

**Demolition of existing rear porch and outbuildings and erection of a part single, part two storey side and rear extension, together with a change from shop and living accommodation to a mixed use shop and cafe and a self-contained flat at first floor.**

38 Stamford Park Road, Altrincham, WA15 9EW

**APPLICANT:** Mr Garth

**AGENT:** Planning People

**RECOMMENDATION: GRANT**

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**SITE**

The application site is located on the corner junction of Stamford Park Road and Hawthorn Road, Altrincham. The site is an irregular shaped corner plot and contains a two storey building occupied by a retail use (currently a bicycle shop) at ground floor and a residential flat at first floor. The building footprint follows the splayed line of the boundary along Hawthorn Road.

The surrounding area is predominantly residential in nature with commercial premises located along Stamford Park Road. Stamford Park is located to the north east and there is a deli located on the opposite side of Hawthorn Road. There are two storey terraced properties to the west, and east along Stamford Park Road, to the south along Hawthorn Road and to the north along Charter Road.

**PROPOSAL**

Planning permission is sought to erect a part single, part two storey side and rear extension to extend the ground floor shop unit and the residential flat at first floor, following the demolition of an existing rear porch and outbuildings. The proposal includes a change of use from a shop and living accommodation above to a mixed use shop and cafe and a self-contained flat at first floor.

The proposed change of use would retain the bicycle shop use and introduce a café element within the existing ground floor shop.

The proposed opening hours would be 9am to 5pm on Monday, Tuesday, Thursday, Friday and Saturday; 9am to 7pm on Wednesday, and 10am to 4pm on Sundays.

There would be no on site car parking for the proposal however two bicycle spaces would be provided at the front of the property.

**Value Added:-** The plans have been amended to reduce the scale of the proposed single storey rear extension and to omit the proposed external seating areas in connection with the proposed café element of the mixed use.

The CIL form submitted with the application suggests that the increase in floor space of the proposed development would be less than 100m<sup>2</sup>.

## **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**

L1 – Land for New Homes

L2 – Meeting Housing Needs

L4 – Sustainable Transport and Accessibility

L7 – Design

W1 - Economy

W2 – Town Centre and Retail

## **PROPOSALS MAP NOTATION**

None

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

None relevant

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on

31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

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

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

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

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

### **RELEVANT PLANNING HISTORY**

None relevant.

### **APPLICANT'S SUBMISSION**

A Design and Access Statement has been submitted as part of the planning application.

### **CONSULTATIONS**

**LHA** – No objection.

The LHA doesn't have any issues with the lack of off-street parking for the self-contained flat or the shop as this isn't a change from the current situation, however, working to the Trafford Council's Parking Standards and Design, the change of use from a shop to a mixed use shop and café creates the need for a number of off-street parking spaces and disabled parking provision. Notwithstanding the above requirements, the LHA accept this application without any off-street parking provisions and have no objection to the proposals.

**Pollution and Licensing** – There are no objections to the above planning application subject to suggested conditions.

**Drainage** – Suitable arrangements must be incorporated into the drainage system to prevent discharge of grease, fats or solid food waste

### **REPRESENTATIONS**

8 letters of objection have been initially received from neighbours.

An additional round of neighbour consultation was carried out on 09.11.2015 in connection with the amended plans submitted.

5 further letters of objection were received from neighbours in connection with this consultation.

The objections raised the following concerns:

- Loss of light to rear of properties and courtyard gardens fronting Stamford park Road
- Loss of privacy due to first floor bay window
- Noise pollution
- Noise levels have increased from the deli with customers sitting outside
- Early morning deliveries
- Strong objection to external seating in a residential area
- Café undesirable in predominantly residential area
- Parking congestion within an area of existing limited parking
- Already difficult for residents to park near house, which will worsen
- Increased traffic and increased risk of accidents
- Cooking fumes/Odour
- Waste storage (risk of vermin/food debris)
- Hours of opening unclear
- Overlooking to 70 Charter Road
- No demand for the proposed change of use
- Converting part of shop to a cafe is overdevelopment
- There is an existing cafe opposite
- The residential area does not need expansions of business
- Character of residential area changed by more external seating
- Lack of advertisement of the planning application
- Café undesirable and not needed in predominantly residential area
- No acoustic reports have been submitted and there is no information about sound proofing the cafe or workshop.
- Change of use of first floor flat will generate increased noise – need to look into sound proofing
- Approval of Rocket and Orange in Borough Road has compounded the parking issues
- Partial change of use from bike shop to café in a residential area is not required
- 3 cafes within 100m is over commercialisation

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The application site is located outside of an adopted town centre. Policy W2.12 of the Core Strategy states that “outside of the identified centres there will be a presumption against the development of retail, leisure and other town centre-type

uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.” Current Government Guidance, the NPPF (paragraph 24), states that “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.”

2. A sequential test has not been submitted with the application as the NPPF sets out in paragraph 26 that “When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). The proposed development is less than 2,500 sq m and therefore no impact assessment is required as the proposal is below the default floorspace threshold outlined in the NPPF.
3. In addition, there is already an established retail use at this location and the proposal represents an extension of this. The proposal is located approximately 150m south east of Altrincham Town Centre and therefore is sited in an accessible edge of centre location. The proposal to change the use to a mixed retail and café use is small scale and it is considered that the extended unit would not be harmful to the vitality and viability of Altrincham Town Centre.
4. Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
5. Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
6. The Council does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the Council’s ability to contribute towards the government’s aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the schemes contribution to addressing the identified housing shortfall, and meeting the Government objective of securing a better balance between housing demand and supply.

7. Whilst the Council's policies are considered to be out of date in that it cannot demonstrate a five-year supply of deliverable housing sites, the proposed development achieves many of the aspirations which the Plan policies seek to deliver. The application proposes a 3-bed residential apartment above the shop unit, which would not constitute an additional residential unit. The material difference is that this unit would be self-contained and not used in conjunction with the ground floor shop. This would be in accordance with Policy L1 and L2 of the Core Strategy.
8. Taking the above points into conclusion it is considered that on balance there is no objection to the proposal with regard to the provision of the extended retail unit and mixed use (use classes A1/A3) and the self-contained residential apartment above in principle, subject to compliance with Policies L4 and L7 of the Core Strategy.
9. Other matters to be considered relate to design, impact on residential amenity and parking and highways.

## DESIGN AND IMPACT ON THE STREETSCENE

10. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment - good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
11. Policy L7 states that in relation to matters of design, development must:
  - Be appropriate in its context;
  - Make best use of opportunities to improve the character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.
12. The proposed two storey side extension would follow the existing splayed footprint of the original building. It would represent a sympathetic continuation of the two storey elevation that fronts Hawthorn Road. The two storey extension would replace an existing subservient two storey gable feature and infill the corner. The proposed scale and elevational treatment of the two storey extension is considered appropriately sympathetic to the character of Hawthorn Road and Stamford Park Road. The extension would not project forward of the adjacent frontage along Hawthorn Road.

13. The scale and design of the single storey addition has a more contemporary approach. This design has been influenced by mitigation of the impact to neighbouring amenity, however its scale and design are considered to relate appropriately to the original building and surrounding street scene.
14. The proposed development is considered to result in appropriate additions to the streetscene and would not harm the visual amenity of the local area. The proposal is therefore considered to be acceptable in design terms and would comply with Policy L7 of the Core Strategy.

## RESIDENTIAL AMENITY

15. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).
16. Policy L7 states that in relation to matters of amenity protection, development must:
  - Be compatible with the surrounding area; and
  - Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
17. The adjoining occupiers in particular at No.36 Stamford Park Road have raised concerns with regard to a potential loss of light and the sense of enclosure due to the proposed two storey and single storey extension. The proposed two storey element, including the bay window, would not project beyond the existing two storey gable element. The bay window would sit in line with the existing rear wall of the gable and as such, the proposed two storey flank wall would not be increased, which would mitigate any potential loss of light to the neighbouring occupiers from the two storey proposal.
18. The proposed single storey rear extension has been reduced in height to measure 2m approximately at eaves height and 3m at ridge height and comprises a monopitch roof. The adjacent property, No.36 Stamford Park Road, has a small rear courtyard which contains a small brick outbuilding and the outlook from its main rear kitchen window. The occupiers of this property have raised strong concerns with regard to the potential loss of light and overbearing impact due to the proposal. The proposal has been amended with the intention to reduce the potential impact to the neighbouring occupiers by reducing its scale. The amended proposal does not measure any taller at eaves level than the current boundary wall, and therefore it is the impact of the roof that is being considered.
19. A terraced residential property could erect a 3m deep extension under permitted development rights, which has been used as a benchmark in the assessment of this planning application.

20. The single storey proposal represents a 3m projection beyond the existing two storey gable and 4m beyond the neighbouring kitchen window. As such, beyond the 3m benchmark, the proposal represents a 1m wide section of roof that measures 2m at eaves and rises to 3m sloping away from the boundary. The reduced scale results in a roof that slopes away from the boundary to 3m, over a distance of 3.8m, which would not be considered to result in an undue overbearing and visually intrusive impact to the amenities of No. 36 Stamford Park Road to warrant refusal of the application.
21. The proposed bay window would be conditioned to contain obscure glazing in the side elevation to mitigate any potential overlooking impact. A separation distance of approximately 21m would be achieved to the properties to the north on Charter Road. The proposal would not result in a materially different circumstance as there would be no change to the first floor windows which would continue to serve a habitable room window. The applicant could rearrange the existing residential first floor apartment without needing planning permission.
22. The proposal includes the introduction of a mixed use by incorporating a café use at ground floor to operate in conjunction with the existing bicycle shop. The siting of a mixed use café where there is an established A1 use would not be considered to unduly increase the noise levels, subject to controlling the opening hours. The proposed opening hours are Monday, Tuesday, Thursday, Friday and Saturday 9am to 5pm; Wednesday 9am to 7pm, and Sunday 10am to 4pm. The Council's Pollution and Licensing have no objection to the proposed opening hours, which would be controlled by condition. These opening hours are considered reasonable and to ensure that the proposal would not cause undue noise and disturbance to surrounding neighbouring occupiers. There were strong concerns with regard to proposed external seating areas, however this element has been omitted from the proposal on the grounds of safeguarding surrounding residential amenity.
23. Neighbouring concerns have also been raised with regard to deliveries causing undue disturbance at unsocial hours. Appropriate hours for deliveries can be secured by way of planning condition
24. Objections have been received with regard to potential cooking fumes in association with the proposed café use.
25. The Pollution and Licensing team have reviewed the submission and have no objection subject to the attachment of a condition to submit details of the fume extraction system to ensure it is designed to not cause odour or noise nuisance to neighbouring residents and to satisfactorily control noise levels of plant and machinery.
26. The proposal intends to use the single storey rear extension as a workshop. A condition is required by The Pollution and Licensing team for the submission of a sound insulation scheme at ground floor and to not allow any workshop activities to



occur outside to safeguard the amenities at No.36 Stamford Park Road and surrounding residential occupiers. The proposed extension of the flat at first floor and its proposal to become self-contained would not vary significantly from the existing circumstances and therefore it would not be considered necessary to provide sound insulation between the residential uses at first floor.

27. Objection have also be raised in regards to the impact of waste from the café, it is considered that details of this can be secured by way of condition to ensure that it is stored and collected without impacting upon neighbouring residential amenity.
28. For these reasons, subject to the attachment of the conditions recommended by the Council's Pollution and Licensing Department, it is not considered that the proposal would adversely affect the level of amenity neighbouring land users can reasonably expect to enjoy. The proposal is therefore considered to be in accordance with policy L7 of the Trafford Core Strategy and the thrust of the NPPF.

## PARKING & HIGHWAYS

29. Policy L4 of the Trafford Core Strategy which relates to sustainable transport and accessibility, seeks to ensure that all new developments do not adversely affect highway safety, with each development being provided with adequate on-site parking in line with the maximum standards set out in appendix 3.
30. The proposal does not include any off-street parking provision. There is no concern with regard to the lack of parking for the self-contained flat as this does not represent a change to the existing circumstance. The proposed change of use from A1 to A1/A3 would generate a need for off-street parking spaces with regard to the standards outlined in SPD3 however the LHA have not objected to the as it is anticipated that the development would not generate a significant increased demand for parking due to its edge of centre location and the nature of the proposed change of use. The proposal would not be anticipated to attract significant additional motorised traffic as it is likely to become popular with cyclists some whom will already use the shop. Furthermore, combined with the residents/ parking scheme and that the unit would close between 4-5pm every day except Wednesday and that the junction is protected with double yellow lines, the proposal is considered acceptable on highway grounds.
31. Having regard to the comments of the LHA, it is not considered that the proposal would have any adverse impact upon highway safety. The development is therefore considered to be in accordance with policy L4 of the Trafford Core Strategy.

## DEVELOPER CONTRIBUTIONS

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

33. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'all other' development, consequently the development 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).

34. 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.

## CONCLUSION

35. The proposed scheme is considered acceptable in terms of design and visual amenity, residential amenity and highway safety and would comply with Policies L1, L2, L4 and L7 of the Trafford Core Strategy and guidance in the NPPF. As such it is recommended that planning permission should be granted, subject to conditions.

## **RECOMMENDATION:**

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, 102D, 105J, 107G, 108J, 111K, 112G, 113K and 114D.

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

3. The mixed retail and cafe use (Use Class A1/A3) hereby approved shall not be open to the public outside the following hours:-

9am to 5pm - Monday, Tuesday, Thursday, Friday and Saturday

9am to 7pm - Wednesday

10am to 4pm - Sunday

Reason: To protect the residential amenity of neighbouring occupants, having regard to Policy L7 of the Trafford Core Strategy.

- 5 a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft

landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

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

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

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

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

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

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

8. No development shall take place until details of the fume extraction system serving the cooking or/and food preparation areas have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be designed such that there will be no odour or noise nuisance to local premises and shall be used at all times when the premises are used for cooking or preparing foods. The

system shall be maintained and serviced in accordance with manufacturers recommendations. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To safeguard the amenities of neighbouring residents, having regard to Policies L7 and L5 of the Trafford Core Strategy.

9. The rating level (LAeq,T) from all fixed plant and machinery associated with the development shall be 5dB below 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: To safeguard the amenities of neighbouring residents, having regard to Policies L7 and L5 of the Trafford Core Strategy.

10. Deliveries to and waste collections from the development hereby approved shall not take place after 21:00 on any day or before 07:00 Monday to Friday, 08:00 on Saturday and 10:00 on Sundays.

Reason: To safeguard the amenities of neighbouring residents, having regard to Policies L7 and L5 of the Trafford Core Strategy.

11. No amplification system or televisions shall be installed externally.

Reason: To safeguard the amenities of neighbouring residents, having regard to Policies L7 and L5 of the Trafford Core Strategy.

12. No workshop activities should take place in any external areas of the site.

Reason: To safeguard the amenities of neighbouring residents, having regard to Policies L7 and L5 of the Trafford Core Strategy.

13. Prior to the first use of the development hereby approved a scheme of sound insulation to the ground floor party wall between the application site and no.36 Stamford Park Road, to safeguard the residential amenity of the occupants of 36 Stamford Park Road shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and retained thereafter.

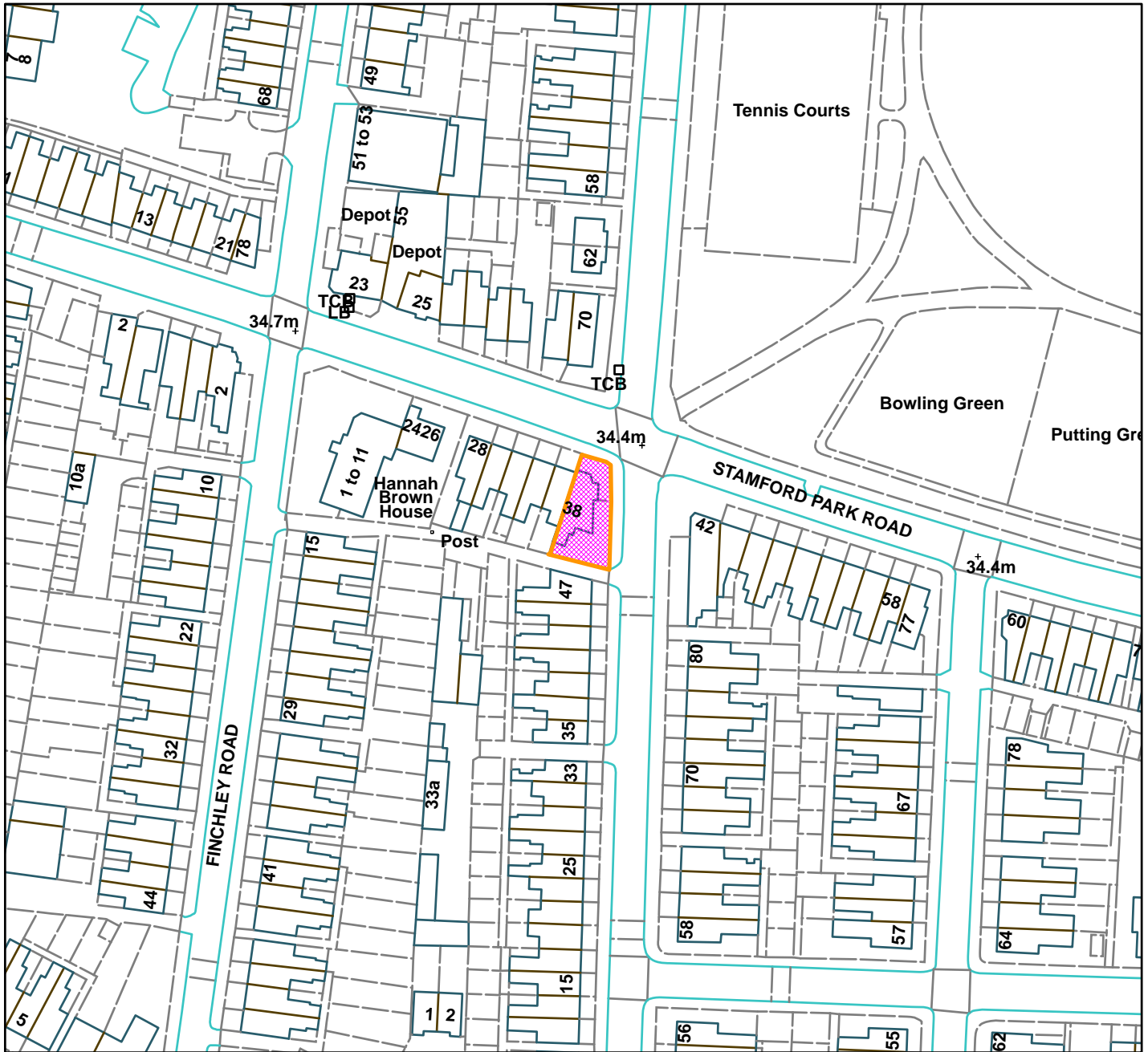
Reason: To safeguard the amenities of neighbouring residents, having regard to Policies L7 and L5 of the Trafford Core Strategy.

RW

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38 Stamford Park Road, Altrincham (site hatched on plan)



Scale: 1:1,250

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|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 12/01/2017 |
| Date         | 22/12/2016                |
| MSA Number   | 100023172 (2012)          |

**Application for the Variation of: condition 2 (list of approved plans), condition 5 (noise management plan), condition 7 (smoking terrace) and the removal of condition 11 (smoking terrace screen) to allow for the removal of smoking shelter, to the rear of 23 - 25 Oxford Road.**

**Conditions relate to planning permission 80095/VAR/2013 [Variation of condition 2 (list of approved plans) of planning permission 77828/FULL/2011 (Change of Use of number 25 Oxford Road from A1 (Retail) Use to A3 (Restaurant and Cafe) Use, including the use of a small area at first floor level to rear of number 25 as a smoking terrace and involving internal alterations; external alterations to frontage at ground floor level; alterations to the rear of number 23 and 25 comprising the erection of a spiral staircase fire escape and associated balustrading, external access door and steps up from flat roof area. All works in association with the expansion of the existing restaurant at number 23 Oxford Road.) To refer to revised drawings indicating a new shop front to both 23 and 25 Oxford Road].**

23-25 Oxford Road, Altrincham, WA14 2ED

**APPLICANT:** Yara Restaurant

**AGENT:** The Susan Jones Consultancy

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO COMPLETION OF A LEGAL AGREEMENT / UNILATERAL UNDERTAKING**

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## **SITE**

The application relates to the Yara Restaurant, Altrincham. The restaurant comprises two adjoining end terrace, two storey units, sited to the north-eastern side of Oxford Road, Altrincham. The application site has the Sainsbury's supermarket to its rear eastern side, residential dwellings to its west and north, with the adjoining southern side units largely comprising commercial/retail uses, with residential units above.

This section of Oxford Road forms part of the Altrincham Town Centre Boundary, as defined within the Trafford Council Unitary Development Plan. The Town Centre

boundary however only extends to one side of Oxford Road, with the residential properties sited in front of the restaurant to its eastern side, being excluded from this. A number of other restaurants and takeaways can be found within the wider Town Centre Area, as well as a Public House. The site lies approximately 100sqm away from the Downs Conservation Area.

## **PROPOSAL**

The application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 2, 5, and 11 and remove condition 7 of planning consent, reference: 80095/VAR/2013 (Variation of condition 2 (list of approved plans) of planning permission 77828/FULL/2011. The application was approved under delegated powers, April 2013.

The current application would see a number of conditions attached to the above consent varied and removed, in order to see the removal of the approved smoking shelter, erected to the rear first floor of the site. These conditions include; condition 2, which makes reference to the approved plans, detailing the smoking shelter. Condition 5 which relates to a noise management plan, which again makes specific reference to the smoking shelter; alongside conditions 7 and 11, which directly relate to the smoking shelter itself. No other changes are proposed as part of this application.

The original conditions read as follows:

### Condition 2:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 1073/PL/01/B; 1073/PL/02/Q; 1073/PL/03/B, 1073/WD05 unless otherwise agreed in writing by the Local Planning Authority.

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

### Condition 5:

Development shall be carried out in accordance with the Noise Management Plan dated February 2013, submitted with the email of Susan Jones (ADS Plan) . The approved Noise Management Plan shall be implemented for the life of the development hereby approved.

Reason: to protect the residential amenities of the locality and in accordance with Policy L5 and L7 of the Trafford Core Strategy.

Condition 7:

The flat roof area beyond the designated smoking area to rear of the buildings shall not be used except where required for emergency access.

Reason: To safeguard the residential amenity of neighbouring residents and in accordance with proposal L5 and L7 of the Trafford Core Strategy.

Condition 11:

The smoking shelter hereby approved shall be fitted with an obscure screen in accordance with the details as set out in the submitted plan 1073/WD/05. The screen should be either solid (opaque) and finished in black, or shall be constructed of obscure glazing (which shall have an obscurity rating of not less than 4 in the Pilkington Glass Range or an equivalent obscurity rating and range). The screen should be permanently fixed to the structure of the smoking shelter in perpetuity.

Reason: To safeguard the amenity of the occupiers of the adjacent flat (27B Oxford Road), in accordance with Policy L5 and L7 of the Trafford Core Strategy

## **DEVELOPMENT PLAN**

**For the purposes of this application, the Development Plan 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.
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## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility  
L7 – Design  
L8 – Planning Obligations  
W1 - Economy  
W2 – Town Centres and Retail



## **PROPOSALS MAP NOTATION**

Altrincham Town Centre

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

Town and District Shopping Centre Areas

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

### 23 Oxford Road:

56548 – Change of use from retail (Use Class A1) to restaurant (Use Class A3) – Approved with conditions - 31/07/2003

76622/VAR/2011 – Removal of Condition 5 of planning permission H/56548 (change of use from retail (Use Class A1) to restaurant (Use Class A3) ) to remove the restriction on areas available for public seating, which are limited by that planning permission to the ground floor only – Approved with conditions 24.05.2011

### 23 – 25 Oxford Road:

77828/FULL/2011 — Change of Use of number 25 Oxford Road from A1 (Retail) Use to A3 (Restaurants and Cafe) Use, including the use of a small area at first floor level to rear of number 25 as a smoking terrace and involving internal alterations; External alterations to frontage at ground floor level; Alterations to the rear of number 23 and 25 comprising the erection of a spiral staircase fire escape and associated balustrading,

external access door and steps up from flat roof area. All works in association with the expansion of the existing restaurant at number 23 Oxford Road – Approved with conditions – 08.08.2012

80095/VAR/2013 - Variation of condition 2 (list of approved plans) of planning permission 77828/FULL/2011 (Change of Use of number 25 Oxford Road from A1 (Retail) Use to A3 (Restaurants and Cafe) Use, including the use of a small area at first floor level to rear of number 25 as a smoking terrace and involving internal alterations; External alterations to frontage at ground floor level; Alterations to the rear of number 23 and 25 comprising the erection of a spiral staircase fire escape and associated balustrading, external access door and steps up from flat roof area. All works in association with the expansion of the existing restaurant at number 23 Oxford Road.) to refer to revised drawings indicating a new shop front to both 23 and 25 Oxford Road – Approved with conditions – 25.04.2013

87345/VAR/15 - Application for variation of condition 5 on planning permission 80095/VAR/2013 (Variation of condition 2 (list of approved plans) of planning permission 77828/FULL/2011 (Change of Use of number 25 Oxford Road from A1 (Retail) Use to A3 (Restaurants and Cafe) Use, including the use of a small area at first floor level to rear of number 25 as a smoking terrace and involving internal alterations; External alterations to frontage at ground floor level; Alterations to the rear of number 23 and 25 comprising the erection of a spiral staircase fire escape and associated balustrading, external access door and steps up from flat roof area. All works in association with the expansion of the existing restaurant at number 23 Oxford Road.) to refer to revised drawings indicating a new shop front to both 23 and 25 Oxford Road.). To submit the new Noise Impact Statement – Withdrawn – 22.02.2016

### **APPLICANT'S SUBMISSION**

Covering letter – details what the proposal seek to achieve through variation and removal of conditions in light of ombudsman findings .

Noise Management Plan – This has been amended to coincide with the proposed removal of the sites previously approved smoking shelter (80095). The plan looks to encourage customers at the restaurant, as well as its employees to safeguard the amenity of neighbouring residents, by way of keeping noise/nuisance to a minimum.

### **CONSULTATIONS**

Environmental Health – Pollution and Licensing:

Raise no objections to the development proposals.

### **REPRESENTATIONS**

1no. objection received in reference to the development proposals, this raised the following concerns:

- Happy for smoking shelter to be removed if further provision for smoking is made to the rear of the site
- Smokers to the front of the restaurant create amenity concerns in the form of noise, nuisance, litter and privacy concerns

## **OBSERVATIONS**

### **Background:**

1. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for the removal of Condition 11 and variation of Conditions 2, 5 and 7 following a grant of planning permission of application reference 80095/VAR/2015.
2. This application followed on from a previous planning approval on site, application reference: 77828/FULL/2011. This saw the existing restaurant at No.23 Oxford Road, extend into No.25 to its eastern side. The application also detailed the erection of a smoking shelter to the rear of No.25 Oxford Rd at first floor level, in response to a number of neighbour concerns raised during the course of the application. The proposed smoking shelter was sought to ensure minimal disturbance to neighbouring residents, occupying dwellings to the front of the site, on Oxford Road.
3. A noise management plan was also submitted in support of the application, detailing a number of noise control measures to be implemented by the restaurant owners, including the use of the shelter. The application was therefore approved with a number of related planning conditions, which sought to limit the hours of operation for the restaurant and also conditioned the use of the smoking shelter and the implementation of the noise management plan.

### **Ombudsman Complaint:**

4. A complaint was filed to the Local Government Ombudsman by a neighbour of the restaurant, living at number 27B Oxford Road. This property is sited at first floor level, to the south-eastern side adjoining premises of the restaurant. The residential unit was believed to have been vacant at the time of application reference: 77828 and was not recognised as being in residential use. The complaint consisted of 4 key elements, these were:
  - The neighbouring property was not notified of the planning application
  - The Council failed to take account of the neighbouring dwelling and therefore failed to consider any impacts of the development upon this property

- The Council failed to consider the impact of increased noise levels associated with people leaving the restaurant late at night, alongside the continual parking problems arising from restaurants customers
- The Council failed to respond to complaints or take any action to improve the situation for neighbouring land users in reference to the use of the site as a restaurant

#### Ombudsman's findings:

5. The Ombudsman found that the Council had rightly notified all neighbouring properties, including No. 27B of the proposed development and had posted a site notice to the front of the site. It was also found that the Case Officer conducted a routine site visit to the premises, but had however failed to take account of the residential use of 27B.
6. The Council was therefore found to be at fault on one ground only, with injustice caused to the occupier of Flat No. 27B, approving an external smoking shelter in close proximity to a neighbouring dwelling. In response to this decision the Council agreed to remove or re-site the smoking shelter in its entirety and bear the costs associated with this work. A payment of £750 was also to be made to the occupier of No. 27B, as compensation.
7. The Council was also to bear the costs for an acoustic report with recommendations for improvements to the sound insulation within the party wall between the two units.

#### Court Case:

8. The neighbour in question, along with other neighbours of the restaurant, occupying dwellings on Oxford Road, filed a separate private nuisance case against the restaurant in 2015. [N.B. For the avoidance of doubt the claim was not brought under the Planning Acts, nor did it seek to quash any planning permission for the site, albeit had it been successful, any injunctive relief passed down by the judge would have had the effect of overriding planning consents at the site]. The claimants stated that the following issues were leading to a decline in their amenity:
  - The smoking terrace
  - Noise passing through the Party wall
  - Outside to the front of the restaurant
  - Odours arising from the restaurant
9. In his judgment, made on 8 January, 2016, the District Judge stated that the only source of noise, which ultimately led to nuisance for neighbouring land users was the smoking shelter, which had since been made non-operational, following

the Ombudsman complaint detailed above. He also made reference to the current planning application, reference: 87803/VAR/16, which seeks to formalise the removal of this shelter as a positive step forward.

10. The judge further stated that he did not find that the restaurant generated noise through its party wall, nor did it lead to a nuisance late in the evening. He further dismissed claims that people smoking outside the front of the restaurant lead to nuisance for neighbouring occupiers and made reference to the site being located within a designated Town Centre boundary, where such activity is typical and can reasonably be expected.

### **Principle of Development:**

11. The current application proposes to vary / remove a number of conditions (2, 5, 7 and 11) of a previous planning consent, reference 80095. The application seeks to remove Condition 11 and vary Conditions 2, 5 and 7. The development as proposed does not seek to alter the sites existing approved use and would not affect the existing operations of the application site. As such, in principle, the proposed amendments to the existing planning consent are therefore considered acceptable.

### **Design and Street-scene:**

12. The approved smoking shelter comprised a small polycarbonate roof structure with timber supports, open to three sides, to the rear first floor of the site. This was accessed directly from the first floor of the restaurant via a patio door opening. Stairs then lead down from this external space to the rear ground floor of the site, creating a fire escape for this section of the restaurant. The smoking shelter has since been removed from the site, with the existing rear first floor opening and external staircase being retained, continuing to be used as a fire escape. The current application seeks to regularise these works.
13. It is therefore considered that the removal of the polycarbonate roof structure, with its timber supports, to the rear of the property in this instance is considered to be a positive addition for the rear elevation of the site and as such the proposals, in this regard, are considered to be acceptable. No other external alterations would be made and the proposal is therefore found to be acceptable and in accordance with policy L7 of the TBC Core strategy.

### **Residential Amenity:**

14. The approved smoking shelter was removed from the application site in November, 2015, following the findings of the Local Government Ombudsman. Since the removal of the shelter, customers of the restaurant have had to go out to the front of the site, on Oxford Road to smoke. The Council's Environmental

Health Department has not, within the past year, received any new complaints/concerns raised in reference to these actions by local residents.

15. It should further be noted that the restaurant has provided weekly logs, which detail the exact numbers of customers choosing to go out and smoke at any given day/time over a period of 3 months, following the removal of the smoking shelter. The logs show that the numbers of customers, which actually leave the premises in order to smoke to the front of the site, are relatively low. These numbers are often spread out over the course of several hours, with numbers peaking on Fridays and Saturdays, which can reasonably be expected.
16. Furthermore the applicants have submitted a noise management plan as part of their application submission. This was previously approved under the former planning consent reference 77828. The noise management plan has been updated as part of this submission to remove its former reference to the smoking shelter and details a number of measures being carried out by the restaurant, in order to control the level of noise/nuisance from the site, these measures include:
  - Restaurant employees only being able to smoke singularly, employees are to receive training on this and the situation is to be monitored at all times
  - 2no. signs will be/remain on display to customers entering/leaving the site stating: “please respect our neighbours by keeping noise to a minimum, thank you” and “please leave the premises quietly to avoid disturbing local residents”.
  - A further line will be added to the restaurant menu stating that: “please keep noise to minimum when you are leaving the restaurant, thank you”
  - The restaurants website has also been updated to state that: “all our Altrincham customers should be aware that there are residential properties close to the restaurant and therefore we would be grateful if you respect these residents and their properties when you visit us, particularly when picking up a takeaway and also leaving the premises at the end of the evening. Additionally please take care not to block the driveways of houses along Oxford Road”
  - The door to the former smoking shelter will remain closed at all times, unless there is a fire, in which case it will act as a fire escape
  - No deliveries or waste collections will take place between the hours of 20:00 and the hours of 07:00 at the site

17. The noise management measures as detailed above have been considered to be acceptable in their approach forward, in order to reduce the level of noise/nuisance leaving the site. They can be secured by planning condition.
18. The level of nuisance which is created by the restaurant in its current set up i.e. with no provision for smoking other than at the front of the restaurant, were considered by a judge at County Court in the recent nuisance claim. The judge stated that he did not find that the restaurant led to a nuisance late in the evening when people were leaving the restaurant or from people smoking outside the restaurant on Oxford Road and applauded the efforts made by the restaurant owners to date, in trying to limit the amount of noise/nuisance generated from the site. He also made reference to the site being located within a Town Centre Area, where such activity is typical and can reasonably be expected and therefore dismissed these further claims. He also considered the evidence of nuisance put forward by the occupiers of 28 and 30 Oxford Road to be unreliable and that they had overstated their case considerably.
19. It is considered that, although made in the context of a nuisance claim, the judge's comments are equally relevant to the planning merits of this case, which are concerned primarily with residential amenity. It is not considered that smoking and other activity associated with the restaurant taking place to the front of the site, in a town centre location, would be so detrimental to residential amenity that a refusal of planning permission could be justified. The noise management plan would further mitigate the effects of such activity. The judge had the opportunity to override previous planning consents at the site by granting injunctive relief to the claimants, but chose not to do so. He considered (with the exception of the smoking shelter) that the activity for which planning permission had been granted at the site was reasonable in this location and that there was no evidence that noise and disturbance arising from the site was greater than would normally be expected.
20. Additionally, it is demonstrably clear that the alternative, a smoking shelter to the rear of the premises, is harmful to residential amenity. The approval of this planning application would address the concerns of the occupier of 27b Oxford Road, which have been found to be legitimate by both the Ombudsman and a District Judge. There are no other reasonable measures for providing for smokers at the site and, given that there will already be activity at the front of the premises from people entering and leaving the premises, it is not considered (particularly given the evidence submitted by the restaurant on the numbers of smokers each evening) that this would increase activity to the front of the premises to a particularly noticeable degree.
21. As such the development proposals are considered to be acceptable and in compliance with policy L7 of the TBC Core strategy.

### **Access and Car Parking:**

22. The application proposals would not see the creation of any additional floor space on site, nor would they affect its existing use. The existing site has no on-site parking provision and this remains unaltered as part of the development proposals. As such the proposed development is considered to be unaltered in highway terms and is therefore considered to be in line with policy L4 of the TBC Core strategy and the relevant sections of the NPPF.

### **Conclusion:**

23. The variation / removal of various conditions imposed on planning permission 80095/VAR/11 proposes the existing door at the rear of the premises which currently serves the roof terrace, albeit this is not currently being used for smoking, to be used only as a fire or emergency exit should the first floor of the premises need to be evacuated. The roof of the shelter has already been removed. A revised Noise Management Plan has also been submitted with the application. Approval of this application would formalise through the planning process the removal of the smoking shelter at first floor but make no alternative formal provision for smoking at the premises. Smoking would need to continue take place at the front of the premises, on Oxford Road, as it does at present. However, given that the site is in a town centre location (albeit on the edge), that activity already takes place from people coming and going, the noise management plan which can be subject to an appropriate planning condition, and mindful of the findings of the Local Government Ombudsman and a District Judge, it is considered that these proposals would not be so detrimental to residential amenity that a refusal of planning permission could be justified.

24. The proposed development subject to conditions is therefore considered to be an acceptable form of development and is therefore considered to be in accordance with policies L4 and L7 of the TBC Core strategy and the relevant sections of the NPPF.

### **Planning Obligations**

25. A S106 Legal Agreement/Unilateral Undertaking will form part of any subsequent consent, ensuring that the site shall not operate under the 2013 planning permission. The agreement/undertaking will therefore ensure that the site will not operate under the 2013 planning consent, 80095 (which makes reference to the smoking shelter).

### **RECOMMENDATION:**

That Members resolve that they are **MINDED TO GRANT SUBJECT TO A UNILATERAL UNDERTAKING / LEGAL AGREEMENT** and subject to the following conditions:-



(A) That the application will propose a satisfactory development for the site upon completion of an appropriate legal agreement/ unilateral undertaking which will ensure that the site shall not be operated under the 2013 Planning Permission, reference: 80095.

(B) In the circumstances where the S106 Agreement has not been completed within three months of this resolution, the final determination of the application shall be delegated to the Head of Planning and Development; and

(C) That upon satisfactory completion of the above legal agreement / undertaking, planning permission be **GRANTED** subject to the following conditions [N.B. The numbering of conditions does not match the previous planning application due to the removal / redundancy of some conditions]: -

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number: **1073/PL/04/A.**

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

2. The restaurant hereby approved shall not be open to customers between the hours of 11pm and 9am on any day.

Reason: to protect the residential amenities of the locality and in accordance with Policy L5 and L7 of the Trafford Core Strategy.

3. Development shall be carried out in accordance with the **Noise Management Plan dated February 2016**. The approved Noise Management Plan shall be implemented for the life of the development hereby approved.

Reason: to protect the residential amenities of the locality and in accordance with Policy L5 and L7 of the Trafford Core Strategy.

4. The acoustic lock, doors and glazing to the front of the premises shall meet the requirements of the revised acoustic report of AB Acoustics dated 16 May 2012, received by the LPA on 4 July 2012 and shall be carried out in accordance with the details previously approved and set out in the letter of AB Acoustics, dated 30th October 2012.

Reason: To safeguard the residential amenity of neighbouring residents and in accordance with proposal L5 and L7 of the Trafford Core Strategy.

5. **The flat roof area beyond the rear of the buildings shall not be used except where required for emergency access.**

Reason: To safeguard the residential amenity of neighbouring residents and in accordance with proposal L5 and L7 of the Trafford Core Strategy.

6. The lower part of all of the windows on the front elevation of 23 and 25 Oxford Road shall be fitted with and thereafter retained at all times in obscure glazing (which shall have an obscurity rating of not less than 4 in the Pilkington Glass Range or an equivalent obscurity rating and range), in accordance with the details as set out on the approved plan 1073/PL/02/Q.

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

7. The staff cycle parking identified on the approved plan 1073/PL/02/Q shall be implemented before the development is brought into use and shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with Policy L4 and L7 of the Trafford Core Strategy and Policy RT9 of the Revised Regional Spatial Strategy (RSS published 2008).

8. Notwithstanding the plans hereby approved, no direct public access is permitted between the restaurant/bar area and the alleyway to the side of the premises, except where required for emergency access.

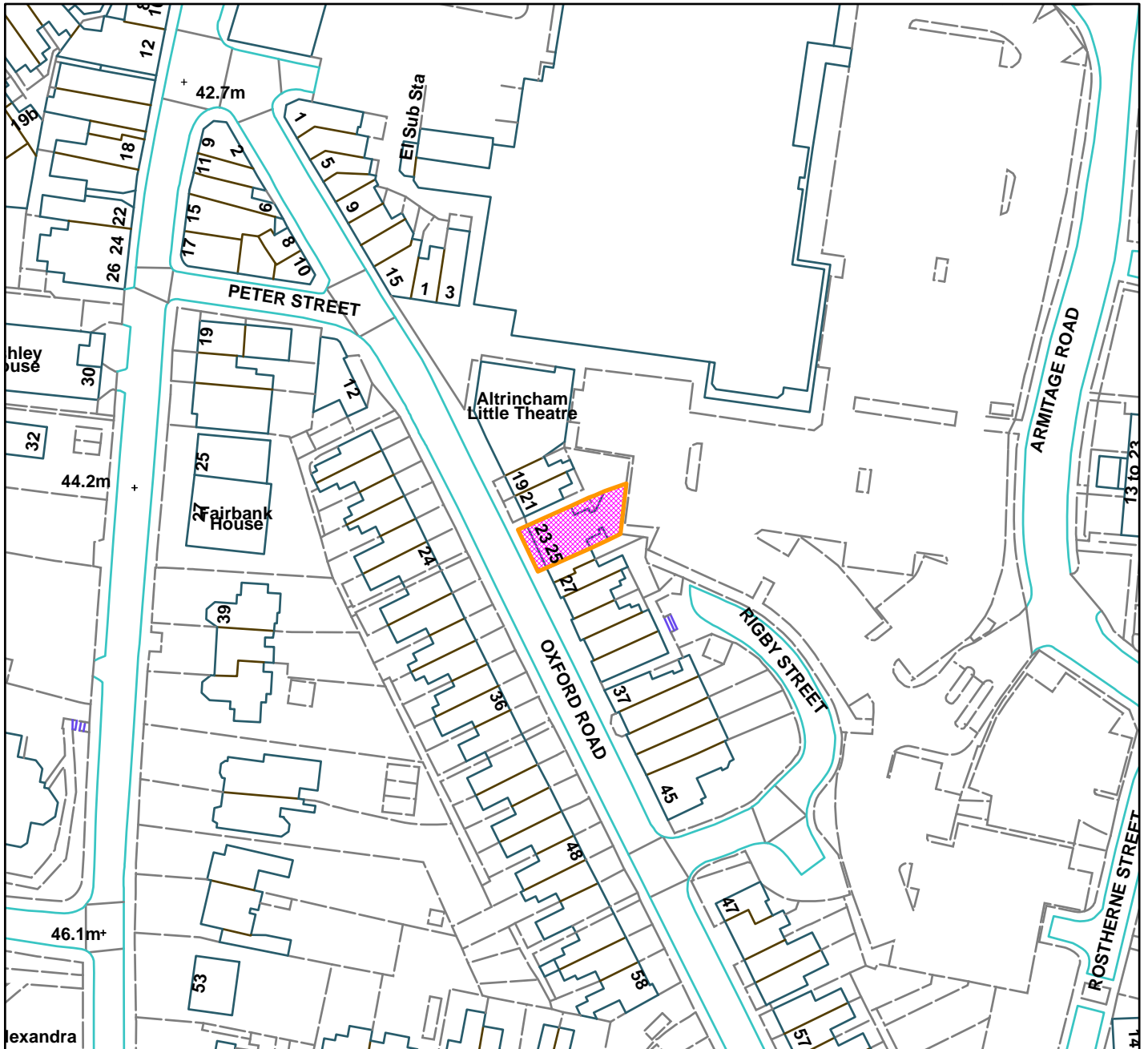
Reason: To safeguard the residential amenity of neighbouring residents and in accordance with proposal L5 and L7 of the Trafford Core Strategy.

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IG



23-25 Oxford Road, Altrincham (site hatched on plan)



Scale: 1:1,250

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|              |                           |
|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 12/01/2017 |
| Date         | 22/12/2016                |
| MSA Number   | 100023172 (2012)          |

**WARD:** Brooklands

**89213/HHA/16**

**DEPARTURE: No**

**Erection of a part single, part two storey rear extension and alterations to front.**

7 Kirkby Avenue, Sale, M33 3EP

**APPLICANT:** Mrs Irwin

**AGENT:** Magnus Technical Engineering Ltd

**RECOMMENDATION: GRANT**

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**The application is to be determined by the Planning and Development Management Committee as 6 letters of objection have been received.**

**SITE**

The application relates to a residential dwelling located on the east side of Kirkby Avenue, Sale.

The application dwelling has a mansard roof with a single gable to the front. Kirkby Avenue and surrounding residential roads are characterised by a mix of this dwelling type and conventional two storey residential dwellings.

The dwelling has accommodation over two floors and due to the nature of the roof these properties have habitable room windows in the side elevation.

The application site is bounded by residential properties. Its rear elevation faces the rear elevations of properties fronting Windermere Avenue, which are of the same design with the exception of No.2 Windermere Avenue.

**PROPOSAL**

Planning permission is sought for the erection of a part two storey rear, part single storey rear extension and alterations to the front comprising infilling an existing porch area at ground floor.

**DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes

the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 – Design

L4 - Sustainable Transport and Accessibility;

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD4: A Guide for Designing House Extensions and Alterations

SPD 3: Parking Standards and Design

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

78143 – 3 Kirkby Drive – Two storey rear extension

Approved with conditions – 10.04.2012

58959 – 3 Westmorland Road – Two storey side extension

Approved with conditions – 2004

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

6 letters of objection were received from neighbouring occupiers raising the following concerns:

- Loss of privacy due to first floor windows
- Overbearing, over-dominating and visually intrusive
- Out of character with the property and the surrounding area
- Fundamental character of property will be destroyed
- These properties have no windows at first floor and this would introduce windows at first floor
- Overdevelopment of the site
- Disproportionate increase in scale of roof
- Loss of light to rooms and garden
- Disruption through construction
- Increased parking congestion

Additional consultation was carried out on the basis of the amended plans on 01.12.2016. 4 letters of objection have been received from neighbouring occupiers reiterating all of the original concerns.

## **OBSERVATIONS**

### DESIGN AND APPEARANCE

1. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
2. The proposal would extend across the rear elevation of the property, measuring 7.6m in width. The amended scheme received by the Local Planning Authority on 30<sup>th</sup> November 2016 reduced the projection at first floor to 1.9m, and amended the roof design to reduce its scale and be more sympathetic to the original roof. In a further amended scheme received by the Local Planning Authority on 16<sup>th</sup> December 2016 the overall ridge height has been further reduced to 6.1m from 6.8m to reduce its visual impact and to line through with the ridge of the gable to

the front, and the height of the single storey rear extension has been reduced from 3m to 2.5m.

3. The objections received outline that the proposal would not be in keeping with the character of the existing property, which has a Dutch hip roof and windows only at ground floor in the rear elevation and that it would over-dominate the property and be harmful to the character of the area.
4. The property sits within a street scene characterised by this dwelling type. There are also full two storey residential dwellings in the area. The proposal would measure 7.6m across the rear elevation of the property. It is recognised that the proposal would introduce windows at first floor and would represent a substantial extension to the property. However it is not considered unduly harmful for the following reasons. The principle of introducing windows at first floor would not be prohibited by the Guidelines contained in SPD4. The dwelling could erect dormer windows under permitted development rights. The SPD4 Guidelines outline that proposals should reflect the original character of a property. However the proposal is reflective of the architectural features with regard to the roof design and the introduction of a first floor elevation to the rear would not be considered unacceptable.
5. The proposal has been reduced in scale and designed to be more in keeping with the main property. The proposal would have a limited visual impact upon the street scene. The proposed first floor bedroom would achieve the required separation distance and therefore would not have an undue overlooking impact.
6. The applicant has drawn attention to other two storey rear extensions in the vicinity. No.3 Westmorland was approved in 2004 under a different policy context. No.10 Windermere Avenue has a two storey rear extension for which no planning history can be found. There is an example of a two storey rear extension to this type of property, which was approved in 2012 at 3 Kirkby Drive that extended across the full width of the property which is material to the determination of this application. The proposal is therefore in accord with the requirements in Policy L7 to satisfactorily address the scale and character of the surrounding area.
7. Concerns were raised by objectors that the proposal represents overdevelopment and would be disproportionately large. However, a first floor projection of 1.9m in relation to the existing depth of the house is not considered to be excessively large or out of proportion with the original property.
8. The proposed 4m projection at ground floor is considered acceptable. Single storey extensions are characteristic of the surrounding residential area.
9. The proposed infill to the front is characteristic of the surrounding area and considered to be acceptable.

10. The proposed works are considered appropriate and in keeping with the host property and the surrounding area, and would not result in harm to its character and appearance. As such the proposal is considered to be in compliance with Policy L7 of the TBC Core Strategy.

#### RESIDENTIAL AMENITY

11. Policy L7 of the Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
12. The proposal complies with SPD4 with regard to rear extensions. The first floor projection measures 1.9m and achieves 0.9m and 2m to the neighbouring boundaries respectively. The proposed projection of 4m at single storey would be considered acceptable for a detached property. The proposed extension would comply with the SPD4 guidelines, which would allow a single storey extension of 4m plus the gap to the boundary and a two storey extension of 1.5m plus the gap to the boundary. It is therefore considered that there would be no undue loss of light impact to the windows in the rear elevation of Nos. 5 and 7 Kirkby Avenue.
13. Due to the design of these properties, the application property and the neighbouring dwellings have main habitable room windows in the side elevations. Both Nos. 5 and 9 Kirkby Avenue have bedroom windows in the side elevation which are the main source of light to these bedrooms. The proposal represents an additional projection of 1.9m, with an eaves height of 3.6m, and the proposed roof design results in the roof sloping away from the common boundaries with these properties. These windows are already facing the two storey side wall of the application property and, as they are at first floor level, they will continue to benefit from some light and outlook above the extended property. Given the existing relationship between these properties, it is not considered that the proposed extension would have such a significant additional impact on these windows as to justify the refusal of the application.
14. The first floor rear extension would achieve 12m to the rear boundary, mitigating any overlooking impact. There are no changes to the windows in the existing elevations except the removal of a window in the kitchen and a new side window to the single storey forward extension. There are no windows proposed in the side elevations of the extension to that would result in any overlooking to neighbouring properties.
15. It is therefore considered that the proposal would not result in undue overlooking, loss of light, overbearing or visual intrusion and therefore complies with the provisions of Policy L7.



## HIGHWAY MATTERS

16. At present, the application property is a 3 bedroom property and would result in a 4 bedroom property. The proposal would generate the need for one additional parking space in accordance with SPD3, which would not be considered to have a significant additional impact upon on-street parking to the detriment of highway safety.

## OTHER ISSUES

17. The noise and disturbance that may be generated by the construction of the proposal would not be a matter that would carry significant weight in the determination of the application and other legislation exists to deal with this issue.

## CONCLUSION

18. The proposal accords with the development plan and is recommended for approval subject to the conditions listed below.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans, Drawing No. IRWIN/02 – Rev B received by the Local Planning Authority on 16<sup>th</sup> December 2016 and the site location plan, drawing number IRWIN/03.

Reason: In the interests of proper planning and for the avoidance of doubt, 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 in accordance with Policy L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as subsequently amended or re-enacted) no window or other opening shall be formed in the side (north and south) facing elevations of the extension hereby permitted unless a further planning permission has first been granted on application to the Local Planning Authority.

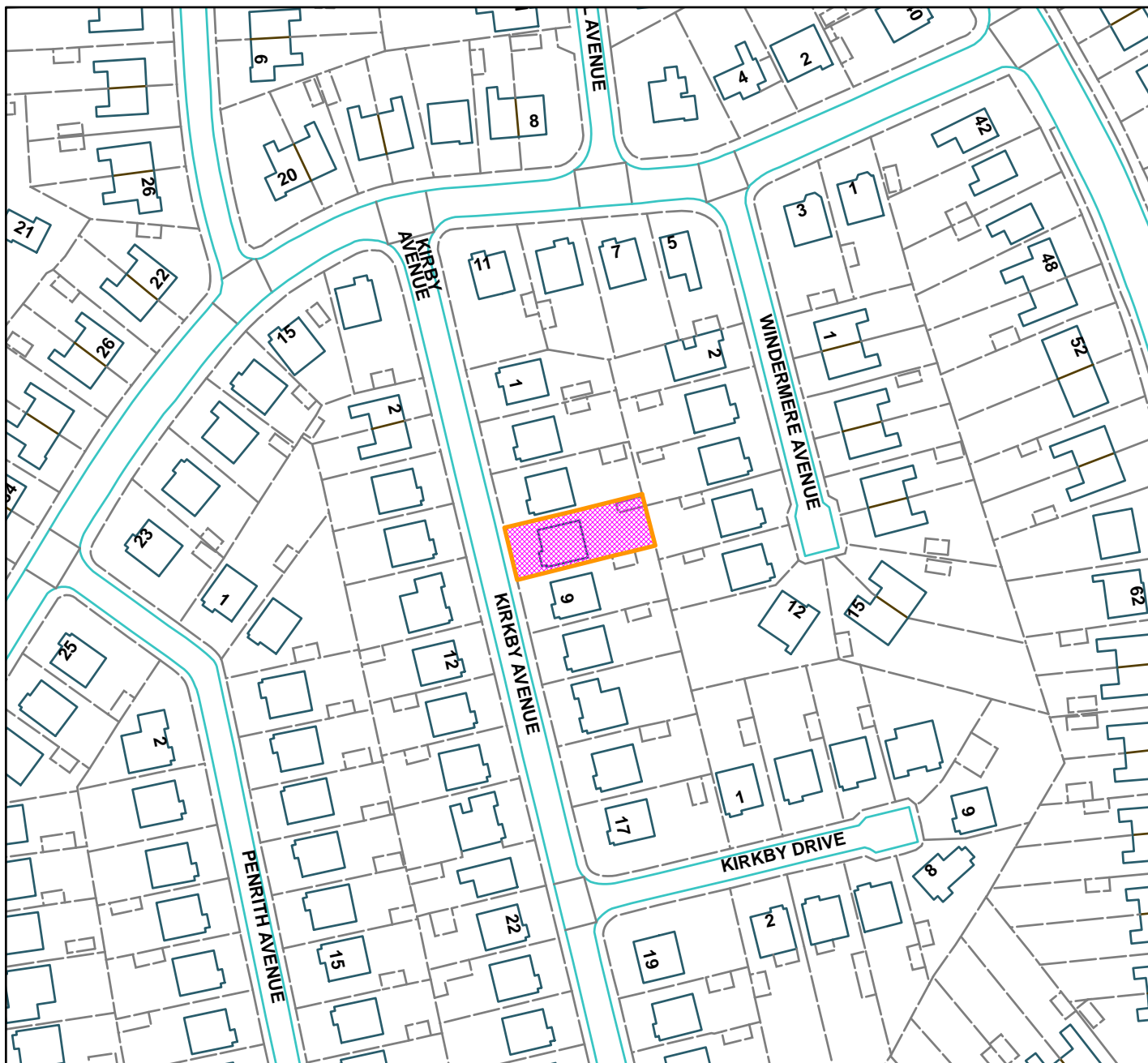
Reason: To ensure satisfactory level of privacy between properties, having regard to Policy L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations.

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RW



7 Kirkby Avenue, Sale (site hatched on plan)



Scale: 1:1,250

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|              |                           |
|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 12/01/2017 |
| Date         | 22/12/2016                |
| MSA Number   | 100023172 (2012)          |

**WARD:** St Marys

**89557/HHA/16**

**DEPARTURE: No**

**Erection of a two storey side extension with bay window on front elevation, installation of canopy roof on front elevation and erection of single storey rear extension following demolition of detached garage at rear.**

113 Firs Road, Sale, M33 5FJ

**APPLICANT:** Mr A Baxter

**AGENT:** Mr P Ryan

**RECOMMENDATION: REFUSE**

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**Councillor Chilton has requested that this application be determined by the Planning and Development Management Committee for the reasons set out within the report.**

### **SITE**

This planning application relates to a semi-detached dwelling located on a corner plot between Firs Road and Gaydon Road, Sale. The dwelling is set back from the highway, with a front and side garden. Pedestrian access to the property is from both Firs Road and Gaydon Road; however vehicular access is from Gaydon Road.

### **PROPOSAL**

Planning permission is sought for the erection of a two storey side extension with bay window on front elevation, installation of canopy roof on front elevation and erection of single storey rear extension following demolition of detached garage at rear.

The proposed two storey side extension would accommodate a bay window to the front of the side extension. The extension would have a width of 3 metres from the existing side elevation and a length of 7.34 metres. The proposed height to the eaves would match the host dwelling, with the height to the ridge would be 7.5m metres (0.14 metres below the host dwelling).

The single storey rear extension would have a projection of 3 metres from the rear elevation, with a width of 8.68 metres and a height to the eaves and total height of 2.5 and 3.60 metres respectively.

A canopy roof is proposed over the proposed bay window and would create a porch over the front door. The canopy would project off the front elevation by 1.20m, where it would have a width of 5.08 metres and a maximum height of 3.13 metres.

**Value added:** Amendments sought which set down the proposed extension from the ridge, set back from front elevation and removal of vehicular access from the front.

A 10 day reconsultation was conducted following the above amendments and change to the description of development. The canopy roof and bay window at the front of the extension were omitted from the original description of development and were not included as additional amendments above those sought above.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility  
L7 – Design

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD4: A Guide for Designing House Extensions and Alterations – (adopted February 2012)

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

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

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

## **RELEVANT PLANNING HISTORY**

None

## **CONSULTATIONS**

**Local Highways Authority** – *“the LHA would prefer the access to remain where it is currently and the layout be amended with regards to highway safety...A new driveway is to be created by conversion of the garden at the front of the dwelling. This will have sufficient space for two car parking spaces; hence there is a shortfall of one space from the required parking provision. The shortfall is accepted on this occasion as unrestricted on-street parking is available.”*

## **REPRESENTATIONS**

**Neighbours** – 3 letters of objection have been received from two households and from a Councillor when calling in the application. The following issues have been raised:-

- Side extension will project beyond building line and out of character with area;
- Unacceptable impact on street scene;
- Building work has already commenced;
- Proposals will set a precedent;
- Loss of light;
- Loss of privacy; and
- Incongruous design, construction and materials used.

## **OBSERVATIONS**

### DESIGN AND APPEARANCE

1. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
2. There are several key overlapping considerations as highlighted in SPD 4 when appraising extensions on corner plots. These include the requirement to appear subservient, not over-dominant to the host dwelling and streetscene, to not erode the space around the dwelling and keep within the building line of the street.
3. In addition, side extensions on corner plots are required to have a set back from the common boundary of at least 2 metres, with two storey extensions required to have a larger set back. In addition, no more than 50% of the garden should be taken up by the extension.
4. The proposed single storey rear extension would be visible due to its siting on a corner plot. Nevertheless, the rear extension is considered to be subservient to the

host dwelling due to its massing and single storey nature. Therefore this part of the proposal is considered acceptable.

5. The proposed two storey side extension would be in a highly visible location within the streetscene. While it would maintain a 2 metre distance to the boundary and would be set back and down from the ridge and set back from the front elevation; corner properties within the local area maintain a degree of spaciousness with the building line of the side elevation following the front elevation of properties to the rear. The two storey side extension proposed would project 3m beyond the established building line of properties on Gaydon Road beyond.
6. The proposal is considered to result in an erosion of this spaciousness to the side of the host dwelling due to the siting and height of the two storey side extension. As such it would be an unacceptable impact upon the streetscene and appear overly dominant and out of keeping with the established building line along Gaydon Road harmful to the character and appearance of the application site and wider area. It is of note that No. 115 Firs Road on the adjacent corner plot to the south-west extension is of similar plot size and the footprint of the building is similar to that of the application site
7. The removal of the detached garage would open up the rear garden; however this would not offset the loss of space to the side of the dwelling. As such the proposal is considered result in a loss of spaciousness within the application site and wider area and would fail to respect the established building line along Gaydon Road which is considered to result in detrimental harm to the urban grain.
8. Overall, it is considered that the proposed two storey side extension is considered not in keeping with the streetscene and the established building line and would result harm to spaciousness of the application site and wider area harmful to its character and appearance. As such the proposal is considered to be in compliance with Policy L7 of the TBC Core Strategy.

## RESIDENTIAL AMENITY

9. Policy L7 of the Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
10. Paragraph 3.4.2 of SPD 4 states that normally a single storey rear extension close to a common boundary should not project more than 3 metres for semi-detached properties. The proposals would project 3 metres and therefore the projection of the proposed rear single storey extension is policy compliant and would not result in harm to the residential amenity of neighbouring and surrounding residential properties.

11. In regards to privacy SPD 4 identifies the interface distances that would normally be acceptable between principal habitable room windows and common boundaries and other neighbouring principal outlooks at 10.5 and 21 metre respectively.
12. The distance between the rear elevation of the single storey rear extension and the common boundary with 1 Gaydon Road would be 9.50 metres. While there is a shortfall, the openings on the gable elevation of No. 1 Gaydon Road facing the applicant's dwelling are obscure glazed. The driveway to the side of this neighbouring dwelling is not considered to be private amenity space in the same capacity as a garden. It is of note that the applicant has already part implemented the scheme at the rear which is permitted development compliant, which is a material consideration of significant weight and a fallback position which can permit this shortfall in interface distance.
13. With regards to the first floor rear window on the side extension, this would be obscure glazed. There are habitable room windows on the gable elevation of the side extension. The distance to the front elevation of No. 88 on the adjacent side of the road would be close to 24 metres, therefore considered acceptable and would not result in undue overlooking or harm to privacy
14. Overall, it is considered that there would be no unacceptable impacts on the privacy of all neighbouring dwellings.
15. The objection letters make reference that the proposals would lead to a loss of light. The rear extension is 3 metres deep in line with guidance set out in the SPD, could be, in itself, erected under permitted development, and is considered to be of an appropriate height to minimise any impact on light level received within the neighbouring property. While the proposed two storey side extension is not considered acceptable with regard to its design, the separation distances to the dwellings on the adjacent side of Firs Road (close to 24 metres), a distance of approximately 15 metres to No.115 and to No. 1 Gaydon are considered sufficient in order to limit any harmful impacts on terms of light levels received and it is considered that development would not appear overbearing or visually intrusive to any neighbouring or surrounding residential properties.
16. Overall, it is considered that the proposed works would cause any unacceptable impacts to the amenity of neighbouring dwellings. As such the proposal is considered to be in compliance with Policy L7 of the TBC Core Strategy.

## PARKING AND HIGHWAY SAFETY

17. The proposal originally include an access to the site from Firs Road, this has now been removed from the application. The resultant dwelling would have four bedrooms, with the hardstanding permitting two off-street spaces. SPD 3 Parking Standards and Design sets out that for a 4+ bedroom house in this location, 3 car parking spaces should be required. However as there is sufficient on street to



parking within the local area, in this instance the shortfall of one space is acceptable. The Local Highway Authority have raised no objections to the proposal.

## OTHER ISSUES

18. Further concerns were raised by an objector over the commencement of building work to the rear single in advance of a planning permission. The part of the proposals which were being implemented at the time of the site visit can be built through Permitted Development rights.

## DEVELOPER CONTRIBUTIONS

19. The floorspace of the extension would be less than 100 square metres and the proposal is not CIL liable.

## **CONCLUSION**

20. The proposal does not accord with the development plan and would result in harm to the harm to the character and appearance of the local area through a loss of spaciousness and would fail to respect the established line along Gaydon Road. The proposal is therefore contrary to Policy L7 of the Core Strategy and is recommended for refusal, for the reason listed below.

## **RECOMMENDATION**

**REFUSE** with the following reasons for refusal:-

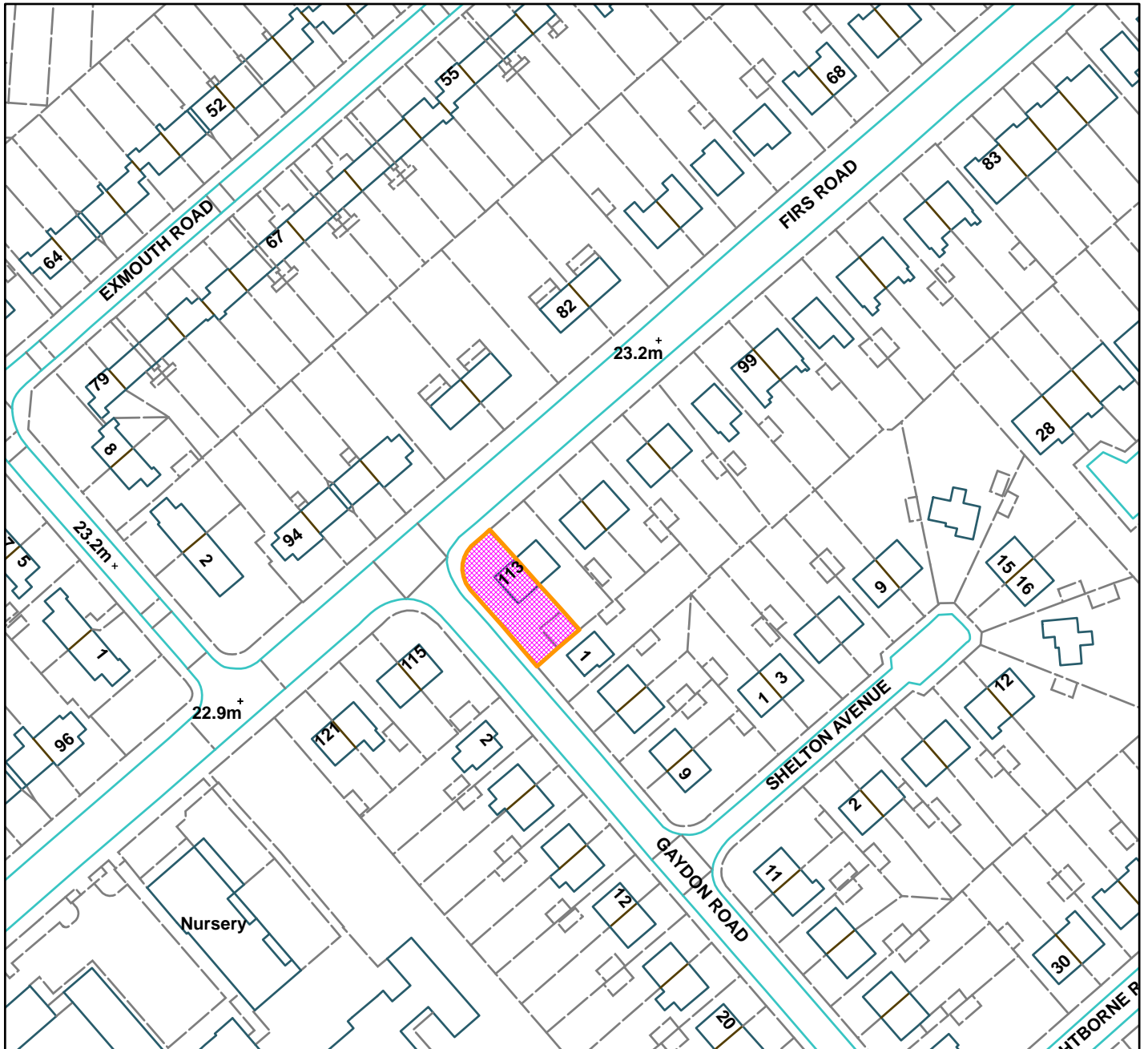
1. The proposed two storey side extension, due to its siting and height, would result in an unacceptable loss of spaciousness within the application site and the wider streetscene and would fail to respect the established building line along Gaydon Road to the detriment of the character and appearance of the local area. The proposals therefore would not be in accordance with Policy L7 of the Trafford Borough Council Core Strategy and SPD 4: A guide for Designing House Extensions and Alterations.

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TO



113 Firs Road, Sale (site hatched on plan)



Scale: 1:1,250

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|              |                           |
|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 12/01/2017 |
| Date         | 22/12/2016                |
| MSA Number   | 100023172 (2012)          |

**WARD:** Bowdon

**89674/FUL/16**

**DEPARTURE: No**

**Demolition of existing dwelling with subsequent erection of a pair of semi-detached dwellings.**

23 Stanhope Road, Bowdon, WA14 3JZ

**APPLICANT:** Heneghan Developments Ltd

**AGENT:** re-form architects

**RECOMMENDATION: GRANT**

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**This application has been called in by Councillor Hyman on the grounds that the site is plainly a single plot and the proposal represents overdevelopment of the site, is out of character with the area and has no garage provision.**

**SITE**

The application relates to a detached two storey dwelling with an attached garage to the east, located on the southwestern side of Stanhope Road. The property has a relatively large rectangular rear garden bounded by fencing, mature trees and shrubs. There is a low wall and gateposts on the front boundary with vehicular access off Stanhope Road. There is a hedge above the wall and a lawned front garden also enclosed by mature trees and shrubs.

The rear garden backs onto the northern side garden boundary of No. 29, Blueberry Road.

No. 21, on the eastern side of the application site is a recently constructed two and a half storey detached dwelling predominantly brick with contemporary design approach. It projects further to the rear than No. 23 and has a number of secondary windows in the facing elevation.

No. 25, to the west, has been remodelled and extended and is predominantly rendered also with secondary windows in the side facing elevation. No. 25 projects beyond No. 23 to the front and rear.

The area is generally residential in nature typified by large houses set back from the road with large gardens. There are numerous examples of recently redeveloped sites in the vicinity. The site is not within a conservation area.

## **PROPOSAL**

Planning permission is sought for the erection of a pair of semi-detached dwellings following the demolition of the existing building. The new dwellings would be two storeys with accommodation in the roofspace and provide 5 bedrooms, along with living accommodation at ground floor. Each dwelling would have private rear garden area along with car parking for three cars. The scheme would provide parking for 6 cars in total with 2 no. vehicular accesses off Stanhope Road.

**Value Added** – Amended plans have been submitted to reduce the height of the building and to reduce the number of windows at first and second floor level in the side elevations of the dwellings.

The total floorspace of the proposed new dwellings would be 580 m<sup>2</sup>.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **PROPOSALS MAP NOTATION**

None

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

None

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

89663/FUL/16 – Erection of a replacement dwelling, including the erection of the front boundary wall, railings, gates and gateposts – Approved 07.12.2016

81475/FULL/2013 - Erection of a replacement dwelling, including the erection of front boundary wall, railings, gates and gateposts – Approved 2013

75953/FULL/2010 - Erection of a replacement dwelling, including the erection of front boundary wall, railings, gates and gateposts Approved 2010

H/69234 - Erection of a replacement dwelling including erection of front boundary railings, gates and gateposts – Approved 2008

H/35064 - Erection of ground floor rear extension to form enlarged lounge and bathroom and erection of new side bay window – Approved 1992

## **APPLICANT'S SUBMISSION**

A Design and Access Statement and Bat Survey have been submitted as part of the planning application. These documents will be referred to as necessary within the report.

## **CONSULTATIONS**

**LHA** – No objections in principle. Comments are discussed in more detail in the Observations section of the report.

**Lead Local Flood Authority** - No objections in principle subject to appropriate drainage conditions.

**Pollution & Licensing (Contaminated Land)** – No objections and no contaminated land conditions required.

**Greater Manchester Ecology Unit (GMEU)** – The submitted survey was undertaken by a suitably qualified Ecological Consultant.

**Bats** - The building to be demolished is a detached two storey brick built house with a hipped roof clad in ceramic tiles. The house has a single storey, flat roofed extension and an attached single storey garage with a hipped clad roof in ceramic tiles. The property is located in a residential area of Bowdon, with Dunham Park located approximately 1km to the west, which is considered very good habitat for roosting, foraging and commuting bats. The survey comprised an internal and external inspection of the property on 25<sup>th</sup> August, 2016 and a dawn re-entry survey on 27<sup>th</sup> August 2016. No bats or signs of bats were found during the daytime inspection, however some low value roosting potential was identified beneath the eaves of the house where the soffit boxes join the masonry wall. No bats were seen to re-enter the property during the dawn survey and only a very low level of bat activity was recorded throughout the dawn survey. No further surveys for bats are therefore considered necessary at this time. However, as bats are mobile in their habits and can move roosts regularly, we would recommend that a precautionary approach is adopted with regard to the removal of the soffit boxes. We recommend that the soffit boxes are removed carefully by hand with the presence of bats borne in mind, prior to demolition. In the unlikely event that bats are found at any time during works, then work should cease immediately and advice sought from a suitably qualified bat worker. Conditions to this effect should be placed on any permission, if granted.

**Birds** - It is unclear from the plans if any of the trees are to be affected by the development. The trees and shrubs have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). We would therefore recommend that any works to trees should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent, by a suitably qualified person. We would therefore suggest that a condition to this effect be placed on any permission, if granted, in order to protect wild birds.

**Biodiversity Enhancement** - In line with Section 11 of the NPPF, we would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bat boxes
- Bird boxes
- Native tree and shrub planting

In conclusion the GMEU are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the conditions above.

**United Utilities** - The site should be drained on a separate system with foul water draining into the public sewer and surface water draining in the most sustainable way.

## **REPRESENTATIONS**

**Neighbours:** - Objections have been received from or on behalf of the occupiers of 6 separate addresses. Grounds of objection summarised below:

- Semi-detached houses should not be allowed on one of the smallest plots on the street. It would lead to loss of spaciousness and have a detrimental impact on the character of the road.
- Other houses on Stanhope Road are single detached residences in proportion to the size of their plots. To approve a pair of semis would set a precedent
- The development is overbearing, overshadowing, too high and wide, out of scale, unacceptably high density and the building line is too far forward.
- These are essentially townhouses inappropriate to this part of Bowdon where semidetached house tend to be older and smaller and 2 storey and flat developments have lot of landscaping.
- Loss of privacy for surrounding houses, particularly from incongruous balconies and windows in gable ends.
- Increase in noise and disturbance to neighbours
- The houses have no garages but six parking bays which will almost certainly result in cars being parked on the road.
- The six parking bays raises road safety concerns – danger from proposed new entrance and poor visibility
- The whole of the front gardens will be laid out as hardsurfaced forecourts with little space for planting – detrimental to streetscene.
- 5 bedrooms is a considerable amount for a relatively small back garden

Following re-consultations carried out in relation to the submission of amended plans a further letter has been submitted on behalf of the occupiers of 25 Stanhope Road stating that the amended proposal is still inappropriate and incongruous overdevelopment resulting in harm to amenity.

E-mails of support have also been received from two of the current occupiers of the application property as follows:

- The current occupiers of No. 23 are a retired couple who wish to downsize but there is a limited availability of stock within the area other than small expensive apartments with communal space. There are many other similar couples and this inability to downsize is causing stagnation in the housing market.
- The current proposal is not significantly bigger than the existing approved scheme for one new house on the site.

- The NPPF emphasises the need to reuse previously developed land and address the shortfall between low supply and high demand for a wide variety of homes. The Council does not have a 5 year supply of developable sites.
- There is precedent in the immediate area for the subdivision of sites for multiple homes
- This scheme for a pair of semi-detached properties is modest compared to recent permission for single dwellings on the road
- Both neighbouring properties have been fully redeveloped in recent years and the scheme proposed is similar to these in footprint scale and massing.
- This scheme is therefore in keeping with planning precedents and Government aims.

## **OBSERVATIONS**

### **PRINCIPLE**

1. The application site is unallocated in the Revised Adopted UDP proposals map. The site is surrounded by residential properties and is residential in nature. The site consists of a large single dwelling set in large grounds.
2. Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
3. Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
4. The Council does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the schemes contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
5. Whilst the Council's housing policies are considered to be out of date in that it cannot demonstrate a five-year supply of deliverable housing sites, the scheme achieves many of the aspirations which the Plan policies seek to deliver.



6. Policy L2 of the Core Strategy, which is entitled “Meeting Housing Needs”, states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council’s Sustainable Community Strategy. It requires new development to be:
- (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents;
  - (b) Appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development;
  - (c) Not harmful to the character or amenity of the immediately surrounding area and;
  - (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford.
7. In the case of this application, the proposal contributes towards meeting the Council’s housing land targets and housing needs identified in Core Strategy Policies L1 and L2 in that the scheme will deliver family housing and has access to existing community facilities. The site is partly previously developed brownfield land (with undeveloped rear gardens) and in a sustainable location and consequently the proposal would contribute towards the Council’s target of locating 80% of new housing provision on previously developed brownfield land. The principle of the development is therefore considered to be acceptable. Notwithstanding this the development must also be compliant with other relevant policies in the Core Strategy in relation to the impact that the development may have in terms of design, residential amenity, parking and highway safety and ecological considerations.

#### DESIGN AND IMPACT ON THE STREETSCENE

8. Policy L7 states that ‘In relation to matters of design, development must:
- Be appropriate in its context;
  - Make best use of opportunities to improve the character and quality of an area;
  - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and
  - Make appropriate provision for open space, where appropriate.
9. The application site is situated within a predominantly residential area. Typically plots comprise reasonably large detached family houses and many have living accommodation in the roofspace i.e. over three floors as is proposed here. There is however a range of styles visible on roads in the area ranging from traditional to contemporary in terms of design approach and materials used. There are also some examples of plots that have been subdivided to allow for more than one dwelling on the plot. In addition there are examples of apartment developments in the area. While objections have been raised to the principle of semi-detached dwellings it is considered that there is no reason to preclude such development in principle

provided that the scale, massing, height and design of the development is not out of character with the general area. Indeed efficient use of previously developed sites is supported in both local and national policy.

10. It is noted that approval has recently been granted on this site for the erection of a two storey detached rendered dwelling with accommodation in the roofspace and an integral garage, including the erection of the front boundary wall, railings, gates and gateposts, following the demolition of the existing dwelling (89663/FUL/16). In addition it is noted that there have been a number of recent redevelopments in the immediate vicinity of this site, most relevant to this application a new build house at No. 21 on the southeastern side and the remodelling and extension of No. 25 on the northwestern side.
11. The current application proposes the erection of a pair of semi-detached dwellings on the site. The dwellings would have a traditional pitched roof design with gable features and takes cues from the Arts and Crafts style architecture. The proposed building would have a maximum ridge height of 10 metres (10.1m to the top of the gable feature) and an eaves height of between 4.8 m and 6.2 metres which is relatively low. The maximum height of the building has been reduced by 0.45m from what was originally submitted and streetscene drawings have been provided. These demonstrate that the building would now sit comfortably in between Nos 21 and 25 in terms of height. At 10 metres high the building is not excessively tall for the area.
12. The site is 0.09 ha in size and while it is not one of the larger sites in the area it is comparable to a number of other sites in the immediate vicinity and is very similar to the size of the plot of No 21 on the southeastern side. The proposed dwellings would have gaps to the side boundaries of approximately 2.1 metres. This would be slightly closer to the side boundaries than the existing dwelling (existing has gaps of approximately 2.2 metres between the 2 storey side elevation and the northwestern side boundary and 1-1.5m between the attached garage and the southeastern side boundary). The recently approved single dwelling on the site had gaps of 1.6 m and 2.6 m to the side boundaries and the proposal is also very comparable to No's 21 and 25 which have gaps to No. 23 of approximately 2.2m and 1.5 m respectively.
13. It has been suggested that the development has a detrimental impact on spaciousness as a result of the height and design of the roof which results in more of a 'terracing effect' than a hipped roof would. SPD1 states in paras 10.1 and 10.2 that *'Development should complement the characteristics of the surrounding area. Heights to eaves and to ridge are both important, as is the effect of the overall massing. A building on an infill site that is taller than nearby properties may be over-dominant and out of place. It is therefore advisable to consider providing buildings of similar heights to those nearby.'* As stated above the building is not excessively tall and although the roof has gable ends it also has a relatively low eaves height and front gable features that breaks up the massing. In this regard it is considered that the proposals would not impact significantly on spaciousness and would not be a significant change from the current extant permission for a single dwelling house.

14. The proposed building line generally reflects that of the other dwellings on the southern side of Stanhope Road.
15. The design approach could be described as a contemporary version of an Arts and Crafts property with a traditional double pitched roof with subsidiary steeply pitched gable features breaking up the front elevation. A mix of traditional and contemporary materials such as slate, glazing, aluminium and brickwork are proposed. The design approach is not dissimilar to that taken at No. 22 on the opposite side of Stanhope Road which is considered to be a successful addition to the streetscene.
16. Concerns have been raised about the impact of the parking areas on the streetscene. The scheme does propose 6 parking spaces in total in front of the property and sliding gates and a wall are indicated although no detail is provided. The site currently has mature hedging and fencing around the side and rear boundaries and a low wall and hedging on the front boundary. There is some space for planting on the front boundary in the areas shown on the streetscene drawings and subject to an appropriate landscaping scheme to soften the appearance of the front boundary this is considered acceptable.
17. In conclusion the proposed design, scale and materials proposed are considered to be in keeping with other dwellings in the vicinity and are considered to be acceptable subject to a condition requiring the submission and approval of materials and landscaping details. As such it is considered that the proposed would not result in harm to visual amenity and is considered to be compliant with Core Strategy L7, the NPPF.

#### IMPACT ON RESIDENTIAL AMENITY

18. Policy L7 states that in relation to matters of amenity protection, development must:
  - Be compatible with the surrounding area
  - Not prejudice the amenity of the future occupants of the development and / or occupants of adjacent properties by reason of being overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
19. 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 m should normally be provided. A distance of 10.5 metres is usually

required between first floor windows and rear garden boundaries. An additional 3 metres is added for each additional floor.

20. The separation distance to the house opposite on Stanhope Road is approximately 46 metres and therefore significantly exceeds the requirements. The distance from the first and second floor windows to the rear garden boundary with No. 29, Blueberry Road of 22 metres is also in excess of the requirements and therefore compliant and would not result in harm to privacy levels. No sole main habitable room windows are proposed in either side elevation and the plans have been amended to reduce the number of side facing windows proposed in the upper floors. Provided that a condition requiring that the windows at first and second floor level including rooflights in the northwest and southeast elevations of the development are fitted with obscure glazing in perpetuity and fixed shut unless the opening parts are in excess of 1.7 metres above the internal floor level of the room they serve, the relationship with the neighbouring properties is considered acceptable in terms of privacy and no undue overlooking would occur.
21. The development would retain a separation distance of approximately 2.1 metres between both side boundaries. This is very similar to the separation distance between the main side elevation of No. 21 and the side boundary of 2.2m, and greater than the gap of 1.5m between the main side elevation of No. 25 and the side boundary.
22. The projection of the ground floor to the rear of the proposed dwellings would follow the building line of the properties to either side and the main two storey rear elevation of the proposed dwellings would project 3 metres less to the rear than No. 21 and would project approx. 2.2 metres beyond the main rear elevation of No. 25. Given the separation distances involved this is compliant with Council guidelines for rearward projections and should therefore not result in loss of light or outlook for the properties either side. In addition, as the new dwelling would sit largely side by side with the properties either side it is not considered that they would result in any undue overshadowing of the adjacent properties or their gardens.
23. It is however considered that any future additions to the property would need to be carefully assessed to ensure adequate spaciousness is maintained and that the amenities of neighbours are not prejudiced. Consequently it is recommended that permitted development rights are removed for both properties.

#### Quality of accommodation

24. Adequate private amenity space is provided to the rear of the dwellings for the occupiers of both properties – the slightly smaller rear garden of the two plots has an area of approx. 186 sq. m. SPG1 states that approx. 80 sq. m of garden space should be provided for a 3 bedroom semi-detached house. As the other plot has a larger garden both are considered appropriate.

## Noise and disturbance

25. As a pair of semi-detached family homes it is not considered that the proposal would result in an undue increase in noise or disturbance other than the usual domestic noise associated with such dwellings.
26. In conclusion the proposal would not result in material harm to the living conditions of occupiers of neighbouring properties and is considered to be compliant with Core Strategy L7, the NPPF and SPG1.

## PARKING AND HIGHWAY SAFETY

27. Policy L7 states that in relation to matters of functionality, development must:
- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
  - Provide sufficient off-street car and cycle parking, manoeuvring and operation space;
28. The proposals involve the creation of a new access from Stanhope Road to each proposed dwelling. A sliding gate is to be provided to each access and this arrangement is accepted by the LHA. Servicing would also be carried out from Stanhope Road. As a result of the proposals the existing access from Stanhope Road would become redundant and would be closed and a length of full height kerb should be installed across the redundant access. The LHA have not raised any concerns over the highway safety impacts of the scheme and have no objection to these access / egress arrangements but an informative is attached to draw the applicant's attention is drawn to the need to gain further approval from Trafford Councils Streetworks Section for the construction, removal or amendment of a pavement crossing under the provision of section 184 of the Highways Act 1980.
29. The scheme proposes 3 parking spaces within the curtilage of each dwelling. SPD3: Parking Standards and Design for Trafford states that for a 4+ bedroom dwelling in this area, 3 off-street parking spaces are required. There is sufficient space on the proposed hardstanding area to the front of each property for three parking spaces. The parking provision therefore meets the requirements and is accepted by the LHA and it is not considered therefore that the proposal would result in any material on street parking issues. The scheme is considered to be compliant with Policies L4 and L7 of the Trafford Core Strategy.

## TREES AND ECOLOGY

30. The trees on the site are not protected by a TPO and the site is not within a Conservation Area. There are mature trees on or adjacent to the boundaries of the site although a number of these are conifers. The site layout plan states that the mature trees on the rear garden boundary are to be retained and provided that an

appropriate landscaping scheme for the whole site is achieved via planning condition it is considered that this would be acceptable.

31. The comments of the GMEU are noted and a condition is attached stating that the soffit boxes must be removed carefully by hand with the presence of bats borne in mind, prior to demolition. In the unlikely event that bats are found at any time during works, then work should cease immediately and advice sought from a suitably qualified bat worker. A condition is also required regarding clearance of vegetation during bird breeding season and for the provision of biodiversity enhancement features such as bat or bird boxes.

## OTHER MATTERS

32. It is considered appropriate to attach a standard drainage condition. No contaminated land conditions are required.

## CONCLUSION

33. The proposed scheme is considered acceptable in terms of design and visual amenity, residential amenity and highway safety and would comply with Policies L4 and L7 of the Trafford Core Strategy and guidance in the NPPF. As such it is recommended that planning permission should be granted, subject to conditions.

## **DEVELOPER CONTRIBUTIONS**

34. 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).

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 010 Rev A, 011 Rev B, 012 Rev B, 013 Rev B, 014 Rev A, 015 Rev D, 016 Rev E, 017 Rev E, 018 Rev E, 019 Rev E

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

3. Notwithstanding the details submitted to date, no above ground construction shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- (i) no external alterations shall be carried out to the dwelling
- (ii) no extensions shall be carried out to the dwelling
- (iii) no garages or carports shall be erected within the curtilage of the dwelling
- (iv) no vehicle standing space or other areas of hardstanding shall be provided within the curtilage of the dwelling
- (v) no buildings, gates, wall fences or other structures shall be erected within the curtilage of the dwelling
- (vi) no means of access shall be constructed to the curtilage of the dwelling
- (vii) no windows or dormer windows shall be added to the dwelling

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

Reason. To protect the residential and visual amenities of the area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework

5. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials (which shall be permeable unless the drainage details submitted allow otherwise), planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
- (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

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

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

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

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

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

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

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

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



condition requires the submission of information prior to the commencement of development because the approved details will need to be incorporated into the development.

9. 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 in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The potential bat roosting features (soffit boxes) identified in the Bat Survey Report by Kingdom Ecology dated 3rd September 2016 shall be inspected for the presence of bats and removed carefully by hand. The outcome of this inspection shall be submitted to and approved in writing by the Local Planning Authority prior to any further demolition work taking place. If any bats or signs of bats are recorded work must cease immediately and further advice sought from a licensed bat ecologist.

Reason: In order to protect any bats that may be present on the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development because any work carried out could cause harm to protected species.

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

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The condition requires the submission of information prior to the commencement of development because any work carried out could cause harm to protected species.

12. Prior to any above ground construction work first taking place, a scheme detailing biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include bat bricks and/or tubes within the new dwelling or bat and bird boxes to be placed on trees on the site, the location and species of which shall be indicated on a site plan. The approved measures shall thereafter be implemented in accordance with the approved details prior to first occupation of the dwelling and retained thereafter.

Reason: In order to protect and enhance the ecology of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

13. 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 to the rear of the dwellings hereby permitted shall not be used as a balcony, terrace, roof garden or similar amenity area.

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

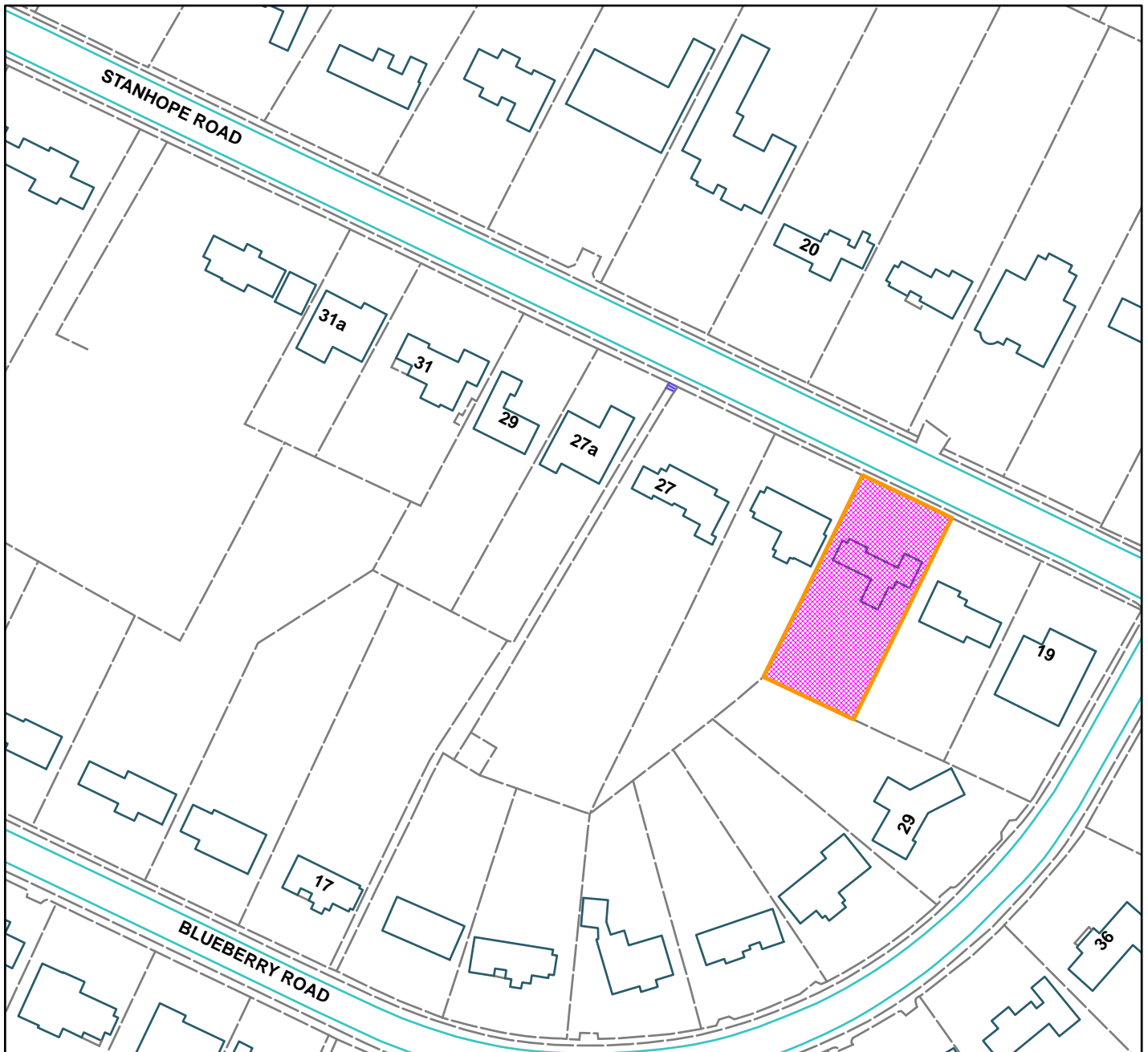
Informative re: pavement crossing

JJ

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23 Stanhope Road, Bowdon (site hatched on plan)



Scale: 1:1,250

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|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 12/01/2017 |
| Date         | 22/12/2016                |
| MSA Number   | 100023172 (2012)          |

**Expansion of Park Road Primary School to allow for two forms entry, works to include the demolition of an existing toilet block, erection of two single storey extensions, in-fill extensions to create larger group/storage spaces along the Park Road frontage, erection of an extension to create new entrance on Park Road and widening of existing Junior Corridor to create resource teaching space**

Park Road Primary School, Abbey Road, Sale, M33 6HT

**APPLICANT:** Trafford Council

**AGENT:** Amey Consulting and Rail Property

**RECOMMENDATION: GRANT**

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**This application is to be reported to the Planning and Development Management Committee as there have been representations contrary to the officer recommendation.**

### **SITE**

The application relates to Park Road Primary School which is situated on a roughly rectangular site bounded by Abbey Road, Park Road and Southern Road with houses adjoining the site at the eastern end.

The school building is arranged in a horseshoe shape on the western side of the site with the school playing fields at the eastern end. There is a hardsurfaced play area within the courtyard at the centre of the school buildings. There are railings around the school site and some mature trees around the site boundaries. The site slopes gently down from north to south.

The main entrance to the school is on the Abbey Road frontage on the northern elevation of the school and the parking area is also accessed from here.

The building is single storey in nature and is brick with clay roof tiles and predominantly dates from the 1930s although there have been later extensions and alterations. There are pitched roofs and flat roofs on the building.

The area around the school is residential in nature, predominantly semi-detached and terraced houses.

## **PROPOSAL**

Planning permission is sought for extensions and alterations to the school to facilitate an increase in the size of the school from one and a half form entry to two form entry.

The proposal would include:

- Erection of single storey extensions to form 2 reception classrooms at the northeastern end of the school and 2 junior classrooms at the southeastern extent of the school.
- Enlargement of W.C. block on Park Road frontage to accommodate the additional pupils and creation of an accessible W.C. and the relocation of the main entrance from Abbey Road to Park Road.
- Two infill extensions to enlarge two store areas on the Park Road frontage.
- Creation of an 8 space staff car park on the Park Road frontage with a new vehicular access from Park Road.
- A new access ramp to provide level access to the Park Road entrance through to the main hall.
- Widening of the existing junior corridor.

The increase in floor space as a result of the proposed development would be 346 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 and Accessibility

L7 – Design

L8 – Planning Obligations

R2 – Natural Environment

R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Part of the school site is allocated as Protected Open Space

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

OSR5 – Protected Open Space

## **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016 with a further period of consultation likely in 2017 and adoption anticipated in 2018.

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

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

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

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

## **RELEVANT PLANNING HISTORY**

81580/FULL/2013 – Erection of an extension to eastern end of main school building to create new classroom and associated facilities, and an infill extension within northern elevation to form new entrance lobby – Approved 2014

H/58903 – Erection of a single storey covered link corridor/play area – Approved 2004

H/39551 – Erection of a single storey building to form a nursery, the provision of new parking space and new bin store – Approved 1994

H/12260 – Siting of single mobile classroom unit – Deemed Consent 1980

## **APPLICANT'S SUBMISSION**

A Design and Access Statement has been submitted in support of the application and this will be referred to as necessary within the report.

## **CONSULTATIONS**

**LHA** – No objection in principle subject to appropriate conditions. Comments are discussed in more detail in the Observations section of the report.

**Pollution and Licensing (Contaminated Land)** – No contaminated land conditions required

**Lead Local Flood Authority** - No objections in principle subject to an appropriate drainage condition.

### **Greater Manchester Ecology Unit (GMEU) – Bats**

The toilet block which is to be demolished is a single storey brick built flat roofed building with no soffits/fascia or barge boards. The building does not tie into the main roof of the school. The building is located in a built up residential area of Sale, with little in the way of foraging and commuting habitat in the immediate locality, however the River Mersey lies approximately 400 metres to the north of the site. The building to be demolished is considered to have a negligible potential to support roosting bats. Some of the new extensions will tie into the existing roofline of the school; however all of this work will be undertaken by hand. Given the above the GMEU do not consider that a bat survey is necessary at this time. They do however recommend that the contractors carrying out the work be briefed about the possible presence of bats and all work should be carried out with the possible presence of bats borne in mind. If bats are found or suspected at any time, then work should cease immediately and advice sought from a suitably qualified bat worker and an informative to this effect should be placed on any permission, if granted.

In conclusion the GMEU are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the informative above.

## **REPRESENTATIONS**

**Neighbours:** Objections have been received from 6 separate addresses, comments summarised as follows:-

- Highway safety concerns and increased congestion and parking issues due to influx of traffic at beginning and end of the school day - traffic surveys should be carried out prior to Committee as existing congestion problems cause severe disruption for residents which will increase
- The school is an island site surrounded by houses and parents shouldn't be allowed to park within 500m of the school. Area should be residents parking only – inconsiderate parent parking blocks drive
- The works site entrance would be better on Southern Road than Abbey Road which is much narrower
- The scheme will block light and affect privacy.

- Increased pollution and noise
- Loss of open aspect / established views – wouldn't have bought house here if they'd known
- Dangerous precedent for erosion of playing field areas
- The design and appearance of the development is not in keeping with the existing structures in terms of style and quality of materials
- Construction dirt and noise and inconvenience from contractors' vehicles. If approved a compound should be located on the school field with access to the site from the field gates on Southern Road
- Other local schools with more space to expand should be utilised. Has this option been given proper consideration?
- The proposed parking area would be above the school boiler room and is therefore a structural issue
- No consideration has been given to residents despite concerns raised at the consultation meeting at the school.

## **OBSERVATIONS**

### PRINCIPLE

1. The playing field at the eastern end of the Park Road Primary School site is allocated on the Revised Trafford Unitary Development Plan as 'Protected Open Space'. The site of the proposed single storey extension to provide the reception classrooms would encroaches slightly into the allocated area however on site this area is currently used as a hardsurfaced parking area and walled bin store and a tarmaced pathway and is not usable as playing field. This slight encroachment to facilitate the expansion of the school is therefore considered to constitute an acceptable loss as it would not directly impact on the use of the existing playing fields.
2. The proposal is for extensions and alterations within the grounds of the existing school. This is driven by a critical shortage of places for primary school children within the school's catchment area. The proposal to increase the size of the school from a one and half form entry to two form entry is to enable the Council to fulfil its statutory obligations to provide school places for all eligible local children. The proposed development would therefore have the wider public benefit of facilitating improvements to the educational facilities at the site.
3. Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
  - give great weight to the need to create, expand or alter schools; and
  - work with schools promoters to identify and resolve key planning issues before applications are submitted.



4. As such the proposal is acceptable in principle as it is complementary to the existing school use on site and does not materially affect useable areas of Protected Open Space, subject to compliance with other development plan policies in regards to design, residential amenity and highway safety.

## DESIGN AND IMPACT ON THE STREETSCENE

5. Policy L7 states that 'In relation to matters of design, development must:
  - Be appropriate in its context;
  - Make best use of opportunities to improve the character and quality of an area;
  - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment;
6. The existing building, which appears to date largely from the 1930s, whilst having some character does not have any particular architectural significance. The main extensions to create 4 additional classrooms would be situated on the Southern Road and Abbey Road frontages with smaller infill extensions on the Park Road frontage.
7. The extensions would be single storey and the siting and design has been driven by the limited space within the site and the need to maintain as much hard and soft play areas as possible. The location of the extensions would be such that they would form a continuation of the existing building line of the school and the mix of flat and pitched roofed extensions reflect the existing design of the adjacent school at the points they join up with it.
8. The proposed materials for the extensions would be sympathetic to the original building with brickwork and tiles to match existing. There is already a mixture of styles within the school site as the building has been extended and altered over the years to meet the needs of the school. The proposed extensions are considered to be appropriately designed and would integrate well into the existing school site. In this regard it is considered that the proposal complies with Policy L7 of the Core Strategy and would not have a detrimental impact on the streetscene.

## IMPACT ON RESIDENTIAL AMENITY

9. Policy L7 states that 'In relation to matters of amenity protection, development must:
  - Be compatible with the surrounding area; and
  - Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing,

overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.

10. The school site is surrounded by residential dwellings and is set in a predominantly residential area. All of the proposed extensions to the school would be single storey. They would maintain the existing building line of the school and would therefore be no closer than the existing school buildings to the adjacent properties opposite and would be approximately 21 metres away from houses opposite. For these reasons it is not considered that the extensions would be overbearing or result in loss of light or privacy to adjacent residential properties. It is noted that objections have been received on the grounds that the proposal would impact on open views across the site; however there is no right to a particular view under planning legislation and therefore this would not constitute a reason for refusal of the application.
11. It is not considered that the extensions would lead to additional noise generally in the area as noise would be contained within the building. While the increase in numbers at the school may lead to some increase in noise during outdoor play this would be during daytime hours and this is an established school site. It is not considered that the proposals would materially increase general noise pollution levels in the area.
12. Concerns have also been raised regarding noise and disruption during construction works. The impact of construction work is temporary in nature and if construction noise becomes a serious problem, this can be investigated by the Pollution and Licensing Section under the relevant legislation. It is not reasonable to refuse development on the basis of the issues associated with construction work as this is common to all new development. A Construction Management Plan condition is however recommended to ensure that the construction takes place in a manner that seeks to minimise disruption for local residents.
13. It is noted that objectors have raised concerns about increased traffic and parking demands as a result of the proposal and the impact of this on their amenity. The traffic impacts of the proposal are considered in detail below.

#### PARKING AND HIGHWAYS ISSUES

14. Policy L7 states that in relation to matters of functionality, development must:
  - Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
  - Provide sufficient off-street car and cycle parking, manoeuvring and operation space;
15. The school proposes to expand to a 2 Form Entry Primary School which would result in an increase in pupils from approximately 315 to approximately 420 pupils over 7 years. There are currently 30 full time staff and 8 part time staff (34 full time

equivalents) and the proposals would take this to 36 full time and 9 part time staff (41 full time equivalents).

16. Currently there are 7 off street car parking spaces provided for staff and no formal provision for motorcycle or cycle parking. The proposals increase the number of off street staff car parking spaces to 15 by introducing an additional car parking area accessed from Park Road, although this includes 2 sets of tandem spaces. One motorcycle space, 12 cycle spaces and 30 scooter spaces are also proposed which would need to be secure and covered.
17. The access to the additional staff car parking area is acceptable to the LHA and provides adequate visibility. Pupil access remains broadly as existing and is segregated from the staff car parking. Current access for servicing vehicles appears to be from Abbey Road to the east of the existing buildings and it appears that this will be retained and this is also acceptable to the LHA. Overall the off street car parking provision for staff will improve so this is accepted by the LHA although 2 disabled spaces should be included in the layout. These spaces could be used by other members of staff at times when there are no disabled staff employed at the school.
18. The LHA also comment on school start and finish times and the behaviour associated with pupils travelling to and from school. It is assumed that the increase in pupil numbers will be incremental i.e. from 1.5 to 2.0 form entry over 7 years, with the first intake to 2.0FE in year 1 working their way through the school over 7 years. This means that the full impact of the expansion will not be realised immediately, however, the LHA have based their assessment on the proposed full capacity i.e. approx. 420 pupils.
19. A recent travel survey for the school indicates that 64% of pupils walk to school with 12% (35) travelling by car every day and a further 24% travelling by car occasionally. The Trics analysis indicates that there may be an increase of 54 two way vehicle trips in the morning peak and an increase of 39 two way vehicle trips in the afternoon period. Whilst this goes on to distribute these trips over the respective hourly periods, in practice this will be more concentrated, say over half hour periods but the effect of this concentration will be lessened by the mode share. More pupils are walking to this primary school than the national average, hence less are being brought by car. This, coupled with the introduction of new entrances and split by nursery, primary and juniors, is considered adequate to cater for the future use of the school and should improve the current situation at school start and finish times.
20. The LHA have commented that a number of vehicles appear to park on the footway of Abbey Road although it is not clear if these vehicles are associated with the residential properties opposite or associated with the school. This could have an impact on pupil safety but is an existing situation which is unlikely to worsen significantly by the development. The LHA have suggested that with some support from the school and enforcement agencies this could be improved and this matter

will be pursued through the appropriate channels. It is outside the scope of this planning application to control.

21. The school should however produce a travel plan which will need to contain an action plan with ambitious but realistic targets to encourage sustainable travel to and from school by both pupils and staff and to discourage car use. This will also need to include a mechanism for monitoring and review over a minimum 10 year period. Subject to this being a condition of any approval the LHA would have no objections to the proposals.

## TREES, LANDSCAPING AND ECOLOGY

22. The GMEU have raised no objections to the proposed demolition and building works subject to an informative regarding bats.
23. The proposals would result in the loss of 3 trees (one on Abbey Road frontage one on the Park Road frontage) to facilitate the new parking arrangements and one on the site of the new reception classrooms. It is not considered that these trees are worthy of retention and they are not protected specifically by a Tree Preservation Order. However in view of this and in order to enhance the natural environment, tree and shrub planting within the site is a requirement and a landscaping scheme detailing such planting which shall include native species will improve the landscape character and assist in supporting wildlife. A tree protection condition is recommended to protect other trees on the site during construction.

## OTHER MATTERS

24. It is considered appropriate to attach a standard drainage condition. No contaminated land conditions are required.
25. Structural stability issues would be addressed through the Building Regulations legislation
26. Some objectors consider that other local schools should be extended rather than Park Road Primary as they have more space within their sites to expand. It is not the remit of the planning system to question the need or location of additional school places – it is a matter for the Schools Places Team to determine this need.

## CONCLUSION

27. It is considered that the scheme would support the stated intentions in the NPPF of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It is considered that the design of the extensions is appropriate to the site and that the scheme would not materially impact on residential amenity. The parking and access arrangements are considered acceptable and appropriate conditions are attached to ensure the car and cycle

parking is provided and that a Travel Plan is produced to reduce reliance on car travel to the school. The objections raised do not outweigh the need to create, expand or alter schools to provide for local communities and as such the application is considered compliant with the relevant local and national policies.

## **DEVELOPER CONTRIBUTIONS**

28. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of public or institutional facility and consequently the development 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).
29. No other planning obligations are required.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CO36800150 – 00 01, CO36800150 – 00 04 Rev P0, CO36800150 – A – 00 08 Rev P0, CO36800150 – A – 00 09 Rev P0, CO36800150 – A – 00 10 Rev P0, CO36800150 – A – 00 13 Rev P0, CO36800150 – A – 00 14 Rev P0, CO36800150 – 20 01, CO36800150 – 20 02, CO36800150 – 20 03

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

3. Notwithstanding the details submitted to date, no above ground construction shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works, to include at least 3 new trees 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 (which shall be permeable unless the drainage details submitted allow otherwise), planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

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

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

5. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. 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 and in accordance with Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

development because the approved details will need to be incorporated into the development.

7. The development hereby approved shall not be occupied until a scheme for motorcycle and cycle storage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the requirements of Section 11 of SPD3 and the approved scheme shall be implemented in accordance with the approved details before the development is brought into use and shall be retained at all times thereafter.

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

8. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement, loading, unloading and parking of vehicles (including two spaces for disabled parking) have been provided, constructed and surfaced in complete accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and shall be retained at all times 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.

9. No development shall commence until details of a Travel Plan, which should include measurable targets for reducing car travel, has been submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development hereby permitted the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

Reason: To reduce car travel to and from the site in the interests of residential amenity and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. a car park management strategy providing details of the alternative parking arrangements for users of the school during all phases of construction
  - iii. loading and unloading of plant and materials
  - iv. storage of plant and materials used in constructing the development

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. details of hours of construction works

Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. This is required prior to the commencement of development to ensure that the impact of the work is minimised from the outset of the development works.

Informative re: Bats

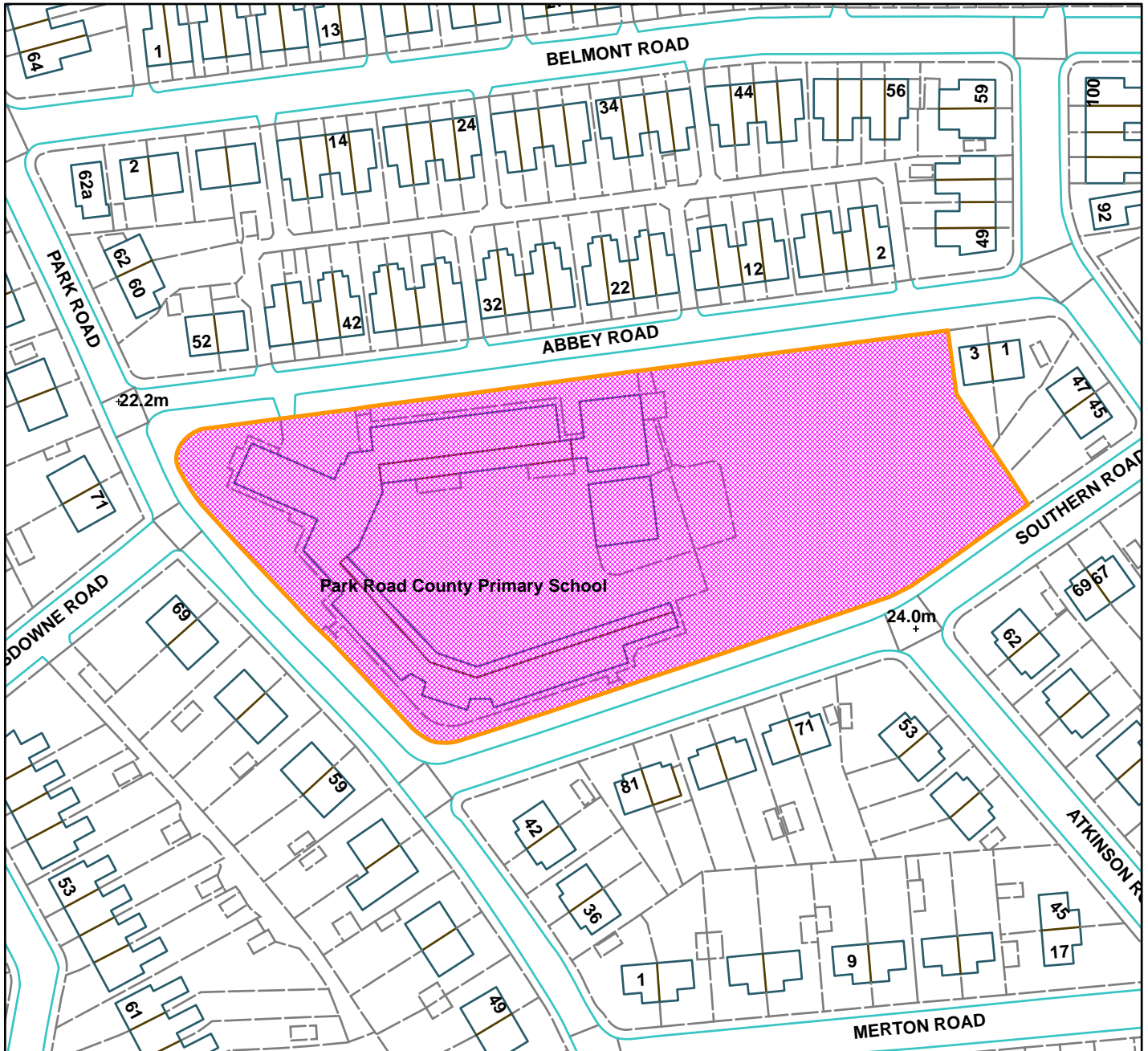
JJ

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Park Road Primary School, Abbey Road, Sale (site hatched on plan)



Scale: 1:1,250

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|--------------|---------------------------|
| Organisation | Trafford Council          |
| Department   | Planning Service          |
| Comments     | Committee date 12/01/2017 |
| Date         | 22/12/2016                |
| MSA Number   | 100023172 (2012)          |