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**TRAFFORD  
COUNCIL**

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

**Date: Thursday, 9 February 2023**

**Time: 6.30 pm**

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

PLEASE NOTE: A link to the meeting can be found below:

<https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>

<b>AGENDA</b>	<b>ITEM</b>
<b>1. ATTENDANCES</b>	
To note attendances, including Officers and any apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
Members to give notice of any Personal or Prejudicial Interest and the nature of that Interest relating to any item on the Agenda in accordance with the adopted Code of Conduct.	
<b>3. MINUTES</b>	
To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 19 <sup>th</sup> January, 2023.	3
<b>4. QUESTIONS FROM MEMBERS OF THE PUBLIC</b>	
A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be within the remit of the Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.	

5. **ADDITIONAL INFORMATION REPORT**

To consider a report of the Head of Planning and Development, to be tabled at the meeting.

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

To consider the attached reports of the Head of Planning and Development, for the following applications.

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Applications for Planning Permission	
Application	Site Address/Location of Development
<a href="#"><u>101400</u></a>	<b>York House, 1 Bridgenorth Avenue, Urmston M41 9PA</b>
<a href="#"><u>107982</u></a>	<b>30 Little Brook Road, Sale M33 4WG</b>
<a href="#"><u>108067</u></a>	<b>18 Finchale Drive, Hale WA15 8NH</b>
<a href="#"><u>108791</u></a>	<b>13 Foxglove Drive, Altrincham WA14 5JX</b>
<a href="#"><u>109475</u></a>	<b>15 Erlington Avenue, Old Trafford M16 0FN</b>
<a href="#"><u>109504</u></a>	<b>24 Bonville Chase, Altrincham WA14 4QA</b>
<a href="#"><u>109513</u></a>	<b>Gulmarg, Garden Lane, Altrincham WA14 1EU</b>
<a href="#"><u>109739</u></a>	<b>Broadoak Comprehensive School, Warburton Lane, Partington M31 4BU</b>
<a href="#"><u>109828</u></a>	<b>19 Ashford, Sale M33 5RE</b>

7. **URGENT BUSINESS (IF ANY)**

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

**SARA TODD**

Chief Executive

Membership of the Committee

Councillors B. Hartley (Chair), B.G. Winstanley (Vice-Chair), A. Akinola, D. Bunting, D. Chalkin, M. Freeman, W. Hassan, M. Minnis, D. Morgan, S. Procter, S. Thomas, L. Walsh and M.J. Welton.

Further Information

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

Michelle Cody, Governance Officer

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This agenda was issued on **31<sup>st</sup> January, 2023** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0TH

# Agenda Item 3

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**19<sup>th</sup> JANUARY, 2023**

### **PRESENT:**

Councillor Hartley (In the Chair),  
Councillors Akinola, Bunting, Chalkin, Freeman, Hassan, Minnis, Morgan, S. Procter,  
Walsh, Welton, and Winstanley.

In attendance: Head of Planning and Development (Ms. R. Coley),  
Head of Major Planning Projects (Mr. D. Pearson),  
Planning and Development Officer (Mr. C. Casey),  
Senior Highways & Traffic Engineer (Amey) (Ms. E. Hendren),  
Solicitor (Planning & Highways) (Ms. C. Kefford),  
Governance Officer (Miss M. Cody).

Also present: Councillors Boyes and Whetton.

### **APOLOGY**

An apology for absence was received from Councillor Thomas.

### **58. DECLARATIONS OF INTEREST**

No Declarations of Interest were made.

### **59. MINUTES**

RESOLVED: That the Minutes of the meeting held on 8<sup>th</sup> December, 2022, be approved as a correct record and signed by the Chair.

### **60. QUESTIONS FROM MEMBERS OF THE PUBLIC**

No questions were submitted.

### **61. 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.

**Planning and Development Management Committee**  
**19<sup>th</sup> January, 2023**

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

(a) <u>Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined</u>		
<u>Application No., Address or Site</u>		<u>Description</u>
106156/FUL/21 – Land at Trafford Park Road, Trafford Park.		Erection of waste reception, workshop and office buildings to facilitate a waste transfer station with associated parking and infrastructure.
108723/HHA/22 – 16 Bowness Drive, Sale.		Erection of single storey side and rear extension.

**63. APPLICATION FOR PLANNING PERMISSION 107877/FUL/22 – THE BOWDON HOTEL, 5 LANGHAM ROAD, BOWDON**

The Head of Planning and Development submitted a report concerning an application for planning permission for the redevelopment of the site for a mixed use including retention and extension of Hydro building to provide a 95 place children's day care nursery, erection of 51 bedroom care home, retention and conversion of 2 villas into 6 apartments, erection of 6 townhouses, demolition of all other buildings and structures on site and provision of car parking, landscaping and associated works.

It was moved and seconded that planning permission be refused.

The motion was put to the vote and declared lost.

RESOLVED: That Members are minded to grant planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

- (i) To complete a suitable Legal Agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
- A financial contribution of £1,782,540 towards the provision of affordable housing off-site in accordance with paragraph 3.33 of SPD1 – Planning Obligations.
  - A financial contribution of £264,600 towards health care facilities, to be paid annually in five equal amounts with the initial payment on first occupation of the care home, and an annual review of the expenditure with any expenditure not allocated to the care home refunded.
  - A financial contribution of £24,753 towards the provision of secondary school places.
  - A financial contribution of £17,513.50 towards local open space and play facilities, comprising £5,235.52 towards local open space and £12,277.98 towards provision for children/young people.

**Planning and Development Management Committee**  
**19<sup>th</sup> January, 2023**

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- A financial contribution of £16,848 towards outdoor sports facilities.

- (ii) To carry out minor drafting amendments to any planning condition.
- (iii) To have discretion to determine the application appropriately in the circumstances where a S106 Agreement has not been completed within three months of the resolution to grant planning permission.
- (iv) That upon the satisfactory completion of the above Legal Agreement planning permission be granted subject to the conditions now determined (unless amended by (ii) above).

**64. ARTICLE 18 CONSULTATION FROM CHESHIRE EAST COUNCIL IN RELATION TO 22/0872M – LAND BETWEEN JUNCTIONS 7 AND 8 OF THE M56**

The Head of Planning and Development submitted a report concerning an Article 18 consultation from Cheshire East Council in relation to 22/0872M, land between Junctions 7 and 8 of the M56, for the erection of a Motorway Service Area (MSA), demolition of all existing buildings except for the retention and conversion of one residential building (existing farmhouse) for MSA operational purposes, including associated access and comprising of 3no. buildings (Amenity Building, MSA Hotel and Fuel Filling Station including photovoltaics and required substations), Service Yard, parking for all categories of vehicle (including electric vehicle charging), open space, landscaping and planting, drainage, vehicular circulation, pedestrian and cycle links (including diversion of cycle track) and earthworks/enabling works.

RESOLVED: That Members object to the application on the grounds that it would be inappropriate development in the Green Belt, harming openness and visual amenity, and would harm the setting of the Watch Hill Scheduled Ancient Monument and there would be no very special circumstances that would outweigh the harm to the Green Belt and other harm. Members requested that concern also be raised with Cheshire East Council about the potential impact on Hale, Altrincham and Bowdon centres, and the impact of additional traffic on roads within Trafford.

**65. CIVIC QUARTER AREA ACTION PLAN – APPROVAL AND ADOPTION**

The Head of Planning and Development submitted a report which outlined the findings and recommendations of the independent Inspector appointed to examine the Civic Quarter Area Action Plan.

RESOLVED: That the report be noted and that it is also noted that the CQAAP will constitute part of the statutory development plan on its adoption and will be the starting point for decision-taking for planning applications in the Civic Quarter.

The meeting commenced at 6.30 pm and concluded at 9.01 pm.

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## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 9<sup>th</sup> FEBRUARY 2023**

### **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 on the Council's website.

**TRAFFORD BOROUGH COUNCIL**

**PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 9<sup>th</sup> FEBRUARY 2023**

**Report of the Head of Planning and Development**

**INDEX OF APPLICATIONS FOR PERMISSION TO DEVELOP 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="#"><u>101400</u></a>	York House, 1 Bridgenorth Avenue, Urmston M41 9PA	Urmston	1	Grant
<a href="#"><u>107982</u></a>	30 Little Brook Road Sale, M33 4WG	St Marys	27	Grant
<a href="#"><u>108067</u></a>	18 Finchale Drive Hale, WA15 8NH	Hale Barns	37	Grant
<a href="#"><u>108791</u></a>	13 Foxglove Drive Altrincham, WA14 5JX	Broadheath	48	Refuse
<a href="#"><u>109475</u></a>	15 Erlington Avenue Old Trafford, M16 0FN	Longford	67	Grant
<a href="#"><u>109504</u></a>	24 Bonville Chase Altrincham, WA14 4QA	Bowdon	75	Grant
<a href="#"><u>109513</u></a>	Gulmarg, Garden Lane Altrincham, WA14 1EU	Altrincham	92	Grant
<a href="#"><u>109739</u></a>	Broadoak Comprehensive School, Warburton Lane Partington, M31 4BU	Bucklow St Martins	122	Grant
<a href="#"><u>109828</u></a>	19 Ashford, Sale, M33 5RE	St Marys	144	Grant

**Note:** This index is correct at the time of printing, but additional applications may be placed before the Committee for decision.



**WARD: Urmston**

**101400/FUL/20**

**DEPARTURE: No**

**Erection of apartment block containing 18no. 2 bed affordable (rented) apartments along with incorporation of disused road to the south, amended vehicle entrance, and associated external works including car parking, cycle storage and landscaping following demolition of existing building on site.**

York House, 1 Bridgenorth Avenue, Urmston, M41 9PA

**APPLICANT:** Branley Estates Ltd & Irwell Valley Homes

**AGENT:** Mr Gareth Salthouse, Emery Planning

**RECOMMENDATION: GRANT**

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**This application has been reported to the Planning and Development Management Committee by the Head of Planning and Development.**

### **Executive Summary**

The application site comprises of a 0.17ha plot accommodating a single storey office building on the corner of Bridgenorth Avenue and Bradfield Road to the east of Urmston Town Centre.

The joint applicants seek planning permission to clear the site and erect a three storey apartment block to accommodate 18 No. 2 bedroom apartments, six to each floor, as affordable housing. The disused road to the south would be incorporated within the new plot.

The plot is bound by a secondary school to the north, an office block to the east, a primary school to the south and the M60 motorway, the latter on a raised wooded embankment, to the west.

The proposed development is considered to be acceptable in terms of its design and appearance, as well as its residential amenity, highways, parking, and ecology impacts.

Given that the Council does not currently have a five year supply of housing land, the "tilted balance" in NPPF paragraph 11(d)(ii) is engaged. The development would make a moderate contribution of 18 additional affordable dwellings towards the Borough's housing land supply as well as generating a degree of economic benefit as a result of the construction process.

The proposal is considered to be acceptable in principle, as well as with reference to its design, amenity, highways and ecology/trees impacts. As such the application is recommended for approval.

### **SITE**

The application site comprises of a 0.17ha plot accommodating a single storey office building on the corner of Bridgenorth Avenue and Bradfield Road. The building was constructed in the late 20<sup>th</sup> Century and currently accommodates the applicant's main offices. The building is positioned towards the eastern boundary with the remainder of the plot comprising of hardstanding/parking. The site is accessed from Bridgenorth Avenue to the north-west, the latter running north to south at a slight angle such that the plot's width increases moving towards the south. Boundaries comprise of wire mesh fencing backed by evergreen hedges, including several mature trees. The south of the plot includes an un-adopted road which has been closed and is now blocked by heras fencing.

The plot is bound by a secondary school to the north, an office block to the east, a primary school to the south and the M60 motorway, the latter on a raised wooded embankment, to the west.

It is noted that the lawful use of the existing building appears to be as a place of worship with no planning permission having been granted for the change of use which took place in 2017 from this previous use to the current office use.

## **PROPOSAL**

The applicant proposes to clear the site and erect a three storey apartment block to accommodate 18 No. 2 bedroom apartments, six to each floor. The disused road to the south would be incorporated within the new plot.

The apartment block would have a flat roof and would comprise of two distinct elements, a main element towards the eastern end of the plot, a set down and set back stair core, and a secondary element, the latter adjacent to the plot's western boundary and occupying a smaller footprint. The building would include juliet balconies at first and second floor, recessed drainpipes and windows, a mixture of brick fascias, and slimline UPVC doors and windows. The block would have three entrances with flat roof canopies; at the west elevation facing Bridgenorth Avenue, at the south elevation facing the car park, and at the north elevation facing Bradfield Road. The block would be 9.8m high, 29.6m long and 16.9m deep.

Each apartment would comprise of two bedrooms, a bathroom, a kitchen-diner-living room and a store cupboard. The apartments would have internal floor areas of 57sqm and would be accessed via an internal stairwell.

The wider plot would comprise of a garden area to the north and a brick top surface car park to the south, with cycle and bin stores along the plot's eastern boundary. A new car park entrance would be installed at the plot's west boundary on Bridgenorth Avenue. The west and north boundaries would include pedestrian gates flanked by brick walls topped with metal railings.

The apartments would be offered as affordable (rented) housing. The applicant has confirmed the block would be managed by Irwell Valley Homes, a Registered Provider, and the latter has now been added as a joint applicant.

The Registered Provider has confirmed that future occupants would have the option of moving from affordable rent to shared ownership affordable housing:

*Even though the properties are affordable rent they will be funded through the Homes England 2021-26 affordable homes programme. This mean that customers will have the option for Right to Shared Ownership and can purchase under the shared ownership rules.*

## **Value Added**

Following Officer advice the applicant has amended their proposal to improve the design including through the amendment of the original angled and front projecting western block, an amended window design and layout, incorporation of additional set back elevations, incorporation of graded access ramps to shared and apartment ground floor doors, and an improved parking layout with additional soft landscaping.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 - Land for New Houses;  
L2 - Meeting Housing Needs;  
L4 - Sustainable Transport and Accessibility;  
L5 – Climate Change;  
L7 - Design;  
L8 - Planning Obligations;  
W2 – Economy;  
R2 - Natural Environment;  
R3 – Green Infrastructure.

## **OTHER LOCAL POLICY DOCUMENTS**

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

PG25 – Crime and Security;  
The Draft Trafford Design Guide.

## **PROPOSALS MAP NOTATION**

Critical Drainage Area;  
Mainline Pipeline;  
Air Quality Management Area.

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

None.

## **PLACES FOR EVERYONE (PfE) (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in April 2022. The NPPG will be referred to as appropriate in the report.

## **NATIONAL DESIGN GUIDE**

The National Design Guide was first published in 2019 and was updated in January 2021. This document set a national framework for the delivery of high quality design in new development across the country. The National Design Guide will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

96510/FUL/19: Applicant seeks permission for the demolition of the existing office and erection of 2 No. new office blocks with associated external works, car parking and landscaping. Withdrawn 8 June 2019.

H36229: Erection of single storey building for use as a meeting room for religious purposes; provision of associated car parking with access onto Bridgenorth Avenue. Approved 6 January 1993.

H35487: Erection of a single storey building for use as a meeting room for religious purposes. Approved 29 July 1992.

H33068: Development of land for commercial (storage) purposes. Refused 13 March 1991.

H33069: Development of land for use as a playground/nursery. Deemed consent 13 March 1991.

H24590: Erection of scout hut and provision of new vehicular and pedestrian access. Deemed consent 12 March 1987.

### **APPLICANT'S SUBMISSION**

The applicant has submitted a Design and Access Statement in support of their proposal.

### **CONSULTATIONS**

**Strategic Planning** - No objection.

**Trafford Education** - No education contribution required.

**Trafford Strategic Growth** - Affordable Housing can be secured via planning condition.

**Local Highway Authority** - No objection subject to conditions.

**Waste** - No objection.

**Lead Local Flood Authority** – No objection subject to conditions.

**United Utilities** - No comment received.

**Greater Manchester Ecology Unit** - No objection subject to conditions.

**Pollution and Licensing (Land Contamination)** - No objection subject to conditions.

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

**Air Quality** - No objection subject to conditions.

**Arboriculturist** – No objection subject to conditions.

**Greater Manchester Police Design for Security** - No objection.

**Cadent Gas** - No objection.

## **REPRESENTATIONS**

A single letter of objection has been received, which raises the following issues:

- The proposal would result in increased traffic on local roads, which are currently very busy due to the presence of the adjacent schools.
- The site currently has a poor access.
- The development would result in an unacceptable privacy and general amenity impact on adjacent plots, including during construction.

## **OBSERVATIONS**

### **THE DECISION MAKING FRAMEWORK**

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing, as well as those relating to the

proposal's design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.

6. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are partially 'out of date' in NPPF terms.
7. Core Strategy Policy L7, relating to design and amenity, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.
8. There are no protective policies in the NPPF which provide a clear reason for refusing the development proposed. Paragraph 11 d) ii), the tilted balance, is therefore engaged.

## **PRINCIPLE OF DEVELOPMENT**

### **Housing Land**

9. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The site is located approximately 1km to the east of Urmston Town Centre in a mixed area and is bound by the M60 to the west, schools to the north and south, and offices to the east.
10. The proposal would result in the demolition of the current single storey office unit and the erection of a three storey apartment block to accommodate 18 No. two bedroom units, all of which shall be offered as affordable housing (affordable rent) and managed by the joint applicant, Irwell Valley Homes, a Registered Provider.
11. The Council can currently demonstrate a housing land supply within the range of 3.47 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
12. Notwithstanding this the proposal is considered to be broadly in compliance with Core Strategy Policies L1 and L2. Thus the development would result in the redevelopment of the current site thereby complying with Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land.
13. In addition it is noted that the application site is located to the east of Urmston Town Centre and is considered to be in a sustainable location sited close to public transport links, local schools and other community facilities. Notwithstanding its immediate non-residential context, it is noted that beyond these uses the local area is overwhelmingly residential in nature in all directions. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high

quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.

14. The proposal would also acceptably comply with the requirements of Core Strategy Policy L2 through the development being located on a sufficiently sized plot, appropriately located to access existing community facilities, not harmful to local area character or amenity, and more generally in accordance with Core Strategy Policy L7, as outlined in the design/amenity appraisals below, (L2.2). The development would also likely result in a small economic benefit during its construction phase. The proposed two bedroom apartments could be used as family housing.
15. Officers therefore considered that the proposal would be acceptable in terms of housing policies with reference to Core Strategy Policies L1 and L2, the New Residential Development SPG and the NPPF.

### **Loss of Office Use**

16. Core Strategy Policy W1.12 states:  
In determining applications for non-employment uses on unallocated employment sites, sites outside of the Strategic Locations and employment places identified in W1.3, developers will be required to provide a statement to the satisfaction of the Local Planning Authority, demonstrating that:
  - There is no need for the site to be retained for employment purposes and it is therefore redundant;
  - There is a clear need for the proposed land use(s) in this locality;
  - There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;
  - The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and
  - The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.
17. The proposal would result in the loss of the current office use which would fall under the definition of employment use.
18. The Strategic Planning consultee has provided the following comment on this issue:

*The proposal involves the demolition of a building that has been in use as an office since 2017. Therefore, Strategic Planning considers that there is a loss of an employment site and so an employment land statement in line with Core Strategy policy W1.12 is required. No employment land statement has been provided by the applicant.*

*However, there was no planning permission given for a change of use for office use on the site and the building was previously used as a place of worship. It is at the case officer's discretion to determine what the most recent use of the building*



*should be for the determination of this planning application and therefore whether an employment statement is needed.*

19. Given the fact that the employment use is not the lawful use of the site, Officers do not consider it would be reasonable to require the submission of a statement justifying the loss of the current office. It is therefore considered that there would be no harm resulting from the loss of an employment site.

### **Loss of Place of Worship**

20. NPPF paragraph 93 states: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should.....c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
21. The current office building has planning permission to be used as a place of worship and was previously occupied by the Salvation Army. Whilst the LPA accepts the proposal would result in the loss of this use, this is not considered to be sufficient grounds for refusal because there is clearly a lack of demand for a place of worship, the building having been empty for some time prior to the applicant's occupation.
22. Officers therefore consider that the proposal would be acceptable in policy terms with reference to Core Strategy Policies L1, L2 and W1, the New Residential Development SPG and the NPPF, subject to consideration of design, residential amenity and highways issues.

### **DESIGN**

23. Paragraph 126 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
24. Paragraph 130 states: Planning policies and decisions should ensure that developments:
  - i. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - ii. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - iii. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - iv. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - v. optimise the potential of the site to accommodate and sustain an appropriate mix of development (including green and other public space) and support local facilities and transport networks;

- vi. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
25. Paragraph 134 states: Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
  26. The National Design Guide states at C1 that development should: Understand and relate well to the site, its local and wider context. Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it; patterns of built form...to inform the form, scale, appearance, details and materials of new development [43].
  27. Policy L7 of the Trafford Core Strategy states: In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.
  28. The draft Trafford Design Guide was published for consultation in July 2022. The Core Objectives of the Design Guide are set out on pages 14 and 15 and state that development proposals should respond to the historic and contemporary character of the place, delivering designs that complement and enhance their context and the design of new buildings should contribute to the beauty of Trafford, delivering places and buildings that the community can be proud of.
  29. Features of a well-designed neighbourhood [include]....roof forms and building lines consistent with context. Design requirements [include].... position buildings to respect and replicate existing building lines and maintain key views. [4.3.1].
  30. The Design Guide states that apartment buildings offer an opportunity to bring greater density, either on an individual plot or as part of a larger development. Apartments, when designed well, can bring an attractive scale and definition to a site. In that sense they are an essential part of the urban fabric and vital to shaping... Trafford.....Their design must be carefully considered in order not to compromise the quality of life of their inhabitants or negatively impact on their surroundings....Designers should be creative and consider how the building responds to its context, creating buildings with interesting profiles and avoiding conventional slab block solutions. [4.3.3].

31. New Residential Development PG1 states that infill development can be acceptable provided it satisfactorily relates to its context in terms of design and amenity impacts. This type of development will not be accepted at the expense of the amenity of surrounding properties or local area character. The resulting plot sizes and frontages should be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene.
32. The site has a varied context in terms of the design, type and size of building and structures. To the south and north/north-east are primary and secondary schools each comprising of several single and two storey buildings constructed broadly from the mid-20<sup>th</sup> Century to relatively recently. To the east is a three storey office block of little architectural merit, apparently constructed in the 1970s or 1980s. To the west runs the M60 motorway on a raised wooded embankment.

### **Siting and Footprint**

33. The proposed apartment block would be located on approximately the northern two thirds of the plot. It would acceptably respect the 'stepped' building line formed by properties to the east on Bradfield Road. The block's western element would be acceptably set in from the Bridgewater Road frontage. The proposal would not result in an overdevelopment of the site and it would be acceptably set in from the side (east) boundary.

### **Bulk, Scale, Massing and Height**

34. The height of the proposed apartment block would be acceptable with reference to the surrounding properties. The block would include a central stairwell/lobby element which would be set back and set lower than the remainder of the building, thereby reducing its bulk at this point. The proposal would have an acceptable visual impact in terms of its bulk, scale, massing and height with reference to the size of the plot and the surrounding context.

### **External Appearance/Materials**

35. The proposed apartment block would have an acceptable design in terms of its external features, detailing and proportions. Its external elevations would include set back/set forward elevations to provide interest, as well as differing brick colouring, flush Juliet balconies, brick courses above each outlook, 'slimline' UPVC windows and doors and recessed windows/drainpipes. The proposed window design would be acceptable with these having a vertical emphasis, apart from those in the east elevation, which would be largely screened by buildings to the east. Materials would comprise of facing bricks, UPVC windows, doors and rainwater goods. The building's external detailing and materials would be acceptable, subject to detailed design and materials conditions.

### **Wider Plot**

36. The wider plot would comprise of a landscaped area to the west and north, the latter with communal amenity space; a bin store with footpath access along the eastern boundary; and a parking area and cycle store to the south of this. The wider plot layout is considered to be acceptable, subject to a standard hard and soft landscaping condition.

### **Design and Crime**

37. The proposal would result in the replacement of what is currently a relatively underutilised and untidy plot (especially the fence enclosed road comprising the south of the site) with an apartment block and associated hard and soft landscaping. The proposal would revitalise this area and would introduce multiple windows and outlooks for passive surveillance, including over the car and cycle parking areas to the south.
38. The development would be acceptably designed with reference to Core Strategy Policy L7, PG1 New Residential Development, PG24 Crime and Security, the Draft Trafford Design Guide, the National Design Guide and the NPPF.

### **IMPACT ON RESIDENTIAL AMENITY**

39. Policy L7 of the Core Strategy states: In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.
40. New Residential Development PG1 requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

### **Privacy**

41. The development would introduce ground to second floor habitable room windows to the front, rear and side (west). None of these windows would face neighbouring windows with the windows in the south elevation facing the northern part of the primary school site to the south at a closest distance of 19.5m, this area comprising of a detached garage and a play area. This is considered to be acceptable due to the distance, which would meet the guideline for distance from second storey main habitable room windows to private amenity space (13.5m) and also with reference to the retention of screening vegetation within the neighbouring plot along the common boundary.
42. The windows to the west would face the M60 embankment, whilst those to the north would face a playground at an approximate distance of 45m, this area currently readily visible within the street scene. These interfaces would be acceptable.

43. The proposed east elevation would introduce ground to second floor corridor windows and secondary habitable room windows. These windows would face the common boundary shared with the office block to the east, at a distance of 2.5-3.8m. The office block's facing wall does not have any windows apart from a secondary office outlook at second floor, which would directly face a proposed second floor secondary outlook at a distance of 3.9m. Views from the ground floor corridor glazed door would be screened by the common boundary treatment. The submitted plans include a note stating all private outlooks at this elevation would be obscurely glazed, and planning permission would be subject to a condition that all non-corridor first and second floor windows in this elevation shall be obscurely glazed.

### **Overbearing/Overshadowing**

44. In terms of impact upon neighbouring residents the proposed apartment block complies with the maximum heights and minimum separation distances to boundaries set out in SPG1 New Residential Development in relation to existing properties outside the application site. The block would not result in an unacceptable overshadowing impact on neighbouring plots.

### **Future Occupant Amenity**

45. The proposal would provide an acceptable degree of external private amenity space for future occupants. Whilst it is accepted that the development would introduce west facing sole bedroom windows which would directly face the raised M60 motorway, which is set at the same level as half way up the proposed second floor windows, the closest distance from these windows to the highest part of the embankment (the M60's road surface) is approximately 26m, with the motorway partly screened by an intervening wooded embankment, which is considered to be acceptable, having regard to the comments from the Nuisance consultee referred to below and conditions relating to noise and air quality impacts.
46. It is recognised that each apartment is 4sqm under the Nationally Described Space Standards (NDSS), and that several of the proposed single bedrooms do not satisfy the minimum widths set down by the NDSS. The applicant has stated that Irwell Valley Homes currently develop new affordable homes across Greater Manchester with the majority of schemes achieving 85% of the Nationally Described Space Standards (NDSS) in line with Homes England requirements. This proposed development will be part funded by Homes England and will achieve 93% of NDSS and all internal areas meet Homes England requirements.
47. On balance, having regard to the overall level of amenity of the apartments and considering all main habitable rooms would be served by large windows with clear, unobstructed views, the level of outdoor amenity space provided, the fact that the shortfall in terms of the space standard for each individual room is relatively minor, the fact the NDSS has not yet been adopted by the LPA as part of the development plan that covers the Urmston area, and finally that the proposal would provide much needed affordable housing, Officers consider that, in this case the amended proposal's failure to comply with the NDSS would not result in an unacceptable

level of amenity for future occupants that would justify the refusal of the application. This matter is also considered further in the Planning Balance below.

### **Noise/Nuisance**

48. The apartment block would be approximately 20m to the east of the M60, which at this point runs north to south on a raised embankment, at approximately the same height as the upper floor. As such there is the potential for the motorway have an adverse impact on future occupants in terms of noise and air quality.
49. The Nuisance consultee has confirmed no objection to the proposal, including the adjacent motorway's potential noise and air quality impacts, subject to conditions including requiring the submission of Noise Impact and Air Quality Assessments (and the implementation of any required mitigation measures), and a Construction and Environmental Management Plan condition to ensure the construction works do not result in an unacceptable noise/nuisance/parking impact on neighbouring occupants.
50. The proposed bin store would be set away from the plot's eastern boundary which is shared with an office block. This is considered to be acceptable.
51. In conclusion, it is considered that the development would have an acceptable amenity/privacy impact on surrounding residential properties and provide an acceptable level of amenity for future occupants with reference to Core Strategy Policy L7 and the New Residential Development SPG.

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

52. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
53. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
54. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. In terms of the SPD3 maximum standards, the proposed apartment block would require the provision of 36 parking spaces, however the applicant proposes 22 spaces, including three accessibility spaces, and has provided a Transport Statement and Interim Travel Plan to demonstrate that the site is in an accessible location on foot, by cycle and by public transport and that the volume of traffic generated by the proposal would be relatively modest. The LHA has accepted this justification for the level of parking provision, which is considered to be relatively in line with forecast car ownership levels for

the proposed development. SPD3 states that for residential developments the provision of accessibility parking spaces should be negotiated on a case-by-case basis and the LHA considers the number of accessibility spaces to be appropriate in this case.

55. The LHA has confirmed no objection to the proposal including its highways/access and car/cycle parking impacts/provision subject to several planning conditions. Bin and cycle stores would be provided. The Servicing consultee has confirmed no objection.
56. The development would have acceptable highways, parking and servicing impacts with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

## **TREES AND ECOLOGY**

57. The proposed development would entail the demolition of the current building and the removal of trees and vegetation, including along the northern edge of the disused road which would be incorporated within the southern part of the plot. Both the GMEU and arborist consultees have confirmed no objection subject to conditions.
58. The development would have an acceptable ecology impact with reference to the Core Strategy Policies R2 and R3 and the NPPF.

## **EQUALITIES STATEMENT**

59. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
60. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
61. The new dwellings would have level ground floor accesses and would comply with Part M of the Building Regulations. The proposal would also include three accessible parking spaces, which is considered to be acceptable by the LHA,

having regard to the fact that SPD3 states that, for this type of development, accessibility spaces should be negotiated on a case by case basis.

62. The applicant has submitted a viability assessment to demonstrate that it cannot include a lift due to the cost impacts of doing so. The applicant has confirmed that the six ground floor apartments would be delivered as adaptable accommodation exceeding M4(2) requirements with fully accessible wet rooms. This is set out in more detail in a submitted Technical Note. The viability assessment also confirms that it is not Irwell Valley Homes' usual practice to include a lift in apartment blocks of three storeys or less unless the scheme is specifically designed for supported housing or older people. The proposed apartment block would be for general needs accommodation. Furthermore, the inclusion of a lift would introduce a significant service cost to the future occupants for the ongoing repair and maintenance on such a small scheme. To add a lift to the scheme would make the development financially unviable given the low rents that are capped at Local Housing Allowance as well as the additional capital cost for the lift and the construction cost for the increased internal circulation space required to accommodate this into the design.
63. The viability assessment has been assessed by the Council's Development and Estates Service and, in respect of the impact of the provision of a lift on viability, the conclusions are accepted. Officers also note that there are currently no planning policies in place which would require the inclusion of a lift to the upper floors or a greater level of accessibility than that required through the Building Regulations.
64. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.
65. Overall taking into account the constraints of the site and the scale of the development as well as the viability of the scheme and benefits of the proposed development in providing 18 affordable housing units, as affordable rent, it is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application), would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme. This matter is also considered further in the Planning Balance below

## **DEVELOPER CONTRIBUTIONS**

### **CIL**

66. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the moderate 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).

### **Affordable Housing**



67. The application site falls within a 'moderate' market location for the purposes of applying Core Strategy Policy L2. The Borough is now in 'Good' market conditions and this would in most cases relate to a requirement for 10% of the proposed residential units to be provided on an affordable basis.
68. The development would provide 100% affordable housing as 'affordable rent'. The application has come forward in partnership with Irwell Valley Homes, a registered provider of affordable housing, who have secured grant funding from Homes England for the scheme. The RP has been added as a joint applicant and the grant of planning permission would be subject to an affordable housing condition, the wording of which has been agreed.

### **Education**

69. Policy L2.2 states that residential development will be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to schools. The Education consultee has confirmed there is no requirement for an education contribution in this instance.

### **Trees**

70. Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) recommends the provision of an element of specific green infrastructure in the form of an additional tree per approved apartment (18) net of clearance. The proposed soft landscaping plan indicates 21 trees will be planted following the removal of eight trees and two hedges (13 trees net of clearance). The proposal has been amended to include additional tree planting within the proposed car park. Planning permission would be subject to a landscaping condition including a requirement for 18 trees net of clearance, as the site is considered to be capable of accommodating the full net requirement for replacement tree planting.

### **OTHER MATTERS**

71. N/A.

### **PLANNING BALANCE AND CONCLUSION**

72. As set out above, the "tilted balance" would apply in this case because the Council does not have an immediately available five year housing land supply. In terms of benefits, the proposed development would provide 18 additional affordable rented dwellings contributing towards the Borough's housing land supply and an identified need for this type of affordable product. In addition, it would generate a degree of economic activity in connection with the construction process.
73. The scheme complies with the development plan, the starting point for decision making, which would indicate in itself that planning permission should be granted. However, the Council does not have a five year supply of housing land and as this is an application for housing development, the tilted balance in Paragraph 11(d) (ii) of the NPPF is engaged and should be taken into account as an important material consideration. The development would make a contribution to addressing

the current imbalance between housing demand and supply and would provide 18 affordable (affordable rent) units. Notwithstanding this, however, the proposal is considered acceptable in terms of design/character, residential amenity, trees/landscaping, parking and highway safety. The increased density of development within this site would not cause any material harm in planning terms. Whilst the proposal would not provide a lift and would not fully comply with NDSS standards, it is considered that any adverse impacts in these respects would not significantly and demonstrably outweigh the benefits of granting permission. No other adverse impacts have been identified which cannot be mitigated with appropriate planning conditions. It is considered that the proposal complies with the development plan when taken as a whole.

74. It is therefore recommended that planning permission should be granted, subject to conditions.

**RECOMMENDATION:** Approve subject to conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [4501] 001 G, 110 G, 120 K, 125 F and 130, received by the local planning authority 11 January 2023; and 295/01 D, received by the local planning authority 16 January 2023.

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

3. No above ground works shall take place unless and until a schedule of design intent drawings has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall provide details in the form of 1:20 drawings and sections of all window and door reveals and recesses, drainpipe recesses, pedestrian/servicing gates and flanking boundary wall elements, and eaves and verge details. The development shall be implemented in accordance with the approved schedule of design intent.

Reason: In the interests of visual amenity and design quality, specifically to protect the original design intent of the architect and the quality of the proposed development, having regard to Core Strategy Policy L7 and the National Planning Policy Framework, and the National Design Guide.

4. No above ground works shall take place until a full specification of materials to be used externally on the building and the boundary walls/gates has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

5. The residential units hereby permitted shall only be used for the purposes of providing affordable housing (as defined by the NPPF Annex 2, or any subsequent amendment thereof) and shall not be offered for sale or rent on the open market. The residential units hereby permitted shall comprise 18no. affordable housing units (all of which shall be affordable rent). None of the residential units hereby permitted shall be occupied unless and until details of the occupancy criteria to be used for determining the qualifying criteria of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and managed thereafter in accordance with the approved details.

This planning condition shall not apply to the part of the property over which: (i). a tenant has exercised the right to acquire or any similar statutory provision and for the avoidance of doubt once such right to acquire has been exercised, the proprietor of the property, chargee, mortgagee in possession and subsequent proprietors and their mortgagees in possession (including any receiver and administrative receiver) shall be permitted to sell or rent the property on the open market; (ii). a leaseholder of a shared ownership property has staircased to 100% and for the avoidance of doubt once such staircasing has taken place the proprietor of the property, chargee, mortgagee in possession and subsequent proprietors and their mortgagees in possession (including any receiver and administrative receiver) shall be permitted to sell or rent the property on the open market.

Reason: To comply with Policies L1, L2, L3 and L8 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 1: Planning Obligations and the National Planning Policy Framework.

6. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, replacement rear and side boundary treatments if relevant, planting plans including the provision of 18 trees net of clearance, 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. The submitted information should include elements to mitigate for loss of trees shrubs and bird nesting habitat.  
(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.  
(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next

planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

7. The development hereby approved shall not be occupied until a schedule of landscape maintenance for a minimum period of five 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. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L5, L7, R2 and R3 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 and second floor non-corridor windows in the property's east side facing 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 having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The residential units hereby permitted shall not be occupied unless and until the car parking and vehicular access arrangements shown on the approved plans have been provided and made fully available for use. 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) the approved parking, servicing and access arrangements shall be retained thereafter for their intended purpose.

Reason: In the interest of highway safety and the free flow of traffic and in accordance with Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Statement (19 January 2023 / Coopers Chartered Consulting Engineers) and the following mitigation measures detailed within the Statement:

- Limiting the surface water run-off generated by the development so that it will not exceed 5 l/s and not increase the risk of flooding off-site.

- Provision of 14m<sup>3</sup> of attenuation flood storage on the site to a 1 in 100-year (+45%CC allowance) return period.

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

11. No above ground works shall take place until a flooding management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved flood management and maintenance plan.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, having regard to Policies L5, L7 and R2 of the Trafford Core Strategy and guidance in the NPPF.

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

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

13. 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:
- a. site working hours to be restricted to between 0800 -1800 on Monday to Friday; 0900 - 1300 on Saturday, and at no other times;
  - b. the parking of vehicles of site operatives and visitors (all within the site);
  - c. loading and unloading of plant and materials (all within the site), times of access/egress;
  - d. storage of plant and materials used in constructing the development;
  - e. measures to prevent undue impact of disturbance from noise and vibration in accordance with the principles of Best Practicable Means as described in BS 5228:2009 (parts 1 and 2), including from piling activity and any plant such as generators;
  - f. the erection and maintenance of security hoardings;
  - g. wheel washing facilities;
  - h. measures to control the emission of dust and dirt during construction and demolition and procedures to be adopted in response to complaints of fugitive dust emissions;
  - i. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);

- k. information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
- l. information to be made available for members of the public.

The development shall be implemented in accordance with the approved Construction Method Statement.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. This information is required prior to the commencement of development to ensure the approved scheme does not result in an unacceptable noise/nuisance amenity impact on neighbouring occupants.

14. 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' as shown in the approved Murray Tree Consultancy Arboricultural Report, reference PM/FULL/09/11/22, November 2022, and the addendum report dated 10 January 2023. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

15. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March-July inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

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

16. The residential units hereby approved shall not be occupied unless and until full details of biodiversity enhancement measures to be incorporated into the development (including bat boxes and bird boxes) have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved measures.

Reason: To secure biodiversity improvements, having regard to Policy R2 of the Trafford Core Strategy and guidance in the NPPF.

17. If the demolition hereby approved does not commence before 30 April 2025 the building shall be reassessed for bat roosting potential and the findings, presented in a written report, shall be submitted to and approved in writing by the Local Planning Authority prior to any development, including demolition, taking place. Development, including any mitigation measures shall proceed in accordance with the approved scheme.

Reason: In the interests of the preservation of bats, a protected species, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

18. No development shall take place until a Noise Impact Assessment prepared by a suitably qualified acoustic expert, has been submitted to and approved by the Local Planning Authority. The assessment shall identify all noise attenuation measures necessary to reduce the noise impact from nearby sources so as to achieve the requirements of BS8233 for internal noise levels within domestic dwellings. Consideration shall also be given to achieving adequate summer cooling and rapid ventilation. Details of a suitable ventilation strategy shall be incorporated into the scheme. The development shall be implemented in accordance with the recommendations within the Noise Impact Assessment and these measures shall be retained thereafter. The development shall not be occupied unless and until a completion report has been submitted to and approved in writing by the local planning authority demonstrating that the approved measures have been incorporated.

Reason: To ensure adequate noise mitigation measures are provided to protect the amenity of occupants from noise in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. This information is required prior to the commencement of development to ensure the approved scheme does not result in an unacceptable external noise/nuisance amenity impact on future occupants.

19. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments should be compliant with BS 4142:2014 "Rating industrial noise affecting mixed residential and industrial areas".

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

20. No development shall take place until an Air Quality Assessment for air quality at the development location based on EPUK and IAQM guidance has been submitted to and approved in writing by the local planning authority. The assessment shall provide details of background and future baseline air quality and whether this will be likely to approach or exceed the values set by air quality objectives. The assessment shall also, where required, provide details of mitigation measures to

ensure appropriate internal air quality within habitable rooms. Thereafter the development shall be implemented in accordance with the recommendations contained within the approved assessment and shall be retained and maintained thereafter.

Reason: To ensure adequate air quality measures are provided to protect the amenity of occupants in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. This information is required prior to the commencement of development to ensure future occupants of the approved scheme would not be subject to an unacceptable air quality.

21. The residential units hereby approved shall not be occupied unless and until a scheme for the installation of electric vehicle charging points has been submitted to and approved in writing by the local planning authority. The approved charging points shall be installed and made available for use prior to the development being occupied and shall be retained thereafter.

Reason: In the interests of promoting sustainable travel, having regard to Policies L4 and L5 of the Trafford Core Strategy and guidance in the National Planning Policy Framework.

22. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination and landfill gas on site 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 other than the excluded works listed above. 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.
- iv) a remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy.



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

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

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

24. The residential units hereby permitted shall not be occupied unless and until the external bin and cycle stores have been provided on site in accordance with details (including detailed external elevation plans) that have first been submitted to and approved in writing by the Local Planning Authority. The approved bin and cycle stores shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and residential amenity, and to encourage sustainable transport, having regard to Policies L4 and L7 of the Trafford Core Strategy.

25. No development shall take place until a strategy for energy efficiency and low/zero carbon technologies for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify measures to reduce carbon dioxide emissions from the development and demonstrate a minimum CO<sub>2</sub> reduction of 5% above current Building Regulations. The approved strategy shall be implemented in full prior to first occupation of the development hereby permitted or in accordance with a phased approach that has first been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter.

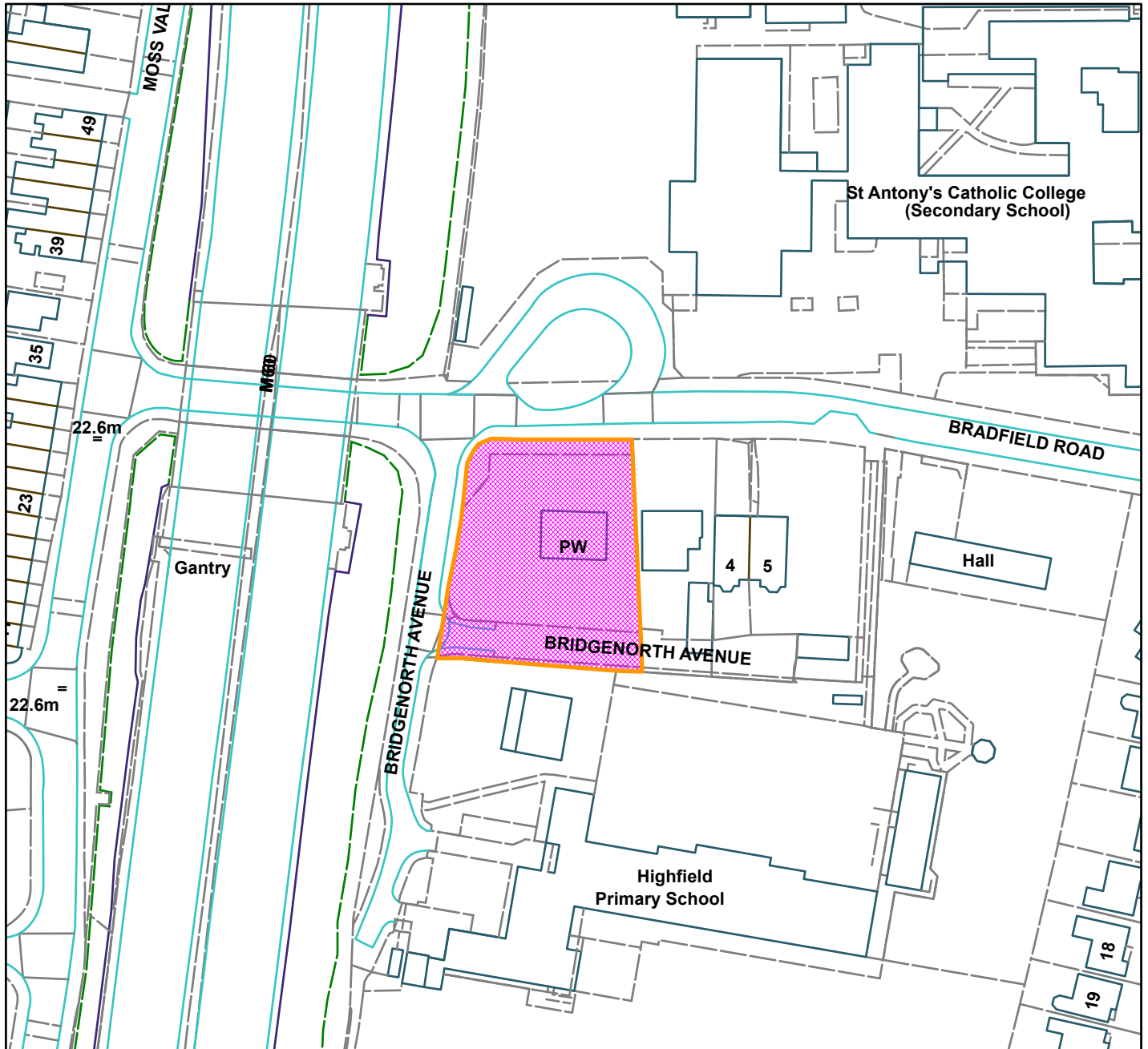
Reason: To mitigate and reduce the impact of the development on climate change and in the interests of achieving a reduction in carbon emissions, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

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TP



York House, 1 Bridgenorth Avenue, Urmston (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
Date	30/01/2023
MSA Number	100023172 (2022)

**WARD:** St Marys

**107982/HHA/22**

**DEPARTURE:** No

**Erection of a single storey rear extension, new front porch, conversion of the existing detached garage into living accommodation and associated external alterations.**

30 Little Brook Road, Sale, M33 4WG

**APPLICANT:** Wing Shan Chen

**AGENT:** Mr Peter Entwistle, PCE Designs Ltd

**RECOMMENDATION: GRANT**

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**The application has been called in to the Planning and Development Management Committee by Councillor Holden on the grounds that it would be overdevelopment.**

### **SITE**

The application relates to a two storey semi-detached dwellinghouse situated on Little Brook Road, a cul-de-sac in Sale. This is a brick-built property with a detached garage to the rear which connects to that of the neighbouring dwelling (No 28 Little Brook Road). Parking space is available for at least two vehicles on a driveway to the front and side of the property.

The surrounding area is entirely residential in character.

### **PROPOSAL**

Planning permission is sought for the erection of a single storey rear extension to connect the main house with an existing detached garage in the back garden of the property. Permission is also sought for the erection of a front porch and the conversion of the existing garage to form additional living accommodation. Amendments to doors and windows in the garage and house are also proposed. The extensions would be constructed of materials to match the existing dwelling.

Amended plans have been received during the application process to increase the distance from the extension to the boundary with No 32 Little Brook Road and to amend the roof design of the extension adjacent to the boundary with No 28 Little Brook Road. All neighbouring properties have been reconsulted on these amended plans.

### **DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF)

development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

## **SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

SPD3 – Parking Standards & Design

SPD4 – A Guide for Designing Housing Extensions and Alterations

## **PROPOSALS MAP NOTATION**

None relevant

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

None relevant

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in January 2023. The NPPG will be referred to as appropriate in the report.

### **NATIONAL DESIGN GUIDE**

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

None

### **APPLICANT'S SUBMISSION**

None

### **CONSULTATIONS**

None

### **REPRESENTATIONS**

Letters of objection have been received from two addresses. These raise the following concerns:

- Plans seem to suggest house and garage are detached – house is semi-detached and garage adjoins the neighbour's
- Reduction in amount of light entering neighbouring property – greater use of electricity for lighting
- Sewage and water pipes will be buried beneath extension – could cause problems
- Impact on privacy from door and window
- Loss of views of neighbouring houses, gardens and trees
- Garden will be darker
- Impact on adjoining garage in terms of noise, construction, maintenance and drainage
- No information about alterations to drainage
- The extension is too big, leaving very little garden area. Layout is disproportionate
- Boundary fence should not be disturbed or removed during construction

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. The application proposal is for extensions/alterations to an existing dwelling in a residential area, which is considered acceptable in principle. The main issues for consideration are the design and appearance of the development and its impact upon residential amenity.

### DESIGN AND APPEARANCE

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”*. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code. It can therefore be given full weight in the decision making process.
3. An extension is proposed to connect the rear of the house to the freestanding garage in the rear garden of the property. This would have a part mono-pitched, part-flat roof and is intended to accommodate a kitchen and family area, whilst the existing garage would be converted to form a snug. The scale of this extension is considered to be appropriate and proportionate and would accord with the guidance contained within SPD4. Specifically, this would project 3.38m from the rear of the dwelling and would be set 0.38m away from the boundary with No 32. Adjacent to the boundary with No 28, the extension would have a projection of 3m to link with the existing garage.
4. An existing side-facing ground floor window in the house would be replaced with a single door, whilst the door and window in the side elevation of the garage would be replaced with a single window. Neither of these alterations raises any concerns from a design perspective.
5. The proposed porch is a relatively minor addition in scale, measuring 2.6m in width with a projection of 1.5m and a maximum height of 3.1m, which is considered appropriate for a property of this size. External finishes would match the main property and this element does not raise any concerns in design terms.
6. A representation raises concerns that the proposed extension is too big and leaves very little garden area, with the layout being disproportionate. As noted

above, the scale of the extension would accord with the requirements of SPD4, whilst the garden space remaining as a result of the works is not considered to be unduly small.

7. It is therefore considered that the proposed development would be acceptable in terms of design and impact on visual amenity and would comply with Policy L7 of the Core Strategy and guidance in the NPPF.

## RESIDENTIAL AMENITY

8. 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”*.
9. As noted earlier, the proposed extension would comply with the guidance contained within SPD4 in terms of its rear projection. With regard to impacts on the adjoining semi (No. 32), the projection of the extension, together with its offset from the shared boundary and its single storey scale would ensure there is no unacceptable overbearing or overshadowing impact, both on the dwelling itself and its garden area. No windows are proposed in the side elevation of the extension facing No 32, ensuring no overlooking impact would occur.
10. With regard to the neighbour on the eastern side (No 28), whilst the extension would be close to this boundary, it would accord with SPD4 in terms of its scale and projection. The roof of the part of the extension closest to this boundary has been amended during the application process, and is now proposed as having a flat roof. This would tie in with the existing flat roof garage and would also reduce its impact to some degree on windows in the side elevation of No 28. This is considered to be an acceptable relationship. No windows are proposed in the side elevation of the extension facing this neighbouring property, ensuring no overlooking impact occurs.
11. Representations raise concerns regarding a potential reduction in the amount of light entering neighbouring properties and gardens. As noted above, Officers are satisfied that the development accords with the SPD4 guidance and that the level of light reaching neighbouring properties and gardens would not be reduced by an unacceptable degree, given the modest scale and height of the proposed development. One of the representations suggests that, due to their particular personal circumstances, the development may have more impact on that neighbour in this respect than might otherwise be anticipated. Officers have had regard to this in assessing the proposal but have concluded that it would nevertheless not have an unacceptable impact on residential amenity.

12. The replacement of the window in the side elevation of the dwelling with a window and door is not considered to create any additional impact on the amenity of the neighbouring property, being in generally the same location as the existing window. Similarly, the window proposed in the side elevation of the existing garage is not considered to result in any unacceptable overlooking impact, particularly given that this would replace an existing window in generally the same location.
13. The scale of the extension and its distance from properties to the rear is such that no detrimental impact on the amenity of these dwellings is considered to result from the proposed development.
14. A representation raises concerns regarding impacts associated with construction noise and disturbance. Some level of disturbance can be expected as part of any development and this is not in itself a matter for which planning permission could reasonably be refused. Given the scale of the development, the extent of noise and disturbance during construction is not likely to be so significant as to warrant any further restrictions or conditions. In terms of noise once complete, given the continued residential use of the property, there is no evidence to suggest that this would exceed the level of noise which could reasonably be expected from a property such as this.
15. Other representations relate to the potential loss of views of neighbouring houses, gardens and trees. The loss of a particular view is not a material planning consideration, though issues associated with residential amenity have been addressed elsewhere in this report.
16. Overall, Officers are satisfied that the proposed development is acceptable with regard to its impact on residential amenity. The proposed development would not have any unacceptable impact on the amenity of any neighbouring properties and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

## EQUALITY

17. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
18. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:



- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
19. The public sector equality duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
20. Issues have been raised in the representations that relate to equalities and as such, in making an assessment of the application proposals, it is necessary to have regard to the Public Sector Equality Duty. If it is known that a decision could have an impact on persons with (a) protected characteristic(s), then this cannot be disregarded, whether or not that is material to the planning merits of the case.
21. Officers have had regard to this in making an assessment of the impacts of the proposed development.

## PARKING

22. The proposed extension would not include the creation of any new bedrooms and at least two parking spaces would be retained on the site frontage. It is therefore considered that there would be no undue parking impacts.

## OTHER MATTERS

23. Most of the issues raised in the letters of representation have been addressed in the preceding sections of the report, however a number of further comments have been made which are considered below.
24. One representation notes that the original plans appeared to suggest the house and garage are detached, with drainpipes being shown running down what is a shared wall with the adjoining semi. The applicant has provided amended plans during the application process to correct this.
25. Other concerns relate to drainage, including from the proposed extension and existing garage roof. The applicant has advised that the garage roof will be re-laid and will ensure that any water from the extension is discharged within their property and will not be directed towards any neighbouring property. It is also noted that this is not a material planning consideration and the application could not be refused on this basis. Concerns are also raised that sewage and water pipes will be buried beneath the rear extension, potentially resulting in problems in

the future. This would be a matter for the applicant to consider and is also not a material planning consideration.

26. Another representation states that the boundary fence should not be disturbed or removed during the construction phase. This is a private matter which would need to be agreed between the applicant and their neighbour, should the need arise for any temporary works to a shared boundary treatment and is not something which the planning system would control.

## DEVELOPER CONTRIBUTIONS

Community Infrastructure Levy (CIL):

27. The proposed development would have a floorspace of less than 100sqm, and would therefore not generate a requirement for CIL.

## CONCLUSION

28. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
29. All issues raised in letters of representation have been taken into account, however the proposed development is acceptable in principle and is considered to be acceptable in terms of its design and appearance, its impact on residential amenity and with regard to all other material planning matters. The development is in accordance with Core Strategy Policies L4 and L7, guidance contained in SPD4 and the NPPF and is therefore recommended for approval, subject to conditions.

## RECOMMENDATION:

That Members resolve to **GRANT** planning permission for the development subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PCE-Cheng-April-22-planning (amendment received by the local planning authority on 05/01/2023) and PCE-Cheng-April-22-Location plan.

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

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

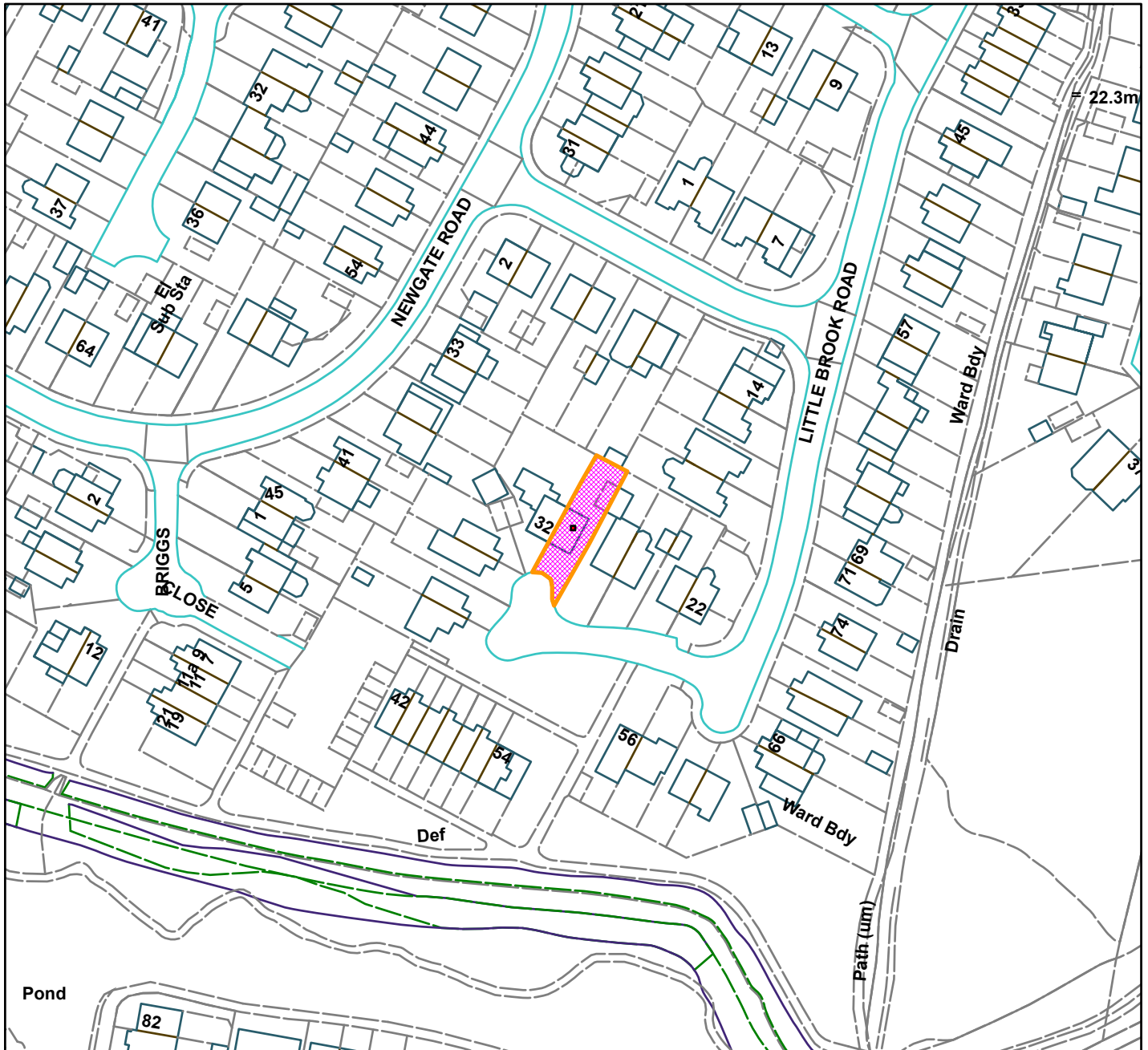
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning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

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JD



30 Little Brook Road, Sale (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
Date	30/01/2023
MSA Number	100023172 (2022)

**WARD:** Hale Barns

**108067/HHA/22**

**DEPARTURE: No.**

**Erection of single storey side and rear extension and the addition of rooflights to the main dwelling.**

18 Finchale Drive, Hale, WA15 8NH

**APPLICANT:** Mr Talluri

**AGENT:** Randle White Architects

**RECOMMENDATION: GRANT**

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**This application has been called in to the Planning and Development Management Committee by Councillor Butt.**

**Background**

In January 2022 a Prior Approval Application (104837/PHAA/21), submitted under part 1 of schedule 2 class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 was allowed on appeal. A PHAA application is for the enlargement of a dwellinghouse by construction of additional upward storeys, in this case the application granted permission (via appeal) for the addition of a 1st floor to the existing bungalow.

This current application (108067/HHA/22) was originally submitted in May 2022 and allocated to an Officer in June 2022. The existing plans including the additional 1<sup>st</sup> floor that was allowed on appeal. At the time of the site visit, the additional storey had not yet been constructed and the proposal was subsequently made invalid. It was made valid again once the 1<sup>st</sup> floor addition had been constructed.

**SITE**

The application site comprises a detached 2-storey dwelling (existing bungalow with upward extension) located on the north side of Finchale Drive, a residential cul-de-sac in Hale. The site consists of the main gable fronted 2-storey dwelling with, with an adjoining flat roof garage to the West side of the property. To the rear is a patio and lawn.

Finchale Drive is a residential cul-de-sac consisting of detached and semi-detached bungalows with front lawns/driveways to the front and generous gardens. Extensions to the side and rear are generally modest.

**PROPOSAL**

The proposal seeks permission to construct a single storey side and rear extension to the

dwelling and the insertion of 4 rooflights on the main roofslope along.

The side extension would replace the existing garage, to the west side of the property. It would be set back from the front elevation by 0.4m, have a width of 3.1m and depth of 13.6m, projecting 1.9m beyond the existing rear elevation on its western side. The rear extension would then step out marginally with an increased depth of 2.1m on the eastern side.

The side extension would have a part hipped roof, part flat roof with an eaves height of 2.4m and ridge height of 3.8m. The rear projection would have a flat roof at a height of 2.9m.

The front elevation would provide a garage style door to the front, 2 no skylights to the West facing roof slope and 2 no full height sliding windows/door to the rear elevation and a further full height window/door.

On the main roof of the property it is proposed to insert 4 rooflights, 2 on the east side and 2 of the west side.

The increase in floor space of the proposed development would be 47 m<sup>2</sup>.

Value added: The application has been amended to revise the roof design of the side extension. Originally it was proposed to construct a catslide roof from the main dwelling, then a dual pitch and now the current proposal is for a hipped roof with a flat roof element. In addition PV panels were shown on the roof of the main dwelling, which have now been removed.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7- Design

*In relation to paragraph 11 of the NPPF Policy L7 of the Core Strategy is considered up to date and full weight should be given to this policy.*

## **PROPOSALS MAP NOTATION**

None

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

SPD3-Parking Standards and design

SPD4- A guide for designing householder extensions

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25<sup>th</sup> August 2022. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

103634/HHA/21 - Erection of first floor and single storey side extension including dormers to rear and front of property and alteration to front elevation – Application Withdrawn May 2021

*Addition of a 1<sup>st</sup> floor extension was considered out of context to surrounding area, the application was withdrawn by the applicants*

104837/PHAA/21 - Erection of an additional storey to the existing dwellinghouse. Application for prior approval under part 1 of schedule 2 class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015. – Refused by the Council July 2021 **Allowed on Appeal January 2022**

*Decision to refuse by the council was overturned by the planning inspectorate, granting permission for an additional storey to the dwelling*

106946/HHA/22 - Erection of single storey side extension and other external alterations. – Approved by Committee with Conditions April 2022

*Submitted scheme showed the addition of a ground floor side extension and the additional 1<sup>st</sup> floor approved under 104837/PHAA/22- it was not possible to 'combine' the approved 1<sup>st</sup> floor and the proposed side/rear extension within the same application. The 1<sup>st</sup> floor aspect was removed and the side extension was approved by the committee in April 2022.*

## **APPLICANT'S SUBMISSION**

Bat Survey

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

Representations were received from 2, 14, 19, 20, 21 and 22 Finchale Drive, 110 Woburn Drive and Cllr Butt. The issues raised have been summarised below.

The following comments were received prior to the application being made invalid due to the first floor not being completed:

- Inaccuracies in the bat report
- Existing plans not accurate
- Extension too large and out of context with area
- Combining two decisions into one building procedure isn't allowed
- Out of keeping with area due to increased height
- Loss of amenity to neighbours (overshadowing and overlooking)
- Increase in traffic due to number of bedrooms
- Main services not being sufficient for high occupancy properties
- Loss of bungalow which are needed for housing mix

Following the completion of the 1<sup>st</sup> floor aspect and being re-validated, the comments below were received from 21 and 22 Finchale Drive and 108 Woburn Drive:



- Still combines two different applications
- No Vertical cladding to the front elevation as required by PHAA
- Addition of 5no Velux rooflights which were not on plans approved by PHAA
- Extension too large and out of context with area
- Out of keeping with area due to increased height
- Loss of amenity to neighbours (overshadowing and overlooking)
- Increase in traffic due to number of bedrooms
- Main services not being sufficient for high occupancy properties
- Loss of bungalow which are needed for housing mix

Further to amended designs for the roof, reducing its scale the following comments were received from 19 and 21 Finchale Drive:

- Insufficient parking
- Clarifications sought relating to omission of wood cladding to the front elevation
- Annoyance at previous appeal decision and frequency of neighbour consultation letters

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The permission for the additional storey granted via appeal has been substantially completed and therefore this proposal is considered to be a separate building operation and does not form part of this current application.
2. Householder extensions and alterations are acceptable in principle subject to there being no harm to the character and appearance of the property through unsympathetic design or harm to the amenity of neighbouring properties and residential areas.
3. The proposal has been assessed against Core Strategy Policy L7 and guidance contained in SPD4.

### **DESIGN AND VISUAL AMENITY**

4. Paragraph 126 of NPPF states *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

5. 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.
6. The previously approved householder planning application 106946/HHA/22 secured planning permission for a side extension and did not include the rear extension as currently proposed. However the design of the side extension was similar, being of the same footprint and although the approved scheme had a slightly lower eaves height, the ridge height was greater than currently proposed, although officers appreciate that the context has changed as the previous approval related to an extension to a bungalow rather than a two storey house.
7. The proposed side and rear extension would be single storey and modest in scale, being less than half the width of the existing dwelling. As such it would appear proportionate and subservient to the existing property. The hipped roof to the side extension and proposed fenestration are considered to integrate well and respect the character and style of the host dwelling, and would result in harm to the character and appearance of the streetscene.
8. Sufficient space would be retained at the rear of the dwelling for the enjoyment of the property and to maintain the balance between built and open form.
9. The sections of flat roof are considered acceptable, with the rear extension having limited impact on the wider area and the section of flat roof on the side extension is small, relative to the hipped roof.
10. Access between the front and rear of the site would be maintained, with a separation of approximately 1m retained to the common boundary with no. 20. Furthermore the extension would be constructed with matching materials so as to appear in keeping with the character of the surrounding residential area.
11. Objections in relation to the additional storey on the dwelling which have been received, stating how this results in the property being out of keeping with the character of the area are not material to this application. These works received permission via appeal, have already been constructed and do not form part of this application.
12. The proposed rooflights on the main roof are considered appropriate in this residential setting and due to their scale and siting are not considered to be overly dominant or visually intrusive within the streetscene.

13. As such, it is considered that the proposal would have an acceptable impact in terms of the visual amenity of the street scene and the character and appearance of the surrounding area. Subject to conditions, the proposed development is considered acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

## **RESIDENTIAL AMENITY**

14. Impact on the amenity of neighbouring residents and the occupiers of the application property has been considered in line with Policy L7 and guidance contained in SPD4.
15. SPD4 sets out detailed guidance for protecting neighbouring amenity (paras 2.14 to 2.18) as well as guidance for side and rear extensions (3.1 and 3.4). In terms of its impact on residential amenity the development will be assessed on the extent to which it causes a loss of privacy, extent to which it is overbearing on a boundary and the degree to which it causes a loss of light to the neighbouring properties.

### *Impact on 20 Finchale Drive*

16. The majority of works would be sited adjacent to the common boundary with no. 20. There would be 1m separation distance between the side elevation of the extension and the boundary.
17. The form and massing of the side extension roof is similar to that approved under 106946/HHA/22. In that application, as with the current proposal it is considered that whilst some loss of light and a degree of visual intrusion would be experienced this would not be so significant so as to be harmful due to the scale and design of the proposed extension.
18. The section of single storey rear extension would be set 1m from the shared boundary and be within the parameters of SPD4 paragraph 3.4.2.
19. There would be 1no window within the side elevation which would serve a W/C and would face towards the kitchen window of no.20. This will be obscured by condition to ensure no undue loss of privacy occurs.
20. Although the proposal includes additional glazing in the rear elevation (ground floor), this is not considered to result in a loss of privacy given the existing boundary treatment (1.8m timber fence).
21. Overall the proposal is considered to have an acceptable impact on the amenity on no.20.

### *Impact on 16 Finchale Drive*

22. The rear projection would be set 1.8m from the shared boundary and be within the parameters of SPD4 paragraph 3.4.2. The additional glazing in the rear extension is not considered to result in a loss of privacy to no. 16 given the existing boundary treatment (2m timber fence).
23. Overall the proposal is considered to have an acceptable impact on the amenity of no.16.

#### *Impact on properties to the rear*

24. The ground floor rear projection would retain over 14m to the shared boundary which is considered sufficient to ensure no undue loss of amenity would occur to the rear given the single storied nature and modest projection.

#### *Impact on properties to the front*

25. There would be no new windows or projection beyond the existing front elevation, the only difference would be the addition of a hipped roof over the existing garage. It is not considered a loss of amenity would occur as a result of this.

### **OTHER CONSIDERATIONS**

26. The extensive objections by local residents are generally considered to relate to the consent granted following the appeal of prior approval application 104837/PHAA/21 such as references to:
  - the height of the main property (out of context and overshadowing)
  - the additional bedrooms (and increase in parking/utility provision)
  - the addition of 1st floor windows (that cause overlooking)
  - requirement for bat survey
  - loss of bungalow
27. These are not relevant to the proposed works applied for within this application and works consented under the appeal are substantially complete, meaning that the works proposed under this current application constitute a separate building operation to the upward extension. Consideration of this application must relate only to the impacts of the single storey side and rear extension and the roof lights.

### **ECOLOGY AND PROTECTED SPECIES**

28. The original proposal was accompanied by a bat survey as the proposed roof system would have linked into the main roof. The amended scheme does not do this and so there are no concerns with roosting bats.

### **PARKING**

29. The proposal would not result in additional bedrooms and therefore does not give rise to additional parking requirements. Comments received during neighbour notification on increased demand for parking are noted, however the increase in bedrooms occurred as a result of the PHAA application allow via appeal and are not as a result of the proposal currently being considered.

### **DEVELOPER CONTRIBUTIONS**

30. - This proposal is not subject to the Community Infrastructure Levy (CIL) as it would create less than 100m<sup>2</sup> and so it below the threshold for CIL.
31. No other planning obligations are required.

### **PLANNING BALANCE AND CONCLUSION**

32. The scheme has been assessed against the development plan and national policy and guidance and it is considered that the proposed development will result in an acceptable form of development with regard to the amenity of neighbouring residents, and the impact on the street scene and the surrounding area more generally.
33. All relevant planning issues have been considered and representations taken into consideration in concluding that the proposal comprises an appropriate form of development for the site. The application is therefore recommended for approval.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plan numbers:
- 21-087(EXT)49;
  - FSD-10 Rev A;
  - FSD-11 Rev B;
  - FSD-20 Rev C;
  - FSD-44 Rev A.

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

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

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

4. 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 window in the ground floor on the west side elevation facing no. 20 shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

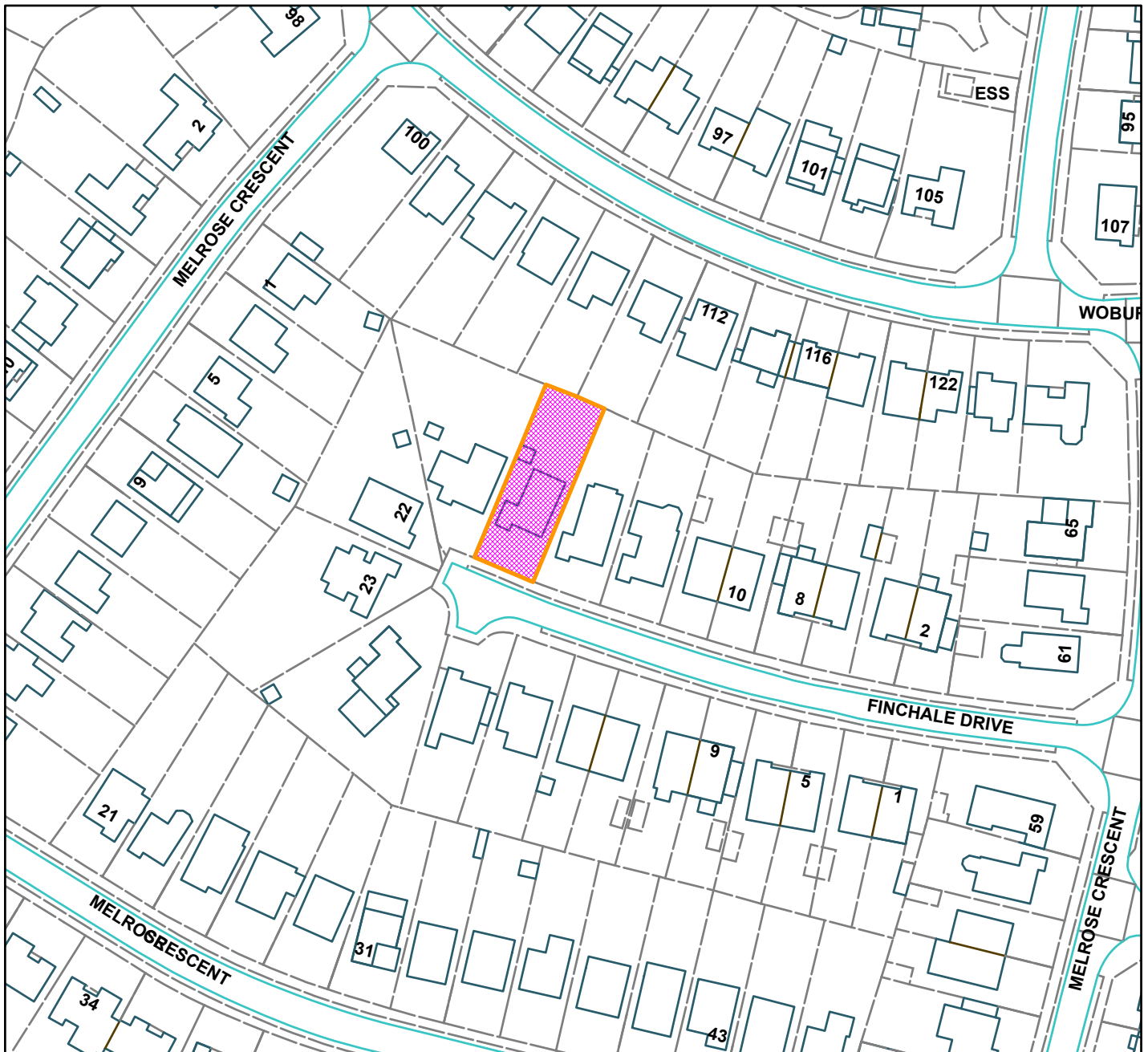
Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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NB



18 Finchale Drive, Hale (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
Date	30/01/2023
MSA Number	100023172 (2022)

**WARD: Broadheath**

**108791/FUL/22**

**DEPARTURE: No**

**Erection of two bedroom detached dormer bungalow with access from Sinderland Road**

13 Foxglove Drive, Altrincham, WA14 5JX

**APPLICANT:** Mr Hollingsworth

**AGENT:** Mr Jason Bates

**RECOMMENDATION: REFUSE**

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**This application has been called in to the Planning and Development Management Committee by Councillor Denise Western.**

**SITE**

The application site comprises of a 0.02ha approximately rectangular plot forming the rear portion of the residential curtilage of 13 Foxglove Drive. The site previously accommodated the rear portion of the back garden of that property however it has now been cleared with the lawn and a tree removed to expose bare earth. The plot is located adjacent to Sinderland Road to the north, this road running south-east to north-west past the rear boundary. Rear boundaries of the properties backing onto Sinderland Road at this point comprise of a mix of wood and concrete panel fencing and brick walls.

Number 13 Foxglove Drive is a two storey end terrace residential property to the south, this property forming part of a 1980s housing estate.

The plot is bound by residential properties to the east, south and west, the latter on the opposite side of a residential cul-de-sac. A primary school is located on the opposite side of Sinderland Road.

**PROPOSAL**

The applicant proposes to erect a dormer bungalow on the rear of their plot adjacent to the boundary fronting Sinderland Road. The property would have a dual pitched roof with north-east and south-west facing dormers. The internal layout would comprise of a basement level accommodating a utility room, store room and gym; an open plan kitchen-diner-lounge, hall and WC at ground floor; and two bedrooms and a bathroom at first floor.

The building would have a brick skin and grey roof tiles and would introduce ground and first floor windows to all sides. The front and rear facing dormers would have vertical cladding.

The wider plot would comprise of a landscaped area to the south-east and north-east, and an area of hard standing to the north-west, the latter accommodating two parking spaces and accessed from Sinderland Road to the north. A timber panel fence would be installed along the new front boundary.



The dwelling would have a level access.

The application is being assessed in relation to the amended plans submitted on 15 November 2022. Whilst further plans have been submitted since that date showing a revised layout, these relate to a wider area of land that extends outside the current application site boundary and therefore cannot be considered through the current application.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **OTHER LOCAL POLICY DOCUMENTS**

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

## **PROPOSALS MAP NOTATION**

Critical Drainage Area.

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

None.

## **PLACES FOR EVERYONE (PfE) (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in April 2022. The NPPG will be referred to as appropriate in the report.

## **NATIONAL DESIGN GUIDE**

The National Design Guide was first published in 2019 and was updated in January 2021. This document set a national framework for the delivery of high quality design in new development across the country. The National Design Guide will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

106044/FUL/21: Erection of two bedroom detached dormer bungalow. Withdrawn 28 June 2022.

106527/HHA/21: Erection of a proposed part single/part two storey rear extension. Approved 26 April 2022.

H13150: Construction of 142 dwelling houses, ancillary garages and estate roads. Approved 6 November 1980.

## **APPLICANT'S SUBMISSION**

The applicant has submitted a Design and Access Statement in support of their proposal.

## **CONSULTATIONS**

**Local Highway Authority** – Objection – key issues relating to the length of the driveway and the pedestrian visibility splay have not been addressed.

**Lead Local Flood Authority** – No objection.

**Greater Manchester Ecology Unit** – No objection.

**Pollution and Licensing (Contaminated Land)** – No comment.

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

**Arboriculturist** – No objection subject to condition.

**UU** – No objection.

**Greater Manchester Police Design for Security** – No objection.

## **REPRESENTATIONS**

Councillor Denise Western has made the following comments on the application proposals at the time of the call in to Committee:

- This is for a self-build project which the applicant plans to live in with his family.
- The property will be set well back from the road and therefore not detrimental to the street scene.
- I understand that the highways department have given the project pre-approval and that the utilities have also accepted it.
- There are no neighbour objections – in fact the general view seems to be that the project will improve the area.

No other representations have been received.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.

2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing, as well as those relating to the proposal's design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
6. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies relating to the supply of housing are partially 'out of date' in NPPF terms.
7. Core Strategy Policy L7, relating to design and amenity, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.
8. There are no protective policies in the NPPF which provide a clear reason for refusing the development proposed. Paragraph 11 d) ii), the tilted balance, is therefore engaged.

### Housing Land

9. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The plot is located in a residential area.
10. The proposal would result in the erection of a two bedroom dwelling which will provide private market housing.
11. The site is located approximately 1.84km to the north-west of Altrincham town centre. It is set within a primarily residential area, albeit with a school and restaurant on the opposite side of Sinderland Road.
12. The Council can currently demonstrate a housing land supply within the range of 3.47 to 3.75 years, which is based on the standard method of calculating Local

Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.

13. The plot currently accommodates a garden area and therefore the site is considered to be greenfield land, as identified by the NPPF.
14. The proposal would therefore need to be considered in light of Core Strategy Policies L1.7-L1.8, specifically Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority.
15. Considering the fact that the proposal would be built on greenfield land it is noted that the first priority of Core Strategy Policy L1.7, which details the release of land within regional centres and inner areas for new development of housing, does not apply in this case due to the location of the site. Therefore the application must be considered against the second and third points of Policy L1.7.

*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.*

16. It is accepted that the application site is located within an established residential area and is considered to be a sustainable location sited relatively close to public transport links, local schools and other community facilities.
17. However as concluded in the design appraisal section later in this report, it is considered that the proposal would result in an unacceptable design/visual impact amounting to an unacceptable overdevelopment of the plot, an unacceptable impact on the building line formed by the rear of properties backing onto Sinderland Road to the north as well as an unacceptable contrived design that would be out of character with its immediate surroundings, and furthermore an unacceptable amenity impact due to the close overlooking and overbearing impact in relation to an adjacent neighbouring plot. In addition, the application fails to demonstrate that satisfactory access and parking arrangements would be provided and therefore that the application would not have a detrimental impact on highway safety. It is therefore considered that the proposed development would not make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
18. In terms of Policy L2 the proposed two bed dwelling could be used for family housing and therefore would comply with L2.4. The proposal would likely result in a small economic benefit during its construction phase.

19. The proposal would make a minor contribution towards the Council's ability to meet its overall housing land target through the provision of an additional dwelling. Whilst it is accepted the development site is in a sustainable location and that the proposal would provide a family home, it nevertheless fails to satisfy the tests set down in Policy L1.7 and relevant policies within the NPPF, as well as the design and amenity requirements as outlined below.
20. Policy L2.2 also states that "all new development will be required to be: (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents;... (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."
21. For reasons set out in the design and amenity sections below, it is considered that the proposal would not comply with the above criteria. It is therefore considered that the current proposal would be unacceptable in terms of housing policies with reference to Core Strategy Policies L1 and L2, the New Residential Development SPG and the NPPF.

## **DESIGN**

22. Paragraph 126 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
23. Paragraph 130 states: Planning policies and decisions should ensure that developments:
  - i. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - ii. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - iii. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - iv. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - v. optimise the potential of the site to accommodate and sustain an appropriate mix of development (including green and other public space) and support local facilities and transport networks;
  - vi. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
24. Paragraph 134 states: Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance

on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

25. The National Design Guide states at C1 that development should: Understand and relate well to the site, its local and wider context. Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it; patterns of built form...to inform the form, scale, appearance, details and materials of new development [43].
26. Policy L7 of the Trafford Core Strategy states: In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.
27. The draft Trafford Design Guide was published for consultation in July 2022. The Core Objectives of the Design Guide are set out on pages 14 and 15 and state that development proposals should respond to the historic and contemporary character of the place, delivering designs that complement and enhance their context and the design of new buildings should contribute to the beauty of Trafford, delivering places and buildings that the community can be proud of.
28. Features of a well-designed neighbourhood [include]...roof forms and building lines consistent with context. Design requirements [include]... position buildings to respect and replicate existing building lines and maintain key views. [4.3.1].
29. The form and profile of a building has a dramatic effect on how it sits within in its setting and should seek to be complementary to the surroundings [4.3.2].
30. New Residential Development PG1 states that infill development can be acceptable provided it satisfactorily relates to its context in terms of design and amenity impacts. This type of development will not be accepted at the expense of the amenity of surrounding properties or local area character. The resulting plot sizes and frontages should be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene.
31. Paragraph 2.4 states: Development of small vacant sites or the retention of buildings and construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount

importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene. Both the new property and the retained dwelling should comply with the standards set out in these guidelines.

32. The proposed dwelling would be built on the rear portion of the current plot's back garden, fronting Sinderland Road to the north-east. The neighbouring dwellings within the estate to the south of Sinderland Road back onto and are set some distance from Sinderland Road, with the intervening area comprising of open back gardens.
33. The plot is bound by residential properties to the east, south and west, forming part of a 1980s housing estate. A late 20<sup>th</sup> Century primary school comprising of single and two storey buildings is located on the opposite side of Sinderland Road.
34. The proposed dwelling would be located to the rear of the applicant's current property adjacent to Sinderland Road. Officers consider the proposal would result in an over-development of the new plot with the building's footprint and hard standing occupying most of the new site leaving relatively little by way of external amenity/garden space. The proposed dwelling would also be set too close to the new plot's boundaries, for example it would be 1m and 0.24m from the front and rear boundaries respectively. As such, it is considered that the development would appear unacceptably cramped within its plot. This is in contrast to the residential properties within the wider estate which have large gaps between their rear elevations and rear boundaries. It is therefore considered that the proposed development would be at odds with the spacious character of the surrounding area.
35. The proposed dwelling would be positioned in a highly prominent location set significantly forward of the rear elevations of the residential properties within the wider housing estate, the area between these rear elevations and Sinderland Road accommodating back gardens with no buildings currently in place. It is considered that, having regard also to its proximity to the Sinderland Road boundary, its elevational design, the amount of hardstanding proposed and the proposed fencing to the front boundary (all of which are discussed further below), the proposal would appear incongruous and over-dominant in the street scene in this position.
36. Notwithstanding the fact that the proposal is a dormer bungalow with single storey eaves, it is considered that the proximity of the building to the front boundary of the site together with the fact that the immediate surroundings consist solely of open garden areas, would mean that the height, scale and massing of the development would appear incongruous in this position.
37. The proposed dwelling's design would also fail to complement that of the adjacent dwellings within the wider housing estate, the latter comprising of relatively simply designed two storey dwellings without dormers, whilst the new dwelling would be a dormer bungalow. None of the other dwellings outside of the housing estate but



within the local area have front facing dormer elements. In addition it is considered that the proposed dormers are overly large with their roof ridges not set down from the main ridge of the host dwelling and the design of the dormers appears incongruous with large areas of glazing, roof pitches that do not reflect the pitch of the main roof and proportions that do not reflect the other fenestration in the main proposed dwelling or the character of surrounding development. It is considered that this impact would be exacerbated by the fact that the glazing would be obscure glazed with one window serving a stairway and shown as obscure glazed and the other window serving a bathroom and facing Sinderland Road at close proximity. The dormer on the front elevation would also be poorly aligned in relation to the ground floor windows in that elevation and the ground and first floor window openings generally on all of the proposed elevations would not follow any coherent approach with a wide variety of different shapes and sizes. In addition the lack of a front door on the front elevation facing Sinderland Road would fail to provide any focal point in this elevation. The draft Trafford Design Guide states that development should ensure that the main building elevation and, in most cases, the building entrance faces the street. However, in this case, the proposed Sinderland Road elevation (which is annotated on the submitted plans as a side elevation) would not provide an appropriate frontage in this highly prominent position.

38. The submitted plans include very limited information regarding the details of the proposed design. There are no sills or lintels shown in relation to any of the proposed fenestration and no indication of any other design features that would enhance the appearance of the property or reflect elements of the local context. In terms of materials, the elevation drawing simply states “brickwork” and “grey tiles”. The applicant has not provided the level of information in the form of detailed plans for internal and external features, as well as other supporting information, to satisfy the Façade Design Analysis requirements as set out in the Council’s Validation Checklist. The submitted scheme therefore fails to demonstrate that the proposed development would be of an appropriate design quality in this highly prominent position.
39. The proposed hard and soft landscaping areas are considered to be unacceptable with the development having a lack of adequate external private amenity space due to the fact the vast majority of the new plot would be given over to the building and associated hard standing. The lack of external space for planting would also reduce the scope of screening vegetation.
40. Officers consider the installation of the proposed high fence across the front boundary would result in an unacceptable visual impact with the plot lacking a more beneficial open aspect at this point. Notwithstanding the existing high fencing along this boundary, it is considered that, as part of a new residential development, the proposed timber fence, particularly in combination with the lack of any proposed door in the Sinderland Road elevation, would give the appearance that the dwelling is turning its back on the main road. The draft Trafford Design Guide states that, within new residential development, fencing is not considered to be appropriate facing the public realm and front boundaries should generally comprise a brick wall or robust planting.

## Design Conclusions

41. Officers consider that the proposed dwelling, by reason of its siting significantly forward of the building line of nearby properties and in close proximity to the site boundaries, together with its height, scale, massing and design as well as the large amount of proposed hardstanding and proposed boundary treatment, would result in an incongruous, unsympathetic and over-dominant form of development that would be out of character with its immediate context and would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area.
42. It is recognised that NPPF guidance encourages the effective use of land however paragraph 124 states that planning decisions should support development that makes efficient use of land but that this must take into account...d) the desirability of maintaining an area's prevailing character and setting ... and e) the importance of securing well-designed, attractive and healthy spaces. It is considered that the proposed development would not add to the overall quality of the area, would not provide effective landscaping to mitigate the extent of built development, would not be sympathetic to the surrounding built environment, and would not help to establish a strong sense of place.
43. It is therefore considered that the proposal would result in an unacceptable design/visual impact with reference to Core Strategy Policy L7, PG1 New Residential Development, the draft Trafford Design Guide, the National Design Guide and the NPPF.

## **IMPACT ON RESIDENTIAL AMENITY**

44. Policy L7 of the Core Strategy states: In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.
45. New Residential Development PG1 requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

## Privacy and Overlooking

46. The dwelling would introduce front and side facing ground floor habitable room windows, and side facing first floor habitable room windows. The ground floor windows would have their views acceptably screened by intervening boundary treatments.
47. The proposed first floor habitable room windows would be sole bedroom outlooks. The windows facing north-west would immediately overlook what appears to be an overgrown area which previously formed part of the wider estate's internal parking or turning area, with the closest neighbouring back garden side boundary

(No. 21 Cranberry Close) being over 22m away, which would be acceptable. The south-east facing bedroom window would be 3.52m from the back garden side boundary of No. 15 Foxglove Drive, which would be markedly under the 10.5m minimum separation distance required by the New Residential Development SPG. It is therefore considered that this relationship would result in unacceptable overlooking and loss of privacy in relation to the rear garden of that property. The first floor side facing windows do not directly face neighbouring first floor windows.

48. The front and rear facing dormer windows do not serve habitable rooms and do not closely overlook sensitive neighbouring plots with the front dormer facing the primary school and the rear facing, obscurely glazed, dormer overlooking a shared internal access route and not directly facing any neighbouring first floor windows.

#### Overbearing/Overshadowing

49. It is also considered that the new dwelling would result in an unacceptable overbearing impact and undue visual intrusion in relation to the rear garden of No. 15 Foxglove Drive, with the building set away from the common boundary by 3.5m and in relation to the rear garden of the existing property at No. 13 Foxglove Drive with the building set 0.24m from this boundary, particularly having regard to the limited scale of the garden area that would be retained for that property. The dwelling would not result in an unacceptable overshadowing impact on neighbouring plots given that it would be sited to the north-east of these properties.

#### Occupant Amenity Space

50. The New Residential Development states 80sqm of garden space will normally be acceptable for 3 bedroom semi-detached dwellings. Whilst the proposal would be for a two, rather than a three, bedroom dwelling, this would however be detached with the surrounding plots having relatively substantial gardens, and the proposal would have a usable amenity space of 26.2sqm (approximately 36sqm when the strip between the front elevation and front boundary is included, however Officers consider the latter area would not be readily usable especially if planting is added here). This is considered to be an unacceptable under provision with regard to the above factors, notwithstanding the fact that the plot would be within a relatively short walking distance from several parks as well as open countryside to the west.
51. The proposal would comply with the NDSS requirements in terms of total internal floor space, and the floor space and width of each proposed bedroom. The lack of outlooks for the non-habitable basement rooms would not be unacceptable.
52. It is therefore considered that the proposed development would not provide an acceptable level of amenity for future occupiers of the dwelling due to the inadequate size of the proposed private amenity space. It is considered that this further demonstrates the cramped nature of the proposed development and the fact that the proposal is not well designed and would not add to the overall quality of the area.

#### Noise/Disturbance

53. The proposal would not result in the introduction of a driveway or parking area close to neighbouring boundaries or back gardens. It would not result in an unacceptable impact in this regard.

### Amenity Conclusion

54. The development would introduce a first floor habitable room window which would directly overlook the rear garden of a neighbouring property at a distance of 3.52m, which would be markedly under the required minimum separation distance of 10.5m. Officers consider this relationship would result in an unacceptable overlooking and loss of privacy impact on that dwelling. Officers also consider the proposal would result in an unacceptable overbearing impact and undue visual intrusion in relation to the rear garden of this neighbouring plot and also in relation to the rear garden of the existing property at 13 Foxglove Drive with the new building positioned close to the common boundaries at this point. Finally the proposal would include an unacceptably small amenity space for future occupants, which contributes to the conclusion that the proposed development would not be a well-designed proposal and would not contribute to the overall quality of the area. As such, Officers consider the proposal development would result in an unacceptable amenity impact on neighbouring properties and future occupants with reference to Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

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

55. NPPF paragraph 111 states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
56. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
57. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
58. The Parking SPD’s objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council’s parking standards indicate that the provision of two off-road car parking spaces is appropriate for two bedroom dwellings in this location, albeit these are maximum standards.
59. The proposed two bedroom dwelling would have two parking spaces and a new vehicle access would be added at the Sinderland Road frontage. The LHA has

commented that the proposed driveway is not of sufficient length to accommodate two vehicles as illustrated on the submitted plans. SPD3 states that tandem parking would need to be a minimum of 10m in length with the proposed parking area only being approximately 9m in length. The LHA has also stated that a pedestrian visibility splay should be provided (as required by SPD3) as the existing boundary treatment restricts the inter-visibility between the driver and pedestrians. In addition, the LHA states that details of bin and cycle storage would need to be provided, which could have a further impact on the available space. The LHA has therefore requested that the applicant provide an amended proposed site layout plan to ensure the proposal would have an acceptable access and parking provision. However, no amended details have been submitted to address this and, on this basis, the LHA has confirmed that it would object to the proposal on the grounds of impact on highway and pedestrian safety, particularly as any adverse highway impacts would be exacerbated by the location of the development site in close proximity to a school.

60. It is therefore considered that the application fails to demonstrate that satisfactory vehicular access and parking arrangements would be provided and therefore that the proposed development would not result in an unacceptable impact on highway safety with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD3, the New Residential Development PG1 and the NPPF.

## **TREES AND ECOLOGY**

61. The applicant has cleared the site, presumably in preparation for the development. The Council's Arboriculturist has confirmed the development could potentially impact several street trees which are located in a line between the current rear boundary fence and the road. The applicant has provided a tree report, which suggests that the trees can be protected during construction although recommends the relocation of one of the saplings that is positioned close to the proposed access. The conclusions of this report have been accepted by the Arboriculturist, subject to the provision of additional information which can be secured through a planning condition.
62. The GMEU consultee has confirmed no objection.
63. As such it is considered that the amended proposed development would have an acceptable ecology impact with reference to Core Strategy Policies R2 and R3 and the NPPF.

## **EQUALITY STATEMENT**

64. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
65. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between

persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.

66. It is noted that the new dwelling would have a level front door access which would comply with Part M of the Building Regulations. Access to the site for all users would be via the graded shared vehicular / pedestrian entrance.
67. Whilst it is noted that the proposal does not include accessible parking spaces, it is noted that there is no express requirement under the Parking SPD to provide these for this type of proposal, and it is also noted that the LHA has not objected with reference to this issue.
68. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.
69. Overall taking into account the constraints of the site and the scale of the development, it is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application), would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## **DEVELOPER CONTRIBUTIONS**

70. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate' zone for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
71. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of three additional trees. In order to secure this, should planning permission be granted, a landscaping condition could be attached to make specific reference to the need to provide three additional trees net of clearance on site as part of the landscaping proposals.
72. No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

## **CONCLUSION**

73. As set out above, the “tilted balance” would apply in this case because the Council does not have an immediately available five year housing land supply. In terms of benefits, the proposed development would provide one additional dwelling contributing towards the Borough’s housing land supply. In addition, it would generate a small amount of economic activity in connection with the construction process.
74. However, Officers consider that the proposed development would have a detrimental impact on the visual amenity and character of the street scene and the surrounding area and would not be well designed or contribute positively to the quality of the area as required by the NPPF. It is considered that the proposed dwelling, by reason of its scale, height, massing, design and siting together with the amount of hardstanding and the proposed front boundary treatment, would result in an over-dominant, unsympathetic and incongruous form of development that would be out of character with the surrounding built environment. In addition, the development would result in an unacceptable overlooking and loss of privacy impact in relation to the adjacent rear garden of 15 Foxglove Drive to the south-east and an unacceptable overbearing impact and visual intrusion to the rear garden of that property and the rear garden of the existing dwelling at 13 Foxglove Drive. The proposed development would also not provide an acceptable level of amenity for future occupiers of the dwelling due to the inadequate size of the proposed private amenity space. The development would therefore fail to comply with Policies L2 and L7 of the Core Strategy and guidance in the NPPF in terms of good design and impact on residential amenity as well as the New Residential Development SPG, the draft Trafford Design Guide and the National Design Guide.
75. In addition, the application fails to demonstrate that satisfactory vehicular access and parking arrangements would be provided and therefore that the proposed development would not result in an unacceptable impact on highway safety. The development would therefore fail to comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.
76. The proposal’s failure to satisfy the relevant design, amenity and access / parking requirements in turn results in the proposal also failing to comply with the requirements of the relevant policies controlling the supply and location of new housing. Given the emphasis on good design and a high level of amenity in the Council’s own development plan policies, together with national policy and guidance, it is considered the harmful impact of the proposal by virtue of its design, amenity and highway / parking arrangements is a matter which should be given substantial weight.
77. Applying the test in paragraph 11 d) ii), Officers consider that the provision of one additional dwelling would provide a very minor benefit in terms of housing land supply. It is recognised that the development would also generate a small amount of economic activity as result of the construction process. However, it is considered that the several adverse impacts identified above would significantly and demonstrably outweigh the benefits of granting permission, when assessed against the policies in the Framework taken as a whole. As such, it is considered

that the proposal would not represent sustainable development as it would not be well designed or contribute to the quality of the area.

78. For the reasons outlined above, the proposal is considered to be unacceptable in design and amenity impact terms and fails to demonstrate that it would provide satisfactory access and parking arrangements. As such, the proposed development is not in accordance with Core Strategy Policies L2 and L7, the New Residential Development SPG, the draft Trafford Design Guide, the National Design Guide and guidance in the NPPF in relation to design. It is therefore recommended that permission is refused.

## **RECOMMENDATION**

### **REFUSE for the following reasons:**

1. The proposed development, by reason of its siting significantly forward of the building line of nearby properties and in close proximity to the site boundaries, together with its height, scale, massing and design as well as the large amount of proposed hardstanding and the proposed boundary treatment, would result in an incongruous, cramped and over-dominant form of development that would be out of character with its immediate context and would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area, as well as failing to provide adequate private amenity space for future occupants. The proposed development would therefore not be well designed or add to the overall quality of the area and would be contrary to Policies L2 and L7 of the Trafford Core Strategy, the Council's adopted New Residential Development SPG, the draft Trafford Design Guide, the National Design Guide and guidance in the NPPF.
2. The proposed development, by reason of the position of the first floor bedroom window on the south-east elevation and its proximity to the common boundary, would result in unacceptable overlooking and an undue loss of privacy in relation to the rear garden of No. 15 Foxglove Drive to the detriment of the amenity that the occupiers of that dwelling could reasonably expect to enjoy. The proposed development would therefore be contrary to Policies L2 and L7 of the Trafford Core Strategy, the Council's adopted New Residential Development SPG, the draft Trafford Design Guide, the National Design Guide and guidance in the NPPF.
3. The proposed development, by reason of the scale, height, massing and proximity of the proposed development to the common boundaries with neighbouring properties, would result in unacceptable overbearing impact and undue visual intrusion in relation to the rear gardens of Nos. 13 and 15 Foxglove Drive to the detriment of the amenity that the occupiers of those dwellings could reasonably expect to enjoy. The proposed development would therefore be contrary to Policies L2 and L7 of the Trafford Core Strategy, the Council's adopted New Residential Development SPG, the draft Trafford Design Guide, the National Design Guide and guidance in the NPPF.
4. The application fails to demonstrate that satisfactory access and parking arrangements would be provided to serve the needs of the proposed development and therefore that the proposal would not have an unacceptable detrimental impact



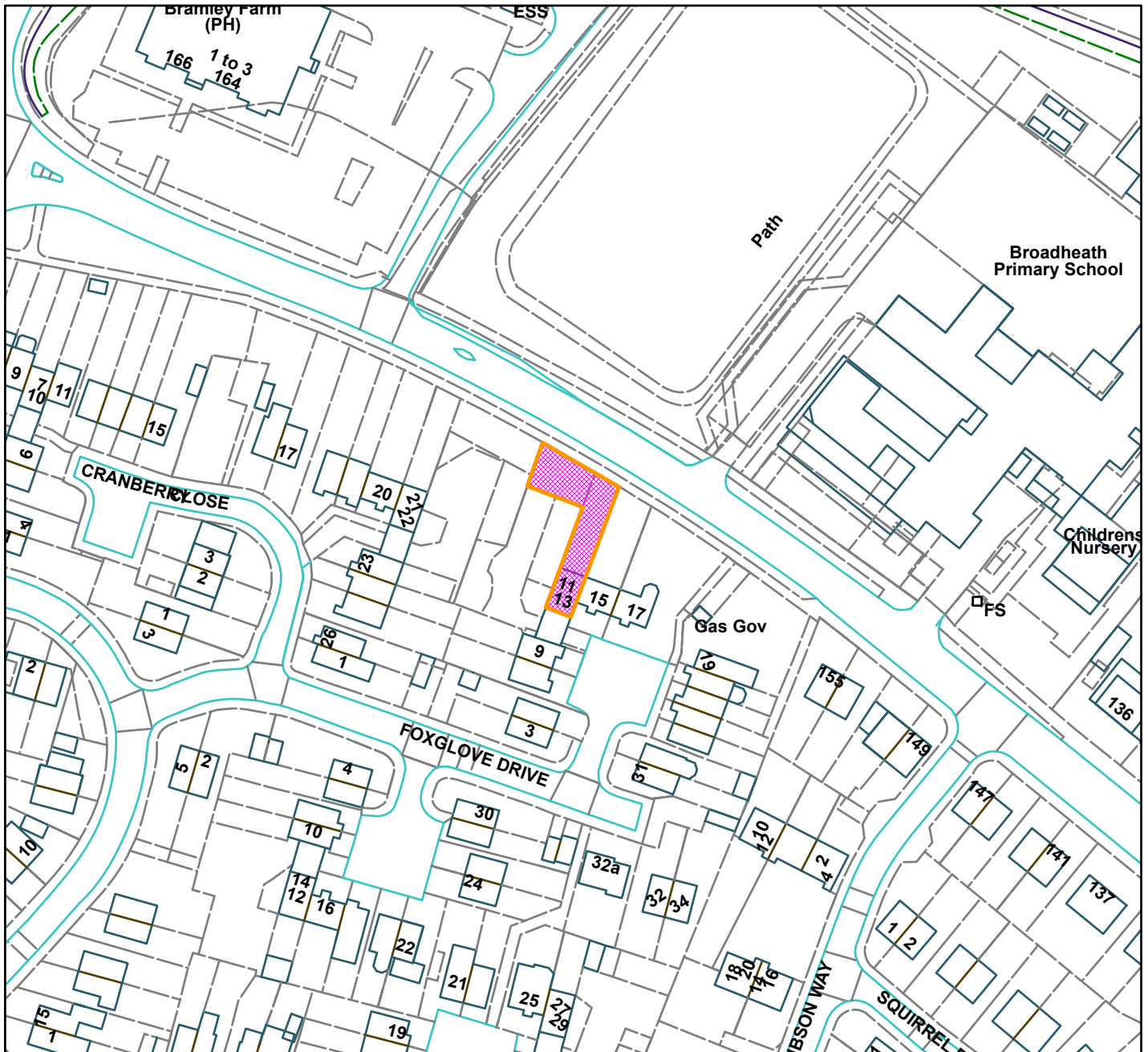
on highway and pedestrian safety. As such, the proposed development would be contrary to Policy L7 of the Trafford Core Strategy and guidance in the NPPF.

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TP



13 Foxglove Drive, Altrinchma (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
Date	30/01/2023
MSA Number	100023172 (2022)

**WARD:** Longford

**109475/HHA/22**

**DEPARTURE: No**

### **Erection of single storey rear extension**

15 Erlington Avenue, Old Trafford, M16 0FN

**APPLICANT:** Mr & Mrs Pennick

**AGENT:** Emma Craig

**RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee at the discretion of the Head of Planning.**

### **SITE**

The proposal site consists of a two-storey semi-detached, brick-built dwelling on the east side of Erlington Avenue in the residential area of Old Trafford. To the front the dwelling has a two-storey bay window with gable roof, to the rear of the dwelling there is an original two storey outrigger of a modest depth, adjoining which is a single storey extension, with a dormer extension on the main roof.

There is a small garden to the front of the dwelling, to the side of the dwelling there is a hardstanding access route to the rear, where there is a small garden area.

The dwelling is situated in a predominantly residential area and the majority of surrounding dwellings are detached and semi-detached properties of a similar design and materials.

### **PROPOSAL**

The applicant is seeking planning permission for the erection of a single storey rear extension, which would adjoin the existing rear extension and a new flat roof would be constructed over both the existing and proposed extensions.

The proposed extension would have a width of 3.15 metres, projecting 1.95m from the existing two storey rear outrigger and adjoining to the existing single-storey rear extension. It proposes a flat roof with a height of 3.3m. Bi-fold doors at proposed at the rear elevation, and the proposal features 4 rooflights within the flat roof. The extension would be constructed from brick to match the existing dwelling and the roof would be a dark grey fascia.

The total increase to the floor space would be 5.3m<sup>2</sup>

### **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 – Design

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

## **OTHER LOCAL POLICY DOCUMENTS**

SPD4 – A Guide for Designing House Extensions and Alterations

## **PROPOSALS MAP NOTATION**

None.

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

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was updated on 5<sup>th</sup> April 2022. The NPPG will be referred to as appropriate in the report.

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an

Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

### **RELEVANT PLANNING HISTORY**

89079/PAH/16- Erection of a single storey rear extension with a maximum projection of 3 metres beyond the original rear wall, a maximum height of ? metres and eaves height of ? metres. Application for prior approval under part 1 of schedule 2 class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. – Withdrawn: 01.08.2016

101189/CPL/20 - Application for Certificate of Lawful Development for a proposed single storey rear extension. – Withdrawn: 23.10.2020

### **APPLICANT'S SUBMISSION**

CIL Questions.

### **CONSULTATIONS**

No consultations.

### **REPRESENTATIONS**

No representations were received in response to this application.

### **OBSERVATIONS**

#### **PRINCIPLE**

1. Householder extensions and alterations are acceptable in principle subject to there being no undue harm to the character and appearance of the property through unsympathetic design or unacceptable harm to the amenity of neighbouring properties and residential areas.
2. The proposal has been considered/assessed against Core Strategy with Policy L7 and guidance contained in SPD4.

#### **DESIGN AND VISUAL AMENITY**

3. Paragraph 126 of NPPF states *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations,*

*and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

4. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
5. The rear extension would have modest projection relative to the scale of the existing dwelling and would maintain a good amount of private garden space to the rear of the dwelling. The proposal would feature a flat roof, however, this is considered to have little impact upon visual amenity and the street scene due to it being situated at the rear of the dwelling. Overall it is considered that the rear extension would be acceptable in terms of scale and appearance.
6. The proposed positioning of the bi-fold doors are considered to complement the existing dwelling and are considered acceptable. Furthermore, the proposed extension would be constructed with materials to match the existing dwelling as to complement the character of the surrounding residential area.
7. The rear extension does not extend beyond the existing side building line and maintains a gap with a width of 1.35m between the side elevation and shared boundary, retaining the sense of spaciousness around the property and is compliant with SPD4 in this respect.

## RESIDENTIAL AMENITY

8. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
9. The relevant guidance contained within SPD4 states the following:

Paragraph 2.14.2 states '*It is important that extensions or alterations:*

- *Do not adversely overlook neighbouring windows and/or private gardens areas.*
- *Do not cause a significant loss of light to windows in neighbouring properties and/or their patio and garden areas.*
- *Are not sited so as to have an overbearing impact on neighbouring amenity.'*

Paragraph 2.17.2 states *'The factors that may be taken into account when assessing a potential loss of light or overbearing impact include:*

- *The size, position and design of the extension*
- *Orientation of the property*
- *Presence of other habitable room windows/sources of light in neighbouring rooms*
- *Relative position of neighbouring houses and existing relationship*
- *Size of the garden*
- *Character of the surrounding area'*

Paragraph 3.1.6 states *'an existing direct through route to the rear garden should be retained for refuse bins, garden equipment and general storage. The retention of a gap to the side of your property has the following benefits:*

- *Ease of maintaining your own property*
- *General refuse is not transported through the house*
- *Garden refuse is not transported through the house*
- *It helps the transportation of materials for any potential building works*

*The Council will seek to retain a minimum separation distance of 750mm to the side boundary for single storey side extensions for this purpose.*

10. Additionally section 3.4.2 states that normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of a semi-detached property. This projection can be increased by an amount equal to the extra distance from the side boundary.

#### *Impact to properties to the front and rear*

11. The proposed extension is contained to the rear of the property and as such it is not considered to impact on the street scene or properties to the front of the site.
12. SPD4 states that single-storey rear extensions should have a minimum of 10.5m separation distance from the shared rear boundary in order to avoid harmful overlooking.
13. The proposed bi-folding doors would be situated a minimum of 7.6m from the shared rear boundary, which is below the SPD4 standard. However, the bi-folding doors at ground floor level do not provide any particular vantage into the garden of the adjacent property to the rear. Additionally, there is a separation distance of 20m between the host's proposed rear elevation and that of the adjacent dwelling to the rear of the property.
14. As such, it is considered that the proposed development would not have any adverse impact with regard to overlooking and loss of privacy.

### *Impact to No.13 Erlington Avenue*

15. The proposed extension would adjoin and extend the same depth as the existing single-storey outrigger, which projects 3m from the rear elevation, at a distance of 30cm from the shared boundary with No.13 Erlington Avenue. The extension does not extend beyond the existing building line. Although the roof height would increase with the construction of a flat roof, given the depth and separation to the boundary the proposal is not considered to appear unduly overbearing or result in any undue loss of light.
16. There are no windows in the proposed side elevation that faces the shared boundary with No.13 and as such there are no concerns for loss of privacy for the adjoining dwelling.
17. As such, it is considered that the proposed development would not have any impact upon the amenity of No.13 Erlington Avenue.

### *Impact to No.17 Erlington Avenue*

18. The proposed extension would follow the side building line of the existing dwelling and does not project any further towards the shared boundary with No.17 Erlington Avenue. The proposed development is offset from the shared boundary with the adjacent property by 1.35m and projects 1.95m from the rear elevation. Therefore, the proposal is compliant with SPD4 with respect to depth.
19. In addition no.17 features a two-storey rear extension, which the proposed extension would not project beyond and as such the proposal is not considered to be overbearing or result in a loss of light.
20. There are no windows in the proposed side elevation that face the shared boundary and as such there are no concerns for loss of privacy or overlooking with No.17.
21. Overall the proposal is considered acceptable and not to result in harm to the amenity of the occupiers of No.17.

### **PARKING AND HIGHWAY SAFETY**

22. The proposal would not result in the provision of any additional bedrooms nor would it result in the loss of any parking space to the side of the dwelling as there is no existing provision. As such it is considered the proposal would not result in any detriment to parking provision or highway safety.

### **DEVELOPER CONTRIBUTIONS**



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

## PLANNING BALANCE AND CONCLUSION

24. The application has been assessed against adopted policy and guidance, with officers considering the material consideration of the site and comments received from local residents.
25. It is considered that the proposed development would be acceptable in terms of design and visual amenity and would not have any unacceptable impacts on the residential amenity of neighbouring properties. As such, the development accords with Trafford Core, SPD4 and the NPPD and is recommended for approval subject to the conditions listed below.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plan number: 02 and the associated site location plan.

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

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

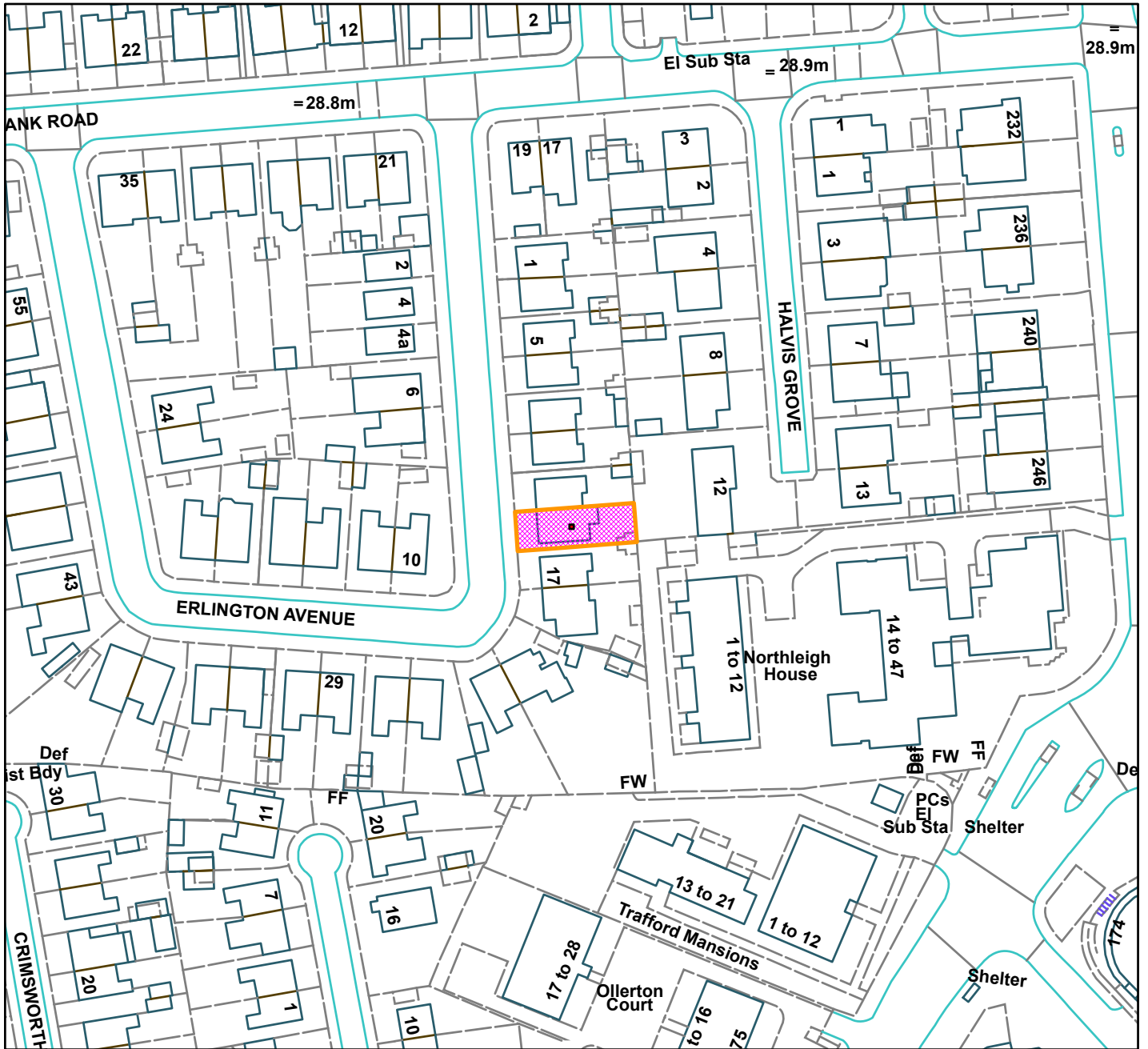
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning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

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CC



15 Erlington Avenue, Old Trafford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
Date	30/01/2023
MSA Number	100023172 (2022)

**WARD:** Bowdon

**109504/VAR/22**

**DEPARTURE: No**

**Application for variation of conditions 7, 8 and 9 on planning permission 103905/HHA/21 (Erection of a two storey front, part single storey part two storey side, and a single storey rear extension with the creation of a roof terrace to the rear. External alterations to include new windows and alterations to the rear roof shape.). To amend the wording of the conditions as the existing tree is to be felled and a replacement tree planted.**

24 Bonville Chase, Altrincham, WA14 4QA

**APPLICANT:** Dr Chipang

**AGENT:** Groves Town Planning

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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**This application has been called in to the Planning and Development Management Committee by Councillor Whetton.**

### **SITE**

The application relates to a two storey detached dwelling at the southern end of Bonville Chase, a residential cul-de-sac in Altrincham. The site is typical of the cul-de-sac with the property set well back from the pavement on a large plot, with a generous lawn to the rear of the site and a driveway and lawn to the front. The site backs on to Dunham Forest Golf and Country Club.

The dwelling itself provides accommodation across two storeys with a front projecting gable and front dormer. The property has an existing two storey side / rear extension.

To either side boundary is substantial hedging, with trees sited to the rear. To the west of the property, close to the boundary with 22 Bonville Chase is an oak tree (T1). The entire site is included within the area Tree Preservation Order 076: Bradgate Road / Bonville Road.

### **PROPOSAL**

This application seeks the removal / variation of Conditions 7, 8 and 9 of planning permission ref. 103905/HHA/21. The previous permission requires that the oak tree (T1) be retained. The applicant wishes to remove / vary the conditions to fell the tree and implement the planning permission, which they are currently unable to do. However, separate consent to fell the tree has been granted under a works to trees application ref. 108658/TPO/22 since the previous planning application was determined. The previous planning permission would become un-implementable if the tree was felled.

Condition 7 states:

*No development shall take place unless and until an amended Arboricultural Impact Assessment and Method Statement, which seeks to ensure the retention of tree T1 (as identified in the submitted Arboricultural Impact Assessment and Method Statement, 22/AIA/TRAFF/26 - January 2022), has been submitted to and approved in writing by the Local Planning Authority. The amended Arboricultural Method Statement shall include a survey of the location of the roots of tree T1 in*

*the vicinity of the proposed development and technical solutions to protect the tree including, where necessary, a modified foundation design of the proposed structure within the RPA of tree T1. The development shall be implemented in accordance with the amended Arboricultural Impact Assessment and Method Statement.*

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

Condition 8 states:

*(i) No development or works of site preparation shall take place unless and until an amended Tree Protection Plan, which seeks to protect the retained tree T1 (as identified in the submitted Arboricultural Impact Assessment and Method Statement, 22/AIA/TRAFF/26 - January 2022), has been submitted to and approved in writing by the Local Planning Authority.*

*(ii) 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 the approved amended Tree Protection Plan and BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.*

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

Condition 9 states:

*a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of replacement tree planting have been submitted to and approved in writing by the Local Planning Authority. The details shall include planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.*

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

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

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

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 – Design

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

## **PROPOSALS MAP NOTATION**

Tree Preservation Order 076

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

Community Forest / Tree Planting - ENV15/ENV16

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25<sup>th</sup> August 2022. The NPPG will be referred to as appropriate in the

## **RELEVANT PLANNING HISTORY**

108658/TPO/22 - Works to trees within TPO 076, specifically the removal of 1 No Red Oak tree – Consent granted 8 September 2022.

103905/HHA/21- Erection of a two storey front, part single storey part two storey side, and a single storey rear extension with the creation of a roof terrace to the rear. External alterations to include new windows and alterations to the rear roof shape. – Approved with Conditions 19 May 2022

86637/TCA/15 - Works to protected trees, specifically the felling and replacement of one Red Oak tree, one Beech tree, sundry Holly trees and sundry Cypress trees, together with the minor weight reduction of the longer limbs of one Oak tree. - 30.10.2015 – Consented

H/49659 - Erection of two storey side extension and associated alterations to form additional living accommodation. – Refused 09.03.2001

Reasons for refusal: -

1. The window within the first floor of the north elevation of the proposed extension would result in the significant risk of the overlooking of habitable room windows and the private garden area of 22 Bonville Chase, to the detriment of the reasonable amenity and privacy of the occupiers of 22 Bonville Chase. As such the proposal is contrary to Proposals D1 and D7 of the Trafford Unitary Development Plan, and the Council's Planning Guidelines 'House Extensions'.
2. The proposed extension, by virtue of its design, position, massing and impact on existing landscaping, would have a significantly detrimental impact on the street scene, the spacious character of the area, and on the visual amenities of the adjoining property. As such the proposal is contrary to Proposals D1 and D7 of the Trafford Unitary Development Plan.

## **APPLICANT'S SUBMISSION**

**Planning Statement** – states that there is no objection to Condition 9 (replacement planting) being replaced with another condition that reflects the requirement of the consent to fell – namely for a replacement tree to be planted in the planting season following felling.

## **CONSULTATIONS**

### **Arboriculturist:-**

Refers to the previous officer assessment carried out for 108658/TPO/22, which explains why the removal of the tree is justified. This assessment is appended to this report.

Further comments:

- The potential species of the replacement tree (as required by 108658/TPO/22) are suggested as being liquidambar, field maple, handkerchief tree and Tulip Tree. Suggested due to their mature size (around 12m) and ornamental qualities.
- Replacement with an Oak tree not considered appropriate due to their mature height being above 20m and wide spread.
- The replacement tree should be planted to front garden, not necessarily in exactly the same spot to provide visual amenity when viewed from Bonville Chase.

- The planted tree would be of 'standard' on maturity scale (2-3m tall) which ensures the transplantation and establishment is likely to be successful. If a more mature tree is planted, there is greater risk that the tree will not establish and die.

## **REPRESENTATIONS**

In relation to the call in of the application to Committee, **Councillor Whetton** has made the following comments: -

The conditions should not be removed as they are integral to the previous decision taken by the Committee in terms of all the trees on the site. Tree T1 was the subject of a specific decision by the Committee that this tree should be retained as part of the approval of the overall scheme. The Council should provide a robust defence of the Committee's decision that tree T1 should be retained. If officers were not to support the democratic decision of the Committee, it would bring the whole Committee system into question.

An objection has been received from one **neighbouring property** summarised as follows:-

- Loss of privacy due to screening benefit off tree
- Disagrees T1 needs to be removed (alternative Tree Survey undertaken to support this position)
- Conditions required from previous condition shouldn't be circumvented (through separate TPO and VAR applications), allowing this would undermine decisions of committee
- States previous assessments of the tree are incorrect by the council and the applicants arboriculturist
- The planning statement is incorrect when it states that the Arboriculturist's conclusions were reached with the benefit of being able to review submissions from tree specialists representing both the applicant and the neighbour (paragraph 2.3).
- Applicant already breached conditions 7 and 8  
Considers Council Officers clearly stated in previous committee meeting that the conditions would safeguard the tree.

## **OBSERVATIONS**

### Background

1. Members may recall that at the meeting of the Planning Committee in May 2022 an application (103905/HHA/21) for the 'Erection of a two storey front, part single storey part two storey side, and a single storey rear extension with the creation of a roof terrace to the rear. External alterations to include new windows and alterations to the rear roof shape' was considered. This application also proposed the removal of the oak tree (T1) close to the boundary of the application site with no. 22 Bonville Chase. Officers raised no objection to the removal of this tree in their recommendation to approve the application.
2. At the Planning Committee Members resolved that the oak tree should in fact be retained, and that conditions were required to secure this. The precise wording of these conditions was delegated to officers. Permission was granted subject to conditions, but including three (nos. 7, 8 and 9) related to the Oak Tree (T1) sited close to the boundary. Conditions 7 and 8 were redrafted accordingly before the decision notice was issued, varying the original officer recommendation which did

not require the retention of the tree, but instead required replacement planting (Condition 9).

3. In July 2022 a Works to Trees Subject to a Tree Preservation Order application was received (108658/TPO/22) which sought consent for the removal of tree T1. This application was dealt with under delegated powers in accordance with the Scheme of Delegation and on the advice of the Council's Legal Services. Consent was granted on 8 September 2022 for the tree's removal subject to the below conditions.
  - The work to be in accordance with British Standard 3998 (revised 2010) - "Recommendations for Tree Work".
  - The work to be completed in accordance with the application and conditions by the end of September 2024
  - A replacement tree is to be replanted in the planting season following removal. Species size and choice to be confirmed by the Council prior to planting.
4. This current application to remove / vary planning conditions on 103905/HHA/21 is required because, if the applicant fells the oak tree under the Works to Trees consent, it would not then be possible to implement planning permission 103905/HHA/21 as it would be impossible to comply with its conditions.
5. At the time of report preparation, the oak tree had not been felled. However, it could now be felled at any time under the Works to Trees consent. The conditions restrict the implementation of the previous planning permission, not the felling of the tree.

#### The Decision Making Framework

6. This application seeks approval under Section 73 of the Town and Country Planning Act 1990 for a variation / removal of conditions following the previous grant of planning permission. If approved, this would result in the grant of a new planning permission in its own right. The previous permission, 103905/HHA/21, nevertheless also remains extant and the proposed extensions could therefore be implemented, subject to compliance with the conditions attached to that permission. In terms of decision taking, there is therefore no requirement to revisit any other issues in the determination of this application other than where they are directly related to the proposed variation / removal of conditions. In this case, the changes proposed are the removal of Conditions 7 and 8 and, for Condition 9, its variation to enable replacement planting specifically to mitigate for the removal of the oak tree.
7. This report will therefore only assess issues directly related to these conditions.
8. When assessing S73 applications the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions should this be deemed necessary (though only in relation to the issues raised directly by the proposed variation).
9. It is also necessary to have regard to any material changes in circumstances that may have occurred since the previous permission was granted. In the period since permission 103905/HHA/21 was granted, it is considered that there have not been



any changes to local or national planning policies which would justify a different approach being taken in respect of any planning matter relevant to this development. However, there has been a material change in circumstances in that application 108658/TPO/22, for works to trees within TPO 076, specifically the removal of tree T1, was granted consent on 8 September 2022. The tree could therefore now be felled at any time. This is a fallback position which should be given substantial weight in the consideration of this application.

### Assessment

10. In recommending approval of the previous planning application (103905/HHA/21), officers considered that it was appropriate for the oak tree to be felled to facilitate the development. This was because: a) the tree was not of sufficient quality to justify retention; b) the tree was not necessary to provide screening for the proposed development, as overlooking would be satisfactorily mitigated by an obscure glazing condition. There has been no change in planning circumstances or additional information submitted which would change the view of officers in this regard. The previous decision of the Planning Committee is acknowledged, but should not in itself alter officers' professional opinion of the merits of the case. If Members consider that the retention of the oak tree remains necessary to enable this extension to go ahead, then it remains open to Members to vary or overturn the officer recommendation.
11. However, Members should be mindful of government policy in Paragraph 56 of the NPPF which states that *"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects"* which reflect the 'six tests' that planning conditions need to meet to be lawfully imposed.
12. Condition 7 requires an amended arboricultural impact assessment and method statement and Condition 8 requires a tree protection plan. It is considered that, given this significant material change in circumstances, Conditions 7 and 8 would no longer be reasonable, necessary or enforceable. Specifically, it would not be reasonable to require the submission and implementation of measures to protect a tree in respect of which the planning authority has already granted a consent to fell, it would not be necessary to attach such conditions in respect of tree T1 if the tree is to be removed and it would not be possible to enforce such conditions in respect of tree T1 if that tree is to be removed. Even setting aside this change in circumstances, there are also no justifiable visual or residential amenity reasons to require the retention of the tree and thus the conditions are not necessary or reasonable.

### Visual Amenity

13. The Council's Arboriculturalist has carefully considered the health and amenity value of the tree, particularly given the competing arboricultural reports submitted with the previous application and the application to fell the tree under ref. 108658/TPO/22. Her delegated report on that Works to Trees application is appended to this report so that Members are able to benefit from reading it in full.
14. In relation to application 108658/TPO/22, the Council's Arboriculturalist stated that *"The tree does not have high amenity. Due to the pruning its crown is much smaller than it ordinarily would have been and the branch structure is also*

*different. Where once there would have been primary branches dividing into secondary and tertiary branches to comprise the crown, there are now reactive shoots growing off the main branches as shown in the image below: The tree is smaller in height and as such has less prominence within the local area. It is considered that the tree has moderate amenity...If the tree is considered within the long term, then given its limited life expectancy of between 10 and 20 years, if it were to be removed and replaced now, in 10 to 20 years' time a new tree would be established, growing strongly and continue growing for the foreseeable future/generations...The oak tree received a TEMPO [Tree Evaluation Method for Preservation Orders] score of 8 out of a possible 25 marks and therefore does not merit protection by TPO. The reason it did not score higher is because it has a limited amenity, limited retention span and it is not particularly visible within the wider area."*

15. A TEMPO score of 16 or below would provide justification for the removal of a tree in certain circumstances. The Council's Arboriculturist considers that the visual amenity of the area would be best served, in the long term, by the removal of the oak tree and the planting of a replacement tree. It is noted that the oak tree is protected by virtue of a wide area TPO rather than an individual Order. The Order dates from 1975 and covers all trees (with limited exceptions) on Bonville Chase / Road, Bradgate Road, Dorset Road and the southern side of Oldfield Road. It is much more likely that trees within an area TPO will be found individually not to be worthy of retention than trees which are protected by individual or small group TPOs and for this reason the serving of blanket area TPOs is no longer recommended. Additionally, as it is nearly 50 years since the Order was made, it is also much more likely that individual trees will no longer be in a condition worthy of retention. Officers therefore consider that there is no justification for planning conditions to be imposed that require the retention of the oak tree.
16. As such, it is considered that the conditions should be varied to remove any requirement for the submission or implementation of works to seek to retain tree T1. It is, however, considered appropriate to vary Condition 8 (though it would now be numbered as Condition 7) to relate solely to the provision of tree protection in respect of the other trees to be retained on the southern boundary of the site. Furthermore, it is recommended that Condition 9 is retained (though now numbered as Condition 8) in order to ensure the provision of appropriate replacement planting following the removal of tree T1, noting that this is also required if the tree is felled under the Works to Trees consent.
17. No amendments to the design or appearance of the extensions are proposed.
18. In this regard the proposal complies with Policy L7 of the adopted Core Strategy and relevant NPPF policy.

#### Residential Amenity

19. Conditions 7, 8 and 9 are not 'plans' conditions and therefore no changes are proposed to the siting, layout or design of the proposed extensions. The proposed part two storey, part single storey side extension would project 6.8m from the side of the main dwelling, and would not be any wider than the existing two storey side extension on the property. The proposed ground floor element would have a minimum 4.5m distance to the shared side boundary with No 22. The side extension would not project further to the rear than the existing two storey side extension. The proposed first floor windows in the front elevation of the extension,

serving a bedroom, would be set back 1m from the ground floor element, and would retain a 10.8m minimum distance to the south eastern corner of the dwelling at No 22. While the proposed extension does step forward significantly when compared to the existing side extension, it is not considered to have any unacceptable overbearing or overshadowing impact on no. 22, given the orientation of the two properties, which are at right angles to one another.

20. There are no habitable room windows proposed at the first floor level on the side elevation of no. 22 and the remaining windows, serving an en suite and dressing room, would be conditioned to be obscure glazed and fixed shut up to 1.7m above finished floor level. On the front elevation of the extension, there would be two bedroom windows at first floor level. It is recognised that there are main habitable room windows in the side elevation of No. 22 and that the oak tree (T1) on the boundary currently provides some screening, albeit this is more limited in the winter months when it is not in leaf. With the removal of Conditions 7 and 8, the extensions would be implementable without this screening in place.
21. Whilst it is recognised that the proposed windows would be at right angles to those in the side of No. 22, it is considered that there could be some views from the proposed bedroom window closest to the boundary towards the garden and windows of No. 22. It is therefore recommended, as with the previous application, that this westernmost window be conditioned to be obscure glazed and fixed shut up to 1.7m above floor level with outlook being provided from the other window serving this room, which is positioned further from the boundary, and from which any overlooking impact would be much more limited, and to a degree where a refusal of planning permission would not be justified. This is considered to provide adequate mitigation for any overlooking without the necessity of additional screening being provided by the oak tree.
22. The removal of conditions requiring retention of the oak tree would therefore not have a detrimental impact on the residential amenity of no. 22 Bonville Chase as sufficient mitigation is provided via conditions requiring obscure glazing.
23. The removal / variation of Conditions 7, 8 and 9 would not give rise to any impacts on neighbouring properties other than no. 22 Bonville Chase.
24. In this regard the proposal complies with Policy L7 of the adopted Core Strategy and relevant NPPF policy.

## **PLANNING BALANCE AND CONCLUSION**

25. The scheme has been assessed against the development plan as a whole and national policy and guidance and it is considered that the proposed variation / removal of Conditions 7, 8 and 9 of planning permission 103905/HHA/21 will result in an acceptable form of development with regard to the amenity of neighbouring residents, and the impact on the street scene and the surrounding area more generally.
26. In coming to this conclusion, substantial weight has been given to the fact the tree can be removed independently of the extension through the separate Works to Trees consent, 108658/TPO/22. As was the case with the original recommendation to Committee in respect of application 103905/HHA/21, officers consider that the previously approved extension is acceptable in terms of residential amenity without the need for any screening provided by the tree.

Furthermore, officers concur with the Arboriculturist's conclusion that the removal of the tree would not harm the visual amenity of the area, subject to appropriate replacement planting.

27. In any case, notwithstanding this, when attaching conditions, it is necessary to have regard to the guidance in paragraph 56 of the NPPF that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. It is recognised that the resolution of the Planning and Development Management Committee was that Conditions 7 and 8 should be amended to include measures to try to protect tree T1. However, given the material change in circumstances in relation to the approval of application 108658/TPO/22, granting consent for the removal of the tree, it is considered that it would not now be reasonable, necessary or enforceable to retain the conditions requiring the submission and implementation of works to retain it and, as such, any refusal of the application to amend these conditions would be clearly contrary to guidance in the NPPF.

28. It is therefore considered that Condition 7 should be removed as an arboricultural method statement would no longer be required, Condition 8 (tree protection measures) should be varied to relate only to the trees to be retained on the southern boundary of the application site (and re-numbered as Condition 7) and Condition 9 should be varied to require replacement planting in relation to tree T1 (and re-numbered as Condition 8). Condition 1 is also varied to reflect that the three year time scale for implementation of the permission should begin on the date the previous permission was granted. On this basis, the application would comply with the development plan when taken as a whole together with relevant NPPF policy and is recommended for approval.

### **RECOMMENDATION:**

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

1. The development must be begun not later than 18 May 2025.

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 30321/1 REV E, 2 REV C, 3 REV C, 4 REV C, 5 REV A, 6 REV D, received by the local planning authority on 19th April 2022, and the 1:1250 site location plan.

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

3. Notwithstanding any description of materials in the application no works involving the use of any materials to be used externally on the building shall take place until samples and / or full specification of all such materials (including windows, doors, garage doors, roof tiles, brick, guttering, pillars, plinths, balustrade and opaque screen) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order), the flat roof area of the extension above the proposed gym and adjacent to the juliet balcony hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area, and no railings, walls, parapets or other means of enclosure shall be provided on that roof unless planning permission has previously granted for such works.

Reason: To protect the privacy and amenity of the occupants of the adjacent dwellinghouses, having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the first floor balcony / roof terrace above the kitchen / family room shall not be brought into use unless and until a 1.8m high obscure glazed privacy screen (which obscuration level is no less than Level 3 of the Pilkington Glass scale or equivalent) and a 1.1m high balustrade have been provided in accordance with the details shown on the approved plans, numbers 30321/2 REV C, 30321/3 REV C and 30321/6 REV D. The privacy screen and balustrade shall be retained at all times thereafter.

Reason: To ensure satisfactory level of privacy between properties, having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the 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 windows in the first floor on the side (west) elevation and the westernmost window in the first floor on the front (north) elevation both facing 22 Bonville Chase shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

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 the submitted Tree Protection Plan (drawing number 03 – Tree Protection Plan within the submitted Arboricultural Impact Assessment and Method Statement – Tree Solutions (May 2022)) and BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and

the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

8. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of replacement tree planting have been submitted to and approved in writing by the Local Planning Authority. The details shall include planting plans, specifications and schedules (including planting size and species), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

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

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

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NB

# **APPENDIX**

## **Report on Works to Trees Application – 108658/TPO/22**

**PLANNING  
DEPARTMENT  
ARBORICULTURAL  
SECTION**



**Report on Works to Trees Application**

<b>Application number</b>	108658/TPO/22	<b>Date registered</b>	18 July 2022
<b>Case Officer</b>	Alice Martin	<b>Date of site visit</b>	17 August 2022
<b>Appeared on weekly planning list</b>	25 <sup>th</sup> July 2022		

**The Proposed Work**

<b>Location of trees</b>	Front garden of 24 Bonville Chase
<b>Tree Preservation Order</b>	Area A1 of TPO 076 Bradgate Road/Bonville Road, Altrincham
<b>Conservation Area</b>	-
<b>Proposed Works</b>	Felling of one red oak tree

The tree is growing within the front garden of 24 Bonville Chase, close to the boundary with 22 Bonville Chase. The applicant states that the tree is unsightly and wishes to replace it with a more attractive specimen.

It was harshly pruned 10 years ago and the crown now comprises reactive shoots that have grown off the pruning cuts and along the branches. Some of the large pruning wounds have occluded over whilst others have not and large areas of decay are visible in the crown. The shoots will continue to grow in size and diameter until the point where they will snap out of the crown causing further decay entry points. The tree now has a life expectancy between 10 and 20 years.

When considering an application for works to trees the guidance states a number of elements are to be considered. In this case they are:

- The amenity of the tree in question and the likely impact upon the amenity of the area should the tree be removed;
- The reason for removal and whether this is justified.

We have also considered the supporting information submitted by the applicant and by those making representations.

**Amenity**

The tree does not have high amenity. Due to the pruning its crown is much smaller than it ordinarily would have been and the branch structure is also different. Where once there would have been primary branches dividing into secondary and tertiary



branches to comprise the crown, there are now reactive shoots growing off the main branches as shown in the image below:



The tree is smaller in height and as such has less prominence within the local area. It is considered that the tree has moderate amenity.

#### Reason for removal

The owner considers that the tree is unsightly and wishes to replace it with another specimen. This is not an unreasonable request due to the poor past management of the tree. If the tree is considered within the long term, then given its limited life expectancy of between 10 and 20 years, if it were to be removed and replaced now, in 10 to 20 years time a new tree would be established, growing strongly and continue growing for the foreseeable future/generations.

#### Other information submitted

The applicant has submitted a Tree Survey (July 2022) and representations have been made from the neighbour at 22 Bonville Chase who has submitted a document containing an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement (May 2022). The report submitted by each party are contradictory and as such the Council tree officers undertook a TEMPO assessment.

TEMPO (Tree Evaluation Method for Preservation Orders) can be used to assess the suitability of tree for TPO protection. The tree in question is within Area A1 of TPO 076 and the legislation stipulates that area TPOs should be reviewed once made because the area category is intended for short term protection in an emergency and may not be suitable for long term protection.

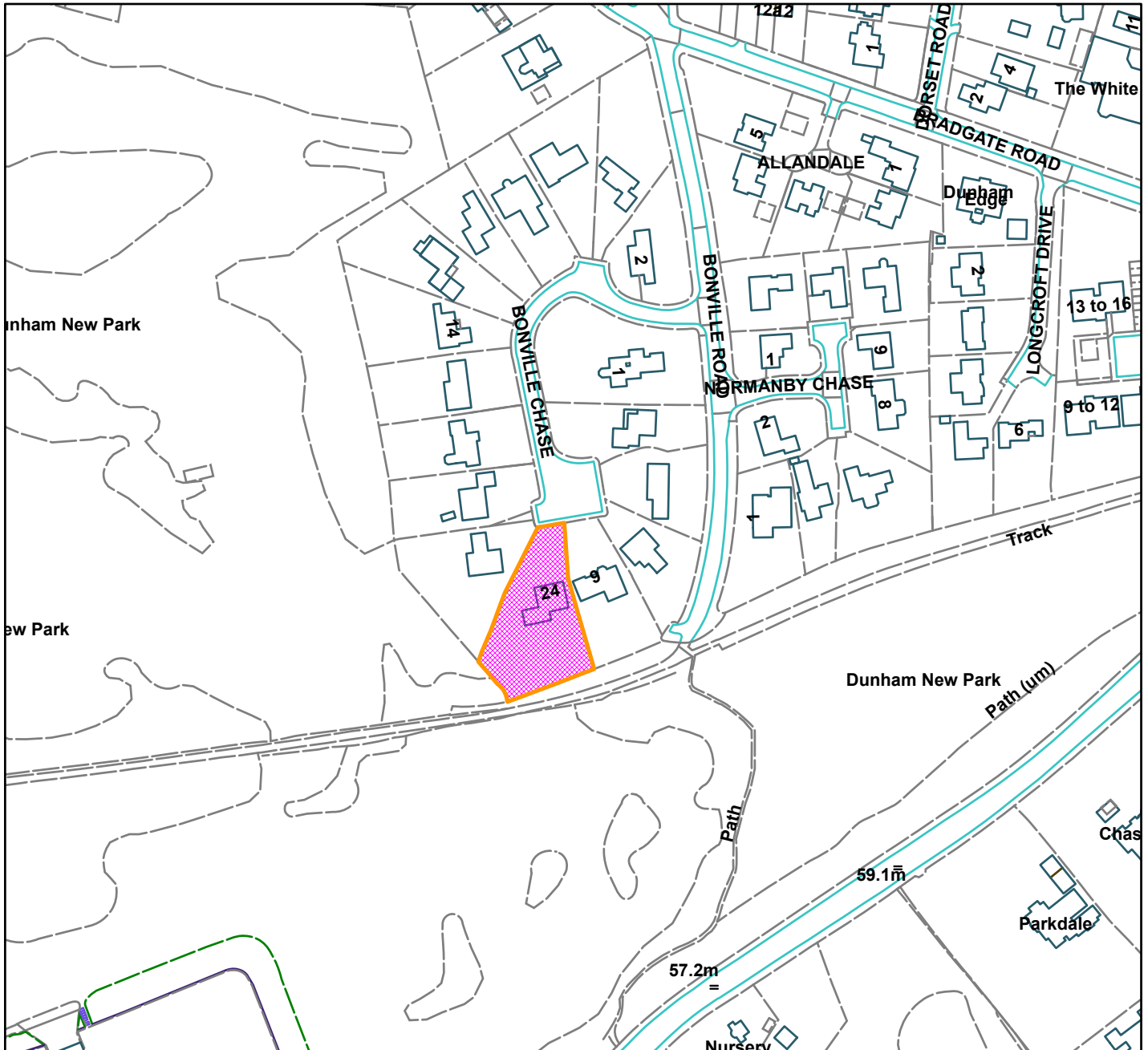
The oak tree received a TEMPO score of 8 out of a possible 25 marks and therefore does not merit protection by TPO. The reason it did not score higher is because it has a limited amenity, limited retention span and it is not particularly visible within the wider area.

For these reasons I do not object to the removal of the tree as long as a suitable replacement is planted the planting season following removal.

Suggested replacement species would be: field maple, handkerchief tree, tulip tree (upright) or Liquidambar 'slender silhouette'



24 Bonville Chase, Altrincham (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
Date	30/01/2023
MSA Number	100023172 (2022)

**WARD:** Altrincham

**109513/FUL/22**

**DEPARTURE: No**

**Erection of a new dormer bungalow following demolition of existing property**

Gulmarg, Garden Lane, Altrincham, WA14 1EU

**APPLICANT:** N Booth

**AGENT:** d2 Architects

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee as it has been called in by Councillor Jerrome on the grounds of amenity impact upon the existing houses and gardens on Springfield Road. The application has also received more than six representations contrary to Officer Recommendation.**

**SITE**

The application relates to a roughly rectangular site located on the eastern side of Garden Lane. The site contains a detached bungalow with small garden areas, mostly laid to hardstanding, sited to the north and south of the building. The western boundary of the site with Garden Lane is formed by a mix of brick walling, fencing and the rendered side wall of the property. There are two existing pedestrian accesses in this boundary wall and a former vehicular access to the site is positioned at the northernmost point. All other boundaries comprise of a brick wall. The bungalow is vacant and dilapidated and the garden areas overgrown with areas of hardstanding.

Springfield, located to the west of the site across Garden Lane, is a detached dormer bungalow with associated access and parking on the southern side. Beyond the rear northern wall of this bungalow (and west of Gulmarg) is a car parking area used by adjacent offices.

Adjoining the application site to the north is a recent development of a pair of semi-detached houses with gated access off Garden Lane. There is a brick wall and fencing between these houses and the application site to a height of approximately 1.80 metres.

There is a brick boundary wall along the southern garden boundary of the application site beyond which is the car park of a 4 storey office building at the junction of Garden Lane and Victoria Street.

To the east of the application site lie the rear gardens of houses fronting Springfield Road to the east. These are substantial detached and semi-detached Victorian properties, with three floors of above ground accommodation. These houses are approximately 2.40 metres lower than the application site and the rear gardens of these properties slope upwards towards the application site. At the western end of the gardens the ground level of the application site is approximately 0.9 metres higher.

There is a substantial brick retaining wall at the end of the gardens to the application site which varies in height across the site boundary from approximately 1.60 metres to 1.80 metres. There are outbuildings adjacent to the wall within the gardens of the houses on Springfield Road.

The property is not a listed building but the site is located within Character Area C 'Church Street Commercial Area' of the Old Market Place Conservation Area. It is located to the north of Altrincham town centre boundary and the surrounding area has a mixed residential and commercial character.

## **PROPOSAL**

Planning permission is sought for the erection of a new dormer bungalow following demolition of existing property.

The new dwelling would be generally rectangular in footprint. The main body of the dwelling would measure 12.40m x 6.20m, with a gabled roof design, incorporating a stepped down front west gable, square ground floor bay and two front dormer roof windows. There would be a single storey rear element on the east elevation, projecting 3.60m x 6.10m with a hipped roof design. A porch is proposed to the north, projecting 1m x 2m with a gable end roof.

The height of the main ridge would be circa 6.40m tall, whilst the gable fronting Garden Lane would have a ridge height of circa 5.90m. The eaves height of the main dwelling would measure approximately 3.20m. The single storey rear element would have a ridge height of 4.70m, with an eaves height of 3m.

Overall a 1.5 storey appearance would be provided, with the two bedrooms accommodated within the roofspace. To the ground floor, there is a hallway/kitchen area, bedroom or study room and main combined lounge / dining room.

The design includes timber framed vertical-sliding sash windows, slate tiles, buff stonework cills, Cheshire facing brickwork with red engineering brick detail and black painted timberwork.

The brick boundary wall abutting Garden Lane would be altered and rebuilt where necessary, to accommodate the increased length of the dwelling's western frontage abutting Garden Lane. This would have a height of 1.80m with two brick entrance arches protruding above, as per the existing design. The south brick arch entrance would be rebuilt, slightly further to the south along Garden Lane. The existing driveway entrance would be retained with two car parking spaces provided.

The total floorspace of the proposed new dwelling would be circa 135sqm.

## Value Added

At the request of planning officers, minor amendments to the front (west facing) window design were submitted, alongside minor window section amendments. The design of the porch and entrance opening was altered. Ridge tiles were shown on the elevation plans.

A scaled section context elevation plan was submitted. The 2022 ecology survey was submitted. A revised elevation plan was submitted to clarify the front west boundary wall design.

## **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.
- The **Altrincham Town Centre Neighbourhood Business Plan (ANBP)**, adopted 29 November 2017. The plan includes a number of policies, a town centre boundary, primary shopping frontages, mixed use areas and 6 allocations.

## **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

## **PROPOSALS MAP NOTATION**

Old Market Place Conservation Area  
Critical Drainage Area

## **PRINCIPAL RELEVANT ANBP POLICIES**

D2 – Design & Quality

## **OTHER RELEVANT LEGISLATION**

Planning (Listed Buildings and Conservation Areas) Act 1990

## **OTHER LOCAL PLANNING POLICY DOCUMENTS**

PG1 – New Residential Development

Revised SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

SPD5.3 – Old Market Place Conservation Area Appraisal

SPD5.3a – Old Market Place Conservation Area Management Plan

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The DLUHC published the National Planning Policy Framework (NPPF) in July 2021. The NPPF will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

**102313/FUL/20** - Erection of a replacement two storey dwelling to include new replacement boundary walls and landscaping following the demolition of the existing dwelling

Refused - 25 January 2021

Appeal dismissed

Reason:

1. *The proposed development, by reason of its siting, height and massing in conjunction with the elevated position of the site, would appear overbearing and visually intrusive to the neighbouring properties on Springfield Road and would unduly overshadow and result in a loss of evening sunlight to these properties. The development would therefore have a detrimental impact on the residential amenity that the occupiers of these dwellings could reasonably expect to enjoy. As such the proposal would be contrary to Policy L7 of the Trafford Core Strategy and the National*

**98538/CPL/19** - Application for Certificate of Lawful Proposed Development for the erection of a single storey rear extension and front porch. Construction of garage/outbuilding.

Approved - 08 October 2019

**92764/FUL/17** - Demolition of existing dwelling to allow for the erection of a replacement 2 storey dwelling to include new replacement boundary walls and landscaping.

Refused – 11 January 2018

Reasons:

1. *The proposed development by virtue of its siting, scale, design and external appearance would fail to preserve and enhance the character and appearance of the conservation area and would result in less than substantial harm to the significance of the heritage asset and any public benefits do not outweigh this identified harm. As such it is contrary to Policies L7 and R1 of the Trafford Core Strategy, relevant parts of the NPPF and adopted Supplementary Planning Documents SPD5.3 -Old Market Place Conservation Area Appraisal (October 2014) and SPD5.3a - Old Market Place Conservation Area Management Plan (October 2014).*
2. *The proposed development by virtue of its siting, height and massing in conjunction with the elevated position of the site would appear overbearing and visually intrusive and would unduly overshadow these properties to the detriment of residential amenity. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy.*
3. *The proposed access and parking arrangements to the site would lead to potential conflict between highway users when carrying out manoeuvres to the detriment of highway and pedestrian safety. As such the proposal is contrary to Policy L4 of the Trafford Core Strategy.*

## **APPLICANT'S SUBMISSION**

Artists Impression (2 no.)

Ecology Survey

Design and Access Statement/Planning Statement

Heritage Statement

## **CONSULTATIONS**



**Local Highway Authority** – No objections, subject to conditions in relation to Construction Method Statement and details of bicycle/bin stores

**Heritage Development Officer** – No objection, subject to revisions which have now been incorporated and conditions

**Greater Manchester Ecology Unit** – No objections to the application on ecology grounds.

**United Utilities** – Submitted information and guidance in relation to sustainable development in matters of drainage

**Lead Local Flood Authority** – No objection following receipt of evidence showing Garden Lane sewer and that overall hardstanding on site would decrease.

**Environmental Health** – no comments or objections in relation to contaminated land

## **REPRESENTATIONS**

Councillor Jerrome called in the application to Committee on the grounds of over massing, with negative amenity impact upon the existing houses/gardens on Springfield Road.

Letters of objection have been received from a total of 8 addresses. The concerns raised are summarised below for the purposes of this report:

- The application does not fully overcome reasons for refusal of previous planning application (102313/FUL/20)
- Do not object to a development which is the same / similar to the current size, height and scale
- Previous 2019 extension would be suitable
- Plot unsuitable for a 2 storey dwelling
- Distress caused to neighbours as a result of the proposal
- Amenity
  - Overdevelopment, overbearing and visually intrusive nature
  - Proposal is against Trafford Core Strategy and SPD's
  - Height of roof is similar to that refused in 2017, but now with a larger expanse of roof present
  - Permitted development rights would worsen the proposal
  - Proposal would tower over Springfield Road gardens
  - Submitted context drawings do not include height figures
  - Overlooking effect from large roof
  - Proposed ground floor rear windows would cause significant overlooking
  - Building would dominate and impose on the skyline for Springfield Road properties

- Light would be blocked, especially in winter months
- Ground level difference increases impact
- Residents would feel hemmed in
- Loss of sunlight would be substantial
- Previous applications were refused on this basis
- Facing distance falls short of guidelines
- Lack of consideration as to how existing property would be demolished
- Noise impact from development
- Impact upon Conservation Area
  - Sympathetic materials are proposed, however development would dominate area due to roof form
  - Development will be visible from Springfield Road
- Highway/Pedestrian safety/Parking
  - New boundary walls impact upon visibility
  - Unacceptable highways and access considerations, with inadequate visibility
  - Risk of vehicles reversing across entrance to no. 8 Garden Lane
  - Previously refused application raised these issues
  - Garden Lane carries more vehicle movements than when the existing dwelling was built and when such an arrangement would have carried less risk.
  - It has not been demonstrated how vehicular access to / from the driveway could be achieved without encroaching into adjacent private land and / or if this movement is possible if the adjacent parking spaces were occupied.
  - The highways and pedestrian access was grounds for refusal of application 92764/FUL/17 and have not been addressed in the current application.
- Bats
  - Potential for demolishing roosting sites
  - Block current flight path of bats
- A number of photographs were provided including a comparison of roof outlines from the view of Springfield Road

## **OBSERVATIONS**

### **Decision Making**

1. S.38 (6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the February 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.

3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. Paragraph 11 (c) states that development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
4. The Council's current housing land supply figure is in the range 3.47 to 3.75 years and the most recent Housing Delivery Test figure (2021) is 79%. This housing supply and delivery position automatically triggers Paragraph 11d) but does not automatically render development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies and this can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it.
5. The footnote to Paragraph 11(d)(i) explains that the policies of the NPPF that protect areas or assets of particular importance include those which relate to habitats protection, designated heritage assets and flood risk. As the site is within the Bowdon Conservation Area, a designated heritage asset, Paragraph 11(d)(i) is engaged, requiring that planning permission should be granted unless the policies in the NPPF relevant to designated heritage assets provide a clear reason for refusing the development. The assessment of the scheme against NPPF policies relating to designated heritage assets (set out later in this report) does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged.
6. Paragraph 11(d)(ii) requires that 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. This exercise is set out within the 'Planning Balance and Conclusion' section of this report.

## PRINCIPLE OF DEVELOPMENT

7. The site is currently occupied by a single dwelling and the application proposes the demolition of this dwelling and replacement with a new single dwelling. The

proposal is therefore acceptable in housing policy terms and the main considerations in this application are the impact on residential amenity, design and impact on the character and appearance of the Conservation Area and street scene generally. Highways, ecology and other pertinent issues are also considered below.

## **IMPACT ON DESIGNATED HERITAGE ASSET**

### **Policy summary**

8. 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.
9. In relation to heritage, the NPPF states under section 16:
10. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.” (Para 195).
11. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness - (Para 197)
12. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199)
13. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” (Para 202)
14. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage

assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. (Para 206).

15. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. This policy does not reflect case law or the tests of 'substantial' and 'less than substantial harm' to the significance of heritage assets in the NPPF. Policy R1 does not follow the requirement to attach great weight to the conservation of heritage assets. The aims of the wider policy to manage and protect the historic environment are considered to be consistent with the aim of the NPPF.
16. This policy does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF. Whilst R1 is inconsistent with the NPPF it is not considered to be out-of-date for the purposes of the determination of this planning application.

### **The Significance of the Designated Heritage Assets**

17. Significance (for heritage policy) is defined in the NPPF as: The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
18. Setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
19. The Old Market Place Conservation Area Appraisal, October 2014 (SPD5.3a) sets out that the special interest of the Old Market Place Conservation Area is derived from it being the medieval settlement core of Altrincham. The Conservation Area has the character of an historic market town with a variety of inter-linked building types including civic, commercial and residential. The majority of buildings are 19th Century or earlier and have high aesthetic value for architectural detailing, traditional materials and sense of historic character. The consistent use of traditional building materials including brick, slate, sandstone and painted joinery and local detailing repeated throughout the Conservation Area gives the area a sense of visual harmony. Buildings range from substantial civic buildings and historic commercial properties interspersed with smaller areas of good quality

residential properties with landscaping. The Old Market Place is a significant open space and place of public gathering and has the continuity of a market function.

20. The boundary of the Conservation Area was extended in 2014 and now includes Gulmarg on Garden Lane as well as a number of properties on Victoria Street, the north side of Stamford Street, the northeast side of Stamford Street and part of the properties on Springfield Road. Due to the variety of character within the Conservation Area, it has been divided into six character zones for the purpose of analysis. The application site is situated within Character Area C 'Church Street Commercial Area' in the adopted SPD5.3.
21. Character Zone C is predominately a commercial area to the east of Church Street and demonstrates in particular a consistency of architectural style that reflects the small scale market town character of the Conservation Area. This is aided by the curve and steady climb of Church Street leading to the Old Market Place. The properties are now largely small scale shops and offices. This area has evidential historic significance as it retains significant burgage plot boundaries as well as a mixture of historic buildings that present a mixture of architectural styles that document the evolution of Altrincham and contribute to aesthetic significance.
22. In relation to building materials in this character zone paragraph 4.3.69 states *'There are numerous building materials within this character zone. The predominant building materials are red brick with sandstone dressings, painted timber framed windows and doors, of varying styles, and roofs clad with Rosemary tile or blue slate. A limited number of buildings are partially rendered or painted.'*
23. In terms of architectural styles paragraph 4.3.70 states that 'There is a combination of architectural styles throughout this character zone'. These include classical style, 19th century Queen Anne and Victorian Classical revival style. Reference is also made to Victorian terraced and semi-detached residential properties that are High Victorian in style on Springfield Road.'
24. No specific reference is made to this site in the SPD5.3 and it is not identified as a positive contributor. However, it is noted a photograph on Page 28 of the SPD5.3a document shows the Garden Lane elevation of the site with the comment 'Alleys and open spaces to the rear of the main streets have much historic character (Garden Lane)'.
25. The Heritage Development Officer notes that whilst the existing dwelling offers little in terms of historic interest, its close proximity to the lane, low height, traditional form and spacious garden do contribute to a limited degree to the aesthetic value of Garden Lane. Character Zone C: Church Street Commercial Area is a densely developed area of Old Market Place with a well-defined street pattern. In general historic buildings range from 2-3 storeys and retain architectural detailing and plan forms which give the area a high level of significance. A number of properties on Springfield Road are identified as positive contributors including

those on the west side. Views are possible of several of these positive contributors (Nos. 1-7 Springfield Road) across the application site.

## **The Proposal and Impact on Significance**

26. The application proposes the demolition of the existing bungalow and erection of a two storey dwelling.

### Demolition of existing dwelling

27. Policy 63 of the SPD5.3a states:
28. *Demolition is only likely to be permitted if it involves the replacement of a property that has not been defined as a positive contributor (as identified in map 3) to the Conservation Area and where any replacement development preserves or enhances the conservation area; and it can be demonstrated that the substantial harm or loss is necessary as set out in NPPF. Buildings identified as positive contributors are not to be demolished, or substantially altered in any way that dilutes its contribution to the Conservation Area.*
29. The existing dwelling has been vacant for a number of years and is currently in a somewhat deteriorated state. The dilapidated bungalow is not listed or identified as being a positive contributor. Whilst the building due to its condition has a negative impact upon the immediate context, the simple form, scale and low height of the building as well as the historic boundary treatment all contribute positively to the significance of the Old Market Place Conservation Area. Overall it is considered the building has low significance.
30. It is considered the demolition of the existing building is acceptable, subject to the replacement dwelling preserving or enhancing the character or appearance of the Conservation Area, which is discussed below.

### Replacement dwelling

31. The proposed replacement dwelling would comprise of a principal gable roof form, stretching north-south, which would appear as 1.5 storeys in height. A west two-storey gable (well set down from the main ridge) with a square bay window would face Garden Lane, alongside two dormer windows.
32. The dwelling would be sited in a similar position to the existing. The proposed development would be sited 2.30m increasing to 6.30m from the eastern boundary and 4.40m increasing to 10.20m from the southern boundary. 6.70m increasing to 8m would be provided to the north boundary.
33. It is noted that a previous application for a replacement dwelling (92764/FUL/17) was refused on the grounds that it would fail to preserve and enhance the

character and appearance of the conservation area. The current scheme has sought to address the concerns raised in the previous application, such as scale (including amount of built form), height, form, architectural detailing and materials. The proposed development is of traditional design and is considered to have a coherent design, with a reduction in massing and footprint. The height is kept to a minimum, with the two storey gable element focused on the west Garden Lane elevation.

34. In relation to previous refused application 102313/FUL/20, the scale has been reduced and the dwelling is positioned a greater distance away from the eastern boundary at (for the higher 1.5 storey element). The proposed dwelling is also further from the east boundary than the existing dwelling, which directly abuts the boundary. This allows good spacing around the dwelling within the site and compensates for the increase in overall height of 1.10m compared with the existing dwelling. The dwelling would incorporate a lower rear element on the eastern elevation with a hipped roof. Whilst a gabled roof would be considered preferable (to reflect the main roof), it is noted that the hipped roof minimises the massing on the boundary line and would minimise any amenity impact upon neighbours.
35. The first floor accommodation is incorporated within the roofscape with the roof receding away from the properties on Springfield Road. It is acknowledged that the increase in height alongside the proposed gable and dormer to the west elevation would be more apparent in views from Garden Lane. However it is noted that the lane ascends towards No. 8 Garden Lane, which is a 2.5 storey modern semi-detached property, and as such the dwelling is considered to sit comfortably alongside the recent development and the surrounding context.
36. The proposed traditional gable roof form, design and architectural detailing is considered to reflect the character of the area.
37. The altered brick boundary walls facing Garden Lane would provide a similar appearance to the existing, with a similar height proposed and arched gate design which resembles the existing. It is considered that this would preserve the historic character of the lanes to the rear of the main streets.
38. The proposed dwelling includes many traditional features (such as recessed sash windows, arched window details, window cills, overhanging eaves, finials) which would reflect the surrounding area. It is recommended that conditions are imposed on any permission in respect of further architectural details, landscaping and samples of materials in order to ensure a high quality palette of materials and detailed finishing (such as Cheshire commons or Red stock brick, contrasting window headers; natural blue slate; stone window cills; painted timber windows, doors, finials and fascias; lead flashings and lead cheeks to the dormer; brick boundary walls; and a good proportion of soft landscaping).



## **Consideration of harm**

39. For the above reasons, it is considered that the proposal would not result in any harm to the character and appearance or the significance of the Old Market Place Conservation Area. As such, it is considered that the proposal would comply with the heritage policies of the NPPF and the Development Plan.
40. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the significance of the Old Market Place Conservation Area.

## **Conclusion**

41. The proposed development, subject to conditions, is considered to preserve and enhance the local character and distinctiveness and would not cause harm to the character or appearance of the Old Market Place Conservation Area. The proposed development is therefore in accordance with relevant paragraphs of the NPPF, and Policy R1 of the Core Strategy.

## **DESIGN & APPEARANCE**

42. The NPPF states within paragraphs 124 and 130 that: Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
43. 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”.
44. The proposed scale, mass and form of the replacement dwelling are considered to be commensurate for this plot, due to the two storey element being limited to the Garden Lane frontage with the principal eaves height only marginally taller than that of the existing bungalow. The proposal retains a sufficient amount of space around the dwelling. Furthermore the proposed design and proposed palette of materials are considered to be reflective of the surrounding area.
45. The proposed development is considered to be of a scale, form and design (with a high quality material palette), which would enhance the character of the area and

improve the street scene. The proposed development, subject to conditions requiring further details and material samples, is considered acceptable and in accordance with Policy L7 of the Core Strategy.

46. It is considered necessary to remove permitted development rights for extensions, to avoid overdevelopment of the site. Similarly this is considered necessary in relation to outbuildings. Additional roof windows should also be restricted.

## **RESIDENTIAL AMENITY**

47. Policy L7.3 of the Trafford Core Strategy states: *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.*
48. 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. 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 metres should normally be provided. A distance of 10.50 metres is usually required between first floor windows and rear garden boundaries.
49. SPD4: A Guide for Designing House Extensions and Alterations states the Council will seek to protect the amenities of neighbouring occupiers and ensure that any domestic alteration does not have an adverse overlooking, loss of light or overbearing impact on neighbouring properties (paragraph 2.14.1).

### Impact on no. 6 Victoria Street (to the south)

50. The proposed development would be sited a minimum 4.40m from the southern boundary and at least 16m away from the rear elevation of this building. It is considered that, due to the nature of the commercial uses of this building and the distances involved, the proposed development would not have any amenity impacts on this property to the south of the site.

### Impact on 8 Garden Lane (to the north)

51. No. 8 Garden Lane is the closest of a pair of two storey properties with living accommodation at second floor level within the main roof space. The southern side elevation and rear garden (approximately 10.50m in length) of No. 8 are

adjacent to the northern boundary of the application site. The closest aspect of this property is the double garage with accommodation above. There is a single glazed door on the side elevation, which leads to living accommodation. The same space is served by bi-fold doors which are located on the rear elevation at a distance of 2m from the corner of the building. As such the glazed doors are located approx. 3.30m from the common boundary with the application site. There is a wall and fencing along the boundary to a maximum height of approximately 1.80 metres.

52. The proposed dwelling in terms of the main gable end would be sited a minimum 7.70m from the shared north boundary. The rear (east) elevation of the dwelling would have an eaves height of approximately 3m. The roof slope increases to a height of approximately 6.40m at the centre ridge, which would be almost in line with the rear building line of Nos. 8 and 10 Garden Lane. As such it is considered that the proposed dwelling would not result in an undue overbearing impact or undue loss of light or overshadowing to this neighbouring property.
53. The north side elevation of the proposed dwelling includes a first floor window, which would be a secondary bedroom window, which would be conditioned to be obscure glazed and fixed shut up to 1.70m above floor level. The front door and ground floor side window would be sited 7.70m in from the north boundary. It is considered the existing boundary treatment would adequately screen any potential for overlooking from ground floor windows. Therefore the proposal would not result in undue overlooking or loss of privacy to the occupiers of No. 8 Garden Lane.

#### Impact on Springfield, Garden Lane (to the west)

54. To the west of the site is a detached dormer bungalow on the opposite side of Garden Lane. The main habitable room windows of this property are located on its southern side. The area immediately to the north of the rear elevation of Springfield is used as office car parking. At the point at which habitable room windows of the proposed dwelling would be opposite Springfield, the adjacent east elevation of Springfield is blank. It is therefore considered that the proposed dwelling would not result in any direct overlooking towards Springfield. The southern part of the proposed dwelling would overlap the side elevation of Springfield by approximately 1m. It would be sited 12.30m away from the facing elevation of Springfield at this point. Due to the low eaves design of the dwelling and roof which slopes away from Garden Lane, there are not considered to be any material amenity impacts on the residential occupiers of Springfield.

#### Impact on nos. 1, 3, 5 + 7 Springfield Road (to the east)

55. Nos. 1, 3 and 5 Springfield Road directly adjoin the application site, whilst No. 7 is positioned to the north of these properties. The properties on Springfield Road have three levels of accommodation above ground level and it is noted that the ground floor level of these properties is approximately 2.40 metres lower than the ground level of the application site. No. 3 has single storey rear extensions with

windows in the rear elevation facing the application site. The gardens at Springfield Road rise up to the eastern boundary of the application site and therefore the level differences are not as great between the ground level of the proposed dwelling and the adjacent Springfield Road gardens (approximately 0.90 metres) at the western end. The shared boundary between the application site and Nos. 3 & 5 is approximately 18m from the three storey rear outriggers of these properties. It is noted that No. 3 has a single storey extension with rear window that is approximately 16.50m away from the boundary.

56. The proposal would retain the existing boundary walls along the eastern boundary and rebuild where necessary. The proposal would include 2 ground floor double doors (serving the lounge) plus a single high level roof light above head height (serving the landing). It is noted the east boundary wall varies in height from approximately 1.80m to 1.60m with the step down towards the southern part of the site. It is therefore considered that due to the level differences and the 6.30m proximity to the shared boundary from habitable ground floor windows, that additional screening would be beneficial along the eastern boundary. It is noted that a landscaping scheme has been submitted through the application, indicating intended boundary screening. However further details are considered necessary including species proposed, any other boundary works, and full details of other landscaping works. This would mitigate any potential for overlooking or loss of privacy to the occupiers of Springfield Road.
57. The proposed new dwelling would be sited 2.30m increasing to 6.30m from the eastern boundary. It would have an eaves height of 3m to 3.20m, rising to a ridge height of 6.40m. It is noted that the ridge would be sited approximately 9.40m away from the east boundary. The ridge would be approximately 7m longer than the existing dwelling.
58. The existing dwelling comprises a hipped roof form and therefore has a height of circa 5 metres at the ridge. The previously refused scheme, 102313/FUL/20, proposed a ridge height of 7.50m with the ridge being set at a distance of approximately 7.80m from the east boundary. It was considered, by virtue of its siting, height and massing in conjunction with the elevated position of the site, that it would appear overbearing and visually intrusive and would unduly overshadow these properties to the detriment of residential amenity. The earlier refused scheme, 92764/FUL/17, proposed a flat roof that would have been 6.24m high and would have been 2.5m from the eastern boundary.
59. It is recognised that the development proposed in application 102313/FUL/20, with a ridge height of 7.50m set approximately 7.80m from the boundary, was dismissed at appeal on 18 October 2021 on the basis of the impact on Nos. 1, 3 and 5 Springfield Road. In assessing that proposal, the Planning Inspector stated *"I note that the building would be set slightly further back into the site than the existing building and the roof would slope away from the boundary. However, the dual-pitched form and the increase in height would nonetheless lead to a*

*significantly greater mass of roof facing towards No. 1, No. 3 and No. 5 Springfield Road. Due to its height, mass and proximity to the boundary, the large expanse of roof rising up above the boundary wall would appear imposing and would dominate views from the rear gardens and rear windows of these dwellings, particularly those on the ground floor. This would be exacerbated by the aforementioned change in levels, and the sloping nature of the gardens, leading to an overbearing effect and significant reductions in outlook being experienced by the occupants of Nos. 1, 3 and 5 Springfield Road.”* The Inspector also recognised that the distance between the proposed dwelling and the properties on Springfield Road would exceed the minimum separation distances referred to in SPD4: A Guide for Designing House Extensions and Alterations, but stated *“I am mindful that this is guidance, primarily for domestic extensions, and cannot envisage every scenario, namely the significant change in levels.”*

60. The replacement dwelling proposed in this application has been designed to appear as a dormer bungalow: it has a slightly higher eaves height (by 0.50m) than the existing dwelling with a pitched gabled roof that rises from east to west to an overall roof height of 6.40m, which is 1.40m higher than the existing dwelling, but lower than the most recent previous application by 1.10m.
61. This height is significantly lower than the majority of buildings in the vicinity, for example the main ridge height of No. 8 Garden Lane to the north is approximately 9.80 metres, whilst the commercial building to the south (no. 6 Victoria Street) is much higher. The ridge height would be the same as Springfield, located immediately adjacent to the west.
62. The single storey element of the proposed dwelling which is closer to the east site boundary is importantly much lower in height. The submitted comparative elevation drawing illustrates the difference in height between the existing and proposed dwelling, alongside the previously refused scheme.
63. The proposed dwelling would be at least 19m away from the closest rear elevation window of no. 3 Springfield Road. A minimum 21m would be provided to the rear elevation of no. 5 and 25m provided to the rear elevation of no. 1. Furthermore, as set out above, the ridge of the building would be positioned notably further from the boundary than the existing bungalow and both of the previous schemes and would in fact, be 26.20m from the nearest window in no. 3 Springfield Road and at least 27.90m from the main three storey gables of the Springfield Road properties. Notwithstanding the difference in ground levels and the fact that the Inspector considered that the previous scheme would have been unacceptably overbearing despite meeting SPD4 guidelines, it is considered that these increased distances to the ridge of the proposed development would ensure that it would not have an unacceptable overbearing impact. Similarly in relation to overshadowing/loss of light, the increase in ridge height and length of the ridge would cause some very limited additional overshadowing at the end of the day for properties on Springfield Road. However, taking the large facing distance into account, this is only

considered to be to a minor degree and for only a short period of time within the overall length of a day.

64. Whilst the conclusions of the Planning Inspector in relation to appeal 102313/FUL/20 have been given significant weight in the consideration of the current application, it is considered that the current proposal would have significantly less impact than that previous appeal scheme when viewed from the rear of Nos. 1, 3 and 5 Springfield Road, with the ridge set 1.10m lower and 2m further away from the east boundary, as demonstrated by the submitted comparative elevations drawing. It is therefore considered the proposed dwelling, taking into account the difference in land levels, the significant distance provided to the rear of the dwellings at 1-7 Springfield Road, and the proposed siting, scale and pitched roof form of the replacement dwelling, would not result in an undue overshadowing or overbearing impact on these properties. The proposed design is acceptable and is not considered to appear visually intrusive for these properties.

### Conclusion

65. For the reasons outlined above, it is considered that the proposed development, subject to conditions, would not have any unacceptable impact on the residential amenity of any neighbouring properties and would overcome the previous reason for refusal and the Inspector's concerns at the time of the previous appeal. As such, it is considered that the proposal would be in accordance with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

### **HIGHWAYS, ACCESS AND PARKING**

66. Policy L4 of the Trafford Core Strategy states that *“maximum levels of car parking for broad classes of development will be used...to promote sustainable transport choices, reduce the land-take of development, enable schemes to fit into central urban sites, promote linked-trips and access to development for those without use of a car and to tackle congestion.”*
67. The proposed 3 no. bedroomed dwelling would retain the existing position of the vehicular access with two car parking spaces. The proposed development therefore is in line with SPD3 parking requirements for a dwelling of this size and location. The proposed development does not include details of secure storage for cycles. As such it is recommended that a condition, requiring secure long stay cycle storage is attached to any permission.
68. The increase of one parking space compared to existing could potentially lead to a limited increase in conflict between vehicles entering/exiting the development and other road users. However the Local Highway Authority advises that a brief analysis of the latest available five-year personal injury collision (PIC) data for the period 01 January 2017 to 31 December 2021 shows no PICs occurred along Garden Lane or in proximity to the proposed development site.

69. The LHA also recognises that drivers, cyclists, and pedestrians have a duty of care towards other road users and it is not considered that, in comparison to the existing layout, the proposed access arrangements would result in a significant increase in the risk of an incident occurring.
70. It is acknowledged that the proposed access and parking arrangements of the previously refused application (92764/FUL/17) were considered to lead to potential conflict between highway users, which resulted in a reason for refusal. However it is noted that the LHA did not object to the refused scheme. A number of representations have also expressed concern with regard to highway safety of road users and have noted that it has not been demonstrated how vehicular access to / from the driveway could be achieved without encroaching into adjacent private land and / or if this movement is possible if the adjacent parking spaces were occupied. The LHA has reviewed the proposed development and is satisfied that the parking and access arrangements, which are similar to existing, are acceptable and has not requested any further information.
71. It is also noted that concerns have been raised in representations with regard to the retained secondary pedestrian access gate from the property's garden on Garden Lane. The pedestrian gate is an existing feature, which is considered to enhance the heritage significance of the site (discussed in greater detail above within heritage section). It is considered that, as this secondary pedestrian access is existing and is not a main access point, it is acceptable in terms of highway safety.
72. The proposed development is considered to be acceptable with regard to highway safety, and the LHA has not objected to the application, nor requested additional information. The LHA has however requested a condition requiring a Construction Method Statement and secure cycle storage, alongside bin storage within the site curtilage. It is considered the proposed development, subject to conditions, is in line with Core Strategy Policies L4 and L7, SPD3 and the NPPF.

## ECOLOGY AND TREES

73. An initial Protected Species Survey was completed in 2020 for the site and reviewed in 2022. The 2022 revision has been submitted in support of this planning application. GM Ecology Unit have reviewed the Ecology survey and confirmed it was undertaken by a suitably qualified ecologist and was carried out to appropriate standards.
74. The survey concluded that the building to be demolished has negligible potential to support bats and the site overall has limited intrinsic ecological value. GMEU agree with the conclusions of the Ecology survey and therefore have no objections to the application on ecology grounds. Nevertheless an informative reminding the applicant that bats and their roosts, even when unoccupied, are protected by UK

and European legislation (Wildlife & Countryside Act 1981 and Habitats Regulations 2017).

75. In line with NPPF paragraphs 174d) and 180d), it is recommended that a condition requiring biodiversity enhancement measurements is attached with any permission. Subject to this condition, the proposed development is considered to be acceptable having regard to ecology.
76. In relation to trees, paragraph 14.3 of SPG1 – New Residential Development – states: *Every effort should be made to retain good quality existing trees and a proposal that does not do this satisfactorily may be refused planning permission. This applies particularly in the case of trees covered by a Tree Preservation Order and important trees in Conservation Areas.*
77. A separate notification of tree removal within a conservation area application (reference: 101725/S211/20), to fell all trees to ground level within the application site was submitted to the council on 25<sup>th</sup> August 2020. An Arboricultural Report (Murray Tree Consultancy, August 2020) was submitted with the aforementioned notification. The Council's Arboriculturist Officer was satisfied that the trees did not warrant a Tree Protection Order due to their low life expectancy resulting from overcrowding and limited rooting area.
78. The indicative landscaping scheme, which indicates new trees and hedging is positive. However a condition requiring a full landscaping scheme with further details is recommended with any permission in order to ensure satisfactory and suitable species for the site.

## **CLIMATE CHANGE AND DRAINAGE**

79. Policy L5 of the Core Strategy relates to Climate Change and states that new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.
80. A condition requiring the provision of electric vehicle charging points is recommended with any permission in order to promote the uptake of low emission vehicles.
81. The Lead Local Flood Authority has raised no objections to the application. The application site is previously developed land and the proposed development would result in a slight decrease in the amount of hardstanding. There is an existing sewer connection to the front of the property on Garden Lane. It is therefore not considered necessary to impose any drainage conditions, except for the requirement of permeable surfacing to any new hardstanding such as the driveway.



## ACCESSIBILITY + EQUALITY

82. Building Regulations 2010 in The Access to and Use of Buildings (2010) document, part M(4)1, 2, and 3 requires where possible, dwellings to be suitably accessible for all people, adaptable and wheelchair friendly. The Design and Access Statement says that the design is fully compliant with building regulations and includes provision for wheelchair users to enter the dwelling and access habitable rooms and sanitary facilities on the entrance level. The parking spaces would be located directly adjacent to the front door of the dwelling.
83. A ground floor bedroom and bathroom is proposed, providing accessible accommodation for a resident as required. Similarly the kitchen and lounge/dining room are all located on the ground floor. There is good circulation space shown within the large ground floor hallway. It is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application), would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## DEVELOPER CONTRIBUTIONS

84. 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).
85. No other planning obligations are required.
86. 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 is to be attached to make specific reference to the need to provide at least three additional trees on site as part of the landscaping proposals.

## PLANNING BALANCE AND CONCLUSION

87. Considerable importance and weight has been given to the desirability of preserving the character and appearance of the designated heritage asset (the Old Market Place Conservation Area). The proposed development is not considered to result in harm to the character or appearance or significance of the conservation area and would comply with the heritage policies of the NPPF. In terms of NPPF paragraph 11 d) i), there are no policies that provide a clear reason for refusal of permission and the tilted balance in NPPF paragraph 11 d) ii) is therefore engaged.
88. In terms of impact on residential amenity, the previous appeal decision, in respect of application 102313/FUL/20, has been given significant weight in the assessment

of the current proposal. Nevertheless, it is recognised that the ridge of the proposed dwelling would be set significantly lower and significantly further away from the dwellings on Springfield Road than in the case of that earlier proposal and therefore there would not be any undue overbearing or overshadowing impact on these neighbouring properties nor any unacceptable impact on the residential amenity of any other neighbouring properties.

89. The proposed new dwelling has been assessed against the development plan and the NPPF and it is considered that the proposed development will result in an acceptable form of development with regard to the amenity of neighbouring and future residents, ecology, drainage, highways, access and parking, the visual impact on the streetscene, and impact on the character and appearance of the conservation area, subject to the inclusion of conditions.
90. The proposal is therefore considered to be in accordance with Core Strategy policies and relevant sections of the NPPF. In terms of NPPF paragraph 11 d) ii), there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission.
91. All relevant planning issues have been considered and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site. The proposed scheme complies with policies L4, L5, L7, and R1 of the Trafford Core Strategy and the NPPF and therefore it is recommended that planning permission is granted subject to the conditions listed below.

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

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

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

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

EX01 X;  
PL01 A;  
PL02 A;  
PL03 A;  
PL04 A  
PL05 A;  
PL06 A;

(as received by the local planning authority on 26.01.2023).

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

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples of all 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. Sample panels shall be constructed on site, and retained for the duration of the build programme, illustrating all proposed brickwork, including decorative brickwork, the type of joint, the type of bonding and the colour of the mortar to be used. 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 and the character and appearance of the Conservation Area, having regard to Policies L7 and R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

4. Notwithstanding the details shown on the submitted plans, no above ground development shall take place unless and until window and door details to a scale of 1:10 (indicating a minimum reveal of 100mm) and details of the moulded fascias, overhanging eaves and verge joints to a scale of 1:10 have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

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

5. No works shall take place to the proposed altered front brick boundary wall facing Garden Lane unless and until detailed elevation drawings at a scale of 1:20 showing the arch detail and top brick course detail have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and the character and appearance of the Conservation Area, having regard to Policies L7 and R1 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 location of three additional trees net of any clearance, together with the formation of any banks, terraces or other earthworks, boundary treatments, materials for all hard surfaced areas (including those to the access road and parking bays), planting plans (including for the proposed green roof), specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.

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

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

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

7. No development shall take place, including any works of demolition and site preparation, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address, but not be limited to the following matters:
- i) Suitable hours of construction and pre-construction (including demolition) activity;
  - ii) Measures to control the emission of dust and dirt during construction and pre-construction (including demolition) and procedures to be adopted in response to complaints of fugitive dust emissions;
  - iii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - iv) Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;
  - v) Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
  - vi) The parking of vehicles of site operatives and visitors;
  - vii) Loading and unloading of plant and materials including access/egress;
  - viii) Storage of plant and materials used in constructing the development;
  - ix) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;

- x) Wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;
- xi) Contact details of site manager to be advertised at the site in case of issues arising;
- xii) Information to be made available to members of the public.

No fires shall be permitted on site during demolition and construction works.

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

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

8. No development shall take place, including any works of demolition and site preparation, until a demolition method statement, to ensure the remaining boundary walls are adequately supported and protected whilst the outbuilding/dwelling is removed, has first been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved details.

Reason: To ensure that appropriate details are agreed before works start on site and to ensure that special regard is paid to protecting the integrity of the historic boundary wall, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework

9. The development hereby approved shall not be occupied unless and until details of the type, siting, design and materials to be used in the construction of additional screening of a height of no less than 1.80m for the eastern boundary have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

10. The development hereby approved shall not be occupied unless and until a scheme for the installation of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The approved charging point shall be installed and made available for use prior to the development being occupied and shall be retained thereafter.

Reason: In the interests of promoting sustainable travel, having regard to Policies L4 and L5 of the Trafford Core Strategy and guidance in the National Planning Policy Framework.

11. The development hereby approved shall not be occupied unless and until a scheme for secure 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 occupied and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

12. No above ground construction works shall take place unless and until a scheme for the provision of bird and/or bat boxes, together with a timetable for their provision has been submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be provided in accordance with the approved scheme and timetable and retained thereafter.

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

13. Notwithstanding the plans hereby approved, any areas of hard standing shall be constructed from permeable or porous material.

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof)
  - i. no extensions shall be carried out to the dwelling;
  - ii. no windows or dormer windows shall be added to the dwelling;
  - iii. no buildings, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling;
  - iv. no outbuildings shall be erected within the curtilage of the dwelling;

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

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

15. 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), on first installation, the first floor window in the north elevation facing no. 8 Garden Lane shall be:

- a) non-opening up to a height of 1.70m above finished floor level
- b) fitted with textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent); and shall be retained as such thereafter.

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

16. No above ground development shall take place unless and until finished floor levels for the proposed building and details of existing and proposed site levels relative to agreed off-site datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

17. The development hereby permitted shall not be occupied unless and until the means of access and the areas for the movement and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof), the parking areas shall be retained thereafter.

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

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. The mitigation strategy shall be implemented as approved.

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

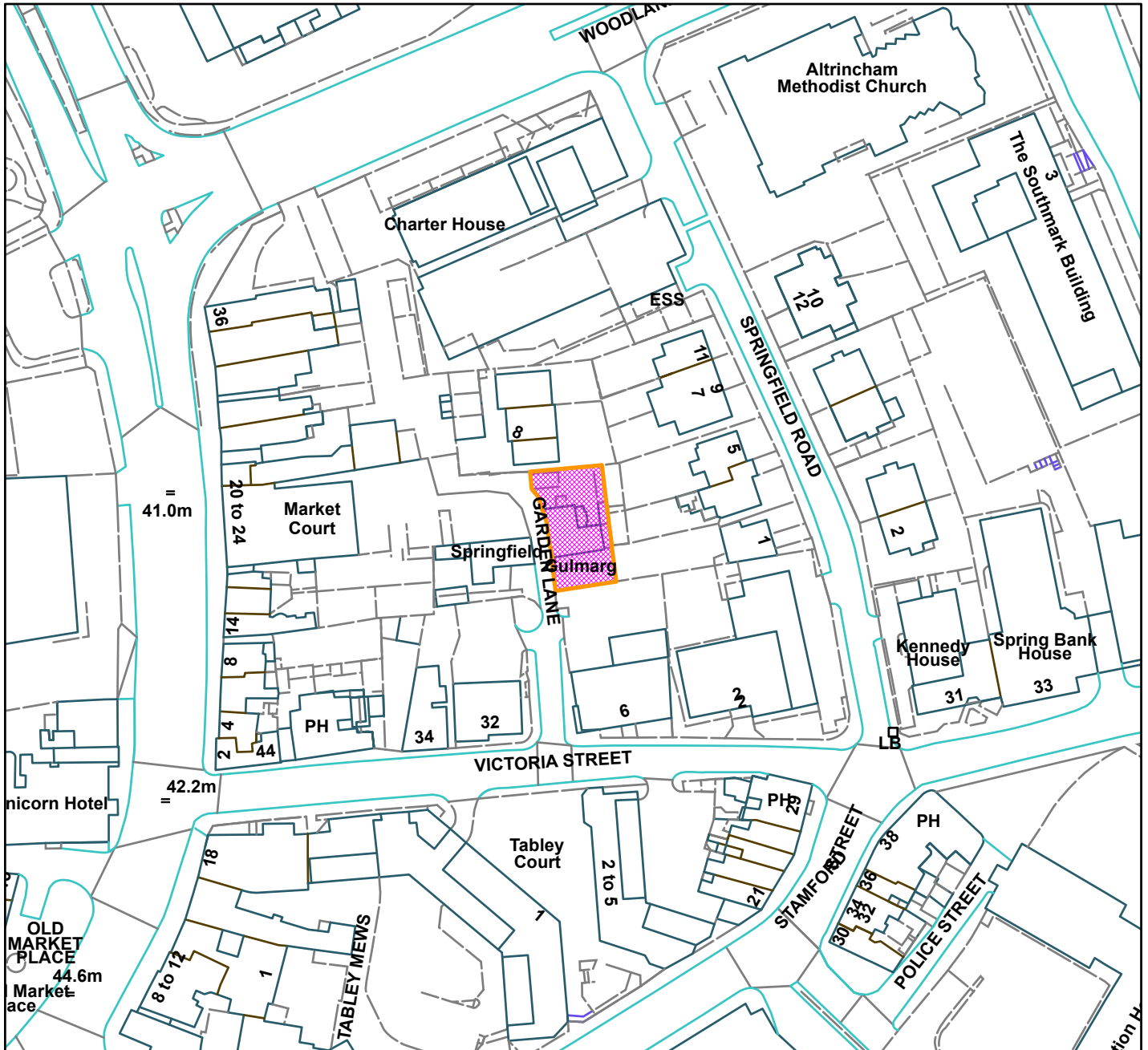
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GEN





Gulmarg, Garden Lane, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
Date	30/01/2023
MSA Number	100023172 (2022)

**WARD:** Bucklow St Martins    **109739/FUL/22**

**DEPARTURE:** No

**Creation of 3G Artificial Grass Pitch (AGP) with perimeter fencing, floodlighting, storage container, new hardstanding areas and access pathway.**

Broad oak Comprehensive School, Warburton Lane, Partington, M31 4BU

**APPLICANT:** Mr Nick David, The Dean Trust

**AGENT:** Mr Oliver Pennington, Surfacing Standards Limited

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee at the discretion of the Head of Planning and Development.**

### **Executive Summary**

The application relates to an area of playing field within the boundary of Broad oak Comprehensive School in Partington. This land is situated to the south of Partington Sports Village, just beyond an existing artificial grass pitch.

The application seeks planning permission for the erection of an Artificial Grass Pitch (AGP) with associated perimeter fencing, floodlighting, a storage container, new hardstanding areas and an access pathway. The facility is proposed to be used for football, with markings for various pitch sizes enabling it to be used by different age groups. This would be used by the school itself, local football clubs, as well as being available for use by the local community.

Officers are satisfied that the proposed development is acceptable in terms of its impact on residential amenity, including in relation to noise and lighting issues (subject to conditions and final hours of use being agreed), its highways impacts and with regard to other material planning considerations. It is acknowledged that there will be some degree of harm to the character of the area, however this is mitigated to a degree by the nature of the site, the presence of an existing adjacent facility and the distance of the facility to most public viewpoints. There are substantial sporting benefits associated with the provision of this facility, as set out clearly within the submitted information and the consultation response from Sport England.

On balance, the limited harm identified is considered to be sufficiently outweighed by the sporting benefits of the scheme, and the proposed development is therefore considered to be acceptable. As such, the application is recommended for approval subject to conditions.

## **SITE**

The application relates to an area of playing field within the boundary of Broadoak Comprehensive School in Partington. This land is situated to the south of Partington Sports Village, just beyond an existing artificial grass pitch.

Land to the west is occupied by school playing fields with an area of woodland and a footpath (not a Public Right of Way) to the south, beyond which is 'Red Brook' and agricultural land. Chapel Lane is situated a short distance to the east, from which vehicular access is taken to Partington Sports Village. Access to the school is via Warburton Lane to the west, with areas of car parking to the north and south of the main school building.

The nearest residential properties are those accessed from Cross Lane West, approximately 150m away, beyond the school and Sports Village to the north. There are also properties on the opposite side of Warburton Lane, approximately 260m to the west, as well as those on Brook Farm Close, 250m to the south-west. The nearest listed building is over half a kilometre away.

The site is situated within Flood Zone 1, having a low probability of river or sea flooding. The site is also defined as an area of Protected Open Space and is within a Priority Regeneration Area.

## **PROPOSAL**

The application seeks planning permission for the erection of an Artificial Grass Pitch (AGP) with associated perimeter fencing, floodlighting, a storage container, new hardstanding areas and an access pathway.

The AGP measures 100m x 64m and would be situated immediately to the south of the existing artificial playing pitch. The outer perimeter boundary comprises 4.5m 'twin bar' fencing, with additional 2m high ball-stop netting above this at one end and along part of the southern boundary. Further 0.5m/1.5m/2m high fencing is proposed within the facility itself. Six floodlights are proposed around the AGP at a height of 15m whilst a storage container for maintenance and equipment is sited within the north-west corner of the facility. An access pathway is also proposed to connect the AGP to the main school site to the north.

The facility is proposed to be used for football, with markings for various pitch sizes enabling it to be used by different age groups. This would be used by the school itself, local football clubs, as well as being available for use by the local community.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L3 – Regeneration and Reducing Inequalities  
 L4 – Sustainable Transport and Accessibility  
 L5 – Climate Change  
 L7 – Design  
 R2 – Natural Environment  
 R3 – Green Infrastructure  
 R5 – Open Space, Sport and Recreation

## **SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

SPD3 – Parking Standards & Design

## **PROPOSALS MAP NOTATION**

Protected Open Space  
 Areas of Landscape Protection  
 Priority Areas for Regeneration

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

OSR5 – Protection of Open Space  
 ENV17 – Areas of Landscape Protection  
 H11 – Priority Regeneration Area – Partington

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and

Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings commenced in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in January 2023. The NPPG will be referred to as appropriate in the report.

### **NATIONAL DESIGN GUIDE**

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

104826/FUL/21: Erection of boundary fence and 2no gates – Approved with conditions 23/09/2021.

H/66310: Proposed sports facilities for dual school/community use comprising the erection of a sports pavilion/changing facility and the creation of a floodlit synthetic pitch and multi-use games area with associated parking, boundary fencing and landscaping – Approved with conditions 24/04/2007.

### **APPLICANT'S SUBMISSION**

- Design and Access Statement with Planning Statement, including:
  - Floodlighting Performance Report, Spillage Impact and Impact Survey
  - Noise Impact Assessment and Management Plan
  - Drainage Strategy
  - Crime Impact Statement
- Preliminary Ecological Appraisal

### **CONSULTATIONS**

**Cadent Gas:** No objection, informative provided.

**Environmental Protection (Nuisance):** Conditions recommended. Temporary approval for proposed hours of use is suggested.

**Greater Manchester Ecology Unit:** No comments received.

**Greater Manchester Police – Design for Security:** Crime Impact Statement recommended.

**Lead Local Flood Authority:** Further information requested. Updated to be provided via Additional Information Report.

**Local Highway Authority:** No objections.

**Partington Parish Council:** No comments received.

**Sport England:** No objection subject to condition.

## **REPRESENTATIONS**

Consultation letters were sent to 88no addresses and site notices were erected. One representation has been received which raises the following concerns:

- Impacts of glare from floodlighting
- Impacts of noise
- Parking is already bad enough

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

Policy position:

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an ***up-to-date*** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy

policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.

3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Policies relating to open space, design and amenity are considered to be 'most important' for determining this application when considering the application against NPPF paragraph 11, as they control the principle of the development and are most relevant to the likely impacts of the proposed development on the surrounding area:
  - Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. Full weight can be afforded to this policy.
  - Policy R5 of the Core Strategy is considered to be generally consistent with the NPPF and up-to-date, reflecting the aims of securing and protecting areas of open space unless certain criteria are met.
5. The policies which are most important for determining the application are therefore up-to-date. For reasons set out elsewhere in this report, the development proposals are considered to accord with the development plan and should be approved without delay; the 'tilted balance' referred to in NPPF paragraph 11(d)(ii) is not engaged.

Principle of use, playing field status and protected open space status:

6. The application site is currently protected open space as indicated on the adopted Revised UDP proposals map. It is not however publicly accessible, being enclosed by fencing and forming part of the grounds of Broadoak Comprehensive School.
7. Policy R5.1 of the Core Strategy seeks to ensure the provision and maintenance of a range of good quality, accessible, play, sport, leisure, informal recreation and open space facilities. Policy R5.2 states that the Council will seek to protect existing open space, secure the provision of areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose. Policy R5.4 goes on to say that development which 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. In relation to this policy, an unacceptable loss of open space, sport or recreation facilities is deemed to be 'that which leads to a loss in quantity which could not be replaced with an area of equivalent or better quality in a

suitable location to meet present and predicted future demand' (Core Strategy paragraph 25.17).

8. Paragraph 98 of the NPPF has similar aims to Policy R5, stating that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 99 states:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- (b) 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; or*
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

9. In conjunction with its protected open space status, the site also serves as a playing field, the development of which requires consultation with Sport England and the demonstration that this would meet at least one of the criteria set out in NPPF paragraph 99 and Sport England's own relevant criteria.
10. Sport England advises that the development of the artificial grass pitch (AGP) needs to be considered against Exception 5 of its policy, which states:

*The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.*

11. Sport England advises that it assesses the potential benefit of a new or extended sports facility by taking into account a number of considerations such as strategic need, benefits for a local community, compliance with Sport England and NGB design guidance, and accessibility. The proposal would replace an existing natural turf playing field with a new outdoor facility meeting current Football Foundation standards; it is anticipated that the site will be available for community use, enabling more sport (football) development to take place and local clubs and the local community to access the site for football activity. Strategic need/community demand and use of the site as a football hub has been confirmed by the Football Foundation in its feedback to Sport England, along with information about the Football Foundation's intention to fund the proposal. Officers are satisfied that there are substantial sporting benefits associated with the proposed development.



12. The application documentation advises that the facility would be available for community use, however, Sport England advises that to secure this, a Community Use Agreement should be secured through a planning condition to ensure that this endures in perpetuity. A Community Use Agreement would set out the times that the facility would be available to the community, relevant contacts, procedures and a pricing policy.
13. Sport England confirms that the design is considered to be acceptable and that it would meet the Football Foundation's standards. The proposal would replace an existing natural turf playing field where the need for a 3G pitch has been identified (supported by the Football Foundation) and it would be accessible to the local community (provided that this is secured through a planning condition requiring a Community Use Agreement). As such, development of the facility would meet Exception E5 of Sport England's Playing Fields Policy and would also meet exception (c) under paragraph 99 of the NPPF. The development is considered to align with the aims of Policy R5 of the Core Strategy and is therefore acceptable in principle.

#### DESIGN, APPEARANCE AND IMPACT ON THE CHARACTER OF THE AREA

14. 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"*. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.
15. Paragraph 126 of the NPPF states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.
16. The National Design Guide sets out ten characteristics which illustrate the Government's priorities for well-designed places, including identity, built form, movement, nature and public spaces.
17. The proposed development involves the replacement of an unfenced, grassed area of land close to natural features such as trees, a brook and farmland with a more formal features including fencing and lighting columns. In this context, it is acknowledged that there will be some degree of harm to the character of the area.

It is important to note however that there are a number of factors which serve to mitigate this harm. Given the nature of the site within the grounds of a school and the presence of an existing facility of a similar appearance immediately adjacent, the proposed artificial pitch, including fencing, lighting and other elements will from many vantage points be viewed in this context, whereby the facility would not appear out of keeping. The perimeter fencing, playing surface and storage container are proposed to be green to blend in with their surroundings as far as possible. The proposed floodlights and fencing would be similar in appearance to those associated with the existing facility and would therefore be consistent with the character or appearance of this neighbouring development. The lighting columns would have a slim profile, further helping to minimise their prominence. There is no public access to the site, and therefore no implications in terms of the wider impact of the development on accessibility.

18. The floodlights and fencing are likely to be visible from a section of Warburton Lane, however they would be viewed at a considerable distance (approximately 230m), would be viewed in the context of the existing facility, and would be screened to a substantial degree by an existing hedgerow and mature tree planting. The facility is also likely to be visible from parts of a footpath running to the south of the site, adjacent to Red Brook. It is noted that this is not a defined Public Right of Way, though from most locations along this route, the facility would be screened to a substantial degree by mature woodland planting. Notwithstanding this, even when visible, the pitch is not likely to be viewed as an incongruous feature here, given the existing use of the site for sporting purposes and the presence of the existing adjacent facility.

## RESIDENTIAL AMENITY – NOISE AND LIGHTING IMPACTS

19. 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”*.

Noise:

20. The application is accompanied by a Design and Access with Planning Statement (DAS) Noise Impact Assessment (NIA), along with a Noise Management Plan (NMP).
21. The DAS acknowledges that the proposal would result in a greater intensity of use of the area of the site, made possible by the enhanced durability of the 3G artificial grass playing surface in comparison to the current natural turf surface. This goes on to state that the nearest residential properties to the proposed AGP are approximately 160 metres to the north of the site on Aster Walk, Chapel Lane and

Cross Lane West. The NIA refers to current relevant published standards and guidance and aims to provide a better understanding of the impacts to be expected.

22. The NIA has modelled noise emissions from the proposed AGP at the nearby noise sensitive properties, based on noise level data from activities measured at off-site existing AGPs. It includes a site noise survey which was undertaken to determine the existing residual noise climate during the proposed hours of use. The development includes a new hardstanding and spectator area to be located immediately north of the proposed AGP and the NMP refers to measures designed to manage that noise impact. Submitted information explains that the proposed AGP will support football and rugby but not hockey, and so does not introduce noise of a different character to that currently experienced at receptor locations.
23. The Council's Environmental Protection (EP) service has been consulted and advises that the intensification of use of the site is likely to generate additional pedestrian and vehicular movements. However, it is advised that the impact on local residents is not expected to be significant in this regard, due to location of the site access road and car park, subject to the measures in the NMP being implemented.
24. A noise map is presented in Figure 7 of the NIA to show predicted noise from the AGP at ground floor level (1.5 metres above the ground), typical of a daytime habitable room in a house and external amenity area. The applicant confirms that the predicted sound level at first floor level is the same as the ground floor and is below the criteria stated in BS8233:2014 for bedrooms during the night-time period of 30dBA.
25. The NIA notes that there are no specific noise criteria for maximum noise levels from this type of noise during the day. There is a night time maximum noise criterion of 45dB LA<sub>max</sub>(fast) for bedrooms at night in BS8233:2014 and WHO1999. With sound reduction through an open window, this would equate to 60dB LA<sub>max</sub>(fast) outside a dwelling. This goes on to say that during the daytime, a higher maximum noise level is likely to be permissible but is not stated in any relevant guidance documents. The difference between the daytime and night time equivalent noise criteria in both WHO and BS8233:2014 is 5 decibels, and it may therefore be that a 5 decibel increase to the maximum noise level is appropriate. The predicted maximum noise levels from voice, whistle and ball impact are within the criteria of 65dB LA<sub>max</sub>(fast) externally.
26. The NIA assesses the potential impact of both the proposed and the existing AGP being used simultaneously, with the predicted noise levels being compared against the existing noise climate. At the time of noise monitoring, the existing AGP was in use, which provides an accurate representation of the current noise levels experienced at noise sensitive receptors during evening hours. Based on the IEMA guidelines, the proposals result in a negligible change in noise levels. With regards

to planning policy, the NIA states that the development would potentially be noticeable but not intrusive and would result in 'no observed adverse effect'. This is defined in the NPPG as 'Noise [which] can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life'.

27. EP does not raise any concerns in respect of the NIA results, noting that the conclusions of the NIA are accepted from a technical perspective. EP does however note that the frequency and duration of exposure to noise are key contributory factors in influencing a receptor's tolerance to unwanted noise, which an NIA cannot easily quantify. It has been suggested that consideration should be given to appropriate timetabling for the facility. Discussions regarding suitable hours of use are ongoing between Officers and the applicant, and an update on this matter will be provided via the Additional Information Report, with agreed hours of use ultimately being conditioned.
28. EP also advises that the submitted NMP is acceptable, subject to compliance with the hours of use to be agreed. A condition should be attached to any consent issued requiring the implementation of, and compliance with this NMP. A condition has also been recommended which requires the submission of a Construction Environmental Management Plan (CEMP) in order to control and minimise impacts from noise and disturbance during the construction phase as far as possible. A condition restricting hours of construction has also been recommended.
29. The application is considered to be acceptable in this respect, subject to appropriate hours of use being agreed and conditioned.

#### Lighting:

30. The application is accompanied by a Floodlighting Impact Study, along with a floodlighting spillage impact plan and a technical lighting report. These identify 10no residential observer locations and the resultant impact of the lighting scheme has been modelled within the context of Institution of Lighting Professionals (ILP) guidance GN01/21 – The Reduction of Obtrusive Light.
31. The Council's Environmental Protection service has been consulted and advises that the light spill calculations demonstrate compliance for Environmental Zone E3 in relation to vertical illuminance on premises (lux into windows), and luminous intensity (bright surfaces in the field of view, i.e. glare). The scheme also achieves values below the maximum sky glow target of 5%, and therefore appears compliant with all relevant criteria. It is advised that the lighting should be controlled to automatically switch off in accordance with the approved hours of use, in order to prevent it being left on overnight. A condition should be attached to any consent issued to require this.

32. Subject to the lighting scheme being implemented in accordance with the proposed details and the imposition of the condition referred to above, the proposed development is considered to be acceptable with regard to lighting impacts on residential amenity.

## HIGHWAY MATTERS

33. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.
34. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
35. There are three existing ‘community use’ car park zones near to the Partington Sports Village building to the north, which are accessed from Chapel Lane and which accommodate a total of 80no parking spaces (66no car spaces, 10no accessible spaces and 4no parent/child spaces). The application does not propose to increase the number of car parking spaces within these existing car parks. In addition to this, the application proposes that the existing school car park area will be made available to community users of the proposed pitch during evenings and weekends, when the spaces would not be in use by school staff. The southern school car park accommodates a total of 37no parking spaces (32no car spaces plus 5no accessible spaces) and can be accessed from Warburton Lane without allowing access to the school grounds themselves, ensuring that any members of the public cannot access the school outside of school hours. SPD3 advises that accessible parking will be considered on a case-by-case basis. Submitted information indicates that 15no accessible parking spaces would be retained for use associated with the proposed development.
36. The LHA advises that it is satisfied with the proposed car parking arrangements and Officers consider the application to be acceptable in this respect. Given that non-school use of the facility is likely to be greater outside of normal school hours, it is considered that the existing parking provision noted above (a total of 117no spaces) would be sufficient
37. The DAS advises that no cycle parking is currently available, however it is understood that some provision is currently made adjacent to the Partington Sports Village building to the north. It is considered that some additional cycle parking space should be provided at the site in order to encourage travel to the

facility by sustainable means. As such, a condition is recommended to require the submission of these details.

38. The established vehicular entrances to the west off Warburton Lane and to the east off Chapel Lane lead into the car parks which are proposed to serve the facility. No changes are proposed to these accesses, and the LHA confirms that these and the proposed pedestrian access arrangements are acceptable. No details have been submitted regarding refuse/recycling arrangement, however the proposals are not anticipated to impact upon the existing arrangements in this respect.
39. Officers are satisfied that the proposed development is acceptable with regard to all highway matters, subject to the condition referenced above.

## FLOODING AND DRAINAGE

40. Policy L5 of the Trafford Core Strategy states that *“the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”*. At the national level, the NPPF has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere. Policy L5 is considered to be up-to-date in this regard and so full weight can be attached to it.
41. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of sea and river flooding. The proposed use is considered to constitute a ‘water-compatible’ development in flood risk terms, as defined by the NPPG. The flood risk vulnerability and flood zone compatibility table contained within NPPG identifies this form of development as not requiring an exception test in this location.
42. The application is accompanied by a Drainage Strategy, attenuation scheme and drainage layout. The Strategy advises that surface water is to be disposed of into a surface water drain, and that adequate attenuation within the pitch base and upper surface (comprising a permeable granular sub-base) would ensure that excess volumes do not bypass the control system, Hydro-Brake or similar. This goes on to say that the Strategy is designed to ensure that no above-ground flooding occurs up to and including the 1 in 100 year event + 40% allowance for climate change, and that surface water from the site will be managed and disposed of within the site boundary, in accordance with the requirements of the NPPF and NPPG.
43. The Lead Local Flood Authority (LLFA) has been consulted on the application and has requested some further information from the applicant regarding the proposed drainage arrangements. This information is expected to be received in advance of the committee meeting, and an update will be provided to Members via the Additional Information Report. Notwithstanding this, Officers are satisfied that an

appropriate solution can be delivered to ensure that the development will provide suitable surface water drainage without causing issues to arise elsewhere.

## ECOLOGY

44. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 180 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*. Policy R2 of the Core Strategy is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
45. The application is accompanied by a Preliminary Ecological Appraisal. This identifies that the habitats affected by the AGP comprise amenity grassland of low conservation value, and concludes that no further mitigation is necessary. The Appraisal also notes that bat use of the woodland area south of the AGP is unlikely to be adversely impacted by the proposed floodlighting of the artificial turf pitch, providing this is installed as specified. It is stated that the habitats affected by the development are of negligible value for reptiles or amphibians. With regard to construction work, precautionary actions relating to hedgehogs are recommended whilst it is advised that construction work and the drainage scheme should ensure there is no adverse impact upon Red Brook to the south of the pitch (an SBI).
46. The Greater Manchester Ecology Unit (GMEU) has been consulted, however no comments have yet been received. An update on this matter will be provided to Members via the Additional Information Report.

## TREES AND LANDSCAPING

47. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both policies are considered to be up-to-date in terms of the NPPF and so full weight can be afforded to them.
48. No trees are proposed to be removed as part of the development. No additional landscaping is considered to be necessary or appropriate in this instance, given the location of the site adjacent to other grass playing pitches and the potential loss of or impact on functional playing field as a result of such landscaping. As noted elsewhere in this report, the development is not considered to be entirely at odds with its surroundings, so any additional screening through planting is not

deemed to be necessary. Officers are therefore satisfied with the proposed development in this respect.

## DEVELOPER CONTRIBUTIONS

Community Infrastructure Levy (CIL):

49. The proposed development would be liable to a CIL (Community Infrastructure Levy) rate of £10 per sqm, constituting a 'leisure' use in the Council's adopted CIL Charging Schedule.

## OTHER MATTERS

Security and safety:

50. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety. Paragraphs 92 and 130 of the NPPF require planning decisions to achieve inclusive and safe places which are *"safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion"*.
51. A Crime Impact Statement (CIS) has been submitted alongside the application which identifies a number of risk factors for a development of this type, including theft of personal property, criminal damage and unauthorised access. The CIS lists several aspects of the scheme which are considered to deter or reduce the risk of crime:
  - When not in use, the facility will not be lit to prevent unwanted attention at times when there are no users or management present.
  - The access path leading to the car park will be lit during periods of darkness with low level bollard lighting, providing safe access to and from the facility.
  - The 4.5m high perimeter fencing and the small gaps in the weld mesh design will make it difficult to climb and the fencing is set away from any buildings or climbing aids.
  - The fencing will act as a secure boundary providing for the security and safety of the proposed facility.
  - The proposed gates will match the fencing in design and not compromise the overall security of the boundary.
  - It would not be possible to pass under the proposed gates or fencing.
  - The weld mesh design of the perimeter fencing and gates allows visibility into and out of the 3G facility providing suitable surveillance whilst not creating a 'fortress' impression.
  - The site is and will be managed during community use hours. The applicant works with Trafford Leisure (TL) who also operate the public leisure centre



based on the site, therefore providing security and surveillance during operational times.

- CCTV is in operation across the school grounds including at the site entrance on Warburton Lane.
- A Noise Management Plan will be set up whereby any anti-social behaviour can be reported to the on site management and operations team.
- The school site has accesses on both Warburton Lane and Chapel Lane both of which will not result in long detours across the site to get to from the proposed facility.

52. Greater Manchester Police's Design for Security section has been consulted and notes that the submitted CIS does not appear to have been produced by a 'Suitably Qualified Security Consultant', and recommends that this is provided. Officers note that the wider site within which the AGP will be located is not publicly accessible and will therefore continue to be secure. It is also noted that the development effectively represents an expansion of the existing facility and does not introduce a new use or a different facility to that which already exists, and therefore no materially different issues with regard to security and safety.
53. Notwithstanding this, the applicant has been requested to provide some further information within their submitted CIS in relation to the management of the proposed facility. It is advised that the entrance gates and access road is managed by staff at Partington Leisure Centre, with the entrance gates from Chapel Lane to Partington Sports Village being locked out of hours. It is also advised that the out of hours management and supervision of the AGP will take place alongside Partington Leisure Centre, which is operated by Trafford Leisure. Staff at the leisure centre will be responsible for locking the sports facilities and securing the site at the end of community use activities each day.
54. Officers are satisfied that given the nature of the site and proposed development, together with the information accompanying the application, the application is acceptable in principle with regard to matters of security and safety. Given the comments received from GM Police's Design for Security section, in this instance it is considered appropriate to condition the submission of a further CIS prior to the facility being brought into use, which should be produced by a Suitably Qualified Security Consultant.

## EQUALITIES

55. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

56. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
57. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
58. The submitted Design and Access with Planning Statement confirms that disabled access has been carefully considered throughout the whole design and applied wherever possible. The intention is to provide a smooth transition to and from areas within the site, for use by people of all ages and abilities. All pedestrian paths and hardstanding shall be compliant with Equality Act 2010 regulations and Sport England's Technical Design Guidance Note 'Accessible Sports Facilities 2010'.
59. From the information submitted with the application, Officers are satisfied that no adverse impact on protected groups will arise as a result of the development.

### **PLANNING BALANCE AND CONCLUSION**

60. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
61. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. Paragraph 11 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Policies relating to open space, design and amenity are considered to be 'most important' for determining this application and are up-to-date when considering the application against NPPF paragraph 11.
62. It is acknowledged that there will be some degree of harm to the character of the area, given the location of the development next to certain natural landscape features. However, this harm is mitigated to a degree by the nature of the site

within the grounds of a school, the presence of an existing facility of a similar appearance immediately adjacent, the colour of the fencing and the distance of the facility to most public viewpoints. As such, this harm is considered to have limited weight in the determination of the application. Officers are satisfied that the proposed development is acceptable in terms of its impact on residential amenity, including in relation to noise and lighting issues (subject to the conditions specified and appropriate hours of use being agreed), its highways impacts and with regard to all other material planning considerations. There are substantial sporting benefits associated with the provision of this facility, as set out clearly within the submitted information and the consultation response from Sport England. The proposal would replace an existing natural turf playing field with a new outdoor facility meeting current Football Foundation standards; the site will be available for community use (a Community Use Agreement would be secured by condition), enabling more sport development to take place and local clubs and the local community to access the site for football activity. There is also an identified strategic need/community demand for the use of the site as a football hub.

63. On balance, the limited harm identified is considered to be sufficiently outweighed by the sporting benefits of the scheme, and the proposed development is therefore considered to be acceptable. As such, the application is recommended for approval subject to conditions.

**RECOMMENDATION:**

That Members resolve to **GRANT** planning permission for the development subject to the following conditions:

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

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

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

<b>Plan Number</b>	<b>Drawing Title</b>
03	Proposed Site Plan
04	Proposed ATP Plan
05	Proposed Elevation
06	Proposed AGP Drainage Layout
08	Playing Field Layout

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

3. No development shall take place unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
- (i) suitable hours of construction and pre-construction (including demolition) activity (in accordance with condition 4);
  - (ii) the parking of vehicles of site operatives and visitors (all within the site);
  - (iii) the loading and unloading of plant and materials (all within the site), including times of access/egress;
  - (iv) the storage of any plant and materials;
  - (v) measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions;
  - (vi) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity (reference to BS5228 for criteria and monitoring);
  - (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (viii) wheel washing facilities, including measures for keeping the highway clean;
  - (ix) a scheme for recycling/disposing of waste resulting from construction works (prohibiting fires on site);
  - (x) information to be made available for members of the public;
  - (xi) nuisance complaints procedure; and
  - (xii) contact details of the site manager to be advertised at the site in case of issues arising.

The approved CEMP shall be adhered to throughout the construction phase of development.

Reason: To ensure that appropriate details are agreed before works start on site, in the interests of highway safety and to safeguard the amenities of the locality, having regard to Policies L4, L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Construction work shall be limited to the following hours:

07.30-18.00 Monday – Friday (excluding heavy plant/machinery until 08.00)  
09.00-13.00 Saturdays

No construction work shall take place on Sundays, Bank Holidays and Public Holidays.

Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. Notwithstanding the information contained within the submitted Design and Access with Planning Statement, the development hereby approved shall not be brought into use unless and until a Crime Impact Statement (CIS), produced by a Suitably Qualified Security Consultant (SQSC) has been submitted to and approved in writing by the Local Planning Authority. The CIS shall be accompanied by a Statement to explain how any recommendations will be incorporated into the design and operation of the facility. The development shall be carried out and the facility shall be operated in accordance with this Statement.

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

6. The development shall not be brought into use unless and until a scheme for secure cycle storage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location and design of cycle storage facilities, shall be implemented before the development is first brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

7. The development shall not be brought into use unless and until a Community Use Agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The Agreement shall apply to the artificial grass pitch approved under this application and shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved Agreement.

Reason: To secure well managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy R5 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The development shall not be brought into use unless and until details of the RAL colour (green) of the approved fencing and storage container have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the approved details.

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

9. The floodlighting hereby approved shall be installed in complete accordance with the submitted floodlighting spillage impact drawing (Ref. HLS4694, produced by Halliday Lighting), the Floodlighting Impact Study/Overspill Readings (Ref. HLS4694, produced by Halliday Lighting, dated 17/11/22) and the technical lighting report (prepared by Dan Shah, project code 4694). All floodlights shall be programmed to automatically switch off in accordance with the approved hours of use.

Reason: In the interests of residential amenity and ecology, having regard to Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The Broadoak High School Noise Management Plan (produced by Surfacing Standards Limited) shall be implemented at all times following the development being brought into use, subject to the agreed hours of use being adhered to.

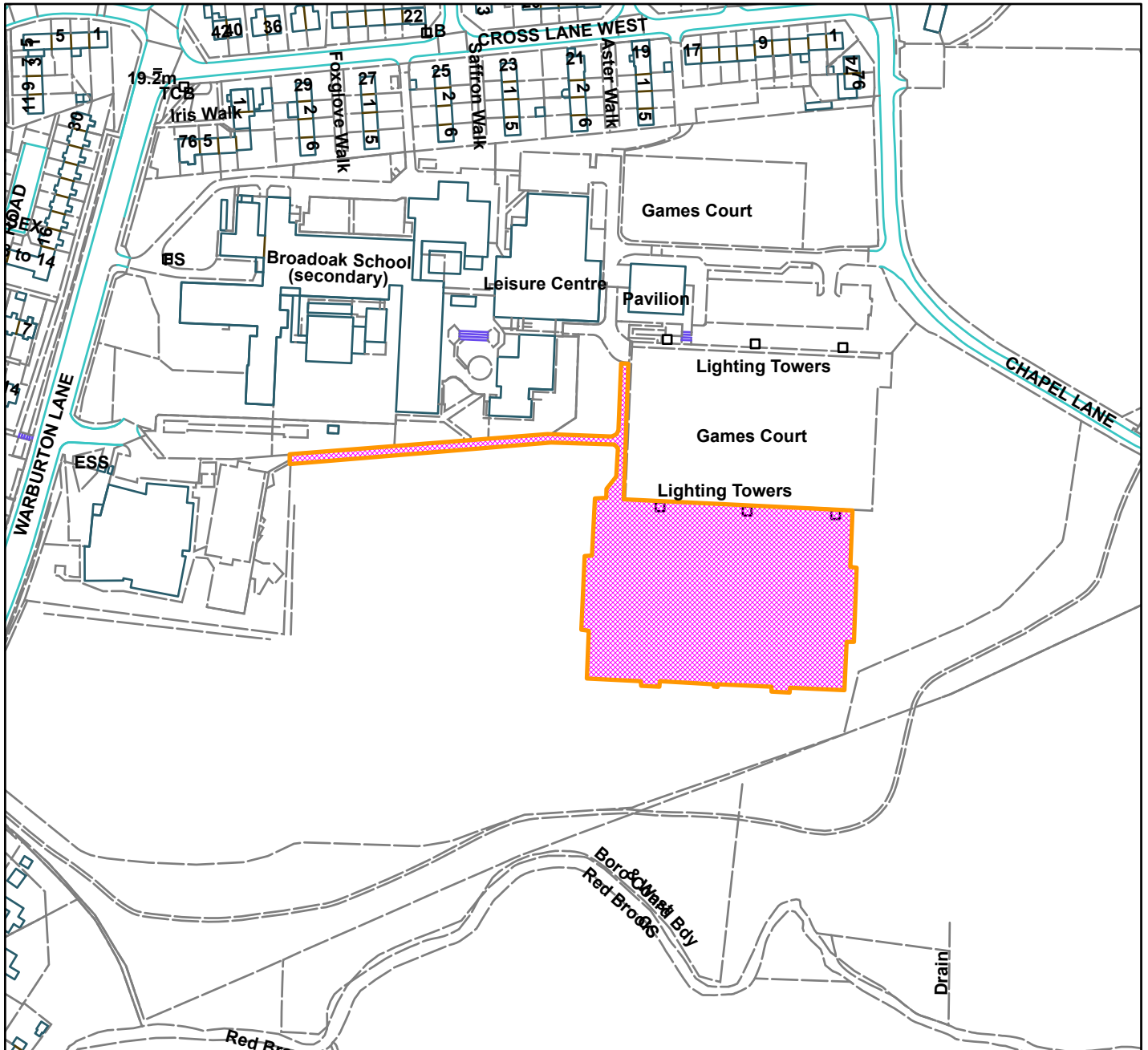
Reason: In the interest of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JD



Broadoak Comprehensive School, Warburton Lane, Partington (site hatched on plan)



**Scale:** 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
Date	30/01/2023
MSA Number	100023172 (2022)

**WARD:** St Marys

**109828/HHA/22**

**DEPARTURE:** No

**Erection of single storey rear extension, first floor extension over existing living room and raising of garage and porch roof.**

19 Ashford, Sale, M33 5RE

**APPLICANT:** The Intelligent Design Centre

**AGENT:** The Intelligent Design Centre

**RECOMMENDATION: GRANT**

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**The proposal has been reported to the Planning and Development Management Committee as 6 objections have been received contrary to officer recommendation.**

### **SITE**

The site relates to a 2-storey linked detached dwelling on the West side of Ashford, at its Southern end. The property features a gable frontage with flat roof garage projecting from the front and side of the northern flank, where it links to the adjoining property. To the south of the property is a large flat roof side projection extending up to the southern boundary. This includes a covered storage area / carport and habitable rooms.

To the front there are two vehicle accesses one to the garage and one to the covered store, separated by a lawn. To the rear is a patio, conservatory and rear lawn.

### **PROPOSAL**

The proposal seeks permission for the addition of a 1<sup>st</sup> floor side extension, single storey rear extension, garage conversion and the build-up of the side elevation wall of the car port.

The 1<sup>st</sup> floor extension would have a width of 5.4m and depth of 6.5m, being set back 1m from the existing front elevation. This would have a pitched roof with eaves equal to the main dwelling and a ridge set below the main dwelling. It would have a window to the front elevation and 2no windows to the rear (one servicing an en-suite).

At ground floor level, the southern end of the property benefits from a car port. The proposal would see this wall being infilled between the floor, roof and existing brick columns.

The existing garage to the front right of the building would be converted into a lounge with the existing vertical sliding door being replaced by a window.

At the rear of the property, a single storey kitchen extension would be added, this would project 3.3m beyond the rear elevation, with a width of 3.3m. This would have a flat roof



with a height of 2.5m, a window to the rear elevation with a window and door facing inwards towards the site.

The increase in floor space of the proposed development would be 42 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**

L4 - Sustainable Transport

L7- Design

*In relation to paragraph 11 of the NPPF Policy L7 of the Core Strategy is considered up to date and full weight should be given to this policy. L4 is not considered up to date with reference to maximum parking requirements. Less weight should be afforded this policy.*

## **PROPOSALS MAP NOTATION**

None

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

SPD3-Parking Standards and design

SPD4- A guide for designing householder extensions

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least March 2023. Whilst PfE is at an

advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

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

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25<sup>th</sup> August 2022. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

**108198/HHA/22** – Erection of single storey rear extension, first floor side extension, conversion of garage and car port to living accommodation and alterations to elevations - Refused 10 December 2022 for the following reasons.

1. The proposed first floor side extension, by reason of its scale, massing, design and form would result in an incongruous, unsympathetic and over-dominant form of development that would be out of character with and disproportionate to the existing dwelling. The proposal would also result in a cramped form of development that would be out of character with the spaciousness of the surrounding area. The proposed development would therefore have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations, February 2012 and guidance contained within the National Planning Policy Framework.
2. The proposed extension, by reason of the position of the first floor windows within the rear elevation, would result in serious overlooking over a short distance to the private garden area of 12 Elmwood to the detriment of the amenity and privacy that the occupiers of that property could reasonably expect to enjoy. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document, SPD4, A Guide for Designing House Extensions and Alterations, and guidance contained within the National Planning Policy Framework.

**H09997** - Erection of car port & extensions to form utility room and store room – Approved with conditions 15 August 1979

**H09007** – Erection of extension to form utility room and car port – Approved with conditions 12 April 1979

**H02392** – Manor Avenue – 19 Ashford/14 Elmwood- Sale – Erection of 1 Link detached 3 bedroom dwelling – Deemed Consent 29 Oct 1975

## **APPLICANT'S SUBMISSION**

None

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

Objections were received from six neighbouring properties raising the following concerns: -

- 1<sup>st</sup> floor side extension significant addition, looks out of character
- Not half the width of front (paragraph 3.1 of SPD4)
- Disruption from construction process
- Overlooking to front
- Potential for use as a hairdressing room
- Overbearing on Elmwood
- Overdevelopment of site
- Parking issues
- Reasons for refusal of previous application still stand
- Conversion of garage would be out of character
- Visually resemble flats - not in keeping
- Loss of spaciousness (due to 1<sup>st</sup> floor side extension)
- Restrictive covenants does not allow commercial use or alteration from linked detached to other type of house

## **OBSERVATIONS**

### **BACKGROUND**

1. Planning permission 108198/HHA/22 was refused under delegated powers in December 2022 for a first floor side extension, single storey rear extension and conversion of the garage. The reasons for refusal are set out in full in the Planning History above and related to the fact that the first floor extension was considered to be an over-dominant, unsympathetic and cramped form of development that would be out of character with the surrounding area and would have resulted in unacceptable overlooking of the private garden area of 12 Elmwood at the rear. The current proposal is a revised scheme following the refusal of that application. In comparison with that proposed development, the first floor extension has been

significantly reduced in scale, pulled away from the southern site boundary, and set back from the main front elevation of the property. The roof design has been changed from a flat roof to a pitched (gabled) roof to match the style of the main roof. The revisions have also resulted in the omission of a first floor window on the rear elevation closest to the boundary with 12 Elmwood.

## **PRINCIPLE OF DEVELOPMENT**

2. Householder extensions and alterations are acceptable in principle subject to there being no harm to the character and appearance of the property through unsympathetic design or harm to the amenity of neighbouring properties and residential areas.

## **DESIGN AND VISUAL AMENITY**

3. Paragraph 126 of NPPF states 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' Paragraph 134 states that "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."
4. Policy L7 of the Core Strategy requires that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
5. The design has been considered in line with Policy L7 and guidance contained within SPD4.
6. The application property sits at the end of the cul-de-sac of Ashford within a row of three similarly designed link detached properties on the western side of the road. It has a larger footprint than most neighbouring properties with the southern part of the dwelling being single storey with a flat roof.
7. From the front elevation, the proposed side extension would have a noticeable impact on the street-scene and residential character due to its siting and form. However, it would be set back from the front elevation and between 1.5m and 3.8m would be retained to the southern side boundary of the site adjacent to properties on Elmwood. It is considered that this would ensure that the extension would not appear cramped within the application site or have an unacceptable impact on the spaciousness of the street scene.
8. Paragraph 3.1.7 of the SPD4 guidelines states that "*Generally, side extensions that are over half the width of the original property can appear prominent in relation*

*to the main dwelling. Side extensions should not be so wide that they detract from the original dwelling.*" Whilst the width of the side extension (at 5.4m) would be over half that of the main two storey element of the dwelling (7.1m), it is considered that, in this case, the design of the extension would be sufficiently subservient to the original property to ensure that it would not appear out of character with the existing property. The extension would be set back from the main front elevation of the property and its roof would be pitched away from the road with a lower ridge height, thereby ensuring that the front gable on the original front elevation would remain visual superior, which would in turn ensure that the rhythm of front gables along this side of Ashford would be retained.

9. This property is wider than other properties within the street given its location at the end of the cul-de-sac. As such the width of the proposed first floor extension would be significantly less than half the width of the existing property including the existing single storey side extensions. The proportions of the extension and first floor window opening would match the proportions of the ground floor element of the original property below. The application property is also located in a less prominent position in the street scene than the majority of properties, being set at the end of the cul-de-sac. It is therefore considered that, having regard to these considerations, the proposal would appear acceptably subservient and proportionate to the main dwelling and site.
10. It is also noted that there are other 1st floor side extensions on Ashford (5, 23 and 16), Elmwood (31 and 12) and Firtree Ave (34 and 20). It is acknowledged that the current proposal would be wider than the majority of these other extensions. However, the application site is a larger site with the existing dwelling having a larger footprint and in a less prominent position than the majority of these examples. The extension would be set back from the front elevation, unlike the extension two houses away at No. 23, which projects forward of the main elevation.
11. For the above reasons, it is therefore considered that the overall form, massing, siting of the proposed extension would be acceptable in relation to the existing property.
12. The window to the 1st floor would line up with the window below and the new window to the garage would be uniform with the rest of the dwelling.
13. The proposed single storey rear extension is similarly considered to have an acceptable impact on the proportions and form of the dwelling. It would be modest in size, ensuring it does not unduly reduce the spaciousness of the site or the amenity space for occupants. Whilst it would have a flat roof, this small scale and rear siting ensures this would not harm the residential character.
14. There is no objection to the loss of the garage in terms of design, as the replacement window is considered to be sympathetic to the character of the area.

15. Overall the proposed extensions are considered to have an acceptable impact on the character of the host property, the site and the wider street-scene/residential character. The overall design has been significantly altered from the previously submitted plans, which proposed a flat roofed first floor extension that extended to within close proximity of the southern boundary of the site and was flush with the main two storey front elevation of the property and significantly wider than this original two storey element. As such, it is considered that the key design concerns referred to in the refusal of the previous application have been addressed. The plans would not give rise to an incongruous appearance and the proposal would not have a detrimental impact on the character or appearance of the street scene. The proposed development is therefore considered to be compliant with SPD4, Policy L7 of the Trafford Core Strategy (2012) and design guidance in the NPPF.

## RESIDENTIAL AMENITY

16. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.

17. SPD4 also sets out detailed guidance for protecting neighbouring amenity (paras 2.14 to 2.18) as well as under the relevant sections for particular types of development.

Paragraph 2.14.2 states *'it is important that extensions or alterations:*

- *Do not adversely overlook neighbouring windows and/or private gardens areas*
- *Do not cause a significant loss of light to windows in neighbouring properties and/or their patio and garden areas*
- *Are not sited so as to have an overbearing impact on neighbouring amenity'*

Paragraph 2.17.2 states *"the factors that may be taken into account when assessing a potential loss of light or overbearing impact include:*

- *The size, position and design of the extension*
- *Orientation of the property*
- *Presence of other habitable room windows/sources of light in neighbouring rooms*
- *Relative position of neighbouring houses and existing relationship*
- *Size of the garden*
- *Character of the surrounding area*

18. The impact of the extension on the amenity of the respective neighbouring properties is considered in turn below.

#### Impact on 21 Ashford

19. The rear extension would be within the parameters of SPD4 paragraph 3.4.2 in terms of its rear projection and would not project any further to the rear than the neighbouring single storey extension. The windows to the rear are not positioned to cause any undue overlooking to the rear garden area of this neighbouring property.

20. The garage conversion would potentially lead to an increased use of the room. Given that the proposal is for a domestic extension, the use is not considered to lead to any undue loss of amenity.

21. Overall the extension is not considered to cause any undue loss of amenity to 21 Ashford.

#### Impact on 8 Elmwood

22. The side gable of the first floor extension would be in view from the rear elevation windows and rear garden of 8 Elmwood. However, it would not lead to any undue overbearing or overshadowing impact as there would be a generous distance (circa 20m) between the ground floor windows of this property and the side elevation of the extension (in excess of the 15m provisioned in SPD4 para 2.17.3) and a distance of between 1.5m and 3.8m would be retained between the extension and the side boundary. The extension would also be sited to the north of this property.

23. The windows to the rear would not overlook this property and the windows to the front would be at such an obscure angle as to not lead to undue overlooking.

24. Overall, it is considered that there would be no undue impact on the amenity of 8 Elmwood.

#### Impact on 10 Elmwood

25. The blank side gable of the first floor extension would be in view from the rear elevation windows and rear garden of 10 Elmwood. However, it would not lead to any undue overbearing or overshadowing impact as there would be circa 20m between the rear elevation windows and the closest point of the new gable wall, with this distance increasing towards the front elevation. This is in excess of the 15m provisioned in SPD4 para 2.17.3. Furthermore, a distance of between 1.5m and 3.8m would be retained between the extension and the side boundary. The extension would also be sited to the north-east of this property.

26. In terms of privacy neither the front or rear elevations would have a direct view into the rear garden or towards habitable room windows.

27. Overall, it is considered that there would be no undue impact on the amenity of 10 Elmwood.

#### Impact on 12 Elmwood

28. The side gable wall of the first floor extension would be in view from the rear elevation windows and rear garden of 12 Elmwood in addition to an oblique view of the rear elevation. However, this would not result in any undue overbearing or overshadowing impact given that there would be an approximately 22m separation distance at the closest point between the rear windows of this property and the extension. Furthermore, it would not be directly adjacent to the boundary.

29. The previous application was refused as a result of undue overlooking of the garden of 12 Elmwood. In that previous scheme, the extension would have projected closer to the splayed boundary with No. 12 and an additional bedroom window would have been positioned in close proximity to the rear garden of that property. The current proposal includes only one bedroom window, which would be positioned 5m from the boundary at the closest point (measured from the centre of the window). However, it is noted that this is at a very oblique angle to the boundary, and, when a line is drawn out from the centre of the window at ninety degrees to the rear elevation, the distance to the boundary would comply with the 10.5m guideline in SPD4. The previous application included an additional 1<sup>st</sup> floor window at a distance of circa 3m from the boundary (when measured in a straight line from the centre of the window) and, when measured from the centre of the window at ninety degrees to the rear elevation, that window would not have complied with the 10.5m guideline in SPD4. As such, that proposal would have offered expanded views of the garden of 12 Elmwood at a much closer distance.

30. It is also noted that the garden of 12 Elmwood is relatively large and is already heavily overlooked from 14 and 16 Elmwood, which have main habitable room windows directly facing the boundary. There is also some planting on the boundary and outbuildings within the rear garden of No. 12 that would help to mitigate any impact. It is therefore not considered that the current proposal would result in undue overlooking to No.12 Elmwood over and above the normal level of inter-looking that would commonly be experienced between immediately neighbouring properties.

31. It is considered that there would not be any unacceptable impact on the amenity of No. 12.

#### Impact on 14 Elmwood



32. There is sufficient distance maintained to this garden area (approximately 14m) and main habitable room windows (approximately 22m) to ensure no undue loss of amenity occurs to this property.

#### Impact on 16 and 18 Elmwood

33. The side extension would not project towards this property so would not lead to a loss of light or visual intrusion.
34. There would be over 10.5m to the rear boundary and approximately 21m to the opposing rear elevation which is sufficient to ensure no undue loss of privacy occurs and consistent with guideline parameters outlined in SPD4. The single storey rear extension would be of modest height and width and would not result in any undue overbearing and overshadowing impact and the existing boundary treatment (1.8m timber fence) would be sufficient to ensure that there would be no undue overlooking impact.

#### Impact on 13, 15, 17 Ashford

35. A sufficient distance would be maintained to the properties on the opposite side of Ashford to comply with the SPD4 guidelines and ensure no undue loss of light, visual intrusion or loss of privacy would occur to these properties.
36. In conclusion, it is therefore considered that there would be no unacceptable impact on the residential amenity of any neighbouring properties and the proposal would comply with the SPD4 guidelines, Policy L7 of the Core Strategy and guidance in the NPPF in relation to this issue.

### **PARKING**

37. The proposal would give rise to an increase in the number of bedrooms, from 4 to 6. In this case, SPD3 states that a maximum of 3no off-street parking spaces should be provided. It is considered that there would be sufficient space for 3no off street spaces to the front of the dwelling and within the car port.

### **OTHER MATTERS**

38. The previous application included reference to a 'hairdressing room' and this has also been mentioned within a neighbour objection in relation to the current application. The application is for a domestic extension and there is no indication within the submitted information that any commercial operation is proposed at the property.
39. Other points raised by the objections, including covenants/boundary issues and impact on house prices, are not material planning considerations.

## **DEVELOPER CONTRIBUTIONS**

40. The proposed development will increase the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore will be below the threshold for CIL charging.

## **PLANNING BALANCE AND CONCLUSION**

41. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development will result in an acceptable form of development with regard to the amenity of neighbouring residents, and the impact on the street scene and the surrounding area more generally.
42. All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. The development is considered to be in accordance with the Core Strategy (2012) and SPD4 and as such the application is therefore recommended for approval.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
  - 21028-BP-A
  - 21028-LP-A
  - 21028-09
  - 21028-10

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

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

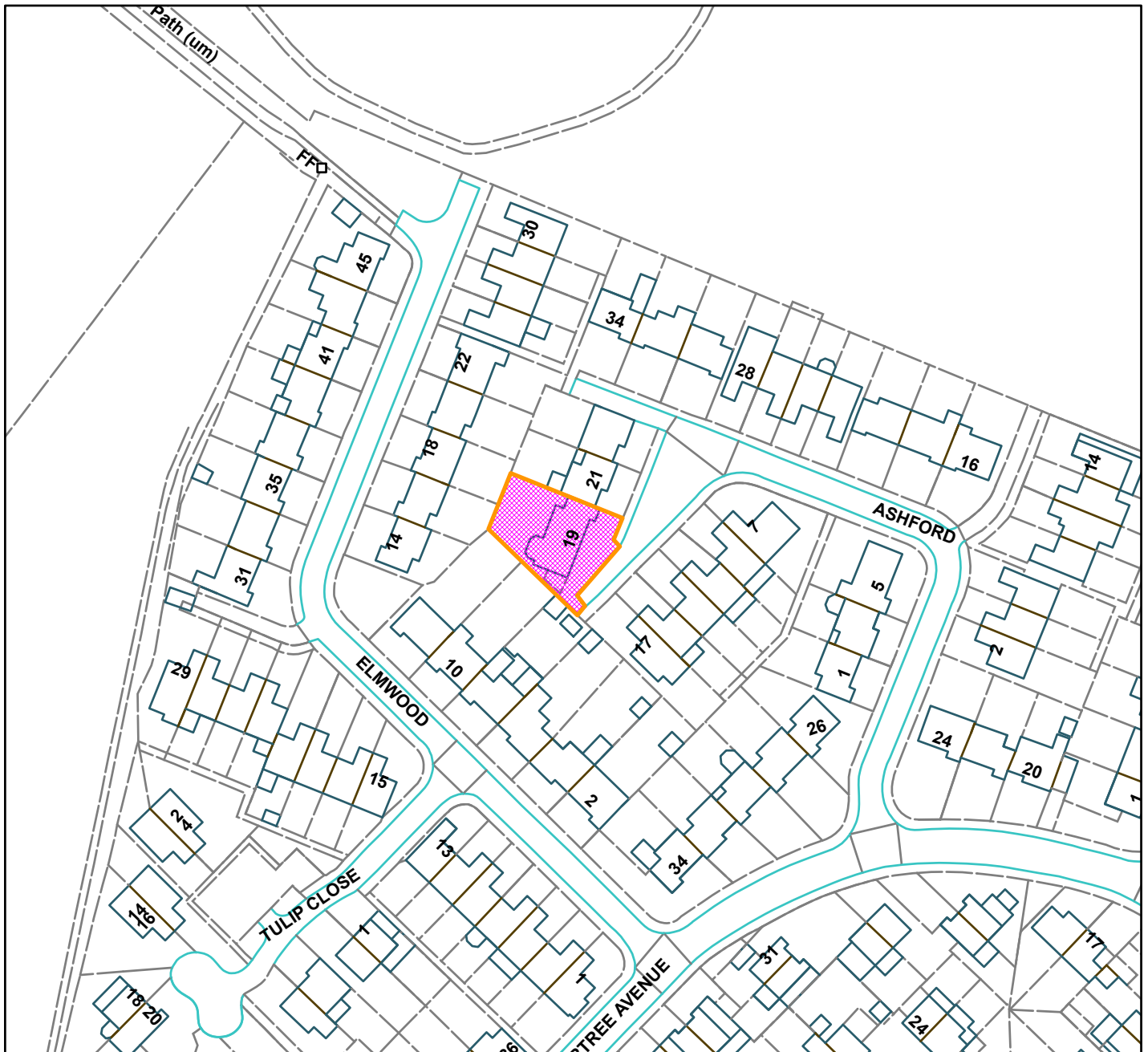
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning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

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NB



19 Ashford, Sale (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/02/2023
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