to include any land subsequently acquired by the rugby club.
21. In considering the proposed development the Local Planning Authority must give substantial weight to the harm to the Green Belt by reason of the development



constituting inappropriate development, which is harmful by definition, and which results in a reduction in openness and encroachment into the Green Belt. The case of very special circumstances advanced by the applicant is considered appropriate to outweigh the identified harm to the Green Belt and any other harm (see conclusion for this latter point). The transfer of the Frankland pitch to the club will give the club ownership and therefore control over the pitch and allow the club to progress with its improvement and growth agenda. The club have indicated the difficulty in acquiring land close to the rugby club site due to a number of reasons but primarily the high land values in this area. The club are limited in terms of realistically acquiring new land which assimilates physically with the existing club land and the importance of retaining existing playing pitches currently outside their ownership is therefore paramount with regards the club's continued operation and proposed expansion proposals.

22. For the avoidance of doubt, should Members be minded to grant planning permission for the proposals, the scale of the development is such that the application will not have to be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

#### DESIGN, SCALE AND LAYOUT

23. The proposed development incorporates two detached dwelling houses; both properties will include new vehicular accesses onto Ridgeway Road. Established residential properties along Ridgeway Road are predominantly two storey dwellings. The application site is located on the south side of Ridgeway Road and is located adjacent to 74 Ridgeway Road, the end property in a row of detached dwellings along the south side.
24. The layout of the proposed dwellings follows the established building line of dwellings to the west side of the site. Both dwellings will be set back approximately 13m from the road edge, there is no footpath on this side of Ridgeway Road at this particular point, only a grass verge. The properties will each retain 1m from their side elevations to the new shared side boundary delineating the two new residential plots. This separation distance between both dwellings reflects the general space between dwellings along Ridgeway Road. Both dwellings will have a ground to ridge height of approximately 8.8m which reflects the height of 74 Ridgeway Road and other surrounding dwellings in the immediate vicinity. The buildings will measure approximately 9.5m in width and depth at two storey level, with a small single storey projection to the rear of each property adding an additional 2m to the depth at ground floor level.
25. The properties will have a conventional square footprint which includes integral garages. The ground floor accommodation also includes a kitchen/dining area; study; w.c. and lounge. At first floor level are four bedrooms (two of which have en-suites) and a family bathroom. A hardstanding for two car parking spaces and associated manoeuvring is located to the front of the properties with a small

garden area. To the rear of the dwellings a new garden area is proposed to each plot, these will measure approximately 24m in length, the rear boundaries of the two new plots will not extend beyond the rear boundary line of the adjacent plot 74 Ridgeway Road.

26. The properties will incorporate a main hipped roof with a dual pitch gable on the front elevation. The accommodation above the garage (bedroom 2) will have a 'cat-slide' style roof with a half hipped roof, the ridge line of which will be set below the ridge line of the main roof structure. The proposal as submitted included a gable elevation to each building on the side elevations facing both properties. Amended plans have been received to ensure that this gable elevation was altered to a hipped roof to reflect better the design of surrounding properties. The pallet of materials proposed includes 'Rosemary' type roof tiles, brick, render and stone which reflect other properties in the locality. An appropriate condition would be attached to any grant of planning permission to request the submission of samples of external materials to be used on the building prior to their installation.
27. The proposed site layout plan demonstrates that the proposed development will not impede the public right of way footpath to the east side of the site. The applicant has proposed a section of boundary wall and fencing and hedgerow along the eastern boundary with the public right of way, this combination of boundary treatment adjacent to a public footpath would be considered appropriate. An appropriate landscaping condition would be attached to any grant of planning permission to ensure appropriate detail of boundary treatment is agreed prior to its installation.

#### RESIDENTIAL AMENITY

28. The adjacent dwellinghouse 74 Ridgeway Road has been extended at single storey along the side elevation facing the proposal site. The property has one first floor obscured glazed window facing the proposal site and one ground floor obscured glazed window serving a side garage. The property also has a conservatory extension to the rear elevation with a large conifer tree within the curtilage of 74 Ridgeway Road straddling the boundary with the application site. The proposed dwelling nearest the shared boundary with 74 Ridgeway Road will have a secondary bedroom window serving bedroom 2 facing towards 74 Ridgeway Road, this window would be obscured glazed and retained as such through an appropriate condition attached to any grant of planning permission. The proposed development is not therefore considered to result in any undue overlooking or loss of light and overshadowing to any habitable rooms at 74 Ridgeway Road.
29. To the north side of the site on the opposite side of Ridgeway Road is 73 and 75 Ridgeway Road. The proposed new dwellings would retain a distance of approximately 30m to the front elevation of both these properties, advice

contained within the Council's Supplementary Planning Guidance Document: New Residential Development states that window to window distances with regards new residential development should seek to retain at least 21m across public highways, the proposed scheme is therefore considered to be compliant with regards this particular parameter.

30. There are no residential sites immediately to the east or south side of the application site, only recreational land.

#### ACCESS, HIGHWAYS AND CAR PARKING

31. The proposed dwellings comprise four bedrooms per house with two off-street parking spaces and a garage per house. Trafford Council's parking standards SPD3: Parking Standards and Design, identifies the application site as coming within accessibility Area C for the purposes of parking standards. Therefore for a four bedroom dwellinghouse three parking spaces should be provided. The garages are of a sufficient size to count towards the parking space allocation and both dwellings therefore meet the parking standards required for residential properties of this size in this particular location.

32. Each of the new dwellings will have a dedicated vehicular access. The accesses are set back from the road side by approximately 2m to ensure sufficient visibility splay, the Local Highway Authority have not raised any objection to the location of the new accesses. Sufficient manoeuvring space within the site allows cars to exit the site in forward gear. A street lighting column is located on the grass verge where the new vehicular access adjacent to 74 Ridgeway Road is proposed, the applicant would be responsible for any costs in relocating the column.

33. The Council's Highway section have stated that if the development should result in any obstruction to or closure of the Public Right of Way (PROW) then an appropriate Temporary Traffic Regulation Order must be obtained from the Council to facilitate any development works.

#### ECOLOGY & TREES

34. The applicant has submitted a Phase 1 habitat survey and desk study as part of the application submission and it has concluded that there are no ecological constraints that would prevent development at the site. The report has identified that the existing hedgerow along the eastern side of the site adjacent to the public right of way should be retained; an appropriate condition to be attached to ensure any tree or scrub clearance to avoid bird nesting season (March- August inclusive) and that opportunities should be taken to enhance the biodiversity of the site such as native tree and shrub planting, details of which would be submitted as part of an appropriate landscaping condition. The rugby club have

stated that they maintain the entire hedgerow from Ridgeway Road to Clay Lane to ensure that it does not block the PROW.

35. There is no established tree cover within the site; the large conifer tree which straddles the western boundary with 74 Ridgeway Road is within the neighbouring site's curtilage. The hedgerow along the northern boundary of the site is proposed to be removed to facilitate the development of the site. The applicant has shown indicative replanting of hedgerow behind a new boundary wall for both new sites along the Ridgeway Road boundary. This element of replacement soft landscaping is welcomed and would be controlled by an appropriate landscaping condition attached to any grant of planning approval.

## DRAINAGE

36. The application site is within a Critical Drainage Area for the purposes of Trafford Councils Level 2 Hybrid Strategic Flood Risk Assessment (SFRA). The site is also located within the Environment Agency's flood map as being within a Flood Zone 1 area which is areas considered to be at the lowest risk of flooding. The Lead Local Flood Authority has raised no objections to the proposals but has requested an appropriate condition is attached to any grant of planning permission which ensures the proposed scheme is designed to limit surface/storm water run of in accordance with the Trafford SFRA.

## DEVELOPER CONTRIBUTIONS

37. 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).

## CONCLUSION

38. The proposed development is contrary to established Green Belt policy in that it proposes inappropriate development within the Green Belt. It is also harmful to the openness of and involves encroachment into the Green Belt, contrary to the purposes of including land within the Green Belt. Substantial weight should be attached to this harm and permission should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Aside from the proposed development being within the Green Belt, the development is not considered to result in any other harm.
39. The applicant has submitted a very special circumstances case in which the granting of planning permission for the two houses will facilitate the transfer of the Frankland pitch into the freehold ownership of the club. It is considered that

this benefit outweighs the harm to the Green Belt and therefore the very special circumstances exist which enable this development to be approved. The benefit identified will be securing the use of the Frankland pitch for continued use by the rugby club. The pitch would be within the ownership and therefore the ultimate control of the rugby club removing any uncertainty with regards the future use of the pitch and forming an important part of the club's facilities with regards the expansion and improvement plans for the club

### **RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

**A.** The application will propose a satisfactory development for the site upon completion of an appropriate legal agreement(s) and such legal agreement be entered into to secure:-

- i. Covenants with the Council not to commence development on the application site until the pitch has been transferred to the Rugby Club for the purpose of sport by the Rugby Club, Local Community Groups and Local Schools; and
- ii. Following commencement of development not to use the pitch for any purpose other than for sport by the Rugby Club, Local Community Groups and Local Schools.

**B.** That upon satisfactory completion of the above legal agreement, planning permission be granted subject to the following conditions:-

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-
  - Drawing No: (EX)002 Rev.A - Existing Site Plan
  - Drawing No: (PL)200 Rev.A - Street Scene
  - Drawing No: (PL)004 Rev.A - Floor Plans
  - Drawing No: (PL)005 Rev.A - Elevations
  - Drawing No: (PL)300 Rev.A - Proposed Site Planunless otherwise agreed in writing by the Local Planning Authority.

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

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full

specification of materials to be used externally on the building(s) 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 in accordance with Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

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

Reason: In order to protect the existing trees on the site before development works commence in the interests of the amenities of the area and in accordance with Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

5. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, boundary walls or fences, 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 and the nature of the proposed development and in accordance with Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the first floor window on the west facing side elevation to the dwellinghouse adjacent to 74 Ridgeway Road shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

7. 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.

Reason: In order to prevent any habitat disturbance to nesting birds before development works commence on site in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: To reduce the risk of flooding and to ensure that appropriate mitigation measures are incorporated into the scheme at the design stage, having regard to Policy L5 and L7 of the Trafford Core Strategy.

9. Notwithstanding the plans hereby approved and prior to the creation of the parking area, a scheme identifying a porous material to be used in the hard standing (for the car parking area) or a scheme directing run-off water from that hard standing to a permeable or porous area or surface within the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in

accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To prevent localised flooding in accordance with Policies L7, R3 and L5 of the Trafford Core Strategy.

10. The parking provision hereby approved (three spaces per dwelling) shall be made available for use prior to the occupation of the dwellings and retained thereafter.

Reason: To ensure that adequate parking provision is made available for the dwellings in the interests of residential amenity, having regard to Core Strategy Policy L7.1

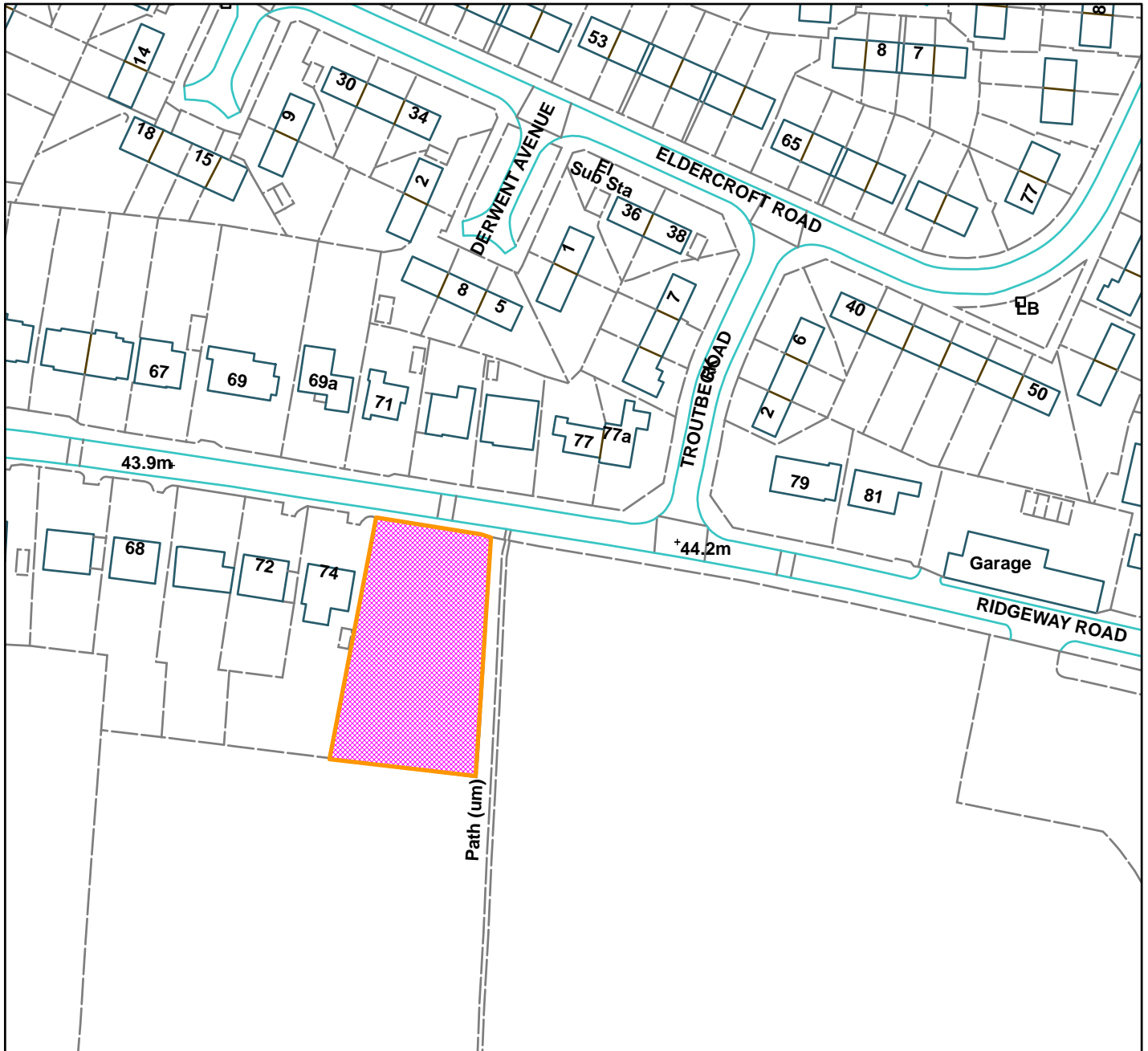
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Land adjacent to 74 Ridgeway Road, Timperley (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/06/2016
Date	26/05/2016
MSA Number	100023172 (2012)

**WARD:** Hale Barns

**86625/OUT/15**

**DEPARTURE:** Yes

**Hybrid planning application comprising:- 1) Application for outline planning permission for the erection of front and rear extensions to the existing clubhouse to provide a new entrance lobby, additional changing rooms showers and toilets and a physio room, (consent sought for access, landscaping, layout and scale with all other matters reserved); 2) Application for full planning permission for the erection of new floodlighting to the first team pitch and training pitch together with alteration and resurfacing to provide improved coach and car parking area and associated development thereto.**

Clay Lane Sports Club, Clay Lane, Timperley, WA15 7AF

**APPLICANT:** Bowdon Rugby Club

**AGENT:** How Planning LLP

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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## **SITE**

The application site relates to Bowdon Rugby Club which is located on the north side of Clay Lane, Timperley and covers an area of approximately 5.8 hectares of land. The site comprises a single storey club house building which incorporates a bar and function room along with changing rooms. A training pitch with floodlighting columns is located to the south side of the site adjacent to the Clay Lane boundary; the first team and main playing pitch is located centrally within the site with the second playing pitch located towards the north side of the site. An area of car-parking is located between the training pitch and first team pitch; the car-park does not have demarcated parking spaces.

A public right of way (PROW) extends along the eastern side of the site from Ridgeway Road to the north of the site down to Clay Lane on the south side of the site (Definitive Footpath No.17 Altrincham). To the west side of the site is Hale Country Club, to the northeast of the site is Manor Farm (recreational site used for football); to the south (opposite side of Clay Lane) and south east is agricultural land. The club currently only owns two of the six pitches it uses, the first team pitch and the training pitch. It leases two pitches from the Council known as the 'Ponderosa pitches', these pitches are located to the east of the site and are accessed by a dedicated pathway from the main club site. The club also has an informal agreement with the adjacent Hale Country Club to use its rugby pitch, the other pitch is also referred to as the 'Frankland pitch or the second pitch' as it is owned by the Frankland family and has been used by the club for a considerable period of time through a 'gentleman's agreement' with the Frankland family.

Residential properties are located along Ridgeway Road to the north of the site. The site is allocated within the Trafford Unitary Development Plan as being located within Green Belt and within an area of Protected Open Space. The site is also identified as being within a Critical Drainage Area for the purposes of Trafford Council's Level 2 Hybrid Strategic Flood Risk Assessment (SFRA) and is also within an Environment Agency Flood Zone 1 (Lowest risk of flooding).

## **PROPOSAL**

This application is referred to as a hybrid application which allows an applicant to apply for both outline permission and full planning permission under the same planning application for different parts of the proposed works. In this particular case the applicant is applying for outline planning permission for front and rear extensions to the existing clubhouse building to provide a new entrance lobby, additional changing rooms, showers and toilets and a physio room, (consent sought for access, landscaping, layout and scale with all other matters reserved).

The second part of the proposal seeks full planning approval for the erection of new floodlighting to the first team pitch and training pitch (6x columns provided to each pitch) together with alterations and resurfacing to provide improved coach and car parking provision to the existing area of car-parking. The application as initially submitted included a proposal to provide a new 4G artificial surface to the training pitch but that part of the proposal has been withdrawn by the applicant during the course of the application.

A further planning application for the erection of 2x dwellings appears elsewhere on this planning committee agenda (Ref:- 86620/FUL/15), submitted by the Frankland family and relates to a parcel of land, also in the Green Belt, to the north side of the Frankland pitch. This land is undeveloped and is adjacent to Ridgeway Road. The Frankland family have made a case for very special circumstances given the site's location within Green Belt. The case advanced on that particular application is to sell the Frankland pitch to the club for the purposes of sport. This will allow the club to become the freehold owners of the pitch and enable the club to access grant funding for necessary drainage works to the pitch, but most importantly the transfer of ownership to the club will preserve its status as a playing pitch. No development could commence on the Ridgeway Road site until such time as the land transfer has been completed and this would be secured through an appropriate S106 legal agreement.

As part of this particular application it is proposed the rugby club will enter into a Community Use Agreement (CUA) with the Council in order to provide for the club's involvement with the local community. This CUA would include the use of the club's pitches and facilities by local schools and community groups, free of charge during term time throughout the year. The Club would manage the booking system and other benefits within the CUA would allow community users of the club's facilities to take up discounted membership of the club

## **FLOORSPACE**

The increase in floor space of the proposed development (Club house extension) would be approximately 436m<sup>2</sup> measured externally. The existing building has a footprint of approximately 917m<sup>2</sup>.

## **DEVELOPMENT PLAN**

**For the purposes of this proposal, the Development Plan in Trafford Comprises:**

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
R2 – Natural Environment  
R3 – Green Infrastructure  
R4 – Green Belt, Countryside and Other Protected Open Land  
R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Green Belt  
Protected Open Space

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

OSR5 – Protection of Open Space  
C4 – Green Belt

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

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

### Clay Lane Sports Club

H/63249 – Variation of condition 7 of planning permission H/52799 to allow amendments to the design of the proposed replacement clubhouse building – Approved 19/02/2007

H/52799 - Erection of single storey club house incorporating changing rooms, archery range/function room, bar & lounge following demolition of existing club house and squash courts. New car parking area for 78 vehicles and coach parking area – Approved 20/03/2002

H/16432 – Erection of extension to club house to form enlarges changing rooms for the rugby club and new changing rooms for the squash courts – Approved 10/06/1982

### Land adjacent to 74 Ridgeway Road

86620/FUL/15 - Erection of 2x detached dwelling houses with new vehicular accesses and associated development thereto – Application appears elsewhere on this planning committee agenda recommended for approval.

H/11569 – Erection of two detached houses – Refused 13/03/1980

## **APPLICANT'S SUBMISSION**

The applicant has submitted a number of supporting statements as part of this application:-

- Planning Statement
- Design & Access Statement
- Ecological Appraisal
- Flood Risk Assessment
- Transport Statement
- Statement of Community Involvement

The information in the submitted statements will be referred to where necessary in this report.

## **CONSULTATIONS**

**Lead Local Flood Authority** - No objections, subject to inclusion of condition limiting surface water run-off in accordance with Trafford Council's Hybrid Level 2 SFRA.

**Environment Agency** – This site is Flood Zone 1 and the Environment Agency has stated they have no comments to make regarding the proposal.

**Manchester Airport** – No objections

**Sport England** – No objections

**United Utilities** - No objection, subject to conditions regarding foul and surface water from the development and SuDS provision.

**Street Lighting** – Requested further details on floodlighting - Awaiting final comments

**Pollution & Housing (Contaminated Land)** – No objections

**Pollution & Housing (Nuisance)** – No objections, subject to inclusion of a condition relating to submission of a floodlighting strategy.

**Local Highway Authority** – No objections – General comments detailed later in this report.

**Partnerships and Communities Service (Sports Relationship)** – No objections.

**Ramblers Trafford Group** – Request that any increase in surface water run-off from the car-park is directed/drained away from the PROW. Also any new barrier along the PROW should reflect the open and rural aspect of the site.

**Design For Security (GMP)** – No objections, recommend that the development is built to Secured by Design standards and that dusk till dawn lighting should be installed above all external doors.

**Greater Manchester Ecology Unit** – No objections in principle subject to the inclusion of a number of conditions relating to bat re-survey, nesting birds and also use of floodlighting during rugby season only and not after 2200hrs.

**Highways (PROW)** – No objections, general comments detailed later in this report.

## **REPRESENTATIONS**

**Neighbours:** 5 letters of objection have been received from local residents, citing the following concerns:-

- The floodlighting would be an eyesore changing a green aspect into an industrial one and would shine directly into residential properties.
- Additional noise from increased activity with the floodlighting – The noise from the club currently is unacceptable at weekends and in the evenings.
- The floodlighting would affect the wildlife.
- Additional cars will cause more pollution and noise in a residential area and would result in congestion on Clay Lane.

A letter has been received from the Greater Manchester Cycling Campaign (GMCC) stating concern that there is no mention of cycle parking provision and therefore the GMCC would request that the applicant provide appropriate cycle parking provision in line with the Council's cycle parking standards.

A total of 61 letters of support have been received, mainly from members of the rugby club.

A letter has also been received from the English RFU (England Rugby) which is fully supportive of the proposals.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

#### Green Belt

1. Paragraph 87 of NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
2. Paragraph 88 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.
3. Paragraph 89 of the NPPF advises that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt, subject to certain exceptions and Paragraph 90 of the NPPF sets out other forms of development which may be appropriate in the Green Belt.
4. With regards the extensions to the club house, criterion 2 of paragraph 89 allows for the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However, given the size of the extensions, it is considered they would not preserve the openness of the Green Belt. This element of the application is therefore considered to represent inappropriate development in the Green Belt. The floodlighting aspect of this

proposal is considered to represent appropriate development as they are considered to be appropriate facilities for outdoor sport and recreation and they will preserve the openness of the Green Belt

#### Consideration of applicant's 'very special circumstances'

5. The applicant has as part of his submission, presented a case of 'very special circumstances' in support of the development to extend the clubhouse on Green Belt land. As part of that case the applicant has provided details regarding the problems the rugby club has encountered with its ongoing growth and the demand that has put on the existing facilities at the club.
6. The club is a private members club and currently runs Under 6 mini rugby up to Under 15 junior rugby with 325 mini and junior playing members and 600 parents who are social members. The club also has four senior sides, a seasonal veterans side plus two sides run by Manchester University Medics with approximately 160 playing members and a further 100 social members. Further planned expansion over the next 3 seasons will see the creation of 3 new sides, U16's, junior colts and senior colts.
7. The club have suggested that the recent growth in the club, particularly in the under-age groups, is a direct result of the club reaching out to the local community through a Youth Development Officer who visits schools and encourages children to play rugby and join local clubs. The club also actively encourage schools to use the club facilities and have recently held the Cheshire U18's inter school 7s completion run by St Ambrose College. The club have recently hosted the Australian team who were competing in the U20 Rugby World Cup in Manchester (June 2016) and have also been asked to host Cheshire RFU county games at all levels.
8. The Officer report on application 86620/FUL/15 details how acquiring the second team pitch from the Frankland family will not only ensure the long term use of the pitch for the club but it will also free up grant funding for essential drainage works to the pitch.
9. The club have outlined their existing commitment to working with local schools and groups which is reflected in the growing minis and juniors section at the club. The club have stated they wish to cater for this growth by improving facilities to create a better environment for players and visitors and this ultimately reflects positively on the Borough of Trafford at a regional/national level when the club host/partake in showpiece events as well as local competitions and events.
10. The club do not currently have any formal CUA in place which requires the club to make available its facilities such as use of the club house and pitches. By entering into a CUA the club would be obligated to make the provision of the club's facilities available to local schools, community groups and sports



organisations as detailed within the CUA. The Club would be responsible for the day to day management of the CUA in terms of marketing and promoting the facilities available; the booking and charging schedule (where applicable) and maintenance and up keep of the facilities to an appropriate standard. This process would be monitored and reviewed by the Council with the club required to provide details of all usage, bookings, maintenance and financial matters relating to the community use of the sports facilities, all these elements would be embodied within the CUA. The CUA therefore commits the club to making its facilities available to the appropriate community groups and organisations and regularises and enhances any informal arrangements the club currently operates with local schools or community groups.

11. In considering the proposed development the Local Planning Authority must give substantial weight to the harm to the Green Belt by reason of the development constituting inappropriate development which is harmful by definition and which results in a reduction in openness and encroachment into the Green Belt. The case of very special circumstances advanced by the applicant is considered appropriate to outweigh the identified harm to the Green Belt and any other harm (see conclusion for this latter point). The case submitted will involve local schools, clubs and community organisations being able to access the club facilities which will benefit all users, young and old, in sport and recreation participation. Advice within the NPPF (Para. 73) identifies that 'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'. The use of the pitches and facilities for schools/clubs/community groups will be secured through the aforementioned CUA and legal agreement.
12. The proposed floodlighting columns would also fall within criterion 2 of Paragraph 89 of the NPPF and would not be considered to be inappropriate development within the Green Belt. Six floodlighting columns would be located to both the first team pitch and the training pitch (12 in total). The columns would be 15m in height and would be slender in design and have a galvanised steel finish. Although the columns will be visible from public vantage points such as Clay Lane, they will be viewed, in part, against the back drop of the rugby club building and the adjacent Hale Country Club building which is a substantially larger building than the rugby clubhouse. The columns, although higher than any immediate surrounding structure, are not bulky with regards their form. The NPPF is clear that the provision of appropriate facilities for outdoor sport is not inappropriate as long as it preserves the openness of the Green Belt. Whilst the introduction of new and replacement columns will involve new development, the design of the columns as described above is such that the openness of the Green Belt is considered to be preserved.
13. The proposed works to the car-park involve resurfacing and demarcating parking spaces on an area of hard-core and therefore would have no additional impact on the Green Belt.

14. It is considered that the proposed development would not compromise the five purposes of Green Belt, as set out in the NPPF as the proposals would not result in the unrestricted sprawl of large built up areas; it would not cause the merging of neighbouring towns or the encroachment of the countryside; it would not impact on the setting and special character of historic towns; and would not prejudice the urban regeneration objectives.

## DESIGN

15. The applicant has applied for outline planning approval for the clubhouse extensions with consent sought only for access, landscaping, layout and scale with all other matters reserved including appearance. Therefore no elevational treatment of the extensions has been provided as part of this application. The applicant has confirmed that the extensions will not exceed the ridge height of the existing club house and will work visually as a seamless extension to the building.

## PROTECTED OPEN SPACE

16. The site is allocated as Protected Open Space on the Revised UDP map. Core Strategy Policy R5 seeks to protect areas of Protected Open Land. Development that results in an unacceptable loss of quantity of open space, sport or recreational facilities, or does not preserve the quality of such facilities will not be permitted. Whilst the proposed clubhouse extensions will increase the floorspace of built form within an area of Protected Open Land, it is considered that the development proposals will result in an improvement in sports facilities at the club, the benefits of which will outweigh the harm caused by the loss of the open land. Advice contained within the NPPF (Paragraph 74) states that 'existing open space, sports and recreational buildings and land, including fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'. The extensions to the club house will provide upgraded club house and changing room facilities that are considered to reflect the above guidance. The proposed development is therefore considered to be in accordance with Core Strategy Policy R5 and advice contained within the NPPF.

## IMPACT OF FLOODLIGHTING ON THE CHARACTER OF THE AREA

17. The existing floodlighting columns to the training pitch comprise timber telegraph type poles with spot/down lights attached, these poles are smaller in height than the proposed columns. In total there are nine floodlight columns around the training pitch, 4 x columns along the Clay Lane boundary of the pitch and five on the opposite side. The new floodlighting proposed will have an outer contour of 2 Lux which is considered by the Council's Pollution & Licensing section as low. The adjacent Hale Country Club has a number of light sources throughout the

site including to the building and car-park, therefore the application proposal for floodlighting is not a site in isolation with no existing background light sources. Whilst the existing the application has floodlighting to the training pitch, the proposal will include the introduction of floodlighting to a section of the site where floodlighting does not currently exist.

18. However, the floodlighting columns for the training pitch have no restriction on their hours of use. The applicant will accept a limit on the floodlighting use up to 2130hrs across both pitches which allows for training to stop at 2100hrs and also allows sufficient time to clear up training gear under light by 2130hrs. The design of the modern floodlighting system will ensure a more effective method of floodlighting which can be controlled by condition to ensure the appropriate time of use. As indicated, the Council's Pollution & Licensing section have stated they have no objection to the proposal due to the proposed low Lux level. It is acknowledged that there will be some limited impact on the character of the area from the introduction of the new lighting columns. However, in the context of the wider development and the benefits that it will bring, it is not considered to be so great as to warrant a refusal of planning permission. Whilst the number of lighting columns on site will increase, the impact of the development on sky glow should be reduced when compared to the existing lighting columns. An appropriately worded planning condition can control the impact of the new lights on sky glow, ensuring that the new lighting columns will be well designed, correctly installed and maintained.

#### IMPACT OF FLOODLIGHTING ON RESIDENTIAL AMENITY

19. The nearest residential properties are located on Ridgeway Road and Fairfield Road to the north of the site; 39 Clay Lane to the north-west of the site; 71 Clay Lane; Holly Tree Cottage and Holly Tree Farm to the south-east of the site. A number of properties are located on Wellfield Lane, specifically Paddock Farm and Newfoundwell to the south west of the site on the opposite side of Clay Lane.
20. The garden boundary of 7 Fairfield Road is located approximately 150m to the boundary of the first team pitch where the new floodlighting is proposed, with the Hale Country Club Rugby pitch and car-park area located within the intervening distance. There is also some tree cover immediately along the northern boundary of the first team pitch and within the Hale Country Club site which acts as a visual screen towards the properties on Fairfield Road. The residential dwellings 68 – 74 Ridgeway Road would retain a distance of approximately 180m to the boundary with the first team pitch; the rear boundaries of these sites have varying heights of natural boundary screening towards the application site.
21. 71 Clay Lane and Holly Tree Cottage are located on the north side of Clay Lane to the south-east of the site. The proposed floodlighting to the training pitch would retain a distance of approximately 320m to the boundary of both these

properties, the intervening land is open land believed to be used for grazing livestock. Holly Tree Farm is located on the south side of Clay Lane and a distance of approximately 170m would be retained from the nearest floodlight columns at the training pitch to the boundary of Holly Tree Farm.

22.39 Clay Lane is also located on the north side of Clay Lane and shares a boundary with Hale Country Club. The training pitch floodlights would be nearest to this property and a distance of approximately 220m would be retained between the first team pitch and the boundary with 39 Clay Lane. The intervening land includes the access road to Hale Country Club, a section of car-parking and a football pitch, there are also trees located within the intervening land.

23. Paddock Farm and Newfoundwell are accessed from Wellfield Lane and are located in a south-westerly direction from the application site across Clay Lane and intervening open land. A distance of between approximately 160m – 200m is retained to the boundary with the training pitch.

24. Some residents will experience a degree of light pollution from the existing floodlighting provision at the site and also from the adjacent uses. The proposal will involve columns that are larger than the existing and therefore more visible from a distance. However, the design of the floodlighting columns, the low lux levels and degree of light spill, and the restriction on use (they will be conditioned to be switched off no later than 2130hrs), all means that the impact on residential amenity will be limited. Whilst some residents will be able to see the 'box of light' resulting from the development, it is not considered that the properties will be affected by light spill to an extent that it would be harmful to their amenity to a level which would warrant a refusal of planning permission.

#### IMPACT OF BUILDINGS ON RESIDENTIAL AMENITY

25. At their closest point, the clubhouse extensions are approximately 140 metres away from the nearest residential properties. At this distance, there is not considered to be any detrimental impact on the amenity of residents resulting from the extensions.

#### ACCESS, HIGHWAYS AND CAR PARKING

26. The Outline application for the proposed front and rear extensions to the existing Clubhouse are considered not to have any significant impact on the surrounding highway network. The proposed extensions are considered as being an enhancement to the existing on-site facilities rather than new development which is capable of generating significant volumes of new trips on the network.

27. New trips generated by the development would generally be governed by the number of proposed sports pitches and as the existing facilities are to remain the same, the outline proposals are therefore accepted 'in principle' by the LHA.
28. The Full application proposals concerning the installation of new flood lights and improved coach and car parking are also considered to have little impact on the surrounding highway. The proposed flood lighting columns are to be installed off the adopted highway and within the private boundary to the development; as such there would be no highway implications.
29. The proposed car park improvements and access arrangements demonstrate that satisfactory visibility splays are maintained to the existing accesses, and vehicles using the car park are also able to enter and leave the site in a forward gear.
30. The supplied swept path information for coach and servicing vehicles is considered satisfactory; it is considered that there is sufficient space within the car park for a delivery vehicle to manoeuvre safely within the proposed layout. Car parking is set out with 206 spaces, including 9 accessible spaces and 4 spaces for coaches. This level of car parking provision is satisfactory and considered appropriate to the development.
31. Details of the proposed number of cycle parking spaces are required (a number of cycle stands are shown within the plans located close to the clubhouse). It is recommended that proposed cycle stands are also covered to provide additional protection from the elements. A surface drainage plan and details of the proposed car park signage are required to be submitted to ensure that the car park operates safely and this could be secured by condition.
32. There is a public footpath located along the eastern boundary to the site, details of how this footpath is to be maintained both during the construction works and after works are completed are required as the parking is located immediately adjacent to the public right of way. It is considered an appropriate condition can be attached to ensure the proposal works do not impact on the PROW during any construction works and when completed.

## ECOLOGY

33. The submitted ecology assessment considered the bat roosting potential of the clubhouse, no evidence of bats was found. The Ecology Unit have stated that if works on the clubhouse do not commence before 30<sup>th</sup> April 2016 then a subsequent reassessment will be required and this is to be included as a condition. The Ecology Unit had requested the applicant undertake an assessment of the floodlighting and any impact it may have on bats. The applicant has undertaken this assessment which the Ecology Unit have viewed and provided additional comments stating that they have no objections to the

floodlighting proposal and would suggest a condition limiting use to only during the rugby season and not after 2200hrs daily. Whilst the Ecology Unit have suggested the use of floodlighting during the rugby season, it is considered appropriate to allow the club to use the floodlighting all year round. The floodlighting will be used mainly during the winter months and therefore there will likely be limited use during spring and summer months when bats are most active. In addition the club will be providing facilities for community groups and sporting groups whereby other sports will take place on the pitches and not just rugby. The Ecology Unit have also suggested a condition ensuring no tree/hedgerow clearance during bird breeding season (March – August inclusive) unless a further survey by a suitably experienced ecologist has been submitted to and agreed by the Local Planning Authority.

## DRAINAGE

34. As indicated previously the site is within a Critical Drainage Area and Flood Zone 1 for the purposes of the Environment Agency's flood zone maps. The Council's Lead Local Flood Authority has recommended a condition be attached to any planning approval to ensure that a scheme to constrain the peak discharge of storm water from the development is in accordance with the Council's SFRA. The southwest sewers that are referred to in the applicant's Flood Risk Assessment are quite small and United Utilities have requested that any discharge to the surface water sewer located on Clay Lane should not exceed 5 litres per second, and this should be a condition to any grant of planning approval.

## DEVELOPER CONTRIBUTIONS

35. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'leisure' development, consequently the development will be liable to a CIL charge rate of £10 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
36. 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 with regards the extensions proposed to the clubhouse. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide at least 15 additional trees on site as part of the landscaping proposals. SPD1 guidance indicates that for leisure development, which the proposed clubhouse extensions would come under, requires 1 tree per 30sqm GIA.

## CONCLUSION

37. The proposed development is contrary to established Green Belt policy in that it proposes inappropriate development within the Green Belt. It is also harmful to

the openness of and involves encroachment into the Green Belt, contrary to the purposes of including land within the Green Belt. Substantial weight should be attached to this harm and permission should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Aside from the proposed development being inappropriate development within the Green Belt, the proposed floodlighting will result in some limited impact on the character of the area for short periods of time, but that aside, the development is not considered to result in any other harm.

38. The applicant has submitted a very special circumstances case in which the granting of planning permission for the extensions to the clubhouse and the floodlighting will facilitate and enable a considerable number of community benefits to be delivered by the club. The community benefits include the access by local schools, clubs and community groups to the club's pitches and facilities secured through the CUA with the acquisition of the pitch also enabling the club to apply for relevant funding for drainage works to the pitch. It is considered that these benefits would outweigh the harm to the Green Belt and the limited impact on the character of the area and therefore the very special circumstances exist which enable this development to be approved.

#### **RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

- A.** The application will propose a satisfactory development for the site upon completion of an appropriate legal agreement(s) and such legal agreement be entered into to secure:-
- i. The applicant covenants with the Council to enter into a Community Use Agreement in relation to arrangements for local schools and community group's use of pitches and facilities owned by Bowdon Rugby Union Football Club Limited.
- B.** That upon satisfactory completion of the above legal agreement, planning permission be granted subject to the following conditions:-
1. The commencement of the 'Full' component of the development hereby approved must be begun not later than the expiration of three (3) 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. Details of the following reserved matters in relation to the 'Outline' element of the development hereby approved, shall be submitted to and approved in

writing by the Local Planning Authority before the relevant phase of the development is implemented. The development shall be carried out in accordance with the approved details.

a) Appearance

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

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

4. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-
  - Drawing No:-E4162 - SK005 - Proposed Site Plan
  - Drawing No:- E4162 - SK006 - Part Site Plan Showing Proposed Car-Park and Pitch
  - Drawing No:-E4162-SK007 - Proposed Clubhouse Extension Layout
  - Drawing No UKS11477 - External Floodlighting (Abacus Lighting)
  - Drawing No:- HL250D15/2/AL5760 - Mast

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

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

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



6. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, walls and fences, 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 and the nature of the proposed development and in accordance with Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: In order to protect the existing trees on the site before any work commences on site, in the interests of the amenities of the area and in accordance with Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

8. Prior to the resurfacing works to the car-park hereby approved take place, a scheme detailing car-parking directional signage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

9. Prior to the erection of the floodlights proposed, a detailed lighting strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include details on how the floodlighting baffles and shields will be fitted, focussed and concentrated downwards onto the pitch in order to minimise light spillage beyond the playing surface and to eliminate the potential of nearby properties experiencing glare. The filament/bulb of the floodlight should not be directly visible to residents within adjacent properties. The strategy shall include details of a maintenance programme for the floodlighting to ensure that the floodlighting operates in accordance with the approved scheme and shall be fully implemented before the floodlights are first brought into use and retained thereafter.

Reason: To ensure that satisfactory provision is made at the design stage of the floodlighting in the interests of residential amenity and in accordance with Policy L7 of the Trafford Core Strategy and advice contained within the NPPF.

10. The floodlighting hereby approved shall only be used between the hours of 1530hrs - 2130hrs Monday - Sunday inclusive.

Reason: In the interests of residential and visual amenity and the natural environment having regard to Policies L7, R2 and R4 of the Trafford Core Strategy and advice contained within the NPPF.

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

Reason: To reduce the risk of flooding and to ensure that appropriate mitigation measures are incorporated into the scheme at the design stage, having regard to Policy L5 and L7 of the Trafford Core Strategy.

12. Prior to any demolition works or alteration to the roof of the existing building taking place, a further emergence and activity survey for bats shall be conducted at a suitable time of year and by a suitably qualified person. The results of this further survey and of previous surveys must then be used to prepare a comprehensive method statement giving details of mitigation measures to be taken in relation to bats. Demolition works shall not commence until this method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in full accordance with the approved method statement.

Reason: In order to protect any bats that may be present on the site prior to building works commencing on site, having regard to Policy R2 of the Trafford Core Strategy.

13. 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.

Reason: In order to prevent any habitat disturbance to nesting birds before development works commence on site in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

14. Prior to the resurfacing works to the car park hereby approved taking place, a scheme detailing how the PROW is protected during construction of the car-park and details of any permanent barrier/fence between the car-park and PROW shall be submitted to and approved in writing by the Local Planning Authority. Development to be carried out in accordance with the approved details.

Reason: To ensure protection of the Public Right of Way having regard to Policies L7 and R4 of the Trafford Core Strategy and advice contained within the National Planning Policy Framework

15. A scheme to demonstrate how Secured by Design principles will be incorporated into the club house extensions shall be submitted to and approved in writing by the Local Planning Authority with the reserved matters application for appearance. The development shall be carried out in accordance with these details.

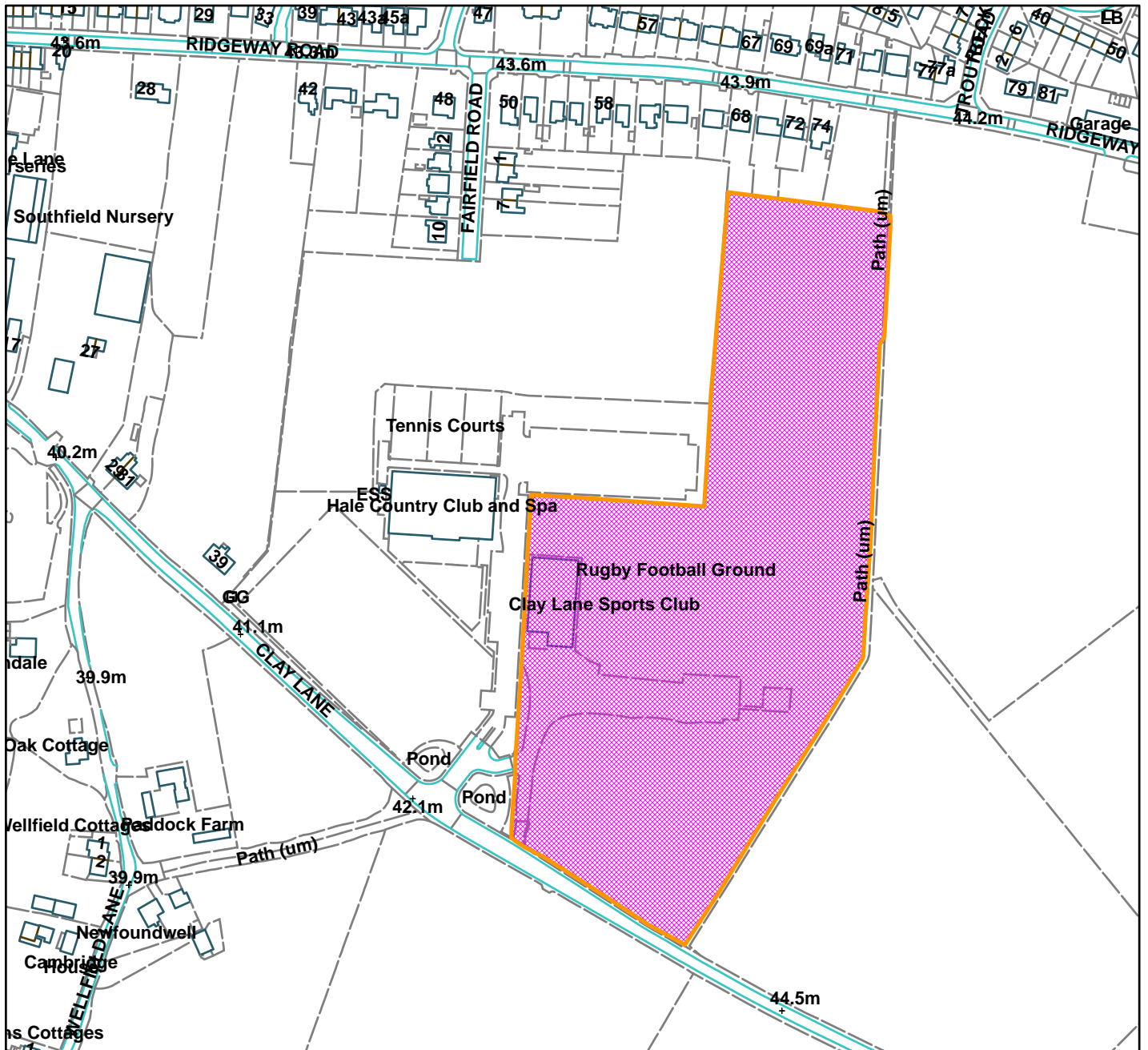
Reason: To ensure that the development has regard to crime prevention and community safety in accordance with Policy L7 of the Trafford Core Strategy and the NPPF and that relevant details are incorporated into the scheme at the design stage.

CM

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Clay Lane Sports Club, Clay Lane, Timperley (site hatched on plan)



Scale: 1:3,000

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/06/2016
Date	26/05/2016
MSA Number	100023172 (2012)

**WARD:** Sale Moor

**87339/FUL/15**

**DEPARTURE: No**

**Mixed-use development comprising the erection of a retail foodstore with maximum of 1140sq.m sales area (Use Class A1) and two semi-detached residential properties (Use Class C3) together with associated vehicular access, car parking, servicing area and hard and soft landscaping. Vehicular access to foodstore from Northenden Road. Demolition of existing IMO Car Wash structures and 26a Marsland Road. Provision of temporary car park during construction works.**

Land Encompassing 26A Marsland Road, Warrener Street Car Park And IMO Car Wash Site, Sale

**APPLICANT:** Kirkland Developments Limited

**AGENT:** How Planning LLP

**RECOMMENDATION: GRANT**

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## **SITE**

The application site is predominantly brownfield, irregular in shape and extends to approximately 0.64ha in total. The site consists of three parts; the 90 space public car park accessed from Warrener Street; 26A Marsland Road which is a residential house with an extensive garden area; and the IMO car wash site accessed from Northenden Road and adjacent to the gyratory road system through Sale Moor.

Warrener Street is partly commercial and partly residential: houses at nos. 4, 6, 8 and 10 face the present public car park and the house at no. 3 adjoins it. The part of the site occupied by 26A Marsland Road is adjoined by houses at the western end on Trinity Avenue and to the southern boundary by the residential properties in the cul-de-sac Chinley Close. Houses on Marsland Road adjoin the driveway to 26A next to the Kingdom Hall of Jehovah's Witnesses which is set within a well landscaped plot and accessed from Marsland Road.

The site is mainly within Sale Moor District Centre with the site of 26a Marsland Road adjacent to the District Centre and approximately 1km east of Sale Town Centre. The land lies within the south-western extremity of the centre's boundary with Marshland Road (A6144) to the south, Northenden Road to the east and north-east (B5166), and Warrener Street to the north-west. The site is in close proximity to a range of existing retail, commercial and residential land uses.

The majority of the site is hard surfaced with the exception of the existing garden to 26A Marsland Road. There are a number of trees within and surrounding the site including a

prominent 17m tall Copper Beech tree in the centre of the site, presently located on the IMO car wash section of the site, which is subject to a Tree Preservation Order. There are existing belts of trees along the southern boundary of the site with Chinley Close and along the boundary between 26A and the existing car park including Elm, Norway Maple and Sycamore trees. A hornbeam tree exists on the boundary between the existing car park and Warrener Street.

## **PROPOSAL**

The application seeks full consent for a mixed use development following demolition of all existing structures within the site. The proposed development consists of two distinct elements, in summary consisting of the erection of a new foodstore and the erection of 2 x semi-detached residential properties. The proposed development is as follows:

### **Foodstore**

It is proposed to erect a retail foodstore measuring 1,625sq.m GIA (Gross Internal Area) consisting of 1,518sq.m ground floor and 107sq.m first floor floorspace. The proposed store would have a net sales area of 1,140sq.m. Vehicular access and egress to the proposed store and associated car park would be gained via an entrance from Northenden Road and pedestrian access would be accessed off Warrener Street and to the east from the gyratory road system between Marsland Road and Northenden Road.

The proposed foodstore would be single storey with a mono-pitched roof design. The northern elevation, which would be the main elevation of the foodstore, would feature extensive glazing and a canopy over the proposed trolley and cycle parking.

The side eastern and western elevations would feature high level glazing together with contrasting materials including brickwork, cladding and render and recessed elements.

The southern elevation would feature no windows or glazing and would also incorporate contrasting materials and recessed elements to match those expressed elsewhere on the building. This elevation is proposed to be screened by tree planting along the boundary with Chinley Close.

The proposed associated car park would consist of 90 vehicle parking spaces including 5 accessible spaces and 9 parent and child spaces. The car park would have a maximum duration of stay of two hours however there is to be no charge for usage and no restrictions to limit its use to customers of the food store. Bicycle parking would be provided in the form of 8 short-stay covered bicycle parking spaces (Sheffield cycle hoops) for customers, and long stay bicycle parking spaces (located internally within the store's warehouse) for staff.

Servicing provision for the store would be provided to the eastern elevation and would be fully enclosed with roof above. This would be accessed from the main car park and service vehicles would utilise the main entrance to the site off Northenden Road.

External plant contained within an enclosure is proposed to the south eastern corner of the site adjacent to the servicing area for the foodstore.

Soft and hard landscaping works are proposed across the site, including a pedestrian walkway / link to Northenden Road from the north eastern corner entrance of the foodstore. Existing vehicular access to the site from Warrener Street would be closed and replaced with a turning head to aid vehicles turning within the Warrener Street cul-de-sac. Landscaping and tree replacement is proposed to the eastern, western and southern elevations.

### Residential

To the south western corner of the site it is proposed to erect a pair of two storey semi-detached residential properties. The proposed houses would have a similar footprint to existing residential houses in Warrener Street and would consist of three bedrooms each. Both properties would have associated gardens and off road parking to accommodate two vehicles. The properties would be accessed off Warrener Street.

### Amended and Additional Plans

Since initial submission of the planning application, the applicants have submitted amended and additional plans. The amendments include a change in design of the foodstore, repositioning of the residential houses, an Arboricultural Impact Assessment, updated swept path analysis and site plan and section drawings.

### Land Ownership

Members will be aware that Warrener Street car park, which comprises a substantial part of the site subject of this planning application, is owned by the Council. Kirkland Developments (the applicant) have made a number of offers to the Council to purchase the car park, most recently in 2015. In December 2015 it was resolved that the Council should not accept this most recent offer to purchase the site made by Kirkland Developments. Instead, an options appraisal is to be completed in 2016/17, considering potential development opportunities and giving an opportunity for consultation with the local community.

However, in determining this planning application it is imperative that the different and discrete roles and responsibilities of the Council as landowner and as Local Planning Authority are separated. The Council, as landowner, can determine whether or not to dispose of land in its ownership in the same way as any other landowning entity. Such a decision is not required to take into account the planning merits of any redevelopment proposals.

Nevertheless, the Council also has a statutory role as Local Planning Authority. As Local Planning Authority it must determine planning applications submitted to it, in accordance with the development plan and all other material planning considerations,

and on planning merits only. The Council cannot refuse to consider applications submitted to it on the basis that they might conflict with a previous, non-planning decision of the Council.

Additionally, land ownership is well established in planning law as not being relevant to the determination of planning applications. There is no requirement for an applicant seeking planning permission to own or otherwise control the land they are seeking planning permission to develop, provided they have served notice on the owner (if known) informing them of their intentions and certify that they have done so. This notice has been served on the Council and the correct certification completed. The previous decision of the Council not to sell the land is not a material planning consideration and is not relevant to the determination of this planning application. The relevant material planning considerations on which a planning decision should be based are set out in this report.

It should also be noted that should Members be minded to grant the planning application that this does not override the Council's previous decision not to sell the land or force a land sale, nor does it give the applicant any right to build out the development without first resolving land ownership issues.

## **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**

**The Strategic Objectives of the Plan are:**

- S01 – Meet Housing Needs
- S02 – Regenerate
- S03 – Meet Employment Needs
- S04 – Revitalise Town Centres
- S05 – Provide a Green Environment
- S06 – Reduce the need to travel



S07 – Secure Sustainable Development  
S08 – Protect the historic built environment

**The Place Objectives for Sale include:**

- To provide a more sustainable balance of housing types and tenures to meet the needs of the community (Strategic Objective SO1);
- To maximize the re-use or redevelopment of unused, under-used or derelict land (Strategic Objective SO1); and,
- To ensure the provision of adequate local retail provision in Sale West and Sale Moor (Strategic Objective SO4).

L1 - Land for New Homes  
L2 – Meeting Housing Needs  
L4 – Sustainable Transport & Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
R2 - Natural Environment  
W1 - Economy  
W2 – Town Centres & Retail

**PROPOSALS MAP NOTATION**

Sale Moor District Centre

**PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

**SUPPLEMENTARY PLANNING DOCUMENTS**

The following adopted SPD's and SPG's are relevant:

- SPD1 – Planning Obligations and Technical Notes
- SPD3 – Parking Standards and Design
- PG1 - New Residential Development

Policy DC1 – District Centres (18.5 Sale Moor District Centre, Sale Moor) of the emerging Land Allocations Plan should also be regarded as a material consideration.

**NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

**H/OUT/49969** - Demolition of 26A Marsland Road and garden store and erection of supermarket (1150 sq metres gross floorspace) with associated car parking (access via Warrener Street and servicing (access via car wash site). Outline planning permission approved with conditions 2nd November 2000.

**H/OUT/48801** - Demolition of 26A Marsland Road and garden store and erection of supermarket (1,150 sq metres gross floorspace) with associated car parking, servicing and landscaping; erection of new garden store. Refused planning permission 29th June 2000.

### **Reasons for refusal:**

*1) The development would be detrimental to the amenities of nearby residential properties by reason of disturbance and visual intrusion from extra traffic and delivery vehicles and the provision of car parking close to the boundaries on a formerly secluded garden area; as such the development would be contrary to Proposals S5 and D1 of the Trafford Unitary Development Plan.*

*2) The proposed access to the site via Warrener Street is unsuitable for the extent of proposed development due to Warrener Street's narrow width and the nature of its current usage and the proposed development would be likely to result in undue congestion and loss of highway safety; as such the development would be contrary to Proposals S5 and D1 of the Trafford Unitary Development Plan.*

The refusal decision was appealed by the applicants and the appeal was dismissed by the Planning Inspectorate on the 29th June 2001. In summary, the appeal was dismissed on the grounds that issues relating to noise and visual impact outweighed the many and significant benefits of the scheme. The Inspector did state however, that the store would lead to an increase in the range and quality of retailing in the centre together with the creation of employment opportunities and the recycling of under used land. It would also assist in promoting the vitality of the town centre together with reducing car mileage travelled and was accessible by different modes of transport.

## **APPLICANT'S SUBMISSION**

The applicant has submitted a portfolio of documents in support of the application which includes the following:

Design and Access Statement

Tree Constraints Appraisal  
Transport Assessment  
Statement of Community Involvement  
Planning Statement  
Phase 1 Site Investigation  
Interim Travel Plan  
Flood Risk Assessment  
Environmental Noise Assessment  
Ecological Appraisal  
Crime Impact Statement  
Community Infrastructure Ley Form  
Air Quality Assessment  
Application Form

The information provided within these documents is discussed where relevant within the Observations section of this report.

## **CONSULTATIONS**

**Local Highways Authority (LHA)** – No objections, subject to conditions. Details of comments received are discussed in the Observations section of this report.

**Pollution and Licensing (Contaminated Land)** - The desk study report submitted with the application recommends an intrusive Phase II investigation is carried out to allow risks to end users and groundwater to be quantified and for a conceptual site model to be developed. Therefore a condition is recommended requiring a Phase II report.

**Pollution and Licensing (Noise/Nuisance)** - There are no objections to this application provided conditions relating to plant noise, opening hours and deliveries hours are imposed.

**Strategic Planning** - No objections, comments incorporated into the Observations section of this report.

**Greater Manchester Ecology Unit (GMEU)** - No objections, comments incorporated into the Observations section of this report.

**GMP (Design for Security)** - The Crime Impact Statement submitted with the application falls below the minimum standard required in order to assess a development of this nature at this stage. The report does not appear to have been produced by a suitably qualified security assessor and does not contain certified crime data. No information included within the report that lists the physical security specification for the development. Nevertheless the residential properties proposed within the development must be delivered to Secured by Design standards. Landscaping to the perimeter of the retail will need to be well maintained in order to ensure excellent visibility both to and from the unit. The canopy of the proposed trees must be trimmed to allow a 2 metre clear zone beneath the foliage. Any low level shrubs should be maintained to be no

more than 1 metre in height. The proposed cycle spaces should be located within good visibility of the store. A capable guardian should have good visible links to any parked cycles i.e. within the sight lines of manned till banks. There are 5 car parking spaces located to the south-east of the proposed store. It is essential that these spaces are well lit and covered by a proposed CCTV system. The proposed car park should be locked and gated outside of the store opening hours to prevent access to the store and a potential unmonitored area for gathering and loitering.

**Electricity North West** - No objection, the applicant must ensure that development does not encroach over either the land or any ancillary rights of access or cable easements.

**United Utilities** – No objections, subject to conditions requiring foul and surface water to be drained separately and a Sustainable Urban Drainage Scheme. United Utilities also advise that a public sewer crosses the site and advises the developer to contact UU to establish if a sewer diversion is feasible.

**Lead Local Flood Authority (LLFA)** – No objections, subject to a condition requiring a Sustainable Urban Drainage Scheme.

## **REPRESENTATIONS**

### **OBJECTIONS**

To date, 405 letters and emails of objection have been received from local residents, businesses, Sale Moor Community Planning Group and a ward councillor. The concerns raised are summarised below:

#### **Highways, Parking and Highway Safety**

- Detrimental impact on traffic flow on Northenden Road and Sale Moor one way system. Rush hour already intolerable and the proposal will only exacerbate this problem.
- B5166 and B6144 roads running through Sale Moor are already very busy with traffic, being the main routes accessing to and from the M60 Junction 6.
- The increase in traffic will be huge and this will likely cause accidents especially given the close proximity to primary schools (Temple Moor, Moorlands, St. Anne's, Holy Family) and two secondary schools.
- Proposal will result in loss of parking. There will not be enough parking for present users of the car park and the new store customers. Proposal will have detrimental impact on street parking. The 40 additional staff will need parking, further exacerbating the problem. While 90 car parking spaces are proposed there is no increase in parking numbers to take account of the increase in retail floorspace.
- Access to the site is close to pedestrian crossings and close to busy junctions and a bus stop (Temple Road in particular). Further traffic will cause disturbance and accidents. Large delivery HGVs will not be able to access/egress into the site or manoeuvre within the site safely. This will exacerbate congestion.

- The amount of vehicles accessing the 90 bay carpark will be far greater than the number of people accessing the current car wash.
- The proposal will result in increased on-street parking demand in and around the district centre.
- What are the interim parking arrangements during construction? No details have been submitted.
- Marsland Road entrance - due to the existing traffic island, exit and entrance by large vehicles here would be dangerous. Vehicles would have to swing wide to negotiate the traffic island.
- Parking provided off Marsland Road is not acceptable in terms of dimensions and aisle width.
- The proposed number of disabled parking spaces is inadequate; the proposal does not take account of the needs of those disabled people who currently use the car park.
- No provision is made for longer stay car parking (in excess of 2 hours). Alternative car parks in the vicinity are close to or over capacity and the park and ride facilities at Sale and Brooklands tram stops are over 1 mile away. This will force people to park on street causing highway safety issues. It could also result in people choosing not to shop in Sale Moor.
- Increased traffic would result in increased damage to road surfaces.
- Footpaths provided are too narrow, being only 1.2m in width.
- Some car parking spaces proposed in the car park are dangerous, resulting in vehicles reversing into traffic.
- Parking for disabled drivers and drivers with special needs would be reduced with the loss of the existing car park.
- Motorcycle parking is insufficient.
- No dedicated drop off / pick up point for the foodstore.
- Staff parking area behind the Kingdom Hall is unsafe from a crime and safety point of view.
- Visibility turning right out of access will be difficult.
- Shop entrance at most dangerous part of the site where vehicles swing in and out of the loading bay.
- Unsafe servicing arrangements proposed with delivery vehicles having to reverse into the loading bay across the car parking area where pedestrians will be present.
- Dangerous pedestrian circulation within the site and off the site, in particular the access from Northenden Road that has no pedestrian refuge.
- The submitted Transport Assessment underestimates traffic generation as it is based on old TRICS survey data.

### Pollution

- Noise and air pollution from additional traffic, refrigeration units, trolleys and delivery vehicles.
- Light pollution from additional street and site lighting.
- Light pollution from the windows of the store fronting Warrener Street.

- Delivery and servicing vehicles could cause noise disturbance during the evening and traffic congestion in the daytime.
- Proposed opening hours will result in an unacceptable level of noise and nuisance to the amenity of adjacent residential properties.
- Air conditioning units and plant will cause 24 hour noise disturbance to nearby residential properties, in particular the enjoyment of rear gardens.
- Proposal could disturb old fuel storage tanks at the site posing a health and safety risk.
- Existing trees act as a noise barrier. The loss of these trees would result in further noise.
- Increased litter and rubbish and potential to attract vermin.
- Increase in traffic and congestion would result in standing traffic and an increase in air pollution from car fumes.
- Proposal would generate increased noise over and above the existing car park and IMO car wash use, as a result of intensification in the use of the existing car park.
- Noise caused by the proposed plant and deliveries would be exacerbated by the layout and positioning of the proposed foodstore in close proximity to Chiney Close, Marsland Road and Warrener Street.

#### Design and Amenity

- The proposed shopfront is not in keeping with existing shops in the District Centre. No other shops or businesses have such large continuously illuminated fascia boards. The associated advertising would dominate in the village.
- Proposal will be detrimental to property values.
- The size of the building will be out of scale with existing buildings in the area. The new building will be overly large, overbearing and dominant. This building is more suitable for an out of town Retail Park and is incongruous and out of character with the village location.
- The proposal relates poorly to the existing street pattern and built environment. The scale of the building will dominate and change the character of the district centre.
- The design of the building does not reflect the local vernacular or seek to enhance the street scene of Sale Moor District Centre.
- The proposal does not represent high quality design as stated by the applicants.
- Loss of the established trees would destroy the peaceful and quiet character of the area and the wildlife associated with the trees. In particular bats.
- Loss of light to gardens of properties in Chinley Close and Marsland Road. The scale and height of the foodstore will be overbearing to Chinley Close residents.
- The proposal will result in a loss of privacy to the occupiers of 11 Trinity Avenue.
- Staff window at first floor level will result in loss of privacy to properties on Chinley Close.
- Loss of privacy and overbearing impact to residents of Warrener Street.
- Increased number of pedestrians to Warrener Street and resultant noise and disturbance.

- The scale, design and location of the food store will result in detrimental impact to the views already enjoyed from properties in Warrener Street and Chinley Close.
- The design of the proposed layout shows pedestrian paths only orientated towards the store entrance, the bus stop and Northenden Road failing to connect the development to the wider district centre.

### Other

- Sale town centre is a short distance away and already has all the big supermarket chains. This proposal is unnecessary.
- The existing car park is well used together with the IMO car wash. The site is not under used as quoted by the applicants.
- Proposal will result in the demise of trade to the independent traders already in Sale Moor jeopardising the livelihood of shopkeepers. A supermarket is unnecessary and unwelcome. There will be no trickledown effect as shoppers will park and shop in the store and then drive off without shopping at the independent shops. This has happened at other centres where supermarkets were approved, namely Eccles and Haslingden.
- The proposal will lead to the demise of the existing unique village community feel.
- A large number of existing trees within and around the site are proposed to be removed however there is no justification for this presented within the application.
- The existing four Lime trees on the southern boundary of the site should be retained as these are of high quality and they should be protected.
- The entire site is not wholly inside the boundary of Sale Moor District Shopping Centre (DC1.2) as defined on the Trafford Local Plan: Land Allocations Consultation Draft Policies Map January 2014 (and the UDP Proposals Map before that). The development site includes part of the adjacent residential area therefore it should be considered as a hybrid in-centre / edge-of-centre site and as such the NPPF sequential test should have been addressed.
- The evidence base to Core Strategy Policy W2 formed by the Trafford Retail Study is outdated. Since this time, there has been significant retail development in and around Sale therefore the qualitative and quantitative evidence that underpins CS Policy W2 is questionable.
- The proposal represents overdevelopment of the site.
- The existing independent shops in Sale Moor already provide all the retail needs of the community.
- Anti-social behaviour from youths congregating outside the supermarket will ensue as a result of the proposal.
- Any additional jobs created by the food store would be negated by the loss of those people currently employed by the independent traders who will be negatively impacted by the food store.
- If local stores cannot compete and go out of business as a result of this foodstore, Sale Moor will be left with numerous unsightly boarded up vacant shops to the detriment of the character and appearance of the village.

- The Warrener Street car park is a highly valued community asset and its retention is fundamental to the success of the village.
- How does a disabled member of staff reach the staff facilities at first floor level?
- Car parking limited to two hours only is insufficient time for residents of Sale Moor to shop and socialise at any one time
- It will not add new facilities to Sale Moor, simply duplicate services that already exist.
- It may reduce Council Tax and rents payable to the Council if competing businesses are forced to close as a consequence of the approval of this proposal.
- The floorspace of the proposed foodstore is too large and not considered to be a small or medium sized supermarket, contrary to Trafford Retail Study (2007)
- CGIs provided in the application are not to scale and have no context. Cross section drawings are required.

Additionally, the results of a survey carried out in the Sale Moor community have been received by the Council. The survey was begun at the end of 2015, in relation to the redevelopment of the site into a foodstore. It was not carried out specifically because of the subject planning application. A total of 871 respondents completed the survey and survey analysis has been included with the submission. This is summarised as follows:

<b>Survey Questions</b>	<b>Answer YES (%)</b>	<b>Answer NO (%)</b>
Do you food shop in Sale Moor?	92.1	7.9
Do you shop for other items and services in Sale Moor?	94.1	5.9
Do you want another supermarket in Sale Moor?	3.3	96.7
Do you think that we should retain an independent shopper carpark in Sale Moor?	92	8

Furthermore, a total of 34 letters of support have been received. The reasons for support are summarised as follows:

### SUPPORT

- A low cost foodstore in this location would be convenient and welcome. Particularly for those less mobile, elderly, disabled or those on very low income and/or benefits.
- The village needs this foodstore; local shops have limited stock at higher prices. The store will offer more variety of retail.
- Proposal will make Sale Moor attractive as a shopping destination and generate more shopping in the village as people will have an alternative to Sale. Ashton on Mersey and Timperley villages are prospering despite the presence of supermarkets so why should Sale Moor be any different?
- The proposal may lead to reduction in parking problems in Sale.



- The existing local stores in Sale Moor provide services that aren't available in supermarkets and these will remain to be well supported.
- Trafford council should sell the car park as this will bring in much needed revenue for other council services.
- The proposal would introduce more jobs for the local area as a result of the proposal. Future jobs will be created by the increased productivity of other businesses in the area.
- The proposal removes the existing development which is considered to be an eyesore.
- Parking will be retained for local shoppers to visit both the foodstore and existing businesses in the village.
- The proposed food store would accord with the Disabled Discrimination Act with wheelchair access and wide aisles.

Following receipt of amended and additional plans, a 10 day re-consultation was undertaken on 14 June 2016. As a result of this re-consultation, 54 additional letters of representation were received (52 objections and 2 letter of support). These raised the same concerns as outlined above and upheld initial submitted objections. Summary of additional comments are as follows:

- The visual impact of the supermarket building will have a significant and detrimental visual impact on Sale Moor.
- The revised site plan gives the impression there are existing trees between 11 Trinity Avenue and the site. This is not the case.
- Revised proposals failed to address areas of concerns raised in previous submitted objection letter.
- The amendments to the design only served to worsen the scheme, appearing completely out of context and out of scale with the local area and ultimately increasing the impact on nearby residents.
- Section drawing submitted shows the height of the building will exceed the height of neighbouring residential properties.
- Detrimental impact to vulnerable adults who use local shops and loss of social interaction
- Demolition of the IMO car wash will inevitably result in additional use of the existing jet wash at the Sale Moor Service Station opposite. This will result in increased noise and disturbance to neighbouring properties.
- Increase in traffic will no doubt result in fatalities in Sale Moor
- It is noted Kirkland's Developments have purchased a house in Warrener Street for use as their office and has actively offered to purchase other properties in the street. It is felt Kirkland's Development aggressively pursues their goals despite the wishes of local people (as seen in Marple and Stockport). Sale Moor village has had to repeatedly fight Kirkland's Developments since year 2000. We implore the Council do not sell Warrener Street car park or any other car parks in the village and reject this proposal.
- Trafford Council should be encouraging local businesses to develop.

- The modern contemporary design of the store is totally out of character with the village centre.
- The design and height of the building will block light to neighbouring houses
- The amended design of the store would result in a continuous northern façade that is no longer broken by gables and the predominant use of brick on the rear elevation will be overwhelming to neighbouring houses.
- The CGI's show shoppers wandering aimlessly across empty parking spaces whereas the reality will be a very dangerous place for pedestrians due to traffic congestion, reversing cars and service vehicles.
- Amendments do not address issues such as a junction capacity, design of site access, disabled car parking, parking demand and provision.
- The proposal continues to represent overdevelopment of a small constrained site.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. The application proposal is for the development of a retail foodstore within and part edge of Sale Moor District Centre and two semi-detached dwellings. The two elements of the proposal will be addressed separately below.

#### Proposed Foodstore

2. Policy W2 of the adopted Core Strategy states that within District Centres (including Sale Moor):-

*'there will be a focus on convenience retailing of an appropriate scale... whilst there is a need to enhance the convenience retail offer of all three District Centres, **there is a particular need to plan for a small to medium-sized supermarket within Sale Moor District Centre**'.*

3. The National Planning Policy Framework (NPPF) at paragraph 24 states Local Planning Authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. In this case, the proposed site is mainly within the District Centre of Sale Moor as allocated in both the adopted UDP and the emerging Land Allocations Plan. Part of the site, which is currently occupied by 26a Marsland Road, is adjacent to the District Centre and this part of the site is therefore defined as 'edge of centre'. The scale and form of the store falls substantially below the test set out in Paragraph 26 of the NPPF where it is required to assess the impact of a retail development on existing, committed and planned public and private investment in a centre or catchment area or town centre vitality and viability (which is 2,500sqm as stated in the NPPF). Core Strategy Policy W2 identifies that a small – medium sized

supermarket is required in Sale Moor and therefore, given the site's location mainly within the District Centre, it is not considered that any sequentially preferable site, wholly within the District Centre of Sale Moor, could reasonably be identified. The retail offer, as a medium-sized supermarket, could not reasonably be disaggregated to be provided on more than one site within the District Centre rather than incorporating some edge of centre land.

4. The NPPF is a material consideration in the determination of this planning application however it does not change the statutory status of the Development Plan as the starting point for decision making and advises that proposed development that accords with an up-to-date Local Plan should be approved and development that conflicts should be refused unless other material considerations indicate otherwise.
5. The Trafford Core Strategy Policy W2 states there will be a focus on convenience retailing of an appropriate scale, plus opportunities for service uses and small-scale independent retailing of a function and character that meets the needs of the local community within the Borough's district centres. More specifically, Core Strategy Policy W2.8 makes reference to the need to enhance the retail offer of all three district centres and in particular the need to plan for a small to medium sized supermarket within Sale Moor District Centre.
6. The Council's evidence base is the Trafford Retail and Leisure Study (2007). This found that for Sale Moor to begin to function as a district centre in convenience retail terms, the Council should seek to encourage the development of a new foodstore of an appropriate scale in order for the centre to retain more expenditure, particularly in relation to top-up food shopping (paragraph 14.27). A new foodstore would provide local residents with a genuine alternative to the higher order stores in Sale town centre and would contribute towards the district centre retaining more convenience expenditure (paragraph 14.28).
7. Outline planning permission for the development of a supermarket (1,150sqm gross floor space) was approved in the district centre in November 2000 (ref: H/OUT/49969). This was on the same site as the subject proposal albeit that scheme was smaller in gross internal area by 485sqm. That consent has now lapsed, however in accordance with the Trafford Retail and Leisure Study the Council consider the site, given its prominent location and good frontage, would be commercially attractive to retailers and offers an excellent opportunity within the district centre. The study recommends that the Council should *'seek to specifically allocate the site for a new foodstore (subject to satisfactory relocation of on-site uses) of a scale appropriate to a district centre (up to 2,500sqm) through the Local Development Framework process.'*
8. The evidence within the Trafford Retail and Leisure Study (2007) was used to inform both the Core Strategy (2012) Policy W2 and Land Allocations Plan (consultation draft 2014) Policy DC1. As such these state that within Sale Moor

District Centre, the Council will support the development of a small to medium-sized superstore in order to meet identified demand within the area. While the outline approval in November 2000 was for a smaller retail unit than the currently proposed store (by 435sqm), the subject proposal will result in an additional 1,140sqm net sales area to the district centre and as a consequence the proposed retail unit falls under the scale of a 'medium-sized foodstore.'

9. A review of the Sale Moor healthcheck conducted annually by the Council shows there to be no change in the number of convenience retail units between 2007 and 2015 (please see table below). The table reveals the district centre is a stable retail centre with small fluctuations to the number of retail units.

Retail Sector	No. of Units 2007	No. of units 2015	Unit Change 2007-2015
Convenience	11	11	0
Comparison	15	16	+1
Service	40	40	0
Vacant	1	1	0
Miscellaneous	2	4	+2
TOTAL	69	72	+3

10. The application proposal is for the development of a retail foodstore and the planning statement submitted with the application details this as a 'discount' foodstore with a trading format consisting of 1,688sqm gross external area, 1,625sqm gross internal area (ground floor 1,518sqm and first floor 107sqm) and Net Sales Area 1,140sqm. The proposed unit will be tailored towards a 'deep-discount' operator; for example Aldi, Lidl or Netto. Whilst the applicant has suggested that the store would be occupied by a discount retailer, as the site lies within a district centre / part on the edge of centre, it would not be appropriate to condition any approval to ensure that it is occupied on this basis and the Core Strategy policy does not seek to limit the type (as opposed to size) of supermarket operation considered appropriate to meet the identified need in Sale Moor

11. In accordance with the NPPF, in particular paragraph 24, the proposal would result in an 'in centre' main town centre use development. The adopted Core Strategy identifies a need for a small – medium size supermarket in Sale Moor. Considering the above, it is considered the proposed development is in compliance with both national and local planning policy, and the District Centre has over a period of time (2007 to 2015) demonstrated it is a healthy centre with a stable number of retail sector units present. More specifically it is considered that the proposed development will make a positive contribution to the following Place Objective: SAO12: To ensure the provision of adequate local retail provision in Sale West and Sale Moor.

## Proposed Residential

12. Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
13. Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
14. The Council does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the schemes contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
15. Whilst the Council's housing policies are considered to be out of date in that it cannot demonstrate a five-year supply of deliverable housing sites, the site is identified in the Council's SHLAA (Strategic Housing Land Availability Assessment), and the scheme achieves many of the aspirations which the Plan policies seek to deliver. Specifically, the proposal contributes towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 in that the scheme will deliver 2 new family houses in a sustainable location. The relevant part of the site where the residential development is proposed is currently undeveloped and it is therefore considered to be sustainable urban greenfield land. Whilst the Council is also currently failing to meet its target of locating 80% of new housing provision on previously developed brownfield land, the scheme is considered to be acceptable in relation to Policies L1.7 and L1.8, in that it helps towards meeting the wider Strategic and Place Objectives of the Core Strategy. The principle of the residential development is therefore considered to be acceptable.

## RESIDENTIAL AMENITY

16. The two elements of the scheme have residential properties within close proximity and the impact on these residents is considered for each element of the development in turn below.

## Proposed Foodstore

17. The closest residential properties to the proposed foodstore would be those in Warrener Street to the west of the store, and Chinley Close located to the south. Also the rear elevations of properties in Marsland Road, located to the south east of the store, would be in close proximity and overlook the development.
18. Policy L7.3 of the 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. The impact on neighbouring dwellings is considered in the light of the Council's Planning Guidelines for New Residential Development (PG1), particularly the requirements to retain distances of at least 15m between buildings with a main elevation facing a two storey blank gable. Whilst this guideline applies specifically to residential development, this is considered appropriate for the assessment of this application.

### Impact on Warrener Street Properties

19. The proposed foodstore would have a single floor level with a small element of second storey accommodation for staff and ancillary rooms located to the western corner of the site. The western elevation of the building closest to Warrener Street would have a maximum height of 8.5m sloping down to 5.8m as a result of the sloping roof style of the building. The second floor accommodation would be contained within a roof element located to the south western corner of the building, giving this part of the building a maximum height of 8.3m.
20. The proposed foodstore would be positioned between 17.1m - 18.1m across the road from the main front elevations of houses 6, 8 and 10 Warrener Street that directly overlook the building. This separation distance would exceed the above mentioned guideline and soft landscaping is proposed between the proposed building and the road. This would soften the appearance of the development from the road and the proposed separation distance is considered to be acceptable.
21. Where the proposed foodstore would front on to the proposed two new dwellings, the distance between the buildings would be reduced to 13.9m. Given these are new dwellings, this relationship is considered to be acceptable and landscaping would also be provided between the foodstore and the dwellings.
22. Number 3 Warrener Street would be positioned to the north of the foodstore. It features a blank flank elevation that is adjacent to the existing public car park. The main rear elevation and side elevation of the outrigger of No. 3 Warrener Street features windows to habitable and non-habitable rooms. The most prominent window overlooking the site within the rear outrigger to the house is at first floor level and appears to serve a bathroom, featuring opaque glazing. The

front elevation of the foodstore would be positioned 21.6m from the side elevation of this closet wing. Given the first floor level window within the closet wing serves a bathroom, this separation distance is considered to be acceptable. In addition it is considered the buildings existing arrangement and its present relationship adjacent to an existing car park should be considered and in light of this, the proposal is not considered to result in an unacceptable impact on residential amenity.

23. At present Warrener Street provides 24 hour vehicular access to an existing public car park. As a result of this proposal there would be no vehicular access to the site retained or introduced from Warrener Street. A turning head would be provided adjacent to No. 3 Warrener Street, however in light of the existing vehicle access to the public car park this is not considered to result in a detrimental increase in noise and disturbance associated with vehicle use. Rather, it is considered the removal of public car park access and replacement with a turning head and landscaping to Warrener Street is likely to result in a reduction in vehicle trips and associated noise and disturbance for the occupants of residential houses in Warrener Street given the street will effectively become a cul-de-sac, albeit access would be provided for two additional residential dwellings.

#### Impact on Chinley Close properties

24. To the southern boundary, the rear elevation of the proposed foodstore would be adjacent to the rear garden boundaries of residential houses 6 - 16 Chinley Close. The rear elevation of the foodstore would be 5.8m in height and would be largely blank with only two door openings. The proposed foodstore would be positioned between 3.5 - 4m from the southern site boundary and whilst a number of trees will be removed from this boundary, it is proposed to retain a several trees on the boundary and provide replacement soft landscaping in the form of new trees.
25. The rear elevation would be largely single storey in height and there would be between 22m - 15.6m retained between the main rear elevations of No. 6 - 16 Chinley Close and the foodstore. This separation distance would accord with the Council's Planning Guidelines for New Residential Development (PG1), and the requirement to retain a distance of at least 15m between buildings with a main elevation facing a two storey blank gable. The majority of the rear elevation would be single storey. Where there would be an element of second floor accommodation this would be positioned to the rear south west corner of the building and would be behind properties 12 - 16 Chinley Close. This additional floor level would have a maximum height of 8.3m with a width of 13.5m and would have a flat roof. Given the above mentioned requirements for a separation distance of at least 15m between buildings with a main elevation facing a two storey blank gable set out in the Council's Planning Guidelines for New Residential Development (PG1), the scheme would accord with this guideline. No

rear windows would be included in the rear elevation of the foodstore building and given the nature of the use of the building it is not considered there would be any loss of privacy arising from the proposal. Landscaping space would be provided between the foodstore and the southern boundary.

26. As acknowledged in the officer report for planning permission ref: H/OUT/49969 approved in July 2000, any expansion of the Sale Moor shopping centre is likely to bring shopping centre uses closer to residential properties. It was considered then that 'this is not unacceptable in principle but reasonable safeguards in the form of separation distances, planting, screening etc should be provided.' That proposal resulted in car parking being located adjacent to the boundary with Chinley Close properties. This raised concern about disturbance from car park activity, nuisance from fumes and car park lighting. While this proposal results in the foodstore being located closer to residential properties the rear elevation of the building will be largely single storey and sufficient separation distances, in accordance with the Council's guidelines are to be maintained. There will be no public access to the rear of the building and landscaping is to be introduced and some of the established trees retained. Given the location of the foodstore and its associated car park the issue of additional noise and disturbance to properties on Chinley Close as a result of car parking will not arise with this application.

#### Impact on Marsland Road properties

27. To the south east of the site are properties 28 - 36 Marsland Road. The rear elevation of these properties and their respective gardens would face the corner of the rear and side elevations of the foodstore. Between 20-22m would be retained between the rear elevations of the outriggers to these properties and the corner of the store that would be closest. Similarly as above, this relationship and separation distance is considered to be acceptable. Landscaping is proposed to the southern boundary and in front of the screened mechanical plant area to this corner of the site. These properties previously overlooked 26a Marsland Road, an existing residential two storey residential dwelling at the site. The proposed building would be single storey at this part of the site with an enclosure for plant units located adjacent.
28. Core Strategy policy L5.13 indicates that development that causes 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 in place. The Council's Pollution and Licensing team have assessed the proposal and it is not considered the proposal would result in an unacceptable impact upon the amenity of nearby residential occupiers. Refrigeration equipment would also be accommodated within the building but it is considered that this is capable of being sited and designed to ensure no undue loss of residential amenity as a result of noise outputs. It is recommended a condition ensuring the fixed plant does not exceed the fixed noise limits prescribed in the submitted acoustic assessment be attached to any permission.



29. These properties on Marsland Road would also be the closest to the proposed enclosed service dock, together with those in Chinley Close. The service dock would be accessed from the main car park, itself accessed from Northenden Road through the main vehicular access to the site. The ramped service dock where all deliveries and waste services would be taken would be an integral enclosed part of the foodstore building. The proposed bin storage would be accessed from within the service dock together with access to the store warehouse. There would be no external waste storage at the site. The Council's Pollution and Licensing team have assessed the proposal and consider the proposed delivery and servicing hours (between 07:00 hours to 23:00 hours – Mondays to Saturdays and 09:00 hours to 18:00 hours – Sundays) to be acceptable. There will be no HGV movements associated with the proposal before 7am and this is considered to be appropriate from a noise and nuisance perspective. A planning condition stipulating these hours for deliveries is recommended.

30. The proposed opening hours of the foodstore are as follows:

08:00 hours to 22:00 hours – Mondays to Saturdays

09:00 hours to 17:00 hours – Sundays (Sunday trading hours would apply)

The Council's Pollution and Licensing team have assessed the proposal and consider the proposed opening hours to be acceptable. A planning condition stipulating these opening hours is recommended.

31. The site is located within an existing district centre where there is already a degree of background noise associated with existing businesses and the existing public car park. The proposal is considered to be acceptable from a noise, nuisance and disturbance perspective. The proposal is not considered to result in a detrimental impact to residential amenity to warrant a refusal on these grounds and is considered to be in accordance with CS Policy L7. Furthermore, appropriate conditions are recommended to safeguard residential amenity.

### Proposed dwellings

32. In the western corner of the site it is proposed to erect two three bedroom semi-detached residential dwellings. These would be of comparable scale and height to existing residential houses in Warrener Street and would be accessed via a private driveway from the southern end of Warrener Street.

33. The side elevation of the proposed dwelling closest to No. 10 Warrener Street would be located 3.9m from No.10. The latter features only one ground floor level window in the side elevation and it is understood this is a secondary window. Consequently the separation distance between No. 10 and the adjacent proposed dwelling is considered to be acceptable. The proposed dwelling would

be positioned slightly forward of the established front building line in Warrener Street, by approximately 2.5m. However given the separation distance it is not considered the proposed dwelling would have a detrimental impact on the occupants of No. 10 Warrener Street in terms of overlooking, overshadowing or loss of light.

34. To the rear of the proposed dwellings is 11 Trinity Avenue. This residential dwelling is two storeys in height and features habitable room windows in the side elevation. At ground floor level the property features a dining room/ secondary lounge window together with a separate hallway window. At first floor level it features a sole window to a bedroom within the property (presently used as the master bedroom). At present these windows overlook the existing sprawling garden to 26a Marsland Road with the latter positioned over 50m away from the side elevation of No. 11 Trinity Avenue.
35. At their closest, the rear elevations of the proposed dwellings would be positioned 15m from the side elevation of 11 Trinity Avenue. The Council's Planning Guidelines for New Residential Development (PG1) recommends separation distances of 21m across public highways and 27m across private gardens where there are major facing windows.
36. It is an unusual relationship to have a house with sole habitable room windows to a side elevation when it has its principal elevations and main garden areas to the front and rear of the property. While it is acknowledged there would be an impact to the outlook of these windows at 11 Trinity Avenue, it is also acknowledged that there would be no detrimental impact to the windows in the principal elevations of No. 11. Furthermore there is an existing level of overlooking as a result of oblique views from the rear windows at 10 Warrener Street and to some extent properties in Chinley Close. The applicants have amended the position of the houses to move them as far as possible from the rear boundary with No. 11 and introduced a landscape buffer to ameliorate any impact. The guidelines contained within PG1 recommend a separation distance of 15m between a blank gable and a main elevation. In normal circumstances the proposal would comply and in this case it is considered reasonable measures have been taken, including the provision of a landscape buffer, to protect the residential amenity of the occupants of 11 Trinity Avenue. The proposal is considered to be in accordance with the aims of CS Policy L7.
37. The southern side elevation of the semi-detached pair would face the rear elevations of 22-24 Chinley Close. This property would be positioned 15m from the rear elevations of numbers 22 and 24 and would feature no habitable room windows in the side elevation. While a bay window will be located at the front of the property, the side windows of this would afford only oblique views towards Chinley Close and it is not considered these would result in an unacceptable loss of privacy to Chinley Close residents.

38. Overall and for the above mentioned reasons, it is not considered the proposed dwellings would have such an impact upon the residential amenity enjoyed by the occupants of properties in Warrener Street, Marsland Road, Chinley Close and Trinity Avenue to warrant a refusal of the application. The proposal is considered to be compliant with the aims of CS Policy L7.

#### HIGHWAYS AND CAR PARKING

39. Both elements of the application would attract vehicle traffic and each aspect of the proposal is considered in turn below:

##### Proposed Foodstore

40. Policy L4 of the Trafford Core Strategy seeks to ensure that all new developments do not adversely affect highway safety, with each development being provided with adequate on-site parking, having regard to the maximum standards set out in Appendix 3. The Local Highway Authority has assessed the proposal from a highway safety and car parking perspective.

##### Access to the foodstore site

41. The proposed foodstore would be accessed from Northenden Road. Highway improvement works including enhanced pedestrian crossing facilities and traffic calming features at the Northenden Road gyratory junction immediately east of the site together with localised widening of the Northenden Road westbound carriageway are proposed as part of the scheme.
42. The proposed main access/egress for the food store will utilise the existing access on Northenden Road which currently serves the existing IMO car wash facility. Alterations to the kerb alignment are proposed in order to improve and formalise the access. The access is to be used by both customers and service vehicles. The existing vehicular access to the car park that forms part of the site off Warrener Street, a residential cul-de-sac, is to be removed.
43. The achievable visibility splays at the proposed access from Northenden Road have been identified as 43m to the west and 25m to the east. The visibility splay to the east is shown to be below the requirement, which is 43m for a 30mph speed limit. The proposed highway improvement works which are to be carried out as part of the development comprise enhancements to the existing crossing facilities at the Northenden Road gyratory junction. Improvements include traffic calming features, by the introduction of speed humps at each of the existing zebra crossing points. This enhancement will reduce vehicle speeds around the bend and on the approach to the proposed access to the food store. Vehicle speeds are likely to be below 30mph and closer to 20mph which would require a visibility splay of 25m. The achievable visibility splay to the east can therefore be justified and is accepted by the LHA.

44. The LHA consider the predicted traffic flow for the development as use as a short stay car park, has the potential to improve flow and congestion issues in the vicinity during 'rush hours'. In its current use as a long stay car park, the site sees a large percentage of users parking for four hours or more. It is assumed that the majority of long stay users use the car park for commuter parking; this creates increased traffic flow at peak times, causing congestion during morning and evening peaks. The change of use to a short stay car park, with a two hour maximum stay restriction, will therefore improve traffic flow by ensuring a turnover in vehicle numbers throughout the day. There is likely to be an overall increase in traffic flow to and from the site, however this will be spread out over the day rather than concentrated at peak times.
45. Pedestrian access is proposed at various points. Footways are to be provided into the site from the high street at the proposed vehicular access, a pedestrian link from the existing bus stop to the east of the site and pedestrian links from Warrener Street are also proposed. A planning condition is recommended requiring details of dropped kerbs and tactile paving to be provided at each of the proposed crossing points within the site.

#### Servicing of the foodstore

46. Servicing access to the foodstore will be taken from Northenden Road utilising the same vehicular access point as provided for customer traffic. The servicing area will be located adjacent to the foodstore's eastern elevation and vehicles will be required to reverse into the servicing bay. The applicant has provided a Transport Assessment in which details of vehicle movements are given. This illustrates that servicing vehicles are able to turn within the site in order to access the servicing bay and are then able to exit the site in a forward gear. The proposed widening on Northenden Road as part of the off-site highway improvement works means that service vehicles are able to access the site without encroaching on the opposite side of the carriageway on Northenden Road. Swept path analysis drawings have been provided to show this is achievable.
47. In terms of the turning head proposed for Warrener Street, an amended plan showing swept path analysis has been submitted by the applicants. This shows that by increasing the kerb radii a refuse vehicle is able to use the turning head and the situation would be no worse than the current situation with large vehicles using the existing car park entrance to turn around.

#### Car Parking

48. Trafford Council's SPD3 Parking Standards and Design states that for food retail use, in this area, one parking space per 15sqm of gross floor space is required.

This equates to 101 spaces. Disabled parking should also be provided and should be 6% of the total capacity; this equates to six spaces.

49. The proposals include a 90 space car park, including five disabled spaces and 9 parent and child spaces. This represents a like for like replacement of the existing spaces provided at the Warrener Street car park and is to be utilised as both parking for the proposed food store and short stay public parking.
50. A Transport Assessment has been submitted with the application. This includes assessments of the existing and predicted car park occupancy. Car parking surveys were carried out on a weekday and on a Saturday from 7am until 8pm. The car park reached its highest occupancy level of 86 by 10am on the weekday and reached its highest Saturday occupancy level of 77 by 11am. Many of the spaces were used for long stay parking and it has been calculated that with long stay parking removed, the car park reached its highest occupancy level of 40 spaces by 10am on the weekday and 49 spaces by 11am on Saturday. Using this data, the predicted occupancy for the proposed car park has been calculated to reach a maximum of 32 vehicles on a weekday and a maximum of 56 vehicles on a Saturday.
51. In order to determine whether the car park can accommodate the existing 'short stay' occupancy levels and the predicted occupancy levels associated with the proposed food store, the Parking Assessment has then combined the existing car park (minus long stay commuter parking) and the predicted foodstore's short stay parking occupancy, this demonstrated that the proposed car park is predicted to exceed no more than 87 vehicles throughout the weekday and Saturday periods.
52. The LHA raised concerns about the proposed car parking spaces closest to the access. The applicant has subsequently provided examples of similar car parking arrangements at similar retail foodstore outlets in the Greater Manchester region (including Aldi, Old Trafford) which have parking situated close to the access/egress junction and operate successfully. As a result the LHA consider the proposed arrangement to be acceptable.
53. Overall the LHA consider that notwithstanding the requirements within SPD3, given that the site is situated in a sustainable location, close to public transport services, particularly buses and within walking distance of a wide residential catchment area together with the fact the submitted Transport Assessment has demonstrated that the car park is predicted to exceed no more than 87 vehicles, the short fall in parking provision is accepted in this instance. A maximum duration of stay of two hours is to be applied, however there is to be no charge for usage and no restrictions to limit its use to customers of the food store; it will be available to all users of the District Centre. The use of the car park is to be monitored by a private company to ensure the maximum stay restriction is enforced. Alternative unrestricted car parks are also available within close

proximity of the site for commuters and long stay users who currently use the existing public car park.

54. The applicant is also proposing to provide a temporary car park as a phase of development if permission is granted in order to reduce disruption to existing District Centre traders. The proposed site is to be segregated during construction to provide temporary parking on the northern section of the site. This temporary parking provision is supported by the LHA, who are satisfied that a scheme can be agreed. A planning condition is recommended requiring further details of the temporary car park and its access to be submitted.
55. Five additional car parking spaces, accessed from Marsland Road also form part of the proposal. These are identified within the application as additional parking for staff only. The LHA raised concerns regarding the aisle width and orientation of the spaces making it difficult for vehicles to turn should the spaces all be occupied. The applicants submitted an amended swept path analysis and the LHA subsequently raised no objection to this element of the proposal subject to the access being controlled, restricting it to staff use only. A planning condition is recommended requiring details of how this part of the car park is to be managed and maintained for staff use only.
56. In terms of cycle and motor cycle parking, Trafford Council's SDP3 states that for retail proposals in this area one motorcycle space should be provided per 350sqm and one cycle parking space provided per 140sqm of gross floor area. This equates to 4 motor cycle spaces and 11 cycle spaces.
57. The proposal includes the provision of 2 motor cycle parking spaces and 8 cycle parking spaces with additional long-stay cycle parking available for staff in the food store's warehouse. Although below the requirements, the LHA consider the level of motorcycle parking to be sufficient as a minimum of two spaces is acceptable. Long-stay cycle parking should be in an allocated area within the warehouse and should be secured. A planning condition is recommended requiring details of cycle parking to be submitted.

#### Proposed dwellings

58. The proposed two semi-detached residential houses would have off road parking accessed from Warrener Street. As discussed above, a new turning head is to be provided to Warrener Street to aid with vehicles turning, in particular refuse vehicles. The LHA consider that proposed to be acceptable.
59. In accordance with Trafford Council's SPD3: Parking Standards and Design, three bedroom properties in this area require two car parking spaces. The proposal provides two off road car parking spaces for each dwelling and that proposal is considered to be acceptable.

## Conclusion: highways and car parking

60. Paragraph 32 of the NPPF states that planning decisions should take account of whether improvements can be taken within the transport network which effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The LHA have carefully considered the impact of the development and the mitigation measures proposed on the highway network and highway safety. They are satisfied that any residual impact of the proposals would be minimal and would not be so significant that the proposals would have a 'severe' impact in NPPF terms and that the proposal is compliance with the aims of CS Policy L4 and Trafford Council's SPD3: Parking Standards and Design.

## SITING, DESIGN AND APPEARANCE

61. The NPPF attaches "great importance to the design of the built environment" and indicates that, "good design is a key aspect of sustainable development." 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." Core Strategy policy L7 reiterates these policy guidelines and states that high quality design is, "a key element in making places better and delivering environmentally sustainable developments." The policy provides policy guidance in respect of design quality, functionality, amenity, security and accessibility.

62. The design and appearance of the proposed foodstore has been amended since initial submission. NPPF paragraph 60 states "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however proper to seek to promote or reinforce local distinctiveness."

63. Due to the use and nature of the proposed development this in turn dictates the form and scale of the proposal. It is considered that while that proposed may not be reflective of the traditionally smaller retail units found within the district centre, the proposed contemporary store would result in a cohesive design resulting in a foodstore that brings its own design style to the district centre. The existing car park and IMO car wash structures are not considered to represent good quality design and the proposal would result in a comprehensive redevelopment of the site to provide a contemporary foodstore. The layout incorporates a single access and egress for customers and while the layout has been developed to accommodate the user requirements, the structure has been designed to minimise impact to residential neighbouring properties through

reduction in scale by way of a sloping roof. The front of the foodstore would face towards the district centre ensuring there is a clear relationship and connection with the public realm of the district centre while its position set back from the road ensures the building does not appear overly dominant in the streetscene.

64. The building would be predominantly single storey to the rear elevation rising to double storey height to the northern front elevation. The building would measure 5.8m to the eaves on the southern rear elevation rising to 8.5m on the front northern elevation. Section drawings have been submitted to show the height of the proposed foodstore would be comparable with neighbouring buildings. The front elevation would be predominantly glazed providing the focal entrance point to the building and would comprise a palette of materials including render, brickwork and grey cladding to the roof element. A planning condition is recommended requiring details of all external materials to be submitted to the Council prior to commencement of above ground development. Nevertheless, from the submitted information at this stage it is considered the proposed palette of materials would be in keeping with the existing buildings in the area and the proposed detail would add articulation to the buildings elevations.
65. The western elevation to Warrener Street would feature high level ribbon glazing and would be largely brickwork with cladding at roof level. This elevation would be set back from the street and site boundary with Warrener Street by approximately 6.5m and soft landscaping to include new and existing trees is to be introduced and retained to this elevation. While there would clearly be a change in outlook for the occupants of residential properties in Warrener Street, the design and set back of the proposed development together with the proposed soft landscaping is considered to ameliorate this visual impact. Any proposal for redevelopment of this part of the site would result in a greater visual impact to that of a car park. The applicants have submitted an additional Arboricultural Impact Assessment (AIA) since initial submission and this demonstrates more of the existing trees within the site can be retained. This includes the existing established hornbeam tree on Warrener Street. This is considered to provide important visual amenity and its retention will soften the visual impact of any redevelopment of the site. A planning condition is therefore recommended requiring full details of the soft and hard landscaping to be submitted. Through the discharge of condition process there will be an expectation that appropriate trees are provided, and those identified within the submitted AIA as retainable, are included within the final approved landscaping scheme.
66. The proposed southern elevation would be predominantly single storey and while it would represent a less visually interesting elevation it would be largely shielded from view due to existing and proposed soft landscaping to the southern boundary. This elevation would appear quiet in its setting and would be constructed predominantly from brickwork. Due to the design of the roof, the scale of the building on this boundary would be reduced to predominantly single storey only.



67. The eastern side elevation would be largely screened by the presence of the existing Jehovah's Witness Kingdom Hall building and existing planting. Where the corner of the building to this elevation meets with the southern rear elevation, this will be overlooked by the rear elevations of properties in Marsland Road. Since initial submission the proposal has been amended, the proposed site plan now shows additional planting will be included to this corner to shield the plant enclosure and the bulk of the building at this corner. Given the structure would be largely single storey at this junction it is considered the proposal is in keeping with the general height of existing development surrounding the site.
68. The proposed residential semi-detached houses are considered to be in keeping with the style of houses within Warrener Street in terms of scale and design.

## LANDSCAPING AND ECOLOGICAL IMPACT

69. Core Strategy Policy W2.11 indicates that developments are required to deliver high quality public realm. Core Strategy Policy L7.1 states that development must enhance the streetscene or character of the area through the use of appropriate hard and soft landscaping proposals. The site plan indicates areas of hardstanding surrounding the foodstore together with areas of soft landscaping. As discussed above, the applicants have submitted an Arboricultural Impact Assessment (AIA) following initial submission. This demonstrates more of the existing trees within the site can be retained than initially identified. This includes the existing Hornbeam to Warrener Street and the protected Copper Beech tree within the existing car wash part of the site.
70. The Council's Senior Arboricultural Officer has assessed the submission and considers retention of further trees at the site is welcome. Whilst a significant number of trees are to be removed, the tree loss is considered to be acceptable on account of the poor condition of many of the trees identified for removal. Therefore planning conditions are recommended for the submission of tree protection measures, details of a service plan to identify service runs routed outside of root protection areas of retained trees and a landscaping condition to ensure that an appropriate landscaping scheme is provided on site (to include specifications and schedules including planting size, species and numbers/densities). The latter will ensure those trees identified within the Arboricultural Impact Assessment for retention are included in any future landscaping scheme.
71. In terms of ecological impacts, the proposal would result in the redevelopment of an existing large garden and loss of some existing established trees at the site. Greater Manchester Ecology Unit (GMEU) have been consulted on the proposals and state that active fox earth has been reported on part of the application site. Although foxes are not a protected species under the Wildlife and Countryside Act 1981, it is nevertheless recommended that a Method Statement giving details

of how foxes are to be excluded from the earth prior to any potential harmful groundwork commencing is submitted. GMEU also highlighted the trees on the site have local nature conservation importance and several trees have some potential to support bats. All bats and their resting places are specially protected. Therefore planning conditions are recommended to ensure the protection of bats and foxes at the site.

## CONTAMINATED LAND

72. NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. The Council's Contaminated Land Officer has reviewed the proposed scheme and recommends that the applicant submits a Phase II investigation and risk assessment to assess the potential contamination risks of the site and whether any remediation measures are necessary. These matters can be secured by a suitably worded condition and as such comply with the provisions of Core Strategy policy L5.13.

## DRAINAGE AND FLOOD RISK

73. Core Strategy policy L5.18 aims to reduce surface water run off through the use of appropriate measures. The Council's Drainage Engineer has reviewed the scheme and has indicated that peak discharge storm water rates should be constrained in accordance with the limits indicated in the Council's Level 2 Strategic Flood Risk Assessment document. A planning condition is therefore recommended to secure these appropriate discharge rates. Additionally a planning condition requiring foul and surface water to be drained on separate systems is proposed.

## AIR QUALITY

74. The proposed development is located outside Trafford's Air Quality Management Area. The application has been submitted with an Air Quality Assessment. This concludes the impact of the proposed development on local air quality will be 'not significant' in accordance with the Institute of Air Quality Management and Environmental Protection UK Guidance 15. The impact of traffic generated by the proposed development on local air quality was considered to be 'not significant' within the submitted assessment. The Council's Pollution and Licensing team have assessed the proposal and consider it is not therefore necessary to recommend measures to mitigate road traffic emissions and the proposal is acceptable from an air quality perspective in accordance with Core Strategy policy L5.

## CRIME AND SECURITY

75. NPPF paragraphs 58 and 69 indicate that planning decisions should aim to ensure that developments “*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.*” Core Strategy policy L7.4 relates to matters of design and security and is supplemented by Supplementary Planning Guidance 24: Crime and Security. The policy states that development must be designed in a way that reduces opportunities for crime.
76. No Crime Impact Statement has been submitted in support of the application; however site security and crime prevention forms part of the submitted Design and Access Statement and Planning Statement. The typical security risks associated with a development of this type may include burglary, robbery, and general criminal damage. There are a variety of physical security measures and external design features available to the applicant that can be incorporated into the design of the scheme to ensure that a secure development is provided which incorporates opportunities to reduce crime.
77. Greater Manchester Police Design for Security team has commented on the proposal. They suggest measures that would help ensure the scheme reduces opportunities for crime. These include landscape management to ensure visibility where landscaping is positioned to the perimeter of the foodstore. In terms of the car parking area accessed from Marsland Road, it is recommended CCTV be installed and the area benefit from appropriate lighting. It is also recommended the proposed car park be locked and gated outside of store opening hours to prevent access to the store. A planning condition is therefore recommended to ensure that appropriate external security measures are secured as part of the proposed foodstore scheme. Additionally a planning condition requiring details of a lighting plan is recommended. Whilst it is important to ensure that the site is appropriately lit for crime reduction purposes, it will also be important to ensure that lighting columns and light spill do not impact adversely on residential amenity, particularly where the site backs onto residential properties on Marsland Road and Chinley Close.

## DEVELOPER CONTRIBUTIONS

78. This proposal is subject to the Community Infrastructure Levy (CIL). The foodstore element of the scheme comes under the category of '*Supermarkets outside defined town centres,*' consequently the development will be liable to a CIL charge rate of £225 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014). Calculations for such a proposal are generated based on the proposed (GIA) floor space. The proposed residential houses are located in what is designated as the Moderate CIL

Charging Zone. The residential element of the development would be charged at a levy of £40 per square metre.

## PLANNING BALANCE AND CONCLUSION

79. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory presumption in favour of the development plan but is an important material consideration in the determination of planning applications.
80. The application site is located within and partly on the edge of Sale Moor District Centre as defined on the UDP Proposals Map. The site is located within an accessible and sustainable district centre location and the provision of a small to medium size foodstore is identified as being necessary by and wholly in accordance with Policy W2 of the adopted Core Strategy. The district centre has demonstrated over a period of time (2007-2015) that it is a healthy centre with a stable number of retail sector units present.
81. Not only is the provision of a supermarket of this scale in accordance with the development plan, the proposal would also bring forward a number of related benefits. The proposal would make a positive contribution to the retail provision in Sale Moor (Place Objective: SA012). The site is located within a sustainable district centre location, and can be accessed by car, public transport, pedestrians and cyclists. The development would increase the likelihood of linked trips to the existing retail offer within the centre and would provide economic benefits in relation to the creation of jobs with a variety of flexible full and part time positions anticipated. The proposed residential dwellings are considered to make a positive contribution towards the housing stock in the area through the provision of family homes.
82. Other issues including design, design and crime, highways and parking, pollution, drainage and landscaping have all been considered to be acceptable and in accordance with the Development Plan, or where necessary can be satisfactorily managed and mitigated through the imposition of suitable planning conditions. Paragraph 32 of the NPPF states that planning decisions should take account of whether improvements can be taken within the transport network which effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The LHA have carefully considered the impact of the development and the mitigation measures proposed on the highway network and highway safety. They are satisfied that any residual impact of the proposals would be minimal and would not be so significant that the proposals would have a 'severe' impact in NPPF terms.

83. Members are reminded that the Council's (or any other) ownership of the land is not a material planning consideration and is not relevant to the consideration of this planning application. It should form no part of the decision making process which should be based only upon material planning considerations, as set out in this report.

84. Paragraph 14 of the NPPF requires that development proposals that accord with the development plan are approved without delay. Where the development plan is absent, silent, or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole or specific policies in the Framework indicate that development should be restricted. The proposal for a medium-sized supermarket within Sale Moor District Centre is in accordance with the development plan and the Council's policies in respect of housing land are out of date in NPPF terms. The NPPF does not indicate that the development should be restricted. Having considered all material planning considerations and the opportunities for mitigating harm through suitable planning conditions, it is clear that the adverse consequences of the development do not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission be granted, subject to the conditions outlined 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 the submitted plan, 10628-001; 10628-106 Rev G; 10628-114 Rev B; 10628-115; 10628-109 Rev E; 10628-112 Rev C; 10628-111 Rev A; 10628-110 Rev C and TPMA 1256-100 Rev D.

Reason: To clarify the permission, having regard to Policies L1, L2, L4, L5, L, L8, R2, W1 and W2 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application no above ground construction works for the residential houses or the foodstore shall take place until samples and full specification of materials to be used externally on the building(s) 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 in accordance with Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

4. (a) Notwithstanding the details submitted to date, the development hereby permitted shall not be brought into use or occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, hard surfaced areas and materials, planting plans specifications and schedules (including planting size, species and numbers/densities), existing plants to be retained (taking account of the trees identified in the Tree Retention Plan within the submitted Arboricultural Impact Assessment prepared by Bowland Tree Consultancy Ltd dated June 2016) , and shall show how account has been taken of any underground services.

(b) The landscaping works shall be carried out in accordance with the approved details within 12 months from the date when the retail unit and the residential houses hereby permitted are first occupied.

(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 and the nature of the proposed development and having regard to Policies W2, L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No development or works of site preparation shall take place on site until a tree protection scheme compliant with British Standard: 5837:2012 'Trees in relation to design, demolition and construction. Recommendations,' and incorporating an Arboricultural Method Statement and Tree Protection Plan, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

Reason: In order to protect the existing trees on the site prior to the commencement of any works on site, in the interests of the amenities of the area and in accordance with Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

6. No development or works of site preparation shall take place until a service plan, with all service runs routed outside the Root Protection Areas of retained trees, is to be submitted to and has been submitted to and approved in writing by the Local Planning

Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

Reason: In order to protect the existing trees on the site prior to the commencement of any works on site, in the interests of the amenities of the area and in accordance with Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The net retail floor space of the foodstore shall not exceed 1,140 square metres and notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or as may subsequently be amended or re-enacted); no mezzanine floorspace shall be introduced unless planning permission for such works has been granted on application to the Local Planning Authority.

Reason: In the interests of highway safety and to protect the vitality and viability of Sale Moor District Centre and to accord with policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The foodstore premises shall only be open for trade or business between the hours of:

08:00 hours to 22:00 hours – Mondays to Saturdays

09:00 hours to 17:00 hours – Sundays

Reason: In the interest of amenity in accordance with policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. Servicing and deliveries to or from the premises shall only take place between the hours of:

07:00 hours to 23:00 hours – Mondays to Saturdays

09:00 hours to 18:00 hours – Sundays

Reason: In the interest of amenity in accordance with policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. Prior to the first opening to the public of the foodstore hereby permitted, external security measures to the foodstore unit and associated car parking and hardstanding areas shall be implemented in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The scheme shall seek to address issues raised by Greater Manchester Police Design For Security outlined in the email to Trafford Council dated 23rd June 2016. Development shall be carried out in accordance with the approved details.

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

11. No external lighting shall be installed on the building or elsewhere on the foodstore site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. External lighting associated with the development shall be directed downwards and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities including trees and hedgerows within or adjacent to the site. Thereafter the foodstore shall only be lit in accordance with the approved scheme.

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

12. No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

i) a survey of the extent, scale and nature of contamination

ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. This is required prior to the commencement of development to ensure that any requirements can be incorporated in the design of the final scheme.



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

Reason: To prevent the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies L4, L7 and L5 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development because the approved details will need to be incorporated into the development.

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

Reason: To prevent the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies L4, L7 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

15. Prior to the first opening to the public of the retail foodstore hereby permitted, a scheme for secure cycle and motorcycle storage shall be implemented in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained at all times thereafter for its intended use.

Reason: In the interests of sustainable transport and to comply with policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16. Noise from fixed plant shall not exceed the fixed limits prescribed within the environmental noise assessment titled 'Land South of Northenden Road, Sale Moor' ref: P2007053/ (REP) U001 Rev C dated February 2016 by BDP Acoustics and prior to the first opening to the public of the retail foodstore hereby permitted written verification that the fixed plant does not exceed these limits shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and in compliance with Trafford Core Strategy Policies L5 and L7 and the National Planning Policy Framework.

17. The car parking, servicing and vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be provided and made fully available for use prior to the foodstore being first brought into use and the residential houses being occupied and shall be retained thereafter for their intended purpose.

Reason: In the interests of amenity and in compliance with Trafford Core Strategy Policies L4 and L7 and the National Planning Policy Framework.

18. 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.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Trafford Core Strategy Policy R2 and the National Planning Policy Framework. This is required prior to the commencement of development to ensure that any requirements can be incorporated in the design of the final scheme.

19. Prior to the opening of the foodstore, a detailed scheme for the provision of the off-site highway works identified on drawing number TPMA 1256-100 rev D comprising the provision of enhanced pedestrian crossing facilities and traffic calming features at the Northenden Road gyratory junction immediately east of the site and localised widening of the Northenden Road westbound carriageway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full in accordance with the approved details prior to the first opening to the public of the retail foodstore hereby approved.

Reason: To facilitate access for pedestrians and encourage sustainable modes of travel in accordance with Trafford Core Strategy Policies L4 and L7 of and the National Planning Policy Framework.

20. Prior to works first taking place on site for both the retail foodstore and the residential dwellings, details of a construction management plan for the construction phase including details of the means of access and the areas for the movement, loading, unloading and parking of construction vehicles within the application site, details of hours of construction and details of wheel cleansing facilities for heavy commercial/construction vehicles, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety and residential amenity it is essential that appropriate measures are implemented prior to the commencement of development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. Prior to above ground development works first taking place, details of dropped kerbs and tactile paving within the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

22. Upon first installation, the proposed first floor bathroom windows in the side elevations of the residential dwellings hereby permitted shall be:

a) fixed shut, unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed; and shall be retained as such thereafter;  
and

b) fitted with and thereafter retained at all times in obscure glazing (which shall have an obscurity rating of not less than 3 in the Pilkington Glass Range or an equivalent obscurity rating and range).

Reason: To protect the privacy and amenity of the occupants of the adjacent dwellinghouses, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

23. Prior to the first opening to the public of the retail foodstore hereby permitted, a scheme for secure trolley storage and management shall be implemented in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained at all times thereafter for its intended purpose.

Reason: In the interests of highway safety and residential amenity and to comply with policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

24. The car parking to the south of the site and accessed from Marsland Road shall be for foodstore staff car parking purposes only.

Reason: In the interests of highway safety and residential amenity and to comply with policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

25. Prior to the first opening to the public of the retail foodstore hereby permitted, a car park management scheme shall be implemented in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The car park management scheme shall include details of the management of

the car park to enable parking for up to a maximum of two hours. The approved scheme shall be implemented and maintained at all times thereafter.

Reason: In the interests of sustainable transport and to comply with policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26. No development or works of site preparation shall take place until details of temporary car parking have been submitted to and approved in writing by the Local Planning Authority. The details shall include the number of spaces for use, access controls, details of the layout, lighting, means of enclosure, means of security and a phased programme for the removal of the temporary spaces from the development. The temporary car parking shall be implemented thereafter in accordance with the approved details.

Reason: In the interest of highway safety and residential amenity it is essential that an appropriate package of measures are implemented prior to the commencement of development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification)

- (i) no side extensions shall be carried out to the dwellings on areas where hardstanding for vehicle parking is provided;
  - (ii) no dormer windows or 2 storey rear extensions shall be added to the residential dwellings;
- other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

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

28.No development or works of site preparation shall take place until , a detailed scheme of bat and fox mitigation measures (including how foxes are to be excluded from any existing earth) has been be submitted to and approved in writing by the Local Planning Authority. The scheme of mitigation shall be implemented in accordance with approved details thereafter.

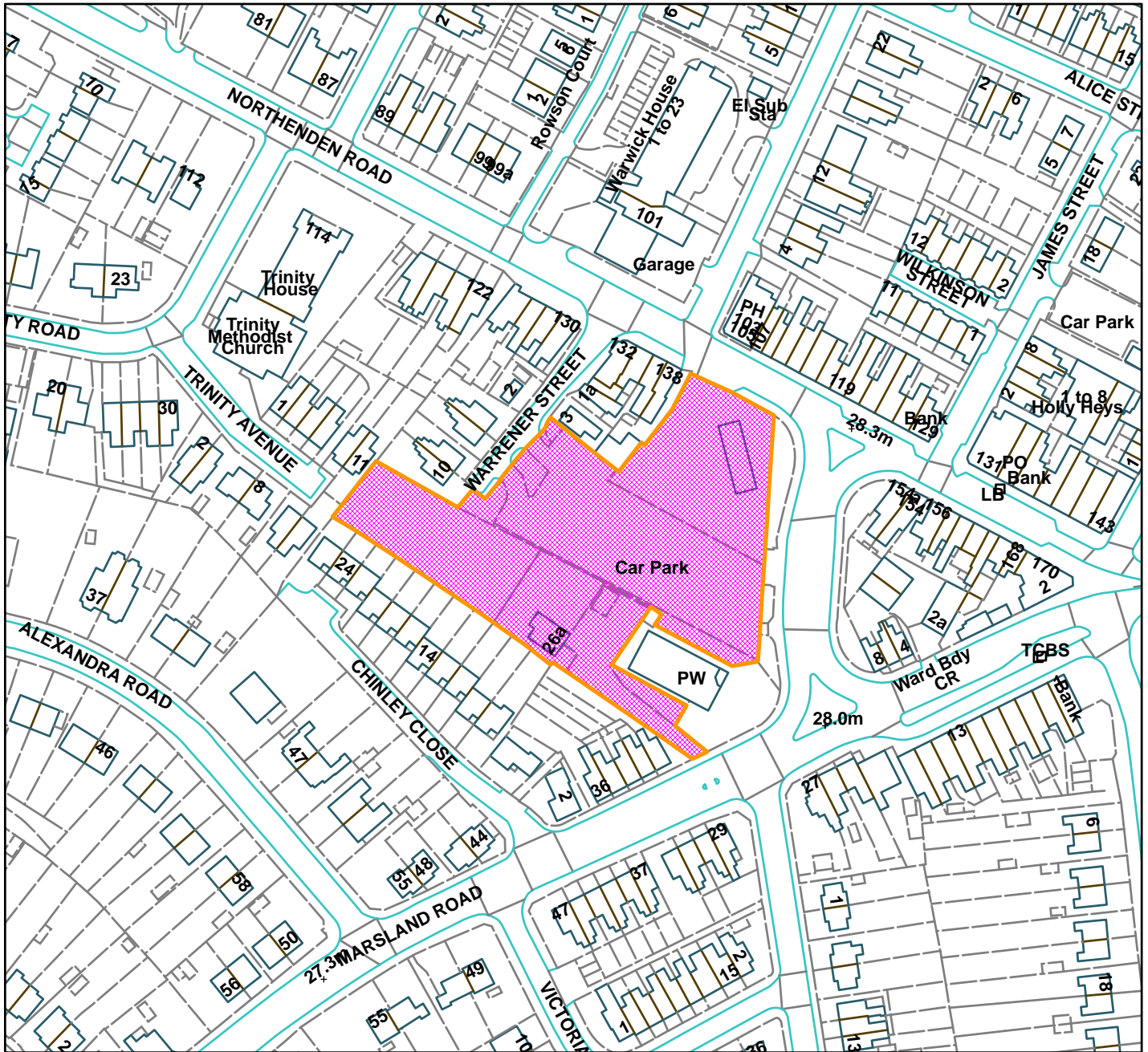
Reason: To safeguard any protected species which may either live or forage within the site and which could be harmed at the outset of development works commencing on site in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

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LB



Land encompassing 26A Marsland Road, Warrener Street Car Park & IMO Car Wash Site (site hatched on plan)



Scale: 1:1,750

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/07/2016
Date	04/07/2016
MSA Number	100023172 (2012)

**WARD:** Brooklands

**87811/FUL/16**

**DEPARTURE: No**

**Erection of a new block of four, 2 bedroom apartments (revision of 87042/FUL/15) with associated parking and landscaping. External alterations to existing apartments rear elevation.**

11/13 Raglan Road, Sale, M33 4AN

**APPLICANT:** Breandan Flynn Investments Ltd

**AGENT:** Trinity Architecture & Design Ltd

**RECOMMENDATION: GRANT**

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## **SITE**

The application relates to numbers 11-13 Raglan Road, Sale, and a piece of land which is currently sited within its curtilage. The existing building within the site, is sited centrally within its grounds, with the area of land subject to this application, sited to its rear north-eastern side and is currently partially landscaped. The site comprises of a large early Victorian property, considered to be a non-designated heritage asset, with substantial features in the form of steep pitched gabled ends, large bays, chimney pots and other brick work and timber detailing sited within its various elevations, however in its current form, is in a poor state of repair. The property has since been converted to form 11, 1 bedroom apartments, with two separate entrances leading off from Raglan Road, to the sites east and west.

The property has been extensively extended over the years, to its sides and rear, and also features fire escapes and other additions to its rear which are considered unsympathetic to the original building. The site falls steeply from front to rear and its side boundaries are currently formed from extensive planting and timber fencing. The site has a number of undesignated parking spaces sited along its eastern and western side boundaries and a number of trees sited within its grounds.

## **PROPOSAL**

The application details the erection of a two storey building, which would comprise of 4, 2 bedroom apartments, alongside its associated landscaping and parking provision. The application would formalise the parking layout and landscaping throughout the site and would further see alterations to the existing buildings rear elevation; where 2no. existing openings, at third and fourth floor level are proposed to be obscurely glazed.

The application has been amended since its original submission due to concerns raised by officers, in relation to the proposed developments overall design, scale and form.

Alterations have further been made to the sites parking layout and landscaping provision, as well as to the proposed positioning of the sites bin stores and cycle storage facilities.

## **Value Added**

Through extensive negotiations with the developers, officers have secured a scheme which has a high quality design and finish. The development would now comprise of 4, 2 bedroom apartments, with sufficient parking and landscaping and would also better reveal the significance of the heritage asset within the grounds of which it is set, as a result of improved landscaping and designated parking provision. Through the amendments, officers have also minimised development impacts in relation to the amenity of neighbouring land users. These points are further discussed within the later sections of this report.

The increase in floor space of the proposed development would be 298m<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.

## **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

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENT**

SPG 1: New Residential Development (2004)

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

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

87042/FUL/15 – Erection of a new block of 6, 2 bedroom apartments – withdrawn – 11.01.2016

H/47344 – Erection of a detached bungalow with access from Raglan Road – Refused – 24.06.1999

H23061 - Erection of detached dwelling and formation of separate curtilage within the curtilage of 11/13 Raglan Road – Refused – 23.03.1986

## **APPLICANT'S SUBMISSION**

Design and Access Statement

Tree Report

## **CONSULTATIONS**

### Local Highways Authority

Raises no objections to the proposed scheme, however, recommended that provision be made on site for the storage of cycles.

### Drainage Engineer

Raises no objections to the proposed scheme, however, recommended the use of conditions to control peak discharge from the site and reduce the likelihood of localised flooding.

### United Utilities

Raises no objection to the proposed development.

## **REPRESENTATIONS**

### Original application:

1 Councillor Call-in request and 17 objections were received in relation to this application, outlining the below concerns:



- Overbearing form of development
- Overlooking into neighbouring dwellings
- Out of keeping with character of wider area
- In-fill development – leading to overdevelopment
- Negative impact on highway network
- Increased demand for on street parking
- Increase in noise/nuisance from site
- Air pollution
- Negative impact on original building on site – a Heritage asset
- Loss of light form development
- Not in compliance with Council Guidelines
- Out of scale/proportions with wider area
- Harmful impact on local environment
- Poor design
- Loss of green space within the site
- Impact on trees within the site
- Large increase in hardstanding within the site
- Impact on local drains and surface water
- Impact on wildlife within the area
- No benefits for local residents
- Insufficient screening
- Increase in antisocial behaviour

Revised scheme:

10 further objections were received to the revised scheme, outlining the same concerns as detailed above.

**OBSERVATIONS**

1. The scheme was originally submitted for the erection of 6, 2 bedroom apartments over 2 levels, however, concerns were raised by Officers in relation to design and the impact of the proposed development upon neighbouring land users. The scheme has subsequently been revised to reduce the number of units to 4, 2 bedroom apartments, set over 2 levels. It is on this basis that the scheme has been assessed below.

**PRINCIPLE OF DEVELOPMENT**

2. The application site is located within Sale and comprises numbers 11 – 13 Raglan Road and its surrounding curtilage. The area of land in question remains sited to the sites north-western side. Part of the site is currently occupied by the existing building, comprising of 11, 1 bedroom apartments, whilst the remainder of the site has not previously been developed upon, and as such, is a greenfield site.

3. Core Strategy Policy L1.7 sets an indicative target of 80% of new housing provision to be built on brownfield land. In order to achieve this, the Council has stated that it will release previously developed land and sustainable urban area greenfield land, in order of priority. Given that the proposed units are to be sited on previously undeveloped land the proposed site area is classed as being greenfield land and as such must be further considered.
4. The first priority which details the release of land within regional centers and inner areas for new development of housing does not apply within this case due to the location of the site. Therefore the application will need to be considered against the second and third points of Policy L1.7.
5. With reference to Policy L1.7 the application site is located within an established residential area and is considered to be within a sustainable location, close to public transport links and local schools and other community facilities. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 and the Sale Place Objective SAO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
6. NPPF paragraph 47 identifies a clear policy objective to, "*boost significantly the supply of housing*". In order to meet future housing need, Core Strategy Policy L1 seeks to release sufficient land to accommodate a minimum of 12,210 new dwellings (net of clearance) over the plan period to 2026. The policy states that this will be achieved through the delivery of new build, conversion and sub division of existing properties.
7. The Council has indicated that it does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the council's ability to contribute towards the government's aim of "*boost(ing) significantly the supply of housing.*" Significant weight should therefore be afforded to the schemes contribution to addressing the identified housing shortfall and meeting the Government's objective of securing a better balance between housing demand and supply, in the determination of this planning application.
8. In terms of Policy L2, the proposal would add 4no. new dwellings within a sustainable location, adding to the Councils sustainable communities strategy, albeit by a small amount. Based upon the submitted plans and with reference to Policy L2.5 of the Core Strategy specifically, the proposed housing would help meet the Councils 70% target of securing small homes.
9. It is therefore considered that although the proposed area for development is classed to be greenfield land, on balance the proposal satisfies the tests of Policy L1.7 from the TBC Core strategy and relevant policies within the NPPF. As discussed above, the application site is situated within a sustainable location and the

development would also make a positive contribution to the Council's housing land target, as set out in Policy L1 of the Core strategy and would increase the provision of small homes within the area in accordance with Policy L2 of the TBC Core strategy.

## **DESIGN, STREET SCENE AND HERITAGE**

### Design and impact upon street-scene

10. 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.
11. Paragraph 2.2 of the New Residential Development SPD indicates that development will not be accepted at the expense of the character of the surrounding area. It states that the resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene.
12. Raglan Road and its surrounding area remain largely diverse in terms of building styles and types, presenting a wide mix of detached and semi-detached dwellings, along with a number of apartment blocks and commercial sites; these are largely built at two storey level and present a mix of building materials and boundary treatments. The area is also not absent of back land development, with the closest example being that of number 15 Raglan Road, erected to the application sites north-eastern side, with its access running along the sites eastern side boundary.
13. The area as a whole however retains a large degree of its character from its element of space, with properties retaining large setbacks from their front boundaries, and further space to their side boundaries, allowing views down their sides, to their rear.
14. The proposed apartments would be erected to the sites north-western side, within an area of partially landscaped garden. The units would be sited some 30m from the front boundary of the site and 8m away from the rear of the existing building on site and as such would not have a bearing upon the large setback currently retained by the existing building on site. The proposed building would partially in-fill this large area of open space to the rear of the application site and would be sited centrally within it, occupying this with a small foot-print, retaining a distance of 7m to the sites western side boundary and 4.6m to the sites eastern side boundary. The proposed building would further retain in excess of 10m from the sites rear boundary, and is

therefore considered to retain a good level of space to all sides and from the existing building on site itself.

15. The proposed building would be erected at two storey level, with a modest height of 8.2m and an eaves height of 5.41m. When compared to the existing building on site, a 4 storey, early Victorian property, the proposed unit would have a much smaller scale and would have a much smaller footprint also. The proposal is therefore considered to take on the form of a secondary proportionate sized unit, sited within the sites curtilage. It is noted that a degree of the existing sites spaciousness would be lost through the erection of the proposed development, however due to the proposed scale and positioning of the proposed unit, this is considered not to be to a detrimental level and the development it still considered to enable the site to retain its element of space, allowing views to its rear grounds from the wider street scene.
16. It should further be noted that given the large set back the proposed building would retain from the front boundary of the site and the sites falling land level, it would not be readily visible form the wider street scene. The proposal is therefore not considered to take on the form of an intrusive or overly dominant addition within the site or wider street-scene and as such is not considered to compete with the non-designated heritage asset, within the grounds of which it would be erected. The proposed development is therefore considered to be of an acceptable size and scale and remains in keeping with scale and form of properties within the local area, and is thus considered to be appropriate within the wider setting of the site and the surrounding street scene.
17. The overall design quality of the proposed apartments remains high. The proposed building would have two large, full length bay window additions within its south facing principal elevation and these would be sited centrally within its two forward projecting gabled ends. The bay windows and gabled ends would feature stone detailing, adding definition and character to the elevation and this would further be broken up through a large centrally sited door opening, surrounded by an external porch feature. A number of openings are then proposed in a uniform manner at both ground and first floor levels. The solid to void ratio is considered to be acceptable and the elevation has further been broken-up through the use of stone and brick work detailing, considered to enhance the units overall appearance and form. The buildings side elevations have been left largely plain, with the exception of first floor window openings, which help break up the large expanses of brick to its either side. To the rear, bi-fold door openings and large window openings, together with stone and brickwork detailing have been proposed. These carry a uniform design and style and are considered to be acceptable.
18. The applicants propose the building to be erected from matching materials to those already present within the wider area. The development is therefore considered to positively enhance this underused area of the site, without the detriment of the site itself or the wider street scene. The proposal is therefore considered to be in line

with policies L7 and R1 of the TBC core strategy and the relevant sections of the NPPF and the Councils adopted guidelines for New Residential Development.

#### Impact of the proposed development upon non-designated heritage asset

19. Para 135 of the NPPF states the effect of an application on the significance of a non-designated heritage asset, should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. The existing building on the site is considered to be of architectural and historic merit and in that regard has local significance and is considered to be a heritage asset albeit non designated. The building comprises of 3 levels and is set within large grounds. The building can be dated back to the mid-19<sup>th</sup> Century, having a Victorian/Gothic style and form. The building has an architecturally rich presence and has a strong impression upon the wider street scene. Although the sites side and rear boundaries are formed from large mature planting, given that the site has a relatively low front boundary, and the existing building on site having a large height and mass, this remains highly visible from the wider street-scene and is considered to make a positive contribution within the wider area. The building has a high number of architecturally important and interesting features, such as; large bay windows, stone turrets and single storey projections at ground floor level, as well as a front porch and chimney pots. There also remain a number of other brick work and stone work detailing which provide the building with a visually rich feel, however it does have a number of large unsympathetic additions and remains in a poor state of repair. However the building has an opulent amount of architectural interest and therefore remains significant for the surrounding area and therefore any works within its grounds should be carefully considered in light of their impact upon its significance.
21. It should be noted that part of the sites significance and character derives from its element of space and the large setback this retains from the front boundary of the site.
22. The planning application seeks the erection of a two storey building within the sites existing curtilage, the proposed unit would be sited to the north-eastern side of the site and would be sited 8m to the rear of the existing building. The proposal would be erected in the form of a secondary building sited within the grounds of the application site and would comprise of two storeys. The building would have similar design features including stone detailing, large bays and brick work, and is considered to be high in its design quality and as such will not seek to compete with the non-designated heritage asset. The building would be sited well back from the front building line of the site, in excess of 30m away and as such would not be highly visible from the wider street scene. The proposed development would therefore not

harm or seek to conceal any of its existing architecturally rich features or its overall design and setting.

23. Part of the assets character derives from its setting within its large grounds. The proposed development would reduce this to some degree, through in-filling an area to its north-western rear. However, given that the proposed building would be of a much smaller scale, with a much lower building height and overall form and the fact this would retain in excess of 30m away from the sites front boundary and a minimum of 4.5m to its side boundaries and rear. The proposal is not considered to lessen this to such a degree which would lead to the detriment of the existing site. As such it is considered that the development would not materially harm the sites element of space and given its low scale of a two storey building, much like the surrounding neighbouring dwellings, this will not take on the form of an overly dominant or intrusive feature within the wider street scene
24. The existing site remains in poor form with various unsympathetic extensions and alterations to the existing building. The site has no formal parking layout, with cars often irregularly parked within the sites grounds. The existing landscaping also remains poor and as a result of this, the current setting and appearance of the site is affected to a large degree. As part of the proposed works, the applicant proposes to formalise the existing parking layout, siting the parking spaces well away from the existing building, as not to affect its setting.
25. The works would also see the parking spaces screened from view by soft landscaping and would also see further replanting and landscaping carried out within the site. With further works to its front and side boundaries, in order to improve its overall character and appearance within the wider street-scene. As such the proposal would enhance the site and setting of the existing building, allowing this to make a much more positive impact within the street scene and wider area. Therefore it is considered that the proposed development would lead to no harm to the non-designated heritage asset and would in fact enhance this. In arriving at this decision great weight was given to the desirability of preserving the appearance and character of the non-designated heritage asset and after reviewing the above, the development has been found to be in line with the relevant sections of the NPPF and policies L7 and R1 of the TBC Core strategy.

## **RESIDENTIAL AMENITY**

26. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).
27. 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.

## Impact upon existing residential properties within the site

28. The existing apartments on site, numbers 11-13 Raglan Road have 2no. rear facing openings, at third and fourth floor level. No openings lie within in this section of the apartment's rear elevation at ground and first floor level. The proposed new apartment building would be sited to the rear of these openings, retaining a separation distance of 8m from the eastern-most side of the existing apartment block. The Councils Guidelines for New Residential Development details that a separation distance of 21m must be achieved between two main habitable room openings, sited opposite one another, in order to avoid overlooking of a neighbour. In this case, the proposal would fail to comply with this guideline, given the proposed development would have bedrooms facing number 11-13.
29. As such the applicant has proposed to obscurely glaze the rear eastern-most side openings on the existing flats, in order to remove any potential amenity concerns between the two units. At third floor level, within this location lies a 1 bedroom flat, this has a small window opening to the rear, alongside a fire exit. To its west facing elevation, the room to which these openings relate, has a further larger window opening and to its eastern side elevation, the apartment further has 2no. roof lights. As such it is considered that through the apartments rear opening being obscure glazed, the proposal would have no material impacts upon the amenity of exiting occupiers of this apartment, given the outlook from the existing side facing window and roof lights. At fourth floor level, the window opening relates to an unused area within the building. This could however, in the future, be used as habitable space. This space however also has 4no. roof lights, 2no. within each roof plane, facing east and west sited 1.7m above floor level. These are therefore considered to be sufficient to provide this area with a good degree of outlook and light should the rear elevation be obscure glazed.
30. 5m of the eastern most section of the proposed apartment block would be sited to the rear of the existing apartment building on site. It should be noted that this would be erected at two storey level and its proposed front elevation openings would be sited much lower than the openings present within the rear elevation of the existing building on site. It is therefore considered that through the introduction of obscure glazing within the rear elevation of the existing apartment building, the proposed relationship between the two buildings be considered acceptable.

## Neighbours to the east of site on Campbell Road

31. To the east of the proposed development site lie a number of residential dwellings located on Campbell Road, the closest being number 2. The proposed development would achieve a separation distance of in excess of 15m from the rear most elevation of number 2, in line with the Councils guidelines for New Residential Development and as such is not considered to result in any new material overbearing impacts nor would the development appear visually intrusive. The

proposal further proposes no new openings within its eastern side facing elevation, with the only opening to be obscure glazed to limit overlooking to no. 2 Campbell Road and its rear garden area. It should further be noted that the separation distance between the two properties is further increased to 20m, when taking this distance from the original rear wall of number 2. The 15m distance has been taken from a two storey rear extension erected at the property and as such this relationship is considered to be acceptable.

32. There lie other properties to south-eastern side of the proposed new apartment building on Raglan Road, numbers 7-9. These properties would be sited in excess of 21m, away from the proposed development and as such are not considered to be materially affected by the proposed development. As would properties sited to the north-eastern side of the site on Campbell road, consisting of numbers 4 – 6. The relationship between these properties is therefore considered to be acceptable.

#### Neighbours to the north of the site

33. The closest neighbouring dwelling, sited to the northern side of the site would be No.'s 12/14 Campbell Rd, sited in excess of 25m away from the proposed development. A distance of 29m would be achieved from the rear elevation of number 14 Campbell Road's rear single storey conservatory extension to the proposed new apartment building. The development would further achieve a distance of 10.5m to the rear boundary of the application site, in line with the Councils guidelines for New Residential Development. As such the development is not considered to give rise to any new material overbearing/overshadowing or overlooking concerns for these neighbouring residents and as such this relationship is considered to be acceptable.

#### Neighbours to the east of the site

34. To the east of the site lies No.15 Raglan Road, a two storey in-fill property. This dwelling has no main habitable room openings sited within its side facing elevation and has a large garden area, with the largest section of this sited to its eastern side, away from its adjoining boundary with number 11-13. It is noted that the proposed development would have some impact upon the outlook from this property, given that the two units would have a separation distance of 5.3m between them and the fact that the proposed development would project ahead of number 15's front elevation. The proposed development would therefore interrupt no.15's currently uninterrupted views into the application site, to its west. However, in this instance it is considered that given the orientation of the site, and the fact that No.15 has a large garden area to its eastern and southern side, any loss of outlook would not be material. It should further be noted that given the proposed development would have a low overall form, with a low eaves/ridge height and small foot-print, the development would still allow for views to its sides and rear as well as over. As such it is considered that this would not form as reasonable grounds to refuse the current application.



## Lighting:

35. No proposed lighting scheme has been detailed upon the proposed plans. Given the sensitive setting of the site, in close proximity of residential dwellings, a lighting condition will be recommended as part of any subsequent planning consent. This will ensure that any proposed external lighting for the scheme will be sited away from neighbouring dwellings and details of its size/style will need to be submitted to and approved in writing by the LPA prior to installation. This will allow the Council to ensure that any proposed lighting will be pointing away from sensitive receptors. The Council's Nuisance department has also recommended such a condition be used, as part of any subsequent consent, within their formal consultation response.
36. The proposal is therefore considered to be in accordance with policy L7 of the Trafford Core Strategy and the thrust of the NPPF, as it would not adversely affect the level of residential amenity neighbouring residents can reasonably expect to enjoy.

## HIGHWAYS AND PARKING

37. Policy L4 of the Trafford Core Strategy which relates to sustainable transport and accessibility, seeks to ensure that all new developments do not adversely affect highway safety.
38. Through the proposed development, the application site would comprise of the existing 11, 1 bedroom apartments and the proposed 4, 2 bedroom apartments. The Council's adopted SPD3 Parking Standards and Design for Trafford guidelines state, that for a two bedroom dwelling in this area, two car parking spaces are required. The proposals include the provision of 8 additional spaces, for the proposed apartments, with eleven spaces being retained for the existing apartments on site.
39. The site also proposes sufficient cycle storage provision for the proposed new development in the form of external bike sheds. Parking and cycle storage provision is therefore considered to be adequate on site, and in line with the relevant guidelines and policy L4 of the TBC Core strategy.
40. It should further be noted that the existing two access points within the site, remain unaffected through the proposed works and would therefore remain as existing. It is further considered through the erection of 4no. new apartments, traffic generation to and from the site would likely remain minimal and as such the development would not pose any new material concerns for the local highways network and as such is considered acceptable.
41. The Local Highways Authority has also not objected to the proposal on the above basis and has recommended that the applicant ensures the use of permeable surfacing for any new areas of hard standing within the site. To this effect a condition

will be added to ensure the submission and implementation of a sustainable urban drainage scheme, which will include the use of permeable surfacing.

## **DRAINAGE**

42. The site is within a Critical Drainage Area, although the development is below the threshold requiring consultation with the Environment Agency or the submission of a Flood Risk Assessment. It is considered that the development would not be at risk of flooding, nor increase the risk of flooding, subject to the implementation of a sustainable urban drainage scheme across the site. It is recommended that a condition is attached to any permission, requiring full details of the drainage scheme required to comply with the limits indicated in the Guidance Document to the Manchester City, Salford City and Trafford Council's Level 2 Hybrid Strategic Flood Risk Assessment. These details should be provided and assessed prior to the commencement of any development.

## **TREES AND LANDSCAPING**

43. The existing site has a number of substantially sized trees sited throughout its grounds, with many forming the sites eastern and western side boundaries. The site further features a number of smaller trees, hedging and other low level planting. However in its current form, much of the planting lies in need of maintenance. The site however is not the subject of a Tree Preservation Order, nor is this located within a Conservation Area and as such the trees on site have no formal protection.

44. As part of the proposed redevelopment of the site, 5no. trees would be removed, 4no. of as a direct result from the proposed new apartment building and 1no. due its poor form. There however remains scope for mitigation planting throughout the site, especially to its north-western and front boundaries and as such, a landscaping scheme, with a sufficient number of replacement trees will be recommended as part of any approval on site. Alongside this, a further condition for a tree protection scheme and landscape management scheme will also be recommended, to ensure the protection of the remaining trees and hedges on site, alongside the maintenance of any future planting on site, in order to improve its overall form and contribution within the wider street scene. A landscaping scheme will further allow the Council to ensure any new mitigation planting is of the right quality and type and will look to compensate for the loss of the existing trees on site.

## **CONCLUSION**

45. The proposed development would provide 4, 2 bedroom apartments on site, which would improve the quality and quantity of the housing stock in this part of the Borough. It is considered that the principle of residential development on this site is considered to be acceptable and that the development impacts associated with the scheme can be mitigated through the use of planning conditions where necessary. In arriving at this decision, considerable importance and weight has been given to

the desirability of preserving the setting of the non-designated heritage asset, number 11-13 Raglan Road. The proposed development has been found to pose no harm to its significance and was considered to rather enhance and improve this further, complying with the relevant sections of the NPPF and policy R1 of the TBC Core strategy. Therefore in accordance with paragraph 7 of the Framework, it is considered that the proposed development represents a sustainable form of development which complies with all relevant Policies set out in the Trafford Core Strategy and the NPPF.

## **DEVELOPER CONTRIBUTIONS**

46. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot' sub market zone for residential development, consequently private market apartments will be liable to a CIL charge rate of £65 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

47. No other planning obligations are required.

48. 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 bring forward an appropriate level of tree planting as part of the landscaping proposals.

## **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. Notwithstanding the details submitted, no above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the building (including rainwater goods as well as window and door details) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory external appearance in the interests of visual amenity, having regard to Policy L7 and R1 for historic environment of the Trafford Core Strategy.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers : 02, Rev. E, 03 Rev. D, 01 Rev. G, 05 and 06.

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

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

Reason: It is necessary for this information to be submitted and agreed prior to commencement so as to incorporate any amendments into the final design, and given the need to install drainage infrastructure at the start of the construction works and to prevent the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies L4, L7, R3 and L5 of the Trafford Core Strategy.

5. The car parking and other vehicular access arrangements shown on the approved plans shall be made fully available for use to serve the development hereby permitted prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: To ensure adequate off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking, having regard to Policies L4 and L7 of the Trafford Core Strategy.

6. Notwithstanding the plans hereby approved and prior to the creation of the parking area, a scheme identifying a porous material to be used in the hard standing (for the car parking area) or a scheme directing run-off water from that hard standing to a permeable or porous area or surface within the curtilage of the application site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To prevent localised flooding in accordance with Policies L7, R3 and L5 of the Trafford Core Strategy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) openings on the north-westerly

rear facing elevation of no. 11-13 Raglan Road serving the third and fourth floors of this building and facing the proposed new apartment building, as shown on plan number:05 shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

8. Prior to the first occupation of any of the residential units hereby approved, full details of the cycle storage sheds shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the cycle storage shed, including the number of cycles it can hold and should also include the full specification of the materials to be used externally for the cycle store as well as its dimensions. Prior to the first occupation of any of the residential units hereby approved, the cycle storage shall be provided in accordance with the approved details and then be retained at all times thereafter.

Reason: To comply with Policies L4 and L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions

9. a) Notwithstanding the details shown on the approved plans, prior to the first occupation of any of the residential units hereby approved full details of both hard and soft landscaping works, including a scheme for tree planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

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

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

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

Reason: It is necessary for this information to be submitted and agreed prior to commencement to ensure in order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

11. Prior to the first occupation of any of the residential units hereby approved a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

12. Prior to the first occupation of any of the residential units hereby approved, details of the proposed lighting scheme shall be submitted to and approved by the LPA. The approved details shall then be implemented in full and retained thereafter. The lighting provided in the scheme should be erected and directed so as to avoid nuisance to residential accommodation included within scheme and in close proximity. Guidance can be obtained from the Institute of Lighting Professionals Guidance: Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

Reason: In the interests of the amenity of neighbouring occupiers and the surrounding area in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. Notwithstanding the details shown on the approved plans, prior to the first occupation of any of the residential units hereby permitted, full details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the full specification of the materials to be used externally for the bin store as well as its dimensions. Prior to the first occupation of any of the residential units hereby permitted, the bin store shall be implemented in accordance with the approved details.

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

14. Prior to the first occupation of any of the residential units hereby approved full details of the boundary treatment (including materials) for the site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

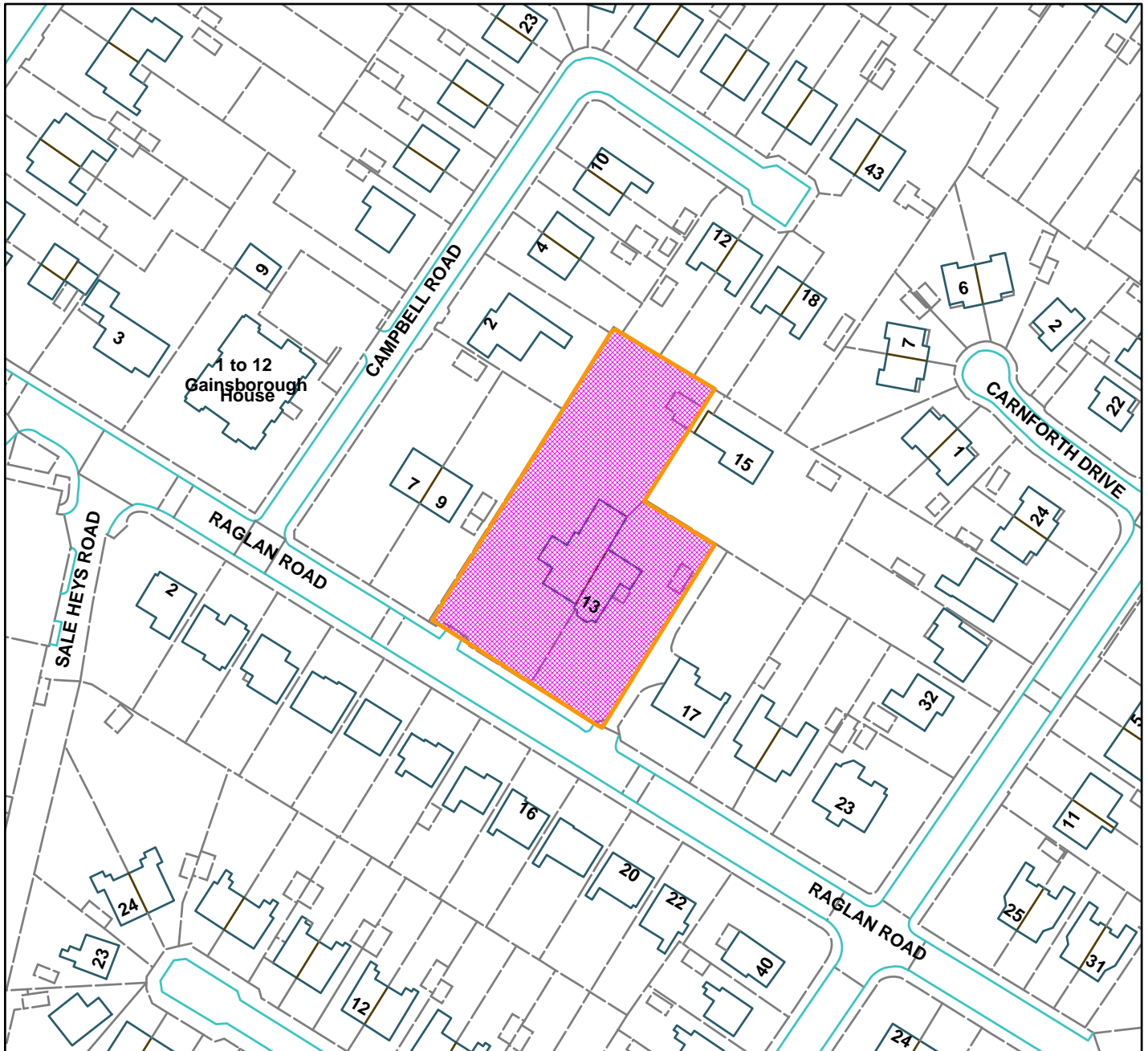
Reason: To ensure satisfactory external appearance in the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy.

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IG



11/13 Raglan Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/07/2016
Date	04/07/2016
MSA Number	100023172 (2012)



**Erection of a two storey dwelling with associated works to include landscaping.**

Land To The Rear Of 247 Hale Road, Hale Barns, Altrincham, WA15 8RE

**APPLICANT:** Merepark Project Management LLP

**AGENT:**

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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**SITE**

The application relates to a rectangular site within the rear garden of Southcote, No. 247 Hale Road. Southcote is a substantial detached two storey property fronting Hale Road at the junction with Carlton Road and has various extensions and outriggers to the rear. This property dates from the interwar period as do the two adjacent properties to the southeast (Nos 249 and 251). The northern corner of the garden of No. 249 is adjacent to the southern corner of the application site. There is temporary fencing at present along the garden boundary with Carlton Road.

There are two storey detached and semi-detached houses on the northwestern side of Carlton Road opposite the site. To the east of the site is a small development of 4 detached houses known as 'Carlton Court' arranged around a cul-de-sac accessed off Carlton Road. No 4, Carlton Court adjoins the site on the southwestern side. No. 2a Carlton Court is a detached property fronting Carlton Road and accessed off it, adjoining the application site on the north-eastern boundary. There are ground floor windows facing the application site in these properties and boundary fencing / planting. No. 4, Carlton Court has a rear conservatory extension.

The properties on Carlton Court and 2a Carlton Road are relatively modern, being constructed in the 1960s and 70s.

The application site is situated within the South Hale Conservation Area. A grade II\* listed building Halecroft is located to the southeast of the application site fronting Hale Road.

**PROPOSAL**

Planning permission is sought for the erection of a two storey detached dwelling with accommodation in the roofspace. The materials proposed are brick and render with a tiled roof and timber windows. The dwelling would have a traditional pitched roof design

with features such a bow windows and chimneys. The main habitable room windows are all in the southwest and northwest elevations facing the rear of No. 247 Hale Road or the Carlton Road frontage respectively. Access to the site would be off Carlton Road and 2 off road parking spaces would be provided in addition to an integral garage.

**Value Added:** - The plans have been amended since they were originally submitted to:-

- Reduce the size of the hard standing on the plot and increase soft landscaping
- Reduce the first floor area and massing of the roof to mitigate impact on neighbouring properties and the Conservation Area
- Removal of secondary windows to the master bedroom in the southeastern elevation.

The total floorspace of the proposed new dwelling would be 211 m<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**

L1 – Land for New Homes  
L2 – Meeting Housing Needs  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 - Design  
L8 – Planning Obligations  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure

## **PROPOSALS MAP NOTATION**

South Hale Conservation Area

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

ENV21 – Conservation Areas

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

SPG 1: New Residential Development

SPG 8: South Hale Conservation Area

SPD: Consultation draft South Hale Conservation Area Appraisal (October 2015)

SPD: Consultation draft South Hale Conservation Area Management Plan

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

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **OTHER RELEVANT LEGISLATION**

Planning (Listed Buildings and Conservation Areas) Act 1990

## **RELEVANT PLANNING HISTORY**

H/57254 - Erection of first floor rear extension and single storey rear extensions for additional living accommodation – Approved 2003

H/56874 - Erection of single-storey and two-storey rear extensions for additional living accommodation – Withdrawn 2003

H/42070 – Outline application for the erection of a detached house and formation of new vehicular access to Carlton Road – Non determination 1996

H/40186 – Outline Application for the erection of detached dwelling and formation of new vehicular access to Carlton Road – Refused 1995

H/39509 – Outline application for the erection of detached dwelling and formation of new vehicular access to Carlton Road – Withdrawn 1994

H/00420 – Erection of a car port – Approved 1974

## **APPLICANT'S SUBMISSION**

The application is supported by a Planning Statement and a Heritage Statement which will be referred to as necessary in the 'Observations' section of the report.

## **CONSULTATIONS**

**LHA** – No objections. The proposals include the construction of a new gated access from Carlton Road and therefore the applicant's attention should be drawn to the need to gain further approval from Trafford Council's Streetworks Section for the construction, removal or amendment of a pavement crossing under the provision of section 184 of the Highways Act 1980 for the new vehicle crossing. Where gates are to be provided they should not open out onto the footway or carriageway. Servicing arrangements will be via Carlton Road.

SPD3 Parking Standards and Design for Trafford states that for a four+ bedroom dwelling in this area, three car parking spaces are required. There is sufficient space on the proposed driveway for three car parking spaces. Parking provision is therefore adequate. The proposed driveway is to comprise permeable gravel surfacing and the LHA are content that this will be sufficient for surface water drainage. The proposed garage would provide secure storage for motorcycles and bicycles.

**Strategic Planning and Growth** - Policy comments are incorporated in the body of the report under the Observations section below.

**Lead Local Flood Authority** - No objections subject to conditions to constrain the peak discharge of storm water from the development and to require the applicant to submit details of the implementation, maintenance and management of the sustainable drainage scheme.

**Pollution and Licensing (Contaminated Land)** – No objection and no conditions required.

**United Utilities** – No objection to the proposal and do not request any conditions

## **REPRESENTATIONS**

**Neighbours:** - Neighbours have been consulted on the plans as originally submitted and also on the amended plans. Objections have been received from the occupiers of 12 separate addresses. Grounds of objection summarised as follows:-

- The development is not in keeping with the character of the Conservation Area. The house is too big for the plot and does not respect the building line
- Allowing back gardens to become houses is not in keeping with the character of the road – this is garden grabbing
- Will be an eyesore – poor design

- Does not present an active frontage as it blocks the view along the road dominating the street
- Existing and proposed plot ratios are not comparable due to the general openness of Carlton Court
- Why are we changing a conservation area just to allow developers to profit?
- Loss of landscape buffer. The property in question has already carried out a site clearance exercise in removal of trees and vegetation and erection of a fence which is an eyesore, as if the applicants are treating it as a fait accompli
- Little unpaved space left so adjacent trees will die. Gardens too small for both the proposed dwelling and No. 247.
- Too close to adjacent properties – detrimental impact on residential delivery
- House is too tall and will dwarf adjacent properties. Blocking light and outlook to adjacent properties
- Overlooking of adjacent properties resulting in loss of privacy
- Chaos and noise due to construction work and vehicles
- During daytime hours currently there are cars parking along Carlton Road, predominately by employees of Britannia Hotels. This blocks visibility for residents exiting their drives, which is a highway safety issue. The proposed access driveway would reduce space available and increase parking on Carlton Court.
- Congestion so bad that fire engines / bin lorries can't get down Carlton Rd
- Carlton Road is used as a rat run and an increase in traffic would result in serious danger to residents
- Application should include site levels, eaves and roof heights
- Elevation drawing is incorrectly labelled
- Maintenance access will not be possible
- No capacity for another property. Unsustainable and set an unfortunate precedent
- Proposal is no better than other that have been rejected in the past
- Amendments have not overcome fundamental issues with the scheme

One letter of support has also been received on the following grounds:-

- Carlton Rd has been undeveloped for years and compared to other streets locally has been left behind from a development perspective
- This sympathetically designed home fits into the neighbourhood
- The scheme will have the added benefit of stopping the chaos caused by workers at Britannia parking on Carlton Rd
- A number of homes on Carlton Rd are becoming neglected. A new home will freshen up the road and a new family will breathe life into the community
- The inconvenience of building work is outweighed by long term benefits.
- Look beyond the technical boundary of the Conservation Area. It makes little sense

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. NPPF paragraph 47 identifies a clear policy objective to, “*boost significantly the supply of housing*”. In order to meet future housing need, Core Strategy Policy L1 seeks to release sufficient land to accommodate a minimum of 12,210 new dwellings (net of clearance) over the plan period to 2026. The policy states that this will be achieved through the delivery of new build, conversion and sub division of existing properties. The Council have indicated that it does not, at present, have a five year supply of immediately available housing land.
2. The proposed development comprises the erection of one new dwelling on land formerly used as a garden. Residential garden land is classified as greenfield land both in the Core Strategy and NPPF. As such, in accordance with policies L1.7-L1.10 due regard should be paid to local character, environment, amenity and conservation considerations. These matters are considered in greater detail within subsequent sections of this report.
3. Altrincham Place Objective AL06 seeks to ensure that the local character of the area is not undermined by new residential development, particularly in terms of existing plot sizes, is also relevant for this application.
4. Policy L2 of the Core Strategy, which is entitled “Meeting Housing Needs”, states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council’s Sustainable Community Strategy. It requires new development to be:
  - (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents;
  - (b) Appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development;
  - (c) Not harmful to the character or amenity of the immediately surrounding area and;
  - (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford.
5. In the case of this application, the site is considered to be located within a reasonably sustainable location close to local services and transport routes. In terms of dwelling type and size the proposed residential development will contribute to meeting the needs of the Borough by increasing provision of family housing. The proposed development will therefore make a contribution to Strategic Objective SO1 in terms of meeting housing needs. Policy L1.7 states that: An indicative 80% target proportion of new housing provision to use brownfield land and buildings over the Plan period has been set. To achieve this, the Council will release previously

developed land and sustainable urban area green-field 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.

6. Although the site to be developed is greenfield land, it is considered that on balance the proposal satisfies the tests of Policy L1.7. Despite not being in an Inner Area the application site is situated in a sustainable location and will also make a positive contribution to the Council's housing land target as set out in Policy L1 and will increase the provision of family homes in accordance with Policy L2 and is acceptable in principle.
7. Notwithstanding this the development must also be compliant with Policies R1, L7 and L1.10 of the Core Strategy and paragraph 53 of NPPF. Specifically these relate to the impact that the development may have in terms of local character, environment, amenity and conservation considerations.
8. It is noted that there has been previous refusal on the site for the erection of a new dwelling due to the impact on the spacious character of the South Hale Conservation Area and that this is a material consideration in the determination of this application. However this was over 20 years ago (1995) and the current application has to be considered afresh in the current local and national policy context.

#### IMPACT ON VISUAL AMENITY, THE STREETSCENE AND THE DESIGNATED HERITAGE ASSET

9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, "*special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area*" in the determination of planning applications.
10. Section 66 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
11. The NPPF states in para 132 that: '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*'

12. Para 133 of the NPPF states that *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.'*

13. Para 134 states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

14. Para 135 of the NPPF states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

15. Policy L7 states that 'In relation to matters of design, development must:

- Be appropriate in its context;
- Make best use of opportunities to improve the character and quality of an area;
- Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment;

16. Policy R1 states that:-

All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.

17. The application site is situated within the South Hale Conservation Area and so should be considered against policies in the adopted PG8 South Hale Conservation Area (1996). However it should be noted the guidelines are undergoing review and some material weight can be given to the Draft South Hale Conservation Area Appraisal (CAA) (Revised October 2015) and the Conservation Area Management



Plan (CAMP) Consultation Draft (October 2015). Both have been out for consultation and no comments have been received that raise any objections to the inclusion of the site within the revised Conservation Area boundaries.

18. The applicant has pointed out an error in the revised CAA Map 14 that states the area is proposed for exclusion which contradicts Map 1 which shows the land proposed to be retained. Clarification has been sought on this and Map 14 is wrong and the area at present is proposed to remain in the Conservation Area. However more work is being undertaken on further revisions to the proposed boundary October 2015 and a further consultation will be undertaken in the autumn of 2016.

#### The Significance of the designated heritage asset

19. Significance is defined in the NPPF as *'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'*

20. The site is located within the boundary of the South Hale Conservation Area which was designated in 1986 and guidelines for this area were adopted in 1996 (PG8). Para 5.1.1 states:-

*'The special character of the area derives particularly from the cumulative effect created by its spaciousness, the mature landscaping and the compatibility of natural and man-made features. The characteristic of spaciousness is reflected in the low average densities throughout the area and the low proportion of each site taken up with hard surfaces. It is the space around buildings, more than any other factor that affords South Hale its atmosphere of domestic privacy and that allows the trees and shrubs to flourish to maturity.'*

21. The Council has recently carried out work to update the Conservation Area Assessments and guidance provided and to date have published 2 draft versions of a South Hale Conservation Area Appraisal, the first dated June 2015 and the second dated October 2015. In the first draft version the application site was proposed for deletion from the Conservation Area boundary. However in the October version the application site was excluded from the proposed deletion as a result of concerns about the potential risk to the setting of Halecroft (a listed building) and Halecroft Park (an area of open space) to the southeast resulting from removal from the Conservation Area boundary and the importance of the verdant space fronting the properties along Hale Road and their contribution to the Conservation Area. However neither of these documents has been adopted to date. Indeed more work is being undertaken on further revisions to the proposed boundary October 2015 and a further consultation will be undertaken in the autumn of 2016.

22. The reason given in the original June 2015 draft for deletion of the application site and associated properties proposed for removal was that they dated from the mid

20<sup>th</sup> Century and although they were of reasonable quality and retained low stone boundary walls the buildings did not have the same level of historical or architectural interest as other Victorian and Edwardian properties in the area upon which it was considered attention should be focused. However the spaciousness and verdancy from the frontage of these properties is considered to add to the character and appearance of the conservation area and it has been concluded this area shall remain within the conservation area boundary.

23. The latest Conservation Area Appraisal states that the significance of the South Hale Conservation Area derives from the following elements relevant to this application:

- Many fine individual residences, in a variety of architectural styles and from a variety of periods including Victorian Edwardian and modern comprising a combination of semi-detached and detached properties.
- Materials include red and brown brick, some are partially or fully rendered using traditional materials, and a high level of architectural integrity and detail.
- Houses are set in gardens, which are characterised by a variety of mature trees and shrubs. The low proportion of the gardens given over to hard standing and the space around the properties give South Hale it's characteristic of spaciousness.
- Low garden walls, with hedges above and trees along the boundary.
- Medieval farm land was overlaid and extended by an early Victorian and very prosperous suburban community. Development in this area took place between the 1840s and 1930s. This is reflected in the large number of residences dating from these periods. The Conservation Area provides a fascinating spectrum of substantial residential properties.
- The special interest is enhanced by the cumulative effect created by its spaciousness, the mature landscaping and the compatibility of natural and man-made features.
- The area provides a habitat for wildlife due to the many mature trees and shrubs.

24. No. 247 Hale Road is a substantial detached two storey dwelling dating from the 1920s or 30s and is typical of suburban dwellings of the interwar period. The property is faced in pebbledash render with clay roof tiles and timber windows. The main feature of note is the octagonal shaped bay window facing the entrance from Carlton Road close to the junction with Hale Road. The property has been altered and extended to the rear. There is a stone wall along the Hale Road frontage which continues around the corner onto Carlton Road.

25. No. 247 Hale Road appears to be a contemporary of Nos 249 and 251, all interwar properties but each built in a different style and materials. It is considered that these three properties are non-designated heritage assets. At the time of the 1930 OS map (the first in which No. 247 Hale Road is shown) the plots of 247-251 Hale Road all extend as far as No. 2 Carlton Road with a driveway between the rear of No. 247 and No. 2 Carlton Road. By 1967 the rear part of the garden of No. 247 had been developed with a single dwelling known as 'Elgol', (2a Carlton Road) and

subsequently part of the rear gardens of Nos 249 and 251 Hale Road were developed to create Carlton Court.

26. The properties on Carlton Court and Carlton Road adjacent to the application site have no special historic or architectural interest and do not contribute to the setting of the South Hale Conservation Area, the boundary of which they adjoin.

#### Proposal and Impact on Significance

27. The application proposes the erection of a two storey detached dwelling with attached garage on the northeastern side and accommodation in the roofspace in the form of a bedroom, study and shower room. The materials proposed are brick with render at first floor and a tiled roof. The dwelling would have a traditional pitched roof design with features such as bow windows, mock Tudor detail and chimneys. The windows, doors and garage doors would be timber. These are features and materials found in the South Hale Conservation Area. The main habitable room windows are all in the southwest and northwest elevations facing the rear of No. 247 Hale Road or the Carlton Road frontage respectively. Access to the site would be off Carlton Road in the northern corner of the site. The landscape treatment of the frontage onto Carlton Road is considered important and the application suggests that the low stone wall and planting could be extended further along the Carlton Road frontage than at present. This could be secured by way of landscaping condition. Additional tree planting within the site would also be sought to provide additional visual buffer and replace trees removed from the site previously should planning permission be granted.
28. The area around the site is mixed in age, scale and character. There are substantial interwar properties on the Hale Road frontage, smaller 1960s and 70s detached properties to the northeast of the site and detached and semi-detached mid 20<sup>th</sup> century properties on the opposite side of Carlton Road. There is no specific character to the area in the vicinity of the site along Carlton Road.
29. A number of objections have been received from local residents regarding the scale, height, siting and design of the development. Amendments have been made to the scheme since it was originally submitted to reduce the massing of the development particularly on the northeastern side where it was considered to appear too cramped.
30. A significant reduction has been made to the width of the property at first floor level and the introduction of a mono pitched roof to the garage has a material impact on massing adjacent to the northeastern boundary.
31. The amendments have resulted in a significant reduction in floor area overall within the property, with the accommodation in the roof reduced by 50%, and the first floor reduced by a further 21%. In addition the amount of hard area has been reduced and replaced with soft landscaping.

32. Objectors have raised concerns that the building line proposed is unacceptable as it is too close to the road and forward of the building line of the adjacent property to the northwest. 2a Carlton Road effectively creates a building line of one property as the line is then broken by the gap provided to access Carlton Court. The building line formed on Carlton Road by the side elevation of No. 247 Hale Road is set well forward of the proposed building line of the application property and therefore it is considered to provide an appropriate transition along Carlton Road and would not be overdominant due to a setback from the pavement of 6.4m
33. Objections have been made regarding the height of the proposed dwelling being excessive and out of character with the street. The proposed building would have a maximum ridge height of 8.3 metres and an eaves height of 5.2 metres. Streetscene drawings have been provided and these demonstrate that although the building would be taller than 2a Carlton Road, the height is not excessive relative to other properties in the area and it would provide a step down from No. 247 and again is considered to provide an appropriate transition along Carlton Road.
34. Concerns have also been raised regarding the application setting a precedent for backland development and development of gardens within Conservation Areas. It is not considered that the site represents 'backland development' as it is accessed directly off Carlton Rd. Backland development occurs where a new building is sited behind an existing one with a shared access from the road . As this site is a corner plot with frontages onto two roads the two dwellings would have separate accesses.
35. With regard to concerns raised about setting a precedent for development of gardens within the Conservation Area, each application must be considered on its own merits and it is considered that this site has specific characteristics that would be highly unlikely to be replicated elsewhere. The site is at the edge of the Conservation Area and the site boundary is adjacent to post war development. The site has recently been assessed and has remained in the Conservation Area boundary due to the contribution the frontage of the site makes to the Conservation Area. It is the frontage of the site to Hale Road which forms part of the significance and special interest of the conservation area and not the rear part of the garden area or elevation to Carlton Road. The historic pattern of development of adjacent inter-war properties lends itself to the development hereby proposed. Therefore the development of a relatively small piece of land at the rear end of the site would have minimal impact on the Conservation Area as a whole. Given this very specific context it is not considered a decision to approve this application would set a precedent elsewhere in the Conservation Area.
36. A detailed Heritage Assessment has been submitted in accordance with the requirements of para 128 of the NPPF and the applicant's conclusions in relation to heritage matters are broadly as follows:

- the existing property at no. 247 Hale Road is a typical inter-war suburban house of no special historic or architectural interest;
- the surrounding properties, along Carlton Road and Carlton Court, comprise other typical inter-war and more recent suburban properties of no special historic or architectural interest;
- the application site makes a limited contribution to the significance of the South Hale Conservation Area
- the proposed development would integrate well with the surrounding built form and there would be no need for interventions to be made into the existing stone wall onto Carlton Road;
- the submitted scheme would not introduce any harm to the character of the South Hale Conservation Area
- the application site is an anomaly forming an isolated spur within the conservation area. It is surrounded on three sides by land outside of the conservation area boundaries and the Heritage Statement supports the view that it is of limited heritage value. Its removal, regardless of the retention of the properties along the Hale Road frontage, would secure a much more logical and coherent boundary to the South Hale Conservation Area.

37. The development would result in the loss of open garden space on the site and it is accepted that this would have an impact on spaciousness at the Conservation Area boundary. However the applicant's Historic Buildings Advisor has carried out a thorough Heritage Assessment as required by the NPPF and it is accepted that the heritage value of the site relates to the contribution it makes to Hale Road and the properties along the northern boundary of the Conservation Area. The proposal would have no impact on the low stone wall and planting to Hale Road which extends around the corner onto Carlton Road.

#### Consideration of harm

38. It is considered a reasonable argument that this piece of land is an anomaly left after previous developments to the rear of No's 247-251 Hale Road situated at the edge of the South Hale Conservation Area. For this reason it is considered that the loss of part of the garden area of 247 Hale Road would result in a low level of harm for the reasons set out above. However any level of harm must be considered against the public benefits of the proposal.

39. It is considered that the existing building on the site and associated front boundary wall and planting contributes to the character of Hale Road and reflects the development of the area in the interwar period. However it is accepted that at present the retention of this site results in an isolated spur of garden which does not reflect the historical pattern of development of the adjacent interwar houses, the gardens of which have already been truncated to form Carlton Court. The spaciousness of the Conservation Area is a key characteristic however this site is on the edge of the Conservation Area and therefore spaciousness to the site beyond is

not as critical. It is accepted that the property would impact on views into the conservation area from Carlton Road however it is considered to be well designed and the rear of No. 247 does not contribute particularly to the character of the area due to alterations and extensions that have been carried out. Views of the site from within the Conservation Area would be very limited as views from Hale Road would still essentially be the side of No. 247 and associated wall and planting and its remaining rear garden. Indeed the boundary wall would be extended as part of the proposals and the planting at the site can be augmented via a landscaping condition to improve the Carlton Road frontage. The application site would essentially be seen in the context of Carlton Road and it could be argued that the development would provide a more sympathetic buffer adjacent to the Conservation Area edge than the 1960's and 70's properties currently adjoining it.

40. It is accepted that the development would impact on spaciousness as the rear part of the garden would be developed. However in this instance it is not considered that this would result in harm to the Conservation Area as a whole. It is noted that there has been a previous refusal for an outline application for the development of this site, however since that time the Conservation Area has been (very recently) reappraised and that it is the verdant frontage and associated walling that makes a contribution to the Conservation Area.
41. The application site can barely be seen from Hale Road and the design of the house and proposed materials are traditional in character. The proposal would not result in the loss of any stone boundary walling although it would remove some landscaping where the lawned garden currently is, however soft landscaping would be secured by way of a condition
42. On this basis it is considered that the development would provide an appropriate transition between the Conservation Area property on the frontage and the non-conservation area properties to the rear and would not adversely affect the features which provide the conservation areas overall significance and special interest as set out in either the currently adopted South Hale Conservation Area PG or the Draft Conservation Area Appraisal. It is therefore concluded that the proposal would not result in harm to No's 247, 249 and 251 Hale Road or the South Hale Conservation Area.
43. It is also considered that there would not be any material impact on the setting of Halecroft (Grade II\* listed building) due to the distances between the two sites and the intervening tree cover and development and no harm would be caused to the setting of this listed building
44. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the South Hale Conservation Area and the setting of Nos 247, 249 and 251 Hale Road and Halecroft a Grade II\* listed building. The development would not result in harm to non-designated or designated heritage assets and would preserve the character and appearance of the conservation area

and the setting of the listed building. As no harm has been identified, there is no requirement to assess this against any public benefits of the proposals.

#### IMPACT ON RESIDENTIAL AMENITY

45. Policy L7 states that 'In relation to matters of amenity protection, development must:

- Be compatible with the surrounding area; and
- Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.

46. SPG1 New Residential Development sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines require, for new two storey dwellings, that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. The 27 metre guideline does however allow for future extensions to the rear of properties and this can be controlled via the removal of permitted development rights for new developments. This would also apply to views from balconies and would need to be increased by 3 metres for any second floor windows / balconies. With regard to overshadowing SPG1 states that 'In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15 m should normally be provided.

47. Occupiers of neighbouring properties have raised concerns about the impact of the proposed development on their residential amenity.

48. With regards to the impact on privacy the main habitable room windows are all in the southwest and northwest elevations facing the rear of No. 247 Hale Road or the Carlton Road frontage respectively. These main habitable room windows would maintain the distances required by SPG1 to the properties on the opposite side of Carlton Road and also the rear windows of No. 247 Hale Road to ensure privacy levels are protected. As such there are no habitable windows looking onto the nearest adjacent properties at No. 2A, Carlton Road and 4 Carlton Court. The only windows at first floor or roof level in the northeast or southeast elevations are small secondary windows and a condition is recommended to ensure that these windows are obscure glazed and fixed shut unless the opening parts are in excess of 1.7 metres above internal floor level in the room they serve. It is noted that the bay window to the Master bedroom has a small chamfered section of window in the southern corner however this is a small window at an oblique angle and it is not considered that this would result in a material loss of privacy to the garden at No. 4. On this basis it is considered that the proposal is compliant with Council guidelines in relation to the privacy of neighbouring properties.

49. Concerns have also been raised that the proposed development would be overbearing or result in loss of light or outlook in relation to neighbouring properties and their gardens.
50. There are no primary habitable room windows in the facing elevations of 2A Carlton Road or 4 Carlton Court (secondary ground floor windows only in the facing elevations) and therefore the 15m rule in SPG1 is adhered to in relation to light to and outlook from these properties. With regards to the conservatory to the rear of No. 4, Carlton Court, this would be approximately 14 m away from the proposed dwelling. In addition to the side facing conservatory windows there are also rear facing windows and therefore it is considered that there would not be an overbearing impact on the conservatory nor would it result in a material loss of light.
51. The main garden areas at No. 2A Carlton Road are to the front, rear and northeastern side. The northeastern extent of the proposed dwelling is single storey and would be 8 metres away from No. 2a (1.5 metres away from the site boundary). The proposed garage would be 3.8 metres forward of No. 2a but given the separation distance of 8 metres to the house at 2a it is not considered that there would be a material impact on outlook from the front of that dwelling nor would it appear overbearing or result in undue loss of light.
52. The main garden area at No. 4 is to the rear. The proposed dwelling would be 3.2 metres away from the garden boundary with No. 4 at its closest point and 7.2 metres away from the main house and it would project 2.3 m beyond the rear elevation of No. 4 at this point. While the new dwelling would be visible from the garden at No. 4 this is not the same as being overbearing or blocking light. No. 4 has a relatively large rectangular garden and due to the distances involved as set out above and the siting of the proposed dwelling it is not considered that the resultant impact on the garden or outlook from the rear of the main house would be significant enough to justify refusal of this application.
53. Adequate amenity space would be maintained for both the existing and proposed dwelling on the site in compliance with the requirements of the New Residential Development SPG.
54. The impact of any noise nuisance is temporary in nature and if construction noise becomes a serious problem, this can be investigated by the Pollution and Licensing Section under the relevant Environmental Health legislation. It is not reasonable to refuse development on the basis of the noise of construction work as this is common to all new development and is temporary in nature.
55. The revisions to the proposal provide a significant improvement in the relationship to the immediate neighbouring properties by reducing the width of the property at first floor level, introducing the mono pitched roof to the garage and reducing the accommodation in the roof by approximately 50%. However to ensure that



acceptable distances are maintained, it is recommended that permitted development rights are removed to control any future extensions or alterations to the property

56. In conclusion the proposal would not result in material harm to the living conditions of occupiers of neighbouring properties and is considered to be compliant with Core Strategy L7, the NPPF and SPG1.

#### PARKING AND HIGHWAYS ISSUES

57. Policy L7 of the TBC Core Strategy states that 'In relation to matters of functionality, development must:

- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
- Provide sufficient off-street car and cycle parking, manoeuvring and operational space;

58. Issues have been raised regarding existing problems of on street parking leading to congestion and highway safety issues. However this development would provide adequate off street parking in accordance with the Council's adopted parking standards and it is not considered that the proposal would result in either congestion or highway safety issues and the LHA consider that the proposals are acceptable.

#### ECOLOGY AND TREES

59. Policy R2 of the TBC Core Strategy states that:-

To ensure the protection and enhancement of the natural environment of the Borough, developers will be required to demonstrate through a supporting statement how their proposal will:

- Protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets having regard not only to its immediate location but its surroundings; and
- Protect the natural environment throughout the construction process.

60. Some objectors have pointed out that tree removals were carried out at this site prior to the submission of the application. This matter is being looked into at present but is a separate issue to the consideration of this planning application.

61. In order to enhance the natural environment, tree and shrub planting within the site is a requirement and a landscaping scheme detailing such planting which shall include native species will improve the landscape character and assist in supporting wildlife. A tree protection condition is recommended to protect trees on the site during construction.

## OTHER MATTERS

62. The Lead Local Flood Authority have been consulted on the application and have raised no objections subject to an appropriate condition to constrain the peak discharge of storm water from this development through a sustainable urban drainage solution therefore compliant with Policy L5.
63. Issues relating to access for potential future maintenance works are private legal matters and are not part of the planning considerations relating to this application.
64. The issue of incorrectly labelled elevations was addressed by the submission of corrected plans and re-consulted upon
65. Streetscene drawings have been submitted showing the proposed dwelling relative to adjacent properties and the elevation drawings provide the height of the proposed dwelling.

## CONCLUSION

66. Considerable importance and weight has been given to the desirability of preserving the designated heritage assets. It is concluded that the proposal would not result in harm to the designated heritage assets and as such the development is considered to represent sustainable development which is supported by the NPPF.
67. The proposal would result in additional housing to the benefit of the borough, would not result in harm to residential amenity or highway and pedestrian safety, the proposal is considered to be in compliance with the relevant Local Development Plan policies and the NPPF.

## **DEVELOPER CONTRIBUTIONS**

68. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the hot zone for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
69. 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 and an appropriate contribution will be brought forward as part of the landscaping scheme required by condition.

## **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 the submitted plans, ref. 500 Rev C, 101 Rev A, 102 Rev A, 202 Rev B and 201 Rev B unless otherwise agreed in writing by the Local Planning Authority.

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

3. Notwithstanding the details submitted, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building (including rainwater goods and joinery details of windows and doors) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: It is necessary for this information to be submitted and agreed prior to commencement to ensure a satisfactory external appearance in the interests of visual amenity, having regard to Policy L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any boundary treatments, 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 and the nature of the proposed development and in accordance with Policies L7, R1, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development having regard to Policies L7, R1, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: It is necessary for this information to be submitted and agreed prior to commencement in order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies L7, R1, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

7. 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 unless the Local Planning Authority gives written consent to any variation.

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, R1 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: In the interest of amenity and in compliance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. Remove Permitted Development for the new dwelling

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification)

- (i) no external alterations shall be carried out to the dwelling
- (ii) no extensions shall be carried out to the dwelling
- (iii) no garages or carports shall be erected within the curtilage of the dwelling
- (iv) no vehicle standing space shall be provided within the curtilage of the dwelling
- (v) no buildings, gates, wall fences or other structures shall be erected within the curtilage of the dwelling
- (vi) no means of access or areas of hard surfacing shall be constructed to the curtilage of the dwelling
- (vii) no windows or dormer windows shall be added to the dwelling other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect residential and visual amenity, the designated and non-designated heritage assets and highway safety, having regard to Policies L4, L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

10. No development shall take place unless and until full details of works to limit the proposed peak discharge rate of storm water from the development to meet the requirements of the Council's level 2 Hybrid Strategic Flood Risk Assessment (SFRA) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such works as approved are implemented in full and they shall be retained and maintained to a standard capable of limiting the peak discharge rate as set out in the SFRA thereafter. As built details and record photographs of any SUDs facility shall be forwarded by the developer to the Lead Local Flood Authority for inclusion in the Flood Risk Asset Register.

Reason: To prevent localised flooding in accordance with Policies L7 and L5 of the Trafford Core Strategy and relevant guidance in the National Planning Policy Framework. This is required prior to the commencement of development to ensure that any requirements can be incorporated in the design of the final scheme.

11. The vehicular access gates onto Carlton Road shall be fixed in a manner which ensures that they open inwards only and that no obstruction of the adjacent footway takes place and shall be retained as such thereafter.

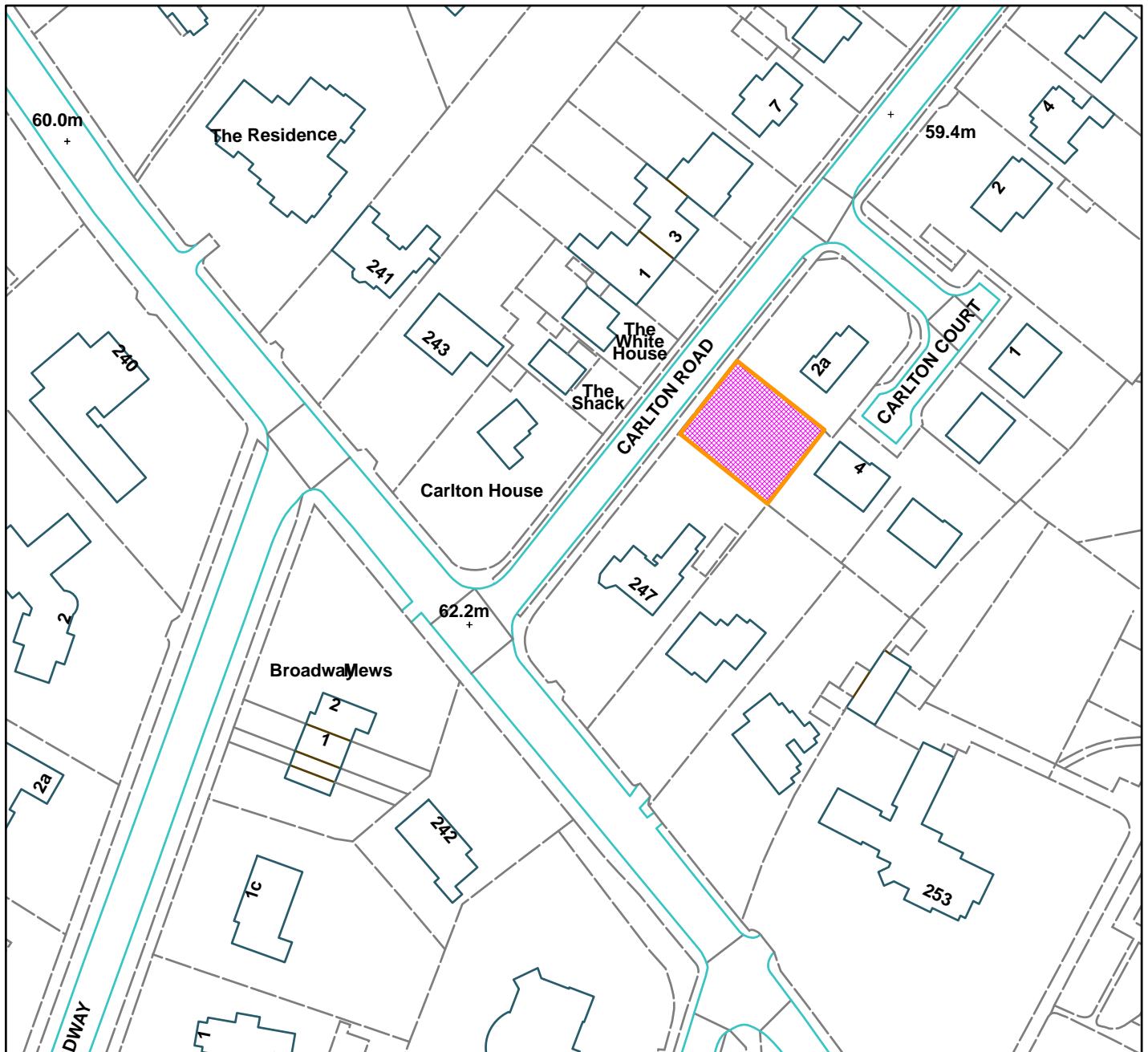
Reason: To ensure that there is no obstruction of the adjacent footway in the interests of amenity and highway safety having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JJ



Land to the rear of 247 Hale Road, Hale Barns (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/07/2016
Date	04/07/2016
MSA Number	100023172 (2012)

**WARD:** Broadheath

**88092/FUL/16**

**DEPARTURE: No**

**Change of use from Class A1 (Shops) to Class A5 (Hot Food Takeaway) and external alterations; including the installation of extraction and ventilation equipment.**

1A Sinderland Road, Altrincham, WA14 5EU

**APPLICANT:** Domino's Pizza Group Limited

**AGENT:** DPP

**RECOMMENDATION: GRANT**

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## **SITE**

The application relates to a single storey retail unit, sited to southern side of Sinderland Road, Altrincham at the corner with Huxley Street. Situated within a mixed use area, the application site has residential dwellings and retail units sited to its north. To the west lies office buildings and residential dwellings and to its east lies an area of open public space and an informal, undesignated car-park area. The area of open space is currently partly occupied by an electricity sub-station and an un-kept area of vegetation. To the sites rear are the private garden areas of nos. 1-3 Sinderland Road.

The unit itself has a part hipped/part flat roof design and can be accessed from both Sinderland Road and Huxley Street. The site in its current form remains vacant, prior to its closure however, this was occupied by a bathroom retailer.

## **PROPOSAL**

The proposed application seeks permission for the change of use for the existing site, from a Retail use (Use Class A1), to a Hot Food Takeaway (Use Class A5).

The application further details the installation of ancillary extraction and ventilation equipment to the sites exterior, including the installation of an external flue. The applicants propose that the site would be occupied by Domino's Pizza, albeit the eventual operator of the site is not material to the planning merits of the case.

## **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

W1 – Economy

W2 – Town Centres and Retail

## **PROPOSALS MAP NOTATION**

None

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

SPD3 Parking Standards and Design

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

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

85093 - Application for the Change of Use from (A1) Showroom to (B2) Car Body repair centre/garage – withdrawn – 17.06.2015

H05295 - Change of use from car showroom to the sale and fitting of exhaust systems to private cars and light vans – Refused 16.06.1977.

## **APPLICANT'S SUBMISSION**

- Cover letter
- Design and Access Statement
- Supporting information detailing specific with regards to the ventilation and extraction equipment

## **CONSULTATIONS**

### **Local Highways Authority**

No objections were raised in relation the proposed development.

### **Pollution and Licensing:**

No objections were raised in relation to the proposed development, however a number conditions, in relation to noise generation, the proposed extraction/ventilation equipment and any proposed lighting were recommended, to be attached to any subsequent planning consent issued by the Council. These details are further discussed within the Observations section of this report.

### **Electricity North West:**

No objections were raised in relation to the proposed development.

## **REPRESENTATIONS**

14 objections from neighbouring residents and 2 call in-requests from local Councillors were received in relation to this application. The issues these raised are summarised below:

- Late opening hours – effecting amenity of neighbouring land users
- Parking concerns within the immediate vicinity of the site
- Increase in traffic Congestion along Manchester Road
- Unsafe pedestrian access at junction between Manchester Rd and Sinderland Rd
- Proposal would lead to increases in litter and anti-social behaviour
- Odours arising from extraction/ventilation equipment
- Huxley Street is currently a dead end- development will lead to parking/congestion concerns
- Concerns around deliveries to and from the site of goods/materials
- No designated parking meaning further increases on street parking
- Not a need for a further food outlet
- Air pollution
- Privacy concerns
- Poor design and appearance

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The application site comprises of an existing retail unit (Use Class A1), previously occupied for retail purposes as a tile and bathroom showroom for a

number of years, prior to becoming vacant. The current application proposes the change of use for the site from its existing retail use (Use Class A1), which is typically a Town Centre Use, to a hot food takeaway (Use Class A5). It should be noted however that, the application site, is not located within a designated Town, District or Local Centre, as set out within the Adopted Revised Unitary Development Plan (2006).

2. In this regard, the Councils adopted Core Strategy Policy, W2.12 states that for out of town development, there will be a presumption against the development of retail, leisure and other town centre-type uses, except where it can be demonstrated that they satisfy the tests outlined in current government guidance. The NPPF, para 24 states that, *'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.'*
3. In this instance however, it should be noted that the application site is an existing retail unit (Use Class A1), within a mixed use location and therefore, on this occasion, the sequential test is not required. This proposal would simply replace one town centre use with another in a site outside of a designated centre. Arguably, the provision of a hot food takeaway in this location as opposed to an A1 (Shops) use, would have a positive impact on the vitality and viability of town centres as it would reduce available A1 retail space outside of town centres, directing the demand towards town centre units.
4. Further to this the development would bring back into use a large vacant retail (Use Class A1) unit, and this would reinstate an active frontage on this prominent junction and the Sinderland Road street-scene. It is therefore considered that the development would have a positive impact on the wider area, adding to the vitality and vibrancy of the mixed use area within Altrincham, complying with the relevant policies from the NPPF and policy W1 and W2 of the TBC Core strategy.

#### Conclusion

5. It is therefore considered that the principle of the change of use of this large vacant retail unit, to a hot food takeaway, is considered acceptable. This would in turn contribute positively to the vibrancy and vitality of the surrounding mixed use area. The development is considered to satisfy the relevant tests, as set out within policy W2.12 from the TBC Core strategy and the relevant sections of the NPPF. The development would therefore be in accordance with policies W1 and W2 of the TBC Core strategy and would form a sustainable form of development, in line with the thrust of the NPPF.

#### DESIGN

6. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future

occupants of land and buildings (paragraph 17). Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment - good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This guidance coincides with Policy L7 of the TBC Core Strategy, which further states that when considering planning applications for development within the Borough, development should be appropriate in its context; make 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 be compatible with the surrounding area.

7. The application would see the existing unit refurbished, both internally and externally. The site currently has a large number of openings to its front elevation, facing Sinderland Road and side elevation, fronting Huxley Street. To its front the existing brick walls, which are finished in white, would be re-painted and made good, with the existing timber openings painted in a dark grey finish. This elevation would see no further alterations, and the proposed flue would also not be visible from the Sinderland Road elevation.
8. To its side elevation, fronting Huxley Street, the proposal would again see the northern most openings repainted in a matching dark grey finish, in keeping with the works proposed elsewhere on the site. To the southern side of the elevation however, two large existing window openings would be removed in order to form two new door openings. These openings would not be any wider than the existing windows and part of their original stall risers would also remain intact. These would form secondary entrance point for customers, as well as access points for staff and for access to the proposed plant room. The proposed plant and staff entrance point openings would have aluminum louvered doors; these would again be finished in a matching grey colour. The proposed customer entrance would be fully glazed, with the frames and door openings erected in a matching dark grey finish. Within the same elevation an existing door opening, which is currently boarded up would also be reinstated, finished in a matching dark grey.
9. The proposal would further see the erection of a small flue, this would be erected to the roof pitch fronting Sinderland Road and would not project any higher than the existing ridge height of the existing building; and is considered to be of a proportionate size and finish. Two further small mushroom style extract vents are proposed above the plant room, within the flat roof towards the rear of the site, these are proportionately sized and remain of a small scale and are considered as acceptable. A condition requiring the submission of the final details including, finish and materials for the flue and extract vents is included within the recommendation in order to ensure the acceptability of the their respective finishes.
10. No changes are proposed to the site's rear or west facing elevations.

11. The proposed development would therefore work to enhance and improve the appearance of the existing vacant site, by bringing this back into use and having the unit undergo a modest degree of refurbishment. The proposed alterations and new openings are considered to be of an acceptable style and type and the proposed works would allow the unit to make a much more positive impact within the wider Sinderland Road and Huxley Road street-scene. As such its refurbishment is considered to be acceptable and remains in compliance with the relevant policies from within the NPPF, in relation to design and sustainable development, alongside policy L7 of the TBC Core strategy.

## RESIDENTIAL AMENITY

12. 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.
13. As part of the proposed works, no new window openings would be created. It is noted that the proposal would see the creation of 2no. new door openings however, these would be sited within the sites eastern most elevation fronting Huxley Street and would overlook an undesignated car parking area and area of open space. As such, these alterations are not considered to lead to any new material amenity concerns. It should be further noted that the remainder of the openings sited within the sites eastern and northern side elevations would remain unaffected.

### Opening hours

14. It is further considered that the change of use of the site, to a hot food takeaway would not materially intensify its use. The site has a long standing use as an A1 retail unit and was previously in use as a tile showroom. It would have frequently been visited by customers and deliveries. The proposed use would offer limited space for the public in the building, which is to allow for the pickup of food orders rather than being an area in which food would be consumed. It is not intended that food be consumed on the premises as this would fall under a different use class (A3 – Restaurants and Cafes). The site would also offer a delivery service, which would reduce the numbers of customers visiting the site and would consolidate a number of customer orders into one vehicle movement. It is acknowledged that the peak times for the operation of the proposed hot food takeaway use would differ from those of the retail unit; with a greater level of activity in the evenings than would previously been experienced. Nevertheless, the site has had no previous opening restrictions and would have been authorised to open at any time, including in the evenings. The site is on the junction with the A56, which is a busy main route and there remains substantial

background traffic noise in this location in the evenings. This change of use offers an opportunity to restrict the opening hours of the hot food takeaway to between 11.00 and 23.00 hours to protect residential amenity. It is not considered that these opening hours, which are limited to usual 'waking hours' would lead to, in this location, such harm to residential amenity that a refusal of planning permission would be justified.

15. Delivery and servicing hours for the site would also be controlled and are discussed further below.

#### Noise and odour control

16. The applicants have located all of the proposed plant equipment away from the closest residential dwellings, sited to its east (10m away) and northern sides (24m away). The proposed plant room and equipment have thus been sited to the sites eastern most side, fronting the undesignated area of parking and area of open space. The applicants have further submitted a noise survey which has assessed the impact of the proposed development on its neighbouring units and this has been found not to pose any concerns in regards to noise and disturbance for the sites adjoining land users. The submitted reports have also been reviewed by the Councils Environmental Health team whom have found the reports to be acceptable, and have recommended a number of conditions in relation to noise and odour control in order to limit any potential harm to residential occupiers and which are included within the recommendation.

#### Litter management

17. The impact of the development on outdoor litter within the area has been raised by local residents whom have objected to the proposed development. In order to control and minimise the impact of the proposed development, with reference to litter, a condition requiring the submission of a scheme detailing adequate facilities for the disposal of litter by customers visiting the site is suggested. The scheme will be open for review and the onus will remain on the applicant to assess and manage the litter situation within the sites immediate context. Ensuring minimal amenity impacts upon the surrounding land users.

#### Lighting

18. Although no specific details with regards to external lighting at the site have been provided as part of the application, it is important for the Council to ensure minimal impact upon the amenity of neighbouring occupants though any new lighting being implemented on the application site. To this regard, a condition requiring the submission of any proposed lighting for the proposed development is suggested. This would ensure that any proposed external lighting will be in accordance with National Guidance and would ensure minimal harm to the amenity of neighbouring land users, sited away from sensitive neighbours.

19. The proposed change of use for the site has been considered as not to significantly intensifying the use of the building. It has been further considered that subject to the relevant noise, nuisance, litter and lighting management conditions as discussed above, the proposed development would not have any adverse impact upon the level of amenity currently enjoyed by neighbouring land users and would remain in line with policy L7 of the TBC Core strategy, and the relevant sections of the NPPF.

## PARKING AND HIGHWAYS

20. Policy L4 of the Trafford Core Strategy which relates to sustainable transport and accessibility, seeks to ensure that all new developments do not adversely affect highway safety. The Local Highway Authority have been consulted and do not object to the proposals,

21. The Councils adopted SPD3 Parking Standards and Design for Trafford states that for an A5 use (Hot Food Takeaways) in this area, 1 space per 6 sqm of public floor space should be provided. The proposed development has a gross floor space of 186 sqm, but the public floor area has not been officially quantified. Therefore, the public floor area has been estimated from the plan provided to be 25% of the gross area, hence, in accordance with SPD3, 8 parking spaces are required. The proposed development proposes no off street parking provision for the use of staff or customers.

22. It should however be noted that, there is no existing, allocated parking provision at the existing site. However, un-restricted on-street parking is available in close proximity to the site on Huxley Street and there are also 5 off-street parking spaces which are marked out at the turning head of Huxley Street to the east of the site. Under the sites existing use, a tile and bathroom outlet (class A1 non-food retail), the parking requirements would have been 1 space per 21 sqm which is much less than its proposed use.

23. Notwithstanding the above requirements, and the increase in parking provision required in relation to the proposed use of the site, it has been considered that the development, by its nature as a takeaway, is unlikely to require a high level of parking. If driving, most customers are likely to be arriving to collect an order and would not require a parking space for any significant length of time. In this instance the availability of parking on Huxley Street is deemed sufficient for the predicted customer requirements and it is unlikely that the change of use of the site would generate a significant increase in traffic to the site overall. In addition, given that the site is located in close proximity to public transport links (bus), the Local Highways Authority are also content with the proposals and have raised no objection to this application, on parking and highway grounds.

## SERVICING/DELIVERIES:

24. The site would be serviced and receive deliveries via the new proposed side entrance to the eastern side of the site, which in this instance has been considered to be acceptable. However, given the sensitivity of neighbouring land users, the servicing and delivery hours to the site will be conditioned as part of the scheme and controlled to be within the hours of:

- 07:00 – 21:00 Monday – Friday
- 08:00 – 21:00 Saturday
- 10:00 – 21:00 Sundays and Bank Holidays,

considered to ensure minimal harm to the amenity of neighbouring land users.

25. The applicants will be offering customers a delivery service, as well as in-store pick-up for orders. The takeaway will be using vehicles to deliver orders from the site and these would be parked on Huxley Street, to the east of the site, considered to be acceptable; given its provision of on-street parking. The Local Highways Authority have also found this to be an acceptable approach and all deliveries to and from the store will be controlled by the opening hours condition detailed above. This is considered to ensure minimal harm to neighbouring land users from the operations at the site.

## CONCLUSION

26. The proposed development would bring much needed investment to a vacant site within this area of the borough. The proposal would lead to economic benefits for the shorter and longer term, though bringing a vacant site into Use and create an active shop-front within the Sinderland Road street scene, adding to the vitality and vibrancy of this busy mixed Use area of Altrincham. The works would see external alterations to the site, which would improve its overall appearance and form and allow the site to make a much more positive contribution to the street scene and wider area. It is further considered that any development impacts associated with the scheme can be mitigated through the use of planning conditions, where necessary. As such, in accordance with paragraph 7 of the Framework, it is considered that the proposed development represents a sustainable form of development which complies with all relevant Policies set out in the Trafford Core Strategy and the NPPF.

## DEVELOPER CONTRIBUTIONS

27. There is no change to the amount of floor space provided; consequently the proposed development would not be liable for the Community Infrastructure Levy.



## **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 be constructed entirely of the materials details of which are shown on plan No: DB295-EL-06 Rev. C

Reason: To ensure that the appearance of the development is acceptable, having regard to Policy L7 of the Trafford Core Strategy.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: DB295-EL-06 Rev. C, DB295-BP Rev. C, DB295-LP Rev. C, and DB295-GA-04 Rev. C. .

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

4. Notwithstanding the details hereby approved, prior to the installation of flue and ventilation/extraction equipment, drawings at 1:20 showing full details including their finish and fixture detailing shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full on site and retained thereafter.

Reason: To ensure that the appearance of the development is acceptable, having regard to Policy L7 of the Trafford Core Strategy.

5. Prior to the implementation of the use hereby approved, details of a proposed lighting scheme shall be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full and retained thereafter. The lighting installation should be designed and installed in accordance with The Institution of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011', for environmental zone 'E3', and shall comply with the design requirements of Table 2 – 'Obtrusive Light Limitations for Exterior Lighting Installations.' The applicant shall submit lighting contour diagrams to indicate the lux levels at the closest neighbouring properties.

Reason: In the interests of the amenity of neighbouring occupiers and the surrounding area in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Prior to the implementation of the use hereby approved details of the ventilation/extraction system serving the cooking or/and food preparation areas (for the type of food to be prepared at the premises) shall be submitted to and approved in writing by the Local Planning Authority.. The approved system shall be installed prior to the hot food takeaway use first taking place and shall be used at all times when the premises are used for cooking or preparing foods. The system shall be maintained and serviced in accordance with manufacturer's recommendations.

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

7. Deliveries to and waste collections from the development hereby approved shall not be permitted outside of the following hours:

0700hrs to 2100hrs Monday to Friday;  
0800hrs to 2100hrs Saturday and;  
1000hrs to 2100hrs Sunday.

Reason: In the interests of the amenity of neighbouring occupiers and the surrounding area in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The hot food takeaway use hereby permitted shall only operate between the hours of:  
11.00 - 23:00 Monday to Sunday, including Bank Holidays.

Reason: In the interests of the amenity of neighbouring occupiers and the surrounding area in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. Notwithstanding the details hereby approved the remedial measures as set out within the following submitted reports: Dominos Altrincham Plant Noise Assessment Report 16/0278/R01-0 – 03/04/2016 and Supporting Annex B document for proposed ventilation system – 13/06/2016 shall be installed in full on site, prior to its first being brought into use as a hot food takeaway and retained thereafter.

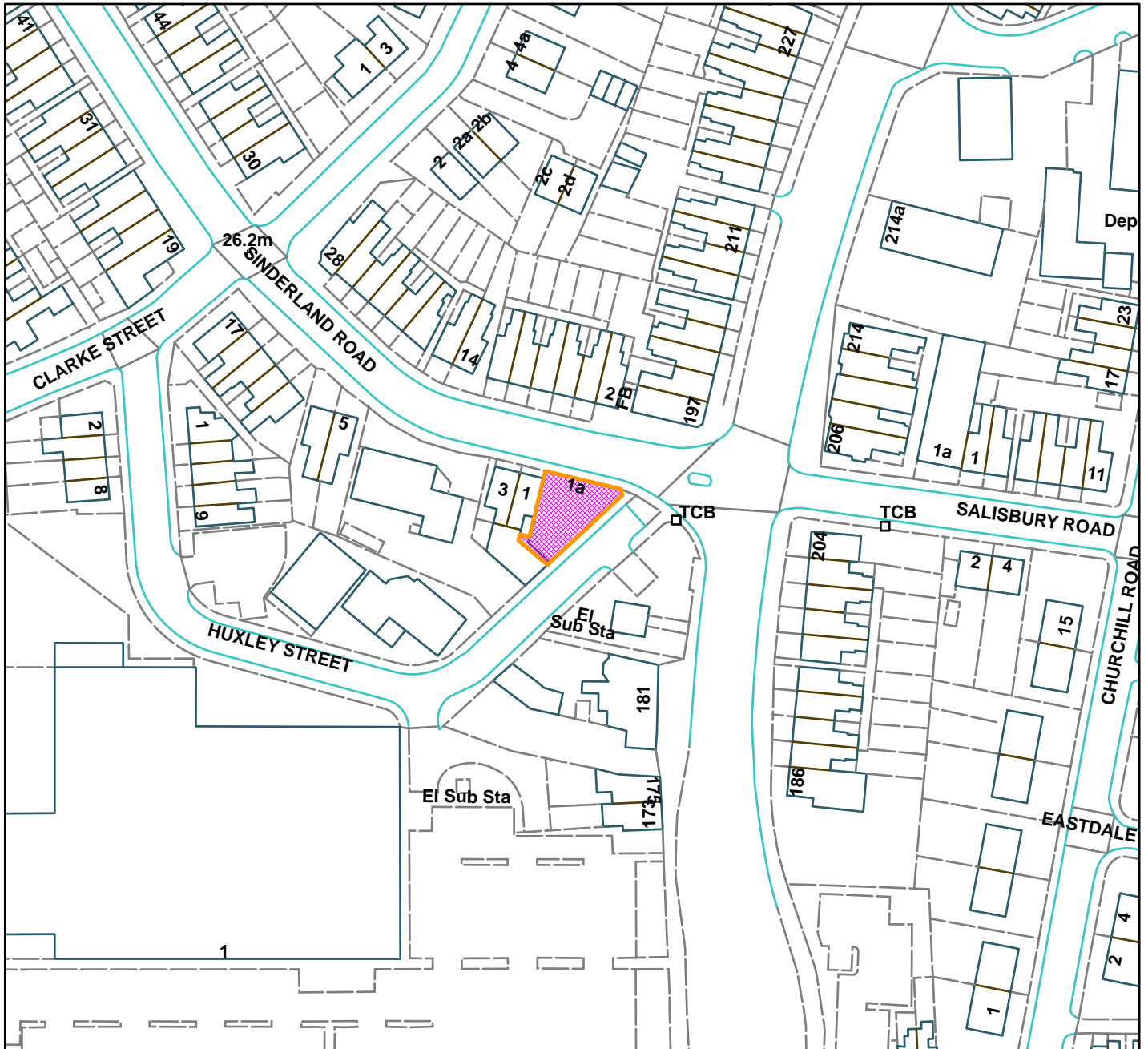
Reason: In the interests of the amenity of neighbouring occupiers and the surrounding area in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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IG



1A Sinderland Road, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/07/2016
Date	04/07/2016
MSA Number	100023172 (2012)

**Erection of a first floor rear extension.**

24 Hillington Road, Sale, M33 6GP

**APPLICANT:** Mr Stanway

**AGENT:**

**RECOMMENDATION: GRANT**

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**This application has been called in by Councillor Rigby on the grounds that it would be out of keeping with the surrounding development and that its size and unsympathetic design would have an adverse visual impact on the properties to Hayling Road when viewed from their rear gardens; furthermore it would have an overbearing impact on No. 26 Hillington Road, whilst resulting a loss of light to their property.**

**SITE**

The application site relates to a two-storey part hipped part gabled detached dwelling located to the north-western side of Hillington Road in Sale. Located within a predominantly residential area, Hillington Road comprises a mixture of semi-detached and detached properties varying in style and size, however, the application property forms part of a row of three detached dwellings to its south-west which appear similar in style, scale and age. All properties along the road have similar sized plots with decent sized gardens to their front and rear. The application property has previously been extended to the rear at single-storey level. Its boundaries to either side are formed by approximately 1.8m high timber panel fences, whilst its shared boundary to the properties to the rear and Hayling Road comprise of approximately 1.8m high timber panel fences and a number of mature trees and substantial shrubs ranging between approximately 3m and 6m in height.

**PROPOSAL**

Permission is sought for the erection of a first floor rear extension to form 1 no. en-suite bathroom and 1 no. family bathroom. Windows are proposed to the rear elevation. Following amended plans having been submitted, the proposal would have a hipped roof design with a section of flat roof. Other amendments include the resizing and aligning of the windows to the rear elevation of the extension.

The additional floorspace of the proposed development would be 13 sqm.

## **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.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

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

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

83056/HHA/2014 – Erection of two-storey side extension following the demolition of the existing garage. Refused 15<sup>th</sup> July 2014. Reason for refusal: The proposed extension by reason of its projection, scale, height and massing in close proximity to the common boundary with the adjoining property, 22 Hillington Road, would give rise to an unduly overbearing effect and undue overshadowing and loss of light to the detriment of the amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document, SPD4: A Guide for Designing House Extensions and Alterations.

81792/HHA/2013 – Erection of a two storey side extension to form additional living accommodation, following the demolition of existing single storey garage. Refused 27<sup>th</sup> January 2014. Reason for refusal: The proposed extension by reason of its projection, scale, height and massing in close proximity to the common boundary with the adjoining property, 22 Hillington Road, would give rise to an unduly overbearing effect and undue overshadowing and loss of light to the detriment of the amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to Policy

L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document, SPD4: A Guide for Designing House Extensions and Alterations.

These applications related to an extension on the opposite side of the application property and were refused due to the impact on a principal main habitable room window on the side elevation of No. 22 Hillington Road.

78689/HHA/2012 – Erection of single storey rear extension to form kitchen dining room and access ramp. Approved with conditions 16<sup>th</sup> July 2012

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

### **Original Scheme:**

**Neighbours:** 1 no. Councillor and a total of 3 neighbours made representations to the Local Planning Authority on the following grounds:

- Increased scale and form of extended dwelling would be overdevelopment, disproportionate and out of character with original dwelling and surrounding properties
- Design ill-conceived and would detract from the existing architectural style of the original dwelling and surrounding properties
- Would result in loss of light to breakfast and pantry rooms to No. 26
- Large expanse of brick would appear overbearing, especially when using the rear main exit to No. 26
- The remaining narrow distance between No. 26 and the extension would result in a sense of enclosure
- Would not achieve 10.5m to a boundary and would therefore overlook rear gardens
- Applicant would struggle to match the type of brick and pointing of original dwelling
- Roof design appears unbalanced and awkward

### **Amended Scheme:**

**Neighbours:** 1 no. Councillor and a total of 5 neighbours made representations to the Local Planning Authority. Set out below are any additional comments that differ to what had previously been said:

- Amended roof design with flat section would not be in keeping with local architectural character with that of original dwelling and surrounding properties

## **OBSERVATIONS**

### **DESIGN AND STREET SCENE**

1. Paragraph 58 of the NPPF states that *“The Government attaches great importance to the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Paragraph 64 states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
2. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of design, development must: Be appropriate in its context;*  
  
*Make best use of opportunities to improve the character and quality of an area;*  
  
*Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and,*  
  
*Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”*.
3. The proposed first floor rear extension would be located above the single-storey outrigger forming the lounge to the south-western corner of the property. It would project approximately 2.5m to the rear of the original dwelling to sit flush to the rear elevation of the single-storey outrigger and the main two-storey element of the original dwelling.
4. The originally submitted scheme included an asymmetrical roof design with different roof pitches that it was considered would have had a detrimental impact on the character and appearance of the application property. Amended plans have been submitted showing a revised design with a pitch matching that of the original hipped roof and as such, the proposed amended scheme is considered to be in keeping with the design of the original dwelling. The revised design does include an element of flat roof but this would not be visible from ground floor level and this is therefore considered to be acceptable. It is proposed that the first floor extension will have matching materials to that of the original dwelling.
5. Concerns have been raised in the comments received about the development being able to match the materials and in particular the ‘pinhole facing bricks’ which are pointed using a ‘unique profiled lipped weather struck joint’. It should be noted that there is an existing single-storey rear extension that was given permission under application 78689/HHA/2012 to the north-eastern side of the rear elevation that appears to have matching brickwork and this would therefore suggest that such brickwork could be sourced. Nevertheless, it is recommended that a

condition be attached as part of any permission requiring that prior to any above ground construction works taking place that materials are to be submitted to and approved in writing by the local planning authority.

6. Neighbouring properties have objected that the scale and form of the proposed first floor rear extension would be disproportionate to that of the original dwelling and surrounding properties. However, given that it would only project 2.5m to the rear to sit flush to the rear elevation of the original dwelling; would not result in an increased footprint; and that its hipped roof would not sit higher than the ridge of the original dwelling, it is considered that the extension would be proportionate in scale to the original dwelling and surrounding properties and that the site would not appear over-developed or cramped.
7. Furthermore, given that the proposal would retain a minimum separation distance of approximately 1m to its shared side boundary to No. 26, it is considered that the site would retain the impression of space between the properties.
8. Given its location to the rear, there would only be limited views on to the extension when viewed from the streetscene. Furthermore, in achieving a minimum distance of approximately 44m to the properties to the rear on Hayling Road, it is considered that there would be no adverse visual impact on these properties.
9. It is considered that the proposed development seeks to reflect the character of the existing property and surrounding area in terms of design, materials and scale and street scene and would be acceptable in this respect in terms of Policy L7 of the Trafford Core Strategy and the Council's SPD4 guidelines.

## **RESIDENTIAL AMENITY**

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

### Impact on No. 26 Hillington Road (adjacent):

11. Whilst No. 26 has a glazed entrance located to its north-east facing side elevation, the principal source of light into its breakfast room is from the ground floor level window located to its rear elevation, and as such, it is considered that whilst there may be some limited loss of light into this room as result of the proposed development, it would not be significant enough so as to justify a refusal on these grounds. There is also a pantry window to No. 26's north-east facing side elevation, however, this is a non-habitable room window. The occupants of No. 26 are concerned that the proposal would appear overbearing and result in a sense of enclosure, however, given that the extension would sit not any closer to its shared



side boundary with No. 26 than the original dwelling, that it would not project any further to the rear than the rear elevation of No. 26 and that a minimum separation distance of approximately 1m would be retained to its shared side boundary, it is considered that the approximately 2.5m rear projection would be acceptable and would not result in an unacceptable sense of enclosure or loss of outlook, or appear visually intrusive or overbearing to No. 26.

#### Impact on properties on Hayling Road (rear):

12. Given that the first floor windows located to the rear elevation of the proposed extension would be non-habitable, it is considered that the proposed development would not result in any overlooking or loss of privacy to the properties to the rear. Given that a separation distance of approximately 20m would be retained to the shared rear boundary, it is considered that it would not be necessary to attach an obscure glazing condition in respect of these windows.

### **HIGHWAYS**

13. Given that there would be no increase in the number of bedrooms, it is considered that the proposal would not impact on parking and is therefore acceptable on Highway grounds.

### **CONCLUSION**

14. The proposed scheme is considered acceptable in terms of design and visual amenity, residential amenity and highway safety and would comply with Policy L7 of the Trafford Core Strategy and guidance in the NPPF. As such 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).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, numbers P02, received 12<sup>th</sup> April 2016 and on amended plan, P03/B, received 6<sup>th</sup> June 2016.

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

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

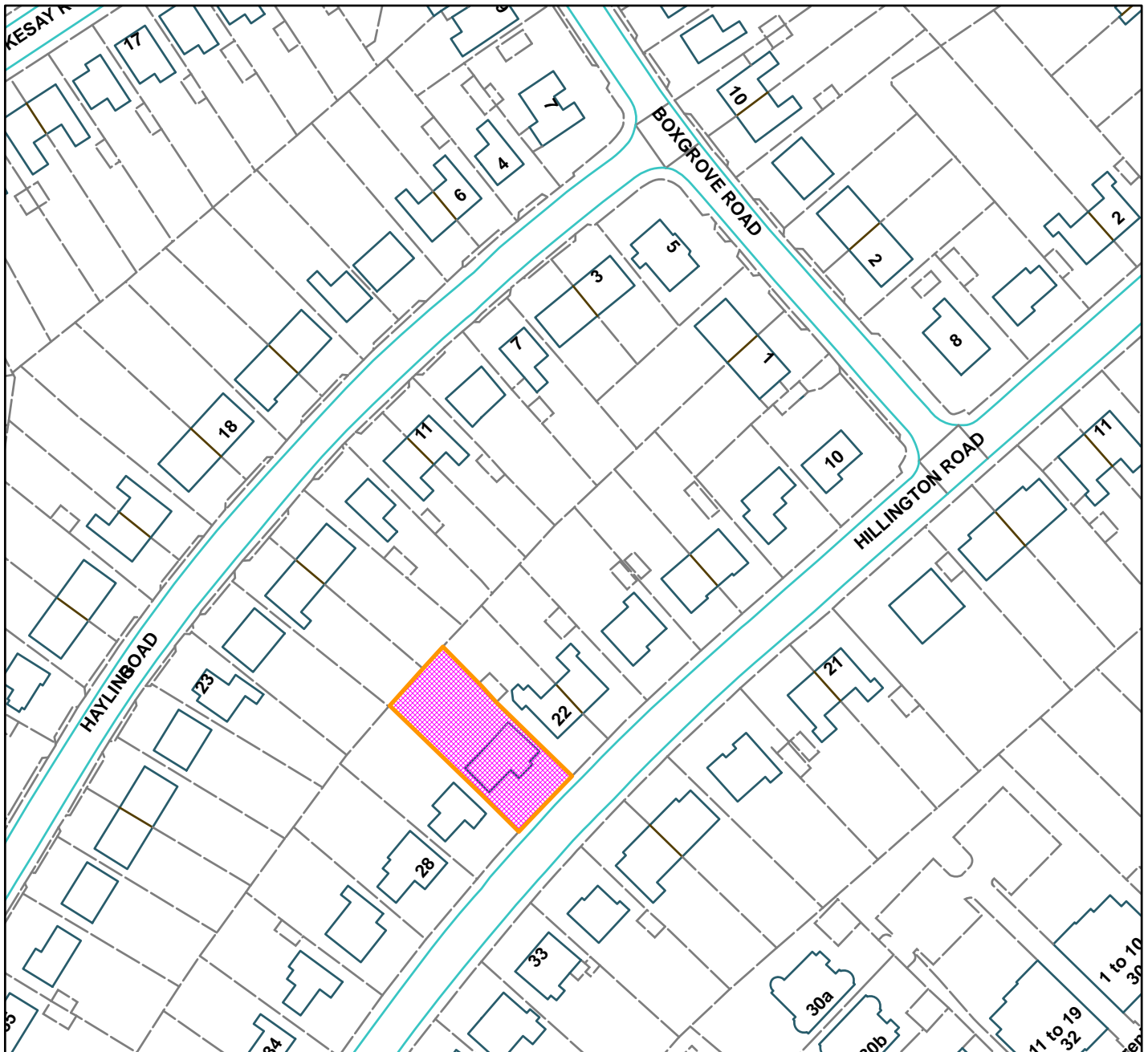
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

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BB



24 Hillington Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/07/2016
Date	04/07/2016
MSA Number	100023172 (2012)

**WARD:** Longford

**88279/FUL/16**

**DEPARTURE: No**

**Erection of a 12 storey building with basement car parking (44 spaces), comprising a total of 89 residential apartments (Class C3), plus cycle parking facilities, associated landscaping, means of enclosure, with vehicular access from Warwick Road.**

Site Of Former MKM House, Warwick Road, Stretford, M16 0XX,

**APPLICANT:** PHD1 LTD

**AGENT:** Roman Summer Associates Ltd

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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## **SITE**

The application relates to a vacant site situated on the east side of Warwick Road, Old Trafford, between Chester Road and Talbot Road. The site extends to approximately 0.11 hectares and is currently hard surfaced and used for car parking. Previously there was a small two storey office building on the site.

Access into the site is via a single vehicle and pedestrian entrance from Warwick Road. A 0.6m high brick wall and overgrown shrubs currently screen the site from passing pedestrians and motorists on Warwick Road.

The application site is situated within an area that comprises an eclectic mix of high and low rise residential and commercial developments. To the west, on the opposite side of Warwick Road, and on Barlow and Hornby Roads, there are two storey semi-detached residential properties. To the south, a former multi-storey office building (Warwickgate House) has been converted and increased in height to provide 83 residential apartments. The car park for this development extends to the front and rear of the building and wraps around the east boundary of the application site. To the north is a vacant plot, formerly occupied by Anderton House and used by a car-hire business. This site has been the subject of previous applications for a 13 storey hotel development (permission granted in 2010 but since expired) and a 12 storey building to provide 70 no. apartments (allowed on appeal in 2005 and further application minded to grant at committee in 2010 but which has since been disposed of as the legal agreement was never completed). To the rear of the site is Bowden Court which is made up of four, 4-storey apartment blocks accessed from Montague Road. White City Retail Park is also to the rear and is separated from the site by Montague Road.

Warwick Road forms part of a link that connects Old Trafford Metrolink station with Manchester United football stadium. On match days it is a busy pedestrian

thoroughfare. Trafford Town Hall also fronts Warwick Road and is situated approximately 120m to the south of the application site.

In March 2016 planning permission was granted for a 12-storey building to be erected on the former MKM House site, to provide 89 apartments comprising of one and two bedroom units (ref: 84703/FUL/15). The development was supported by three levels of basement car parking that were able to accommodate 108 parking spaces. The permission was accompanied by a legal agreement, which secured a financial contribution of £51,381 towards the provision of local open space and play provision.

## **PROPOSAL**

This application again seeks consent for a 12-storey residential development comprising of 89 apartments, of almost identical siting, layout and design to that approved under 84703/FUL/15. However this proposal would provide only one level of basement car parking and as a result the number of parking spaces associated with the scheme has been reduced to 44.

The number of bedrooms provided within the 89 apartments would remain as proposed under 84703/FUL/15 (46 x one bed and 43 x two bed) however, unlike the previous scheme, none of the one-bed units would be provided as 'studio' apartments.

The cycle store for this development is to be located in front of the proposed building and will accommodate up to 84 cycles. Under the previous application this facility had been positioned within one of the basement levels. A further modification from the scheme approved under 84703/FUL/15 relates to the introduction of windows to the two units per floor that extend closest to the rear site boundary.

Other than the alterations listed above, the proposal is identical in all respects to the development approved in March 2016. The building would occupy most of the width of the site and provide a maximum depth of 23m, at its centre, where it meets the rear boundary. It would be predominantly 12-storeys high, although the height is reduced to 10 storeys on the southern side. The top two floors of the 12 storey element would be set back and the 10 storey element on the southern side would be seven storeys at the front, with the three top floors set back. The proposed materials remain as predominantly white brick with light coloured cement particle board, light coloured curtain walling, and grey aluminium window frames. Hard and soft landscaping works would be implemented throughout the site.

The total floorspace of the proposed development would be 6,289m<sup>2</sup> (inclusive of the basement car parking).

## **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**

SL3 - Lancashire County Cricket Club Quarter  
 L1 - Land for New Homes  
 L2 – Meeting Housing Needs  
 L3 – Regeneration and Reducing Inequalities  
 L4 – Sustainable Transport and Accessibility  
 L5 – Climate Change  
 L7 - Design  
 L8 – Planning Obligations  
 W1 – Economy  
 R2 – Natural Environment  
 R3 – Green Infrastructure

## **PROPOSALS MAP NOTATION**

Main Office Development Area  
 Old Trafford Priority Regeneration Area

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

H10 – Priority Regeneration Area: Old Trafford  
 S11 – Development outside Established Centres

Policy LAN1 – Local Centres of the emerging Land Allocations Plan (Draft LAP) should be regarded as a material consideration. This policy seeks to define the boundary of the Lancashire County Cricket Club Quarter Strategic Location and establishes that a minimum of 400 residential units will be delivered in this location over the plan period.

Policy RE1.1 of the Draft LAP seeks to designate the Old Trafford Priority Regeneration Area.

H10 – Priority Regeneration Area: Old Trafford  
 S11 – Development outside Established Centres

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

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

84703/FUL/15 - Erection of 12 storey building with three basement levels to provide 89 apartments, basement car parking, cycle parking facilities, associated landscaping and vehicular access from Warwick Road. Approved with Conditions, 22/03/2016

77878/FULL/2011 - Erection of seven storey hotel, comprising ninety eight bedrooms and car parking at ground floor level. Approved 04/07/14

H/70074 - Demolition of existing building and erection of a 12 storey building comprising commercial units on ground floor (13 sq metres) with an 'apart-hotel' above comprising 94 suites and studio apartments. Car parking for 94 vehicles within basement levels with access from Warwick Road. Associated landscaping and boundary treatment works. The Planning Development Control Committee resolved to grant permission on 11/12/08 subject to a legal agreement, however the agreement didn't progress to completion and the application was treated as 'finally disposed of' on 05/07/13.

H/67590 – Demolition of existing building and erection of an 11 storey building comprising commercial units on ground floor (598 sq. m) and 70 no. residential apartments above, car parking for 35 vehicles and associated landscaping works. Refused 17/10/07

H/OUT/58750 – Erection of 10 storey building (above semi-basement parking) to provide 42 no. apartments with ancillary car parking. Withdrawn 12/07/06.

### **Anderton House (adjacent site): -**

75479/RENEWAL/2010 - Application for a new planning permission with an extended time limit for implementation to replace an extant planning permission (H/59909) (erection of 12 storey building to provide 70 no. apartments with associated car parking and landscaping). Deemed withdrawn (finally disposed of) September 2013.

H/67849 – Demolition of existing building and erection of a hotel building of between eight and thirteen storeys in height to create 226 bedrooms, 155 basement car parking spaces, public and staff areas, and associated external works. Approved 07/10/10

H/59909 – Erection of 12 storey building to provide 70 no. apartments with associated car parking and landscaping. Refused, 02/12/04. Allowed on Appeal 22/06/05.

H/56211 - Demolition of existing car hire workshop and erection of a 14 storey building to provide 70 apartments with 105 car parking spaces and vehicular access from Warwick Road. Refused and Appeal Dismissed 06/04/04

## **APPLICANT'S SUBMISSION**

The application includes a Planning Statement, Design and Access Statement, Transport Statement, Interim Travel Plan, Crime Impact Statement, Phase I Desktop Appraisal, Acoustic Report, Air Quality Assessment, Carbon Reduction Statement and Housing Statement in support of the application. These documents are referred to as appropriate in the report. The key points are summarised as follows: -

- The application proposes the regeneration of a prominent, vacant, brownfield 'eyesore' site with a flagship development.
- The site is located in the LCCC Quarter, an area earmarked as a strategic location for redevelopment. The site is ideally placed to provide a residential development to help facilitate the wider aim of sustainably developing the area into a mixed land use area.
- The scheme is of high quality and innovative design and layout. It will contribute to local distinctiveness and will be a marked improvement over the current condition of the site.
- The development will deliver the housing objectives of the NPPF and will help to build a mixed and balanced community, complementary to the other housing available and coming forward in this part of Trafford.
- The 12 storey height matches the previously approved building and also the apart-hotel scheme. It would be lower than the approved development for the neighbouring site.
- The proposed development will sit harmoniously between Warwickgate House and any proposal for the neighbouring site to the north.

## **CONSULTATIONS**

**LHA** – No objections providing that a suitable package of mitigation measures for the lower level of parking provided by the development is conditioned and providing that the measures promoted within the Travel Plan are implemented.

### **Pollution and Licensing**

**Air Quality** – No objections. The Assessment demonstrates compliance with national Air Quality objectives will be maintained and so the development is not a concern in this regard.

**Contaminated Land** – No objections. Standard conditions recommended.



**Noise and lighting** – No objections. Standard conditions recommended.

**Drainage** – No Objections. Standard condition recommended.

**Secured by Design (GMP)** – No objections. The proposed development should be constructed in accordance with the recommendations contained within the Crime Impact Statement.

**TfGM** – No comments received

**United Utilities** – No objections. Standard conditions recommended.

## **REPRESENTATIONS**

Two representations have been received, including one on behalf of the Residents Committee for (adjacent) Warwickgate House. The questions/concerns raised can be summarised as follows:

- Is the southern (side) elevation positioned sufficiently into the site to allow its construction without any encroachment onto the access road for Warwickgate House.
- The rear elevation sits right on the boundary line, which means it's impossible to build without access from the adjacent land. If the building is pushed back from the boundary it could be easily constructed.
- Unclear how refuse lorries are going to service the flats.
- Apart from the above, the Residents Committee for Warwickgate House welcome the new development.
- There are not an adequate number of parking spaces available with the development, which will lead to traffic and parking issues for local residents living on the nearby roads. This will also lead to an increase in noise issues.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The NPPF includes meeting housing need within its core planning principles (Para 17). Policy L2 of the Core Strategy (Meeting Housing Needs) states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council's Sustainable Community Strategy. Of relevance to this application, L2 also requires new development to be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure, is not harmful to the character or amenity of the immediately surrounding area and is in accordance with Policy L7 (Design) and other relevant policies within the Development Plan.
2. The Council does not, at present, have a five year supply of immediately available housing land and this site is not identified within Trafford's SHLAA (Strategic

Housing Land Availability Assessment). Given the lack of a demonstrable five year supply, the proposal should be considered in light of paragraph 49 of NPPF, which states that housing applications should be considered in the context of the presumption in favour of sustainable development.

3. The site is situated within the Lancashire County Cricket Club Quarter Strategic Location and also within the Old Trafford Priority Regeneration Area, designated in both the Revised UDP and the Draft LAP. Policy SL3 states that a significant opportunity exists to create a new, high quality residential neighbourhood centred around an improved stadium at Lancashire County Cricket Club. More specifically, Policy SL3 seeks to deliver 400 new homes in this location comprising predominantly accommodation suitable for families.
4. The site was formerly in employment use, having previously been occupied by an office and although now vacant it constitutes employment land by virtue of its last active use. The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. In this case the site has been vacant for a number of years and marketed in the past. The loss of the site's employment use has been accepted by the Council under previous applications, such as for apartments. It is therefore considered that there should be no requirement to retain the site for an employment use. In any event, the loss of employment land is considered to be outweighed by the significant weight that is afforded to the scheme's contribution to addressing the identified housing shortfall in the Borough and meeting the Government's objective of securing a better balance between housing demand and supply.
5. This site would make a valuable contribution to the delivery of new homes; however it is also important to consider the contribution that the development will make to meeting the Borough's overall housing needs. The proposed development is for a mix of 1 bed and 2 bed apartments. Policy L2 states that 1 bed general needs accommodation will normally only be acceptable for schemes that support the regeneration of Trafford's town centres and the Regional Centre. The applicant has provided a statement justifying the provision of the 1 bed apartments. Given the sustainable location of the site, close to the Regional Centre and within a Regeneration Area, it is considered that the 1 bed apartments can provide a positive contribution to the housing stock within that area, particularly in that it will provide accommodation for first time buyers.
6. In addition to the above, the development would be situated on previously developed land, and within a sustainable and accessible location, well served by public transport. Old Trafford Metrolink stop is within walking distance and bus stops on Chester Road provide frequent bus services to Manchester and other destinations. It

is also worth noting that, if delivered in an appropriate form, this development provides an opportunity to enhance the appearance of the site and the area generally. The site is currently vacant and in a visually poor condition, being dominated by hardstanding and poor quality vegetation to the western (front) boundary.

7. Overall the proposal will make a positive contribution towards the Council's housing land supply and will be located on previously developed land in a sustainable location. The principle of the development is therefore in accordance with the NPPF and the Trafford Core Strategy (Policy L2 and Strategic Objective SO1) and there is no land use policy objection to the proposal.

### **IMPACT ON RESIDENTIAL AMENITY**

8. Policy L7 requires new development to 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 *inter alia* overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance. The Council's adopted SPG for new residential development doesn't include specific guidelines for tall buildings and only provides guidance for development up to four storeys. This states where there would be major facing windows, development should retain a minimum distance of 24m across a public highway and 30m across private gardens.

### **IMPACT ON WARWICK ROAD PROPERTIES**

9. The proposed building would be situated directly opposite two storey residential properties fronting Warwick Road (these properties also have dormer windows to the front elevation at second floor level). There would be a minimum distance of 29.5m retained between the upper floor windows within the proposed development and main habitable room windows within these properties. Whilst this would comply with the 24m guideline referred to in the New Residential Development SPG, it is acknowledged that a 10-12 storey development would have a significantly greater impact than a development of 3 storeys to which the guidelines are intended to refer. Indeed, the potential overbearing impact on the surrounding residential properties formed one of the reasons the Council refused planning permission for application ref. H/67590 for an 11 storey building. Since then however, an application for a 12 storey apart-hotel has been approved (ref. H/70074), whose bottom eight floors would have retained a distance of 24m to the properties opposite. Additionally, the front elevation of the present proposal, in terms of scale, massing and window arrangement, remains identical to that approved under 84703/FUL/15. Therefore it would not have a materially greater impact than this extant permission and would retain a greater distance to the properties opposite than a previously minded to grant scheme. Given also that the interface distance complies with the guideline in the SPG, it is considered that the development would not be unacceptably overbearing or result in unacceptable loss of privacy. It is also worth noting that a sun-study was submitted with application 84703/FUL/15, which demonstrated that a 12-storey

building on this site would not have a materially greater impact on the opposite properties over and above the existing overshadowing effect that results from Warwickgate House.

10. With regards to any requirement for external lighting, it is important to ensure that this would not adversely impact on the residential properties opposite and the adjacent Warwickgate House. A suitable condition can be attached to any permission to require full details of external lighting to ensure this does not disturb the occupiers of properties opposite and Warwickgate House.

#### IMPACT ON WARWICKGATE HOUSE

11. The building would be erected 1.5m from the southern boundary with Warwickgate House. There are no windows in the facing side elevation of Warwickgate House (other than on the top floor) and the proposed building would not project beyond its rear elevation; therefore there would be no impact on its existing windows. The proposed building would, however, extend approximately 5m further forward than Warwickgate House. Whilst this would impact on views from front windows and balconies of those apartments nearest the development, the extent of the forward projection and the distance retained between the buildings is such that the development would not be visually intrusive or overbearing.
12. The only side-facing windows on the development would be those in the central projection to the rear, which would be 13.5m from the boundary with Warwickgate House and would face its car park. As such, there would be no overlooking into the rear windows of Warwickgate House, given the angle of the windows relative to each other.

#### IMPACT ON BOWDEN COURT

13. The central projection to the rear of the development, which now has a series of windows within it, would retain a distance of 46m to facing Bowden Court (No's. 1-16). This complies with the above guidelines, though it is acknowledged that they only refer to developments up to three storeys high. Nevertheless, the distance retained is still some 25m+ over and above the guideline for three-storey development and it is considered that the building would be far enough away so as not to be overbearing from Bowden Court, or result in a loss of privacy.

#### AMENITY FOR FUTURE OCCUPIERS OF THE DEVELOPMENT

14. The Council's Guidelines for new residential development indicate that 18 sq. m of adequately screened communal amenity space per flat is generally sufficient for the functional requirements of residents within apartments. No outside amenity space for future occupiers would be provided within the development, other than a limited amount of open space/landscaping to the front of the building. It is therefore

considered that a contribution towards off-site provision is justified and this is considered in Paragraph 43 below.

15. The submitted Noise Assessment concludes that 'reasonable' internal noise levels (following the guidance of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings") can be achieved within the proposed apartments using basic mitigation measures. Subject to the detailed design specification meeting this minimum standard then noise affecting the development would not be a concern.

## **IMPACT ON THE STREETSCENE AND ON THE CHARACTER OF THE AREA**

16. Policy L7 (Design) of the Trafford Core Strategy requires development to be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and make appropriate provision for open space where appropriate. The NPPF also emphasises the importance of good design and states that planning decisions should add to the overall quality of the area; respond to local character and reflect the identity of local surroundings and materials; and be visually attractive as a result of good architecture and appropriate landscaping.

### **SITING, SCALE AND MASSING**

17. The development will be of matching height, scale and massing to that approved under 87403/FUL/15 in March 2016. The Council has stated in previous applications on this site that it has no objections to the introduction of high-quality tall buildings in appropriate locations that make positive contributions to the skyline and streetscene. It is considered though that any such development must also relate well to its surroundings and be sympathetically integrated within the streetscene. This part of Warwick Road is characterised by a mixture of high and low rise developments, including a number of office developments that are in excess of six storeys in height. Warwickgate House, to the south, is an 11 storey building. The vacant site to the north has also been subject to previous approvals for a tall building, although there are no extant permissions at this time. Therefore, given the recent planning history on this site and its immediate context, there are no objections to the principle of erecting a tall building.
18. The proposed development would extend up to 35m in height (comparable to Warwickgate House) and retains 3m to the northern side boundary and 1.5m to the southern boundary with Warwickgate House. The front elevation would be set back between 9.6m and 10.8m from the highway, which places it approximately 4.8m forward of Warwickgate House.
19. Due to its width, height and projection forward of Warwickgate House, the proposed building would dominate the site and be prominent in the street scene. However, the

impact of the building would exactly match that of the most recent approval at this site. It is also recognised that several other buildings to the north (including those approved on the adjacent land at Anderton House) sit close to the Warwick Road highway. Therefore the proposed siting of the building relative to Warwick Road is considered to be acceptable.

## DESIGN AND STREETSCENE

20. As with the scheme approved in March 2016, the development proposes a contemporary design with a strong vertical emphasis that would be constructed from a modern palette of materials. The front and rear elevations would be dominated by glazing set within deep reveals and framed by bold white brickwork. The design and materials incorporate characteristics evident in surrounding buildings, including the use of white brick, curtain walling and extensive glazing, whilst also resulting in a distinctive individual design. There are no objections, from a design perspective, to the introduction of additional windows on the central portion of the building's rear elevation. A condition requiring the submission and approval of material samples will be necessary.
21. The present application includes a stand-alone, 84-space cycle-store in front of the main apartment block. Whilst this 12m wide structure would be situated close to the Warwick Road highway, provision has been made for it to be set behind an area of soft landscaping which, it is considered, will serve to partially soften its appearance from the streetscene. Notwithstanding this good quality materials should be used for the cycle store's external elevations and its form and appearance should take the opportunities available to improve the character of the area. It is recommended that any permission includes conditions relating to the submission of further details for proposed boundary treatments and hard and soft landscaping.
22. In conclusion it is considered that the proposed development would be appropriate in its context and would have no greater material impact on the street scene than the most recent approval from March 2016 (84703/FUL/15). In any event the development would make best use of an opportunity to improve the character and quality of an area and is considered to be in accordance with Core Strategy Policy L7 and national guidance within the NPPF (paragraph 64).

## CRIME AND SECURITY ISSUES

23. The application includes a Crime Impact Statement prepared by Greater Manchester Police (Design for Security), which has assessed the development against the principles of 'Crime Prevention through Environmental Design' (CPTED). This is the same document that was submitted for application 84703/FUL/15, however it is considered that the recommendations within it apply equally to the present development, given the limited number of above-ground differences between the two schemes. GMP has advised that a condition be added to any approval that requires

the application to implement the physical security specification listed within the report.

## **AIR QUALITY**

24. The Air Quality Assessment submitted with this application also remains unchanged from the document submitted with 87403/FUL/15. It concludes that the proposed development will have a 'negligible / not significant' impact on nearby existing sensitive receptors and the proposed sensitive receptors within the development. Temporary impacts of dust from the construction phase have been assessed as being 'not significant' provided site specific mitigation measures are put in place. The report states that a best practice dust mitigation plan will be written and implemented for the site and it is recommended this plan is submitted for approval before the commencement of the development.

## **FLOOD RISK AND DRAINAGE**

25. The site is within Flood Zone 1 and a Critical Drainage Area, although the development is below the threshold requiring consultation with the Environment Agency or the submission of a Flood Risk Assessment. It is considered that the development would not be at risk of flooding, nor increase the risk of flooding, subject to the implementation of a sustainable urban drainage scheme across the site. It is recommended that a condition is attached to any permission, requiring full details of the drainage scheme required to comply with the limits indicated in the Guidance Document to the Manchester City, Salford City and Trafford Council's Level 2 Hybrid Strategic Flood Risk Assessment. These details should be provided and assessed prior to the commencement of any development.

## **ACCESS AND CAR PARKING**

26. The proposed development would utilise the existing vehicular access into the site from Warwick Road, which the LHA considers to be appropriate. The Transport Statement submitted with the application estimates that the development could be typically expected to generate 21 trips in the AM Peak hour (08:00 – 09:00) and 19 trips in the PM Peak hour (17:00-18:00). As a result the volume of traffic generated by the development will be modest and will not have a significant impact on the operation of the local highway network.

27. The Council's SPD3: Parking Standards and Design states that a maximum of 132 spaces should be provided for this development, which comprises of 46no. one bed apartments and 43no. two-bed apartments.

Number of bedrooms	Maximum standards under SPD3:	Number of apartments	Number of spaces required
1	1 space	46	46
2	2 spaces	43	86

28. Application 87403/FUL/15 was approved with 108 parking spaces. The current scheme proposes the same number of units and bedrooms, but would be supported by just a single deck of basement parking that provides 44 spaces. This equates to a ratio of 0.49 spaces per apartment.

#### APPLICANT'S CASE

29. The applicant has sought to justify this reduction in on-site parking provision, relative to the previous approval, within their Transport Statement and Travel Plan. In the first instance they have reviewed the baseline conditions that exist in the immediate vicinity of the site. They state that 106 'Pay & Display' spaces exist within 500m of the application site, with approximately 25 of these located on Warwick Road itself and enforced only between the hours of 9am and 5pm, Monday to Friday. Therefore it would be possible for guests of the development to utilise on-street parking. Details of a night-time survey have also been presented, which show that, on a typical night, the streets in the immediate area are not overly parked up. Parking appears to be generated by residents and visitors, rather than overspill from other areas.

30. Given the above, the TS looks to utilise the available capacity on Warwick Road and minimise the impact of the development on Barlow Road and Warwick Road. To achieve this, the applicant has proposed to fund a series of alterations to the highway and existing Traffic Regulation Orders, including:

- A dual-use for the existing 'Pay & Display' bays on Warwick Road so that they can function as resident permit parking outside of the current hours of operation. Free passes for five years.
- Parking permits for additional parking bays installed on Warwick Road – free passes for five years.
- Provision of 'H'-bar markings to drives on Hornby Road and Barlow Road.

31. The TS notes that census data shows that car-use is noticeably lower in this part of the Borough than in the wider Council area. It also suggests that the development, by virtue of its accessible location, could influence a shift in modal split by its residents towards non-car modes. The application site can be considered as being accessible, as there are opportunities for residents to access a range of shopping, employment, leisure and service facilities on foot, by cycle and by public transport.

32. To achieve a change in modal split, the applicant has proposed a number of measures within a Travel Plan that relate to the promotion of non-car-borne journeys. These include:

- Provision of a 'Welcome Pack', which provides information on local public transport; the car sharing scheme and discounts for the purchase of new bikes.
- Provision of £250 once per unit for cycle purchase support.
- Provision of 84 secure cycle parking spaces.



- A free annual tram/bus pass per unit on request for a maximum of 30% of the units in the first year; reducing to 50% of the costs for the second year; and then 10% of the costs for the third year.
- It is anticipated that the scheme will be able to access the GM Travel wise car share scheme.
- Appointment of a Travel Plan co-ordinator to assist in the promotion of sustainable transport.

The TS indicates that the site promoter would be responsible for carrying out the above measures.

33. The applicant has confirmed that they will cover all funding related to the Travel Plan during the five year period for realising the goals set out within it to increase sustainable travel.

#### COMMENTS ON THE APPLICANT'S CASE

34. Surveys submitted with the previous application at MKM House (84703/FUL/15) identified that resident parking for similar developments in this area was at a rate of 0.77 cars per flat, rising to 0.85 when allowing for an assumed vacancy rate of 10%. When this ratio is applied to the proposed development, which comprises of 89 apartments, it equates to a demand for 76 parking spaces. The current scheme proposes 44 spaces within a basement car park and therefore it is considered that overspill parking, from the development onto the surrounding roads, will take place.

35. A number of the streets within the immediate vicinity of the application site are the subject of parking restrictions. The eastern side of Warwick Road is occupied by 'Pay & Display' bays (Monday-Friday, 09:00-1700), whilst the western side, along with Barlow Road and Hornby Road, have resident permit parking schemes in place (Monday – Friday, 09:00 – 17:00). Parking on the A56 Chester Road, and A5014 Talbot Road, is prohibited at all times by the presence of double-yellow lines.

36. The overnight survey provided by the applicant shows that, on a typical evening, there is some spare capacity on Barlow Road, Hornby Road and Warwick Road. However, routine overnight parking here by residents of the new development would, it is considered, cause undue disruption to the parking amenities currently experienced by existing residents. Furthermore, in their current form, those spaces that exist on Warwick Road are available for use by all visitors to the area and as such cannot be considered as designated spaces for the development.

37. The applicant has sought to address the above by implementing the measures set out in Paragraph 30. The 25no. 'Pay & Display' spaces that exist on Warwick Road would double up as resident parking bays for the development outside of their current time of operation (Monday – Fridays, 09:00 – 17:00). This would reasonably allow future occupiers of the development to park in this location overnight on weekdays and at all times on weekends, which coincides with the times that demand for residential parking are at their highest. These spaces would be supported by the

creation of up to five additional on-street parking bays, between Hornby Road and the A56, which would provide some additional capacity for residents of the development. As a result, 30 on-street spaces would be made available to residents of the current scheme, in addition to the 44 within-site spaces underneath the proposed building. It is considered that these measures, coupled with the provision of 'H'-bar markings in-front of driveways on Hornby Road and Barlow Road, will make a significant contribution towards protecting the parking amenities of existing residents in the area. They would require amendments to the existing Traffic Regulation Order's for Warwick Road, which is a cost that should be covered by the applicant as part of a s.278 agreement pursuant to the Highway Act 1980. The measures themselves can be secured by an appropriately worded planning condition.

38. The provision of 44 spaces within the site, and 30 residents permit parking bays on Warwick Road, would still result in a significant shortfall when compared against the Council's maximum standards. It is also worth noting that a shortfall would exist when compared against average rates of parking for similar developments in the area. However the LHA considers that, given the sustainable location of the site and the package of sustainable travel measures put forward by the applicant (in Paragraph 32 above), this shortfall can be considered acceptable. If properly implemented, the Travel Plan should serve to encourage a mode-shift towards alternative methods of transport to the car, which in turn should prevent the development from increasing on-street parking pressures on nearby Hornby Road and Barlow Road. The submission of an updated Travel Plan can be secured via condition.
39. Therefore, in this instance the level of off-street parking proposed by the applicant can be considered acceptable, providing that it is supported by the range of measures identified by the applicant in Paragraphs 30 and 32 above. As such this aspect of the development is compliant with Policies L4, L7 and SL3 of the Trafford Core Strategy.
40. The LPA is aware that the area in the vicinity of MKM House is one that experiences regular pressures for new development, in particular residential schemes. In April 2016 permission was granted for nearby 701 Chester Road (on the corner of Warwick) to be converted into 35 apartments. The Anderton House site has previously been the subject of applications for significant development projects, extending up to 13 storeys in height. Whilst the measures proposed within this application are considered to be sufficient to protect the parking amenities of the area, it is worth noting that it will not necessarily be possible to apply the same approach for future developments. All future applications will, however, be considered on their own merits.
41. Servicing and refuse collection for the development would take place from Warwick Road, which is considered to be acceptable by the LHA.

42. SPD3: Parking Standards and Design states that one communal cycle space should be provided per apartment for this development. The proposals include 84 cycle spaces within a secure compound to the front of the apartment building; six spaces within the basement car park; and an additional eight visitor spaces on the ground-floor. Following the submission of detailed plans for the secure compound, the LHA considers the level of proposed provision to be acceptable.

## **DEVELOPER CONTRIBUTIONS**

43. Policy L2 of the Core Strategy states in respect of all qualifying development proposals, appropriate provision should be made to meet the identified need for affordable housing. The Old Trafford area is identified as a “cold” market location where, under normal market conditions, an affordable housing contribution of 5% will be sought. The supporting text of Policy L2 recognises that under poor market conditions a 5% contribution could inhibit development in these locations and therefore such applications will not trigger a requirement to provide affordable housing. It is considered that the Borough is still under “cold” market conditions and therefore a contribution towards affordable housing would not be required at the present time.

44. 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. SPD1: Planning Obligations sets out a standard of 1 tree per apartment and therefore this development would be expected to provide 89 trees on site. Due to the footprint of the proposed development there is only limited scope for tree planting on site (the plans indicate a small number of trees to the front) and it would not be feasible to require this amount of tree planting by condition. The SPD states the provision of alternative Green Infrastructure treatments could be provided in lieu of, or in combination with, tree provision. In this case this may include scope for native species hedge to the front of the site, green roof/ green wall and/or additional biodiversity or landscaping elements to a SUDS scheme. The requirement to provide GI treatment on site and to include details of the tree planting and landscaping at the front of the site as indicated on the site plan, can be secured by condition.

45. Policy R5 of the Core Strategy requires all development to contribute on an appropriate scale to the provision of the standards set out in the policy, either by way of on-site provision, off site provision, or by way of a financial contribution. SPD1: Planning Obligations states that large residential developments of approximately 100 units will need to provide new open space as part of the site design. The development would provide only limited informal open space on site and it appears there will be limited opportunities for addressing the specific GI requirements in a landscaping scheme unless a green wall or roof is proposed. The nearest provision in the local area is Gorse Hill Park which is within the Gorse Hill ward and is deficient in open space as identified in the Open Space of Need Assessment 2009. Therefore it is concluded the application will have an impact on the surrounding environment

and the future residents will place extra pressure on existing green spaces in the area. Gorse Hill Park has been identified in the Councils Greenspaces Project Plan to be in need of upgraded play provision and diversifying provision for children of different ages. Therefore in terms of the need for the proposed development to provide Local Open Space and children's play provision it is appropriate for a contribution to be made and which would need to be secured by a legal agreement. Using the calculations in SPD1 the appropriate contribution would be £51,381, calculated as follows:-

- 46 x 1 bed apartments equates to 60 residents requiring LOS at £161.59 per person = £9,695
- 43 x 2 bed apartments equates to 77 residents requiring LOS at £161.59 per person = £12,507
- 43 x 2 bed apartments require play provision at £378.95 per person which = £29,179

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

### **RECOMMENDATION:**

**MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT** and the following conditions:-

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

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

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

PL(00)001 - Site Plan  
PL(00)003 - Proposed Site Plan  
PL(00)004 - Ground Floor Plan  
PL(00)005 – First Floor Plan  
PL(00)006 – Second Floor Plan  
PL(00)007 – Third Floor Plan  
PL(00)008 – Fourth Floor Plan  
PL(00)009 – Fifth Floor Plan  
PL(00)010 – Sixth Floor Plan  
PL(00)011 – Seventh Floor Plan  
PL(00)012 – Eight Floor Plan

PL(00)013 – Ninth Floor Plan  
PL(00)014 – Tenth Floor Plan  
PL(00)015 – Eleventh Floor Plan  
PL(00)016 – Roof Plan  
PL(00)017 – Basement Floor Plan  
PL(00)018 – Warwick Road Elevation  
PL(00)019 – East Elevation  
PL(00)020 – South and North Elevation  
PL(00)021 – Detailed Warwick Road Elevation  
PL(00)022 – Detailed East Elevation  
PL(00)023 – Long Section  
PL(00)024 – Short Section  
PL(00)024 - Bike Storage Layout  
PL(00)025 – Bike Storage Sections  
PL(73)23 – Warwick Road Elevation

Reason: To clarify the permission, having regard to Policies L2 and L7 of the Trafford Core Strategy.

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

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies L2 and L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

4. (a) Notwithstanding the details submitted to date and prior to the first occupation of any part of the development hereby permitted, full details of both hard and soft landscaping works and Green Infrastructure treatment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the proposed tree planting indicated on drawing numbers PL(00)003/D and PL(00)004/C, including planting plans, specifications and schedules (including planting size, species and numbers/densities), any proposed changes to existing ground levels, hard surfaced areas and materials, any existing plants to be retained, and shall show how account has been taken of any underground services.

(b) The landscaping works shall be carried out in accordance with the approved details within 12 months from the date when any building or other development hereby permitted is occupied or carried out as the case may be.

(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, unless the Local Planning Authority gives its written consent to any variation.

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, L8, R2, R3 and R5 of the Trafford Core Strategy and to comply with Supplementary Planning Document 1: Planning Obligations.

5. Prior to the first occupation of any part of the development hereby permitted a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

6. Prior to the first occupation of any part of the development hereby permitted a plan indicating the location, design, materials and type of boundary treatment to be retained or erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details and completed before the building is first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory relationship between existing and proposed development having regard to Policies L2 and L7 of the Trafford Core Strategy.

7. Prior to the first occupation of any part of the development hereby permitted, details indicating the design, height and material of the gate/shutter to the car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure satisfactory external appearance in the interests of visual amenity, having regard to Policies L2 and L7 of the Trafford Core Strategy.

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

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

9. All areas for the movement, loading, unloading and parking of vehicles provided in accordance with this permission shall be made available for those purposes at all times when the premises are in use; notwithstanding the provisions of any General Development Order, no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided.

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

10. Prior to the first occupation of any part of the development, details of a Travel Plan, which should include measurable targets for reducing car travel, shall be submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development hereby permitted the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation. The Travel Plan produced shall be in substantial compliance with the Interim Travel Plan submitted with the planning application (ref: J477/IPT, April 2016 - DTPC), including the 'Initiatives and Mitigation' measures listed on Page 38.

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

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

Reason: It is necessary for this information to be submitted and agreed prior to commencement so as to incorporate any amendments into the final design, and given the need to install drainage infrastructure at the start of the construction works and to prevent the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies L4, L7, R3 and L5 of the Trafford Core Strategy.

12. Prior to the first occupation of the development hereby approved, a detailed scheme for the provision of resident permit parking bays on Warwick Road, which may include a dual-use with existing 'Pay & Display' bays, shall be submitted to, and agreed in writing by the Local Planning Authority. The bays shall be provided in accordance with the approved scheme prior to the occupation of the first apartment and retained thereafter.

Reason: In the interests of protecting the parking amenities of the area, and having regard to Policies L4 and L7 of the Trafford Core Strategy.

13. The development hereby approved shall not be occupied unless and until a series of 'H-Bar' road markings have been introduced on the highway to the front of driveways on Barlow Road and Hornby Road, in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the parking amenities of the area, and having regard to Policies L4 and L7 of the Trafford Core Strategy.

14. No development shall take place unless and until:

(a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site has been submitted to and approved in writing by the Local Planning Authority.

(b) Should the Phase 1 report recommend that further investigations are required, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The phase II report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(c) Should the Phase II report indicate that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by



removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works, which shall be carried out in accordance with the approved details during the course of the development unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary for this information to be submitted and agreed prior to commencement, so as to incorporate any amendments into the final design and given the need to install remediation measures at the start of the construction works, to prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy L7 of the Core Strategy and the National Planning Policy Framework.

15. Prior to any of the apartments hereby permitted being occupied, the basic mitigation identified in the submitted Acoustic Report 'Assessment of noise at the land Warwick Rd, Trafford for proposed residential development' prepared by ADC Acoustics and dated 28 December 2014, shall be provided for all living rooms and bedrooms. The basic mitigation shall include traditional masonry walls, basic thermal double glazing and non-acoustic air vents. These measures shall be retained thereafter unless otherwise confirmed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of future occupiers of the development, having regard to Policies L5 and L7 of the Trafford Core Strategy.

16. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction

vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure that these details are agreed prior to works commencing on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy.

17. Prior to the first occupation of any part of the development details of any proposed external lighting, including any proposals to light the external façade of the building, shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the external areas shall be lit in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, highway safety and residential amenity and in accordance with Policy L7 of the Trafford Core Strategy.

18. Prior to the first occupation of any part of the development, 89 cycle spaces for residents, and spaces for visitors in a convenient location close to the building entrance, shall be provided in accordance with approved plans PL(00)024 and PL(00)25. The cycle parking shall be retained at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sufficient cycle parking provision is provided within the development in the interests of promoting sustainable modes of travel and to comply with Policies L4 and L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 3: Parking Standards and Design.

19. Prior to the first occupation of any part of the development, the physical security specification detailed within Section 4 of the Crime Impact Statement prepared by Greater Manchester Police (Design for Security) (report ref. 2015/0063/CIS/01 dated 09 February 2015) shall have been provided and the measures shall be maintained thereafter.

Reason: To reduce the risk of crime pursuant to Policy L7 of Trafford Core Strategy and to reflect the guidance contained in the National Planning Policy Framework and Trafford Council Supplementary Planning Guidance 'Crime and Security'.

20. No above ground construction works shall take place until a television reception report has been submitted to and approved in writing by the Local Planning Authority, identifying the potential impact of the development on television reception in the area and any mitigation measures necessary to maintain the existing level and quality of signal reception identified. The required mitigation measures identified in the assessment shall be carried out at the appropriate stages of construction and then fully carried out before the development is first brought into use.

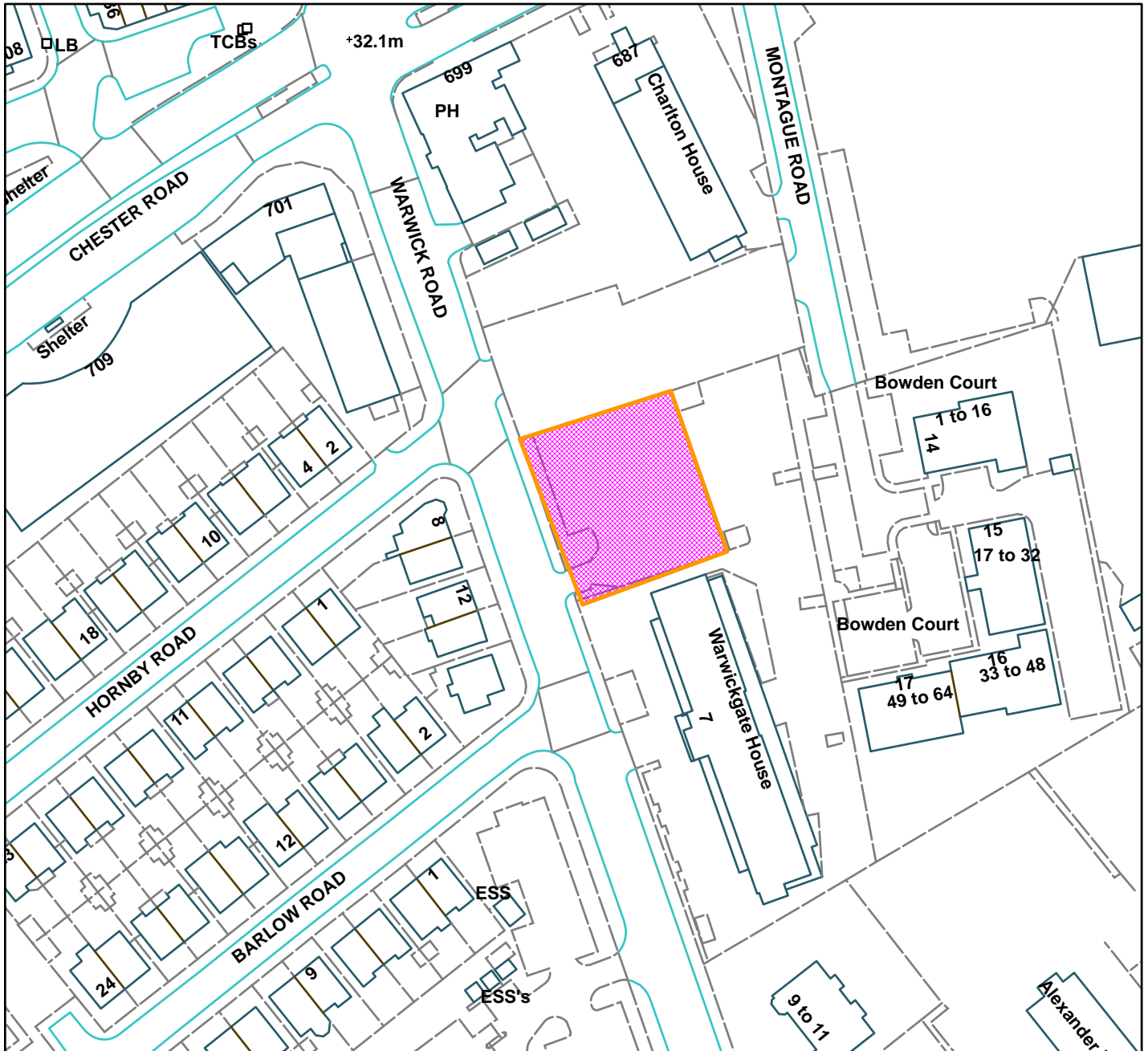
Reason: To provide an assessment as to whether television signal reception is likely to be affected by the development and to ensure that the development at least maintains the existing level and quality of television signal reception, in the interest of residential amenity and having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

JK

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Site of former MKM House, Warwick Road, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/07/2016
Date	04/07/2016
MSA Number	100023172 (2012)

**WARD:** Brooklands

**88319/HHA/16**

**DEPARTURE:** No

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

1 Craddock Road, Sale, M33 3QQ

**APPLICANT:** Mr Richard Wong

**AGENT:** Mr Antony Reynolds

**RECOMMENDATION: GRANT**

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The application has been reported to Committee due to a request from Councillor Pamela Dixon on the grounds the extension is considered to be out of keeping with all adjoining properties and of an excessive size for the plot. It is also considered to have an overbearing, overshadowing and overlooking impact on neighbouring dwellings.

### **SITE**

The application site relates to a detached dwellinghouse situated on the eastern side of Craddock Road in Sale. This is a two storey hipped roof property with an existing two storey side extension and single-storey rear extension and conservatory. External finishes include brickwork walls, a tiled roof and uPVC windows and doors. The surrounding area is residential in character with a combination of detached and semi-detached two storey properties surrounding the application site. It is noted that Flood Zone 3 adjoins the front boundary of the site, however the property itself is outside of this flood risk zone.

### **PROPOSAL**

Planning permission is sought for the erection of a single-storey extension to the rear elevation of the host dwelling. This would project between 3.86m and 5.08m beyond the rear wall of the existing house and would be 1.9m away from the boundary with No 3 Craddock Road to the south and 1.6m away from the boundary with dwellings to the north. All external finishes are proposed to match the main house with brickwork walls, a tiled roof and uPVC windows and doors. It is noted that work has commenced on this extension though it has not been completed.

The proposed development creates an additional 39.3sqm of floorspace.

### **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD4: A Guide for Designing House Extensions and Alterations (adopted February 2012)

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

The DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

H/71043: Erection of a part first floor, part two storey side and rear extension and erection of a rear conservatory to form additional living accommodation – Approved w/conditions 30/04/2009.

## **APPLICANT'S SUBMISSION**

The applicant has submitted a letter which attempts to address the points raised in a letter of objection which has been submitted. In summary, this notes the following:

- All side windows are to be opaque glazed
- There is no future plan to add a conservatory
- The extension does not go beyond the boundary line of No 26 Norris Rd
- There is no 'continual wall of bricks'
- The site boundary has never been expanded
- Extensions to either side of No 26 are not of relevance to this application

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

Two letters of objection have been received and these raise the following concerns:

- Much of the development has already taken place without planning permission
- The first development (from 2009) is unsympathetic in terms of design
- The proposed extension will further result in a property that does not respect local context and street pattern, in particular the scale and proportions of surrounding buildings and will appear grossly over-developed
- The extension will be disproportionate to the original dwelling and will have a detrimental impact upon residential neighbouring amenities
- The proposed window will overlook the garden of No 24 Norris Road and will reduce privacy
- Overlooking impact on No 26 Norris Road
- Potential for impact from a future conservatory
- Loss of light and impact from overshadowing of garden and property (Nos 24/26 Norris Road)
- The development will result in an expansion of the already overbearing brickwork resulting in an uncomfortable sense of enclosure
- Adverse impact on value of No 24 Norris Road
- Proposal is contrary to local and national planning policy/guidelines
- The garden has been significantly reduced by previous extensions
- The development, together with extensions on either side give an enclosed rear outlook from No 26 Norris Road
- Cumulative impact on No 26 and its occupiers

As noted above, the applicant has submitted a statement to attempt to address the concerns raised in one of the letters of objection. The points raised in this letter have been covered in this report where necessary.

## **OBSERVATIONS**

The key issues for consideration in this application are the design and appearance of the development and its impact on residential amenity.

## **DESIGN AND APPEARANCE**

1. 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.

2. The scale of the proposed extension is not considered to be disproportionate in itself or in relation to the host dwelling, whilst all external materials would match those of the main house.
3. Whilst the property has been extended previously, the addition of a single storey rear extension is not considered to have a detrimental cumulative impact on its character and appearance or that of the surrounding area. A reasonable amount of outdoor amenity space would be retained to the rear of the extension and the addition is not deemed to represent an overdevelopment of the site as a whole.
4. Neighbour consultation responses raise concerns that the property would not respect local context and street pattern as a result of the extension. Given that the extension would be sited to the rear of the host dwelling and would not be visible from any street or other public viewpoint, there would not be any impact on the street pattern. Its design, materials, scale and proportions are considered to ensure that it respects local context.
5. The development is considered to be in line with Policy L7 of the Trafford Core Strategy and the policies within the Council's adopted SPD4 in terms of its design and appearance.

## **RESIDENTIAL AMENITY**

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 proposed extension would project 5.08m from the rear of the existing house at the point closest to the boundary with No 3 Craddock Road. Paragraph 3.4.2 of the Council's adopted SPD4 allows for extensions projecting up to 4m on detached properties, although where the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the distance from the boundary. In this case, the extension would be set away from this boundary by 1.9m and as such, would be in accordance with SPD4 which would allow for a projection of 5.9m in this location (subject to design considerations). High level windows are proposed in the side elevation facing towards this neighbour though the positioning of these and their obscure glazing is such that there is not considered to be any overlooking impact on No 3.



8. The immediate neighbours to the north of No 1 Craddock Road back on to the application site and as such, the proposed extension would be adjacent to the rear boundary of one of these neighbours, No 24 Norris Road. The extension would project 3.86m from the rear of the existing house at the closest point to this boundary, though it is noted that this part of the house has previously been extended, with the existing rear wall being 4.2m beyond the original rear wall of the house. This extension was approved in 2009 under application reference H/71043 and lies 1.6m off the boundary with No 24 Norris Road.
9. This part of the proposed extension would project further beyond the rear of the original house than the 4m plus the gap recommended in paragraph 3.4.2 of SPD4. However, this guideline relates primarily to situations where two properties are side by side and share a side boundary whereas in this case, the extension is adjacent to the rear boundary of No 24 Norris Road and at right angles to that dwelling. The proposed extension would be approximately 18m away from the rear elevation of No.24 and no closer to the common boundary than the existing extension. It is recognised that the proposed extension would result in built development across the whole of the rear boundary of No.24. It is also recognised that the existing trees on the boundary of number 26 to the east create some limited additional sense of enclosure. However, given the modest height of the proposed extension (2.6m to the eaves and 3.4m to the ridge) and the generous length of the garden of No.24, it is considered that the proposed extension would not have a significant additional overbearing or overshadowing impact over and above the impact of the existing two storey extension.
10. Neighbour consultation responses raise concerns regarding overlooking, however the windows proposed in the side elevations are to be non-opening, obscure glazed and located at a height of at least 1.7m above finished floor level. The retention of these windows as proposed can be controlled via a planning condition. As such, there would not be any overlooking impact on adjacent properties or their garden areas.
11. With regard to No 26 Norris Road, the extension would not extend across the rear garden of this house and overall is considered to have very little impact on the amenity and privacy of its occupiers. No proposed windows would face towards No 26 or its garden whilst the scale and siting of the extension is such that there would be no overbearing or overshadowing impact.
12. The proposed extension would be approximately 13.5m away from the rear boundary with No 1 Bromley Road. This distance, together with its single-storey scale is considered to be sufficient to ensure there is no detrimental impact on the amenity of properties to the rear.
13. The proposed development is in accordance with Trafford Core Strategy Policy L7 and the aims of SPD4 and is therefore considered to be acceptable in terms of its impact on residential amenity.

## **OTHER MATTERS**

14. Letters of objection note that the development has commenced without planning permission first being obtained. However, the application must be considered on its merits in just the same way as any other application.
15. Another concern relates to the impact on the value of neighbouring properties. This is not a material planning consideration and is not of relevance in the consideration of the application.
16. The letters of objection highlight the impact of the previously approved (and built) extension on residential amenity. Given that approval has been given for this, it is only relevant to consider any additional impacts as a result of the currently proposed extension. Similarly the design of the previous extension is not for consideration in the current application.
17. One letter of objection raises concerns that a conservatory could be erected in the future, which could have a further impact on neighbours. However, no conservatory is currently proposed and any such proposal in the future, in close proximity to the boundaries with 24 and 26 Norris Road, would require a further planning application, which would be considered on its own merits.

## **DEVELOPER CONTRIBUTIONS**

18. No planning obligations are required.

## **CONCLUSION**

19. The comments of local residents have been taken into consideration in the assessment of the application, however 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 hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2/AR and 4/AR.

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

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

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance 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 and the requirements of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) prior to first occupation of the extension hereby permitted, the windows in the side (north and south) elevations shall be fitted with, non-opening lights and textured glass which obscuration level is no less than Level 5 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

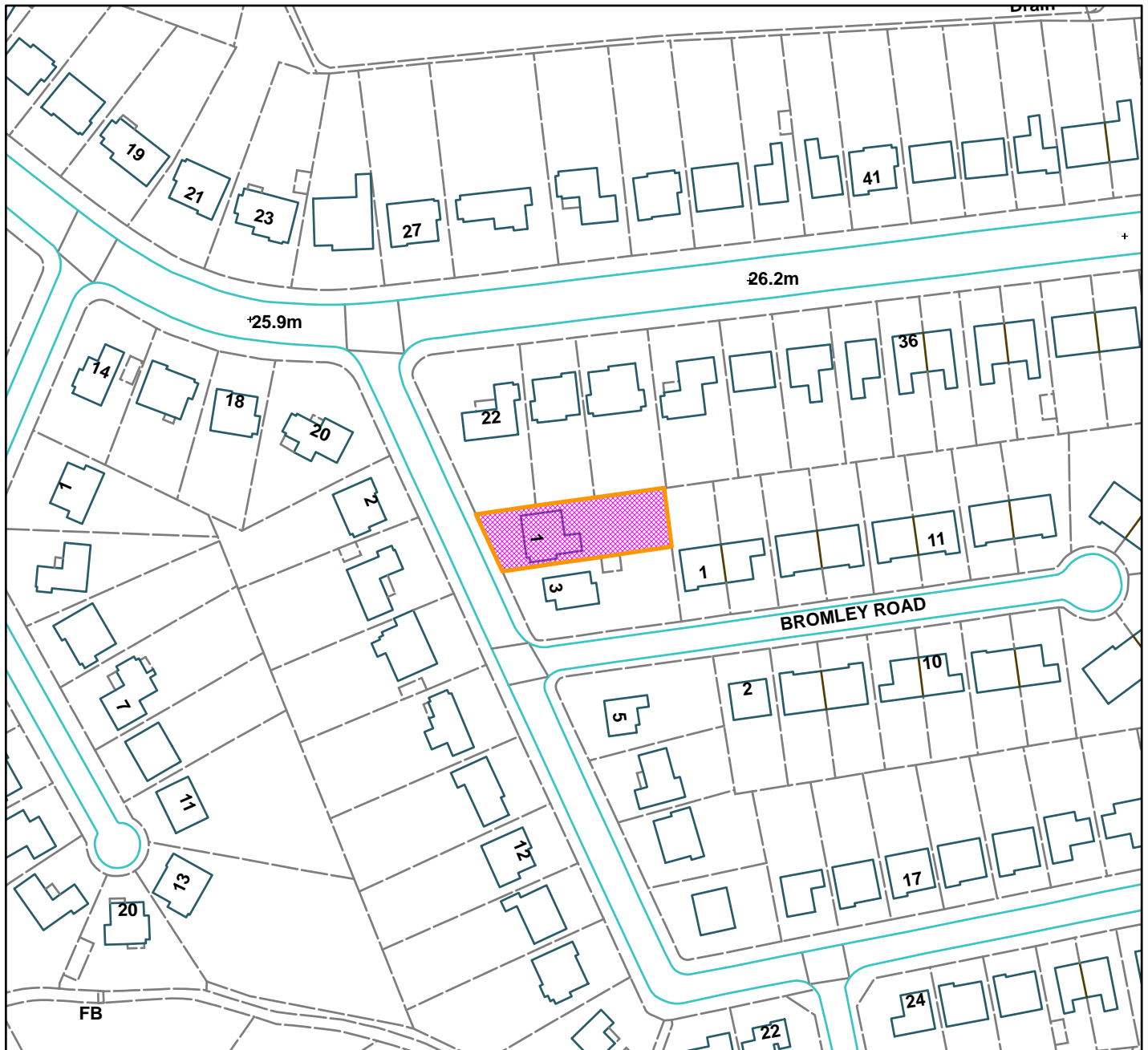
Reason: In the interest of amenity and in compliance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JD



1 Craddock Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 14/07/2016
Date	04/07/2016
MSA Number	100023172 (2012)

## TRAFFORD COUNCIL

**Report to:** Planning and Development Management Committee  
**Date:** 14 July 2016  
**Report for:** Information  
**Report of:** Head of Planning and Development

### Report Title

**Affordable Housing Provision: Case Law Update**

### Summary

This report is to inform the Planning and Development Management Committee of recent case law in respect of affordable housing contributions and the implications for planning decisions and the Council.

### Recommendation

That Planning and Development Management Committee note the contents of this report.

### Contact person for access to background papers and further information:

Name: Rebecca Coley  
Extension: 4788

#### 1.0 Introduction and Background

1.1 On 28 November 2014, Brandon Lewis, the Minister of State for Communities and Local Government announced changes to government policy in respect of planning obligations (S106 agreements or unilateral undertakings) via a Written Ministerial Statement (WMS). This resulted in an amendment to the National Planning Practice Guidance (NPPG) as follows:-

- Contributions for affordable housing and tariff style planning obligations should not be sought from development of **ten units or less** and which have a **maximum combined gross floorspace of no more than 1000sqm**.
- Tariff style contributions are defined as planning obligations contributing to pooled funding pots intended to provide common types of infrastructure.
- Authorities can still seek obligations for site specific infrastructure – such as (for example) improving road access and the provision of adequate street lighting – where this is appropriate, to make a site acceptable in planning terms.

- 1.2 Two local authorities, Reading Borough Council and West Berkshire District Council, jointly challenged the WMS and the amendments to the NPPG on a number of grounds. The High Court upheld the challenge in July 2015, quashing the amendments to the NPPG and ruling that the WMS must not be treated as a material planning consideration. The government deleted the relevant paragraphs in the NPPG as a result of the judgment.
- 1.3 The Secretary of State then appealed against the High Court judgment on all grounds. This was heard by the Court of Appeal in March 2016 and in May 2016 the judgment was handed down, quashing the previous decision of the High Court. As a result the WMS was reinstated and the government republished the advice in the NPPG on 19 May 2016. As a result the WMS was reinstated and the NPPG amended to reflect the original changes and they are both once more material considerations in the determination of planning applications.
- 1.4 This change to government policy was effective from the date of the Court of Appeal judgment. The Council's Core Strategy and associated Supplementary Planning Guidance (SPD), which together comprise the Council's adopted local development plan in this respect, does not comply with the policy and the government have made clear that where a Council's development plan is out of date (i.e. predates the adoption of the National Planning Policy Framework) and does not comply with national policy, then national policy should take precedence. This approach has been supported by Planning Inspectors at appeal.

## **2.0 Community Infrastructure Levy and Planning Obligations in Trafford**

- 2.1 The Council operates a Community Infrastructure Levy (CIL) in order to secure the necessary infrastructure contributions from new development. In conjunction with this, the Council's SPD1, 'Planning Obligations' sets out the Council's approach to securing S106 contributions from development where it is not possible to use CIL. SPD1 provides clarity for when the use of S106 legal agreements will be appropriate to mitigate the negative impacts of development, as there should be no circumstances where a developer is paying CIL and S106 for the same infrastructure in relation to the same development.
- 2.2 All previous 'tariff style' planning obligations operated by the Council, for example, financial contributions to the provision of recreational open space are now secured by CIL. The WMS and NPPG amendments do not affect CIL and there is therefore no need to alter the Council's approach to the collection of CIL.
- 2.3 With the exception of affordable housing, all planning obligations identified in SPD1 are for 'site specific infrastructure' and the WMS and NPPG are clear that these can continue to be secured on all relevant schemes with no lower threshold. The Council's approach to securing these contributions is therefore unaltered.

## **3.0 Affordable Housing**

- 3.1 The reinstatement of the WMS and NPPG as a material consideration affects the Council's approach to securing affordable housing contributions, specifically in 'hot' and 'moderate' market areas.
- 3.2 Affordable housing falls outside the scope of CIL and is secured by way of a S106 agreement. The approach to securing affordable housing in Trafford is set out in

SPD1. In 'hot' and 'moderate' market areas affordable housing contributions are required from schemes of 5 dwellings or more. In 'cold' market areas the threshold is schemes of 15 dwellings or more. The change to government policy therefore only affects 'hot' and 'moderate' market areas.

3.3 Paragraph 215 of the National Planning Policy Framework (NPPF) states that:-

*'due weight should be given to relevant policies in existing plans [i.e. the Core Strategy in Trafford's case] according to the degree of consistency with this framework (the closer the policies in the plan to this policies in this Framework, the greater the weight that may be given'.*

It was made clear that the government announcement of 28 November 2014 was the introduction of government policy and it is also clear, given the successful appeal lodged against the original judgment to quash the policy, the government believe that the policy has significant merit and should be applied. The policy has been placed in the NPPG which accompanies the NPPF. It is therefore the government's intention that this policy can and should be given the same weight as the NPPF when making planning decisions. As such, where the Core Strategy is not in accordance with the NPPF it can be given very limited, if any weight and government policy takes precedence.

3.4 It is the role of the Planning Inspectorate to independently apply relevant policy to planning decisions where appeals are made against the decisions of a Council. The Council has already received an appeal decision from the Planning Inspectorate in respect of a six dwelling scheme, where although this matter was not central to the appeal, the Inspector determined that, despite the appellants agreeing a sum of £90,000 for affordable housing contributions, that following the reinstatement of the WMS and related NPPG as a material consideration that *'there is no requirement for the appellant to provide affordable housing (either on site or by way of a financial contribution)'*. [N.B. The Council's request for affordable housing contributions pre-dated the Court of Appeal judgment]. It is clear from recent appeal decisions in this Borough and elsewhere that this is not an isolated case; where local policy is not in accordance with the NPPF then the NPPF is taking precedence as an important material consideration.

3.5 As a result it is proposed that with immediate effect the Council will no longer be seeking affordable housing contributions from schemes of ten dwellings or fewer, which have a combined floorspace of 1000sqm or less. Therefore, there will no longer be a requirement to enter into a S106 for such applications.

3.6 Additionally, those applications with a delegated or committee resolution of 'minded to grant subject to S106' but that have not yet been determined will no longer be required to make affordable housing contributions and if no other S106 contributions are required can be granted planning permission immediately without the need for the developer to enter into a legal agreement. Developers will be advised of the position and given the choice to proceed with the S106 or where the initial resolution to grant planning permission was made by the Committee, bring the application back before Members with a recommendation that their resolution be amended.

3.7 In practice, now and going forward, the change will only affect a small number of applications. Affected applications are those between five and ten dwellings, in the 'hot' and 'moderate' sub-market areas which cover Altrincham, the Rural

Countryside, Sale, Stretford and Urmston. In the majority of these cases developers submit a 'viability appraisal' which seeks to demonstrate that with affordable housing or other contributions, the scheme would not generate sufficient return or value from a development for it to be 'viable' i.e. it would not go ahead with such contributions being paid. This is demonstrated by the fact there are just three live planning applications with a resolution to grant planning permission subject to a s.106 agreement to secure affordable housing contributions which are affected by the change.

3.8 It is accepted that should there be a further upturn in the economy, making development more viable, and leading to more small schemes being viable enough to provide affordable housing contributions that the Council would lose a potential source of income from implementing this change to government policy. It is not possible to establish the precise financial implications, as it is not possible with any certainty to predict either how many schemes would come forward or which of these would be viable, however it could be reasonably substantive. There are also a number of schemes which were granted planning permission subject to affordable housing contributions but which have not yet been implemented during the period when the WMS was quashed by the High Court where the developer could potentially reapply for planning permission to avoid making affordable housing contributions. Again, the precise financial implications of this are impossible to predict with any certainty.

3.9 This impact needs to be offset however against the following risks of continuing to implement the Council's Core Strategy policy in respect of affordable housing contributions:-

- It is clear that this change to government policy outweighs the existing policy in the Core Strategy;
- It is established that where there is a clear steer that government policy outweighs local policy that Planning Inspectors are upholding planning appeals, with awards of costs where Councils are deemed to have acted unreasonably;
- Developers are aware of this change to government policy (some have already contacted the Planning and Development Service seeking an immediate grant of planning permission) and would appeal against non-determination of a planning application if the resolution was to grant subject to a S106 agreement or against a refusal of planning permission if applications were to be refused on the grounds of a lack of contribution to affordable housing;
- At appeal, the Council would be at significant risk of costs awards against it from these decisions as they are clearly contrary to government policy;
- Developers will be unlikely to agree to an extension of time for the determination of a planning application for the completion of a S106 agreement where they do not consider this agreement to be necessary; leading to an adverse impact on the Planning and Development Service's performance and the likely refund of fee income from those applications if not dealt with within the statutory period.

3.10 It is therefore considered that this government policy will need to be implemented with immediate effect if the Council is not to put itself at risk of significant reputational and costs awards against it at appeal or the potential that planning fees would need to be refunded.



#### **4.0 Recommendation**

- 4.1 That the Planning and Development Management Committee note the contents of this report.

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