

**WARD: Bowdon**

**103057/OUT/20**

**DEPARTURE: No**

**Outline planning application for the erection of a pair of new semi-detached dwellings with new vehicular entrances onto Bow Green Road following demolition of the existing dwelling. Consent is sought for access, appearance, scale and layout with landscaping reserved.**

9 Bow Green Road, Bowdon, WA14 3LX

**APPLICANT:** Dr Z. Rab Alvi

**AGENT:** N/A

**RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee because it has received six objections contrary to the Officer recommendation of approval.**

#### EXECUTIVE SUMMARY

The application seeks outline permission for a pair of semi-detached houses on the site of the existing house. Consent is sought for appearance, scale, layout and access with landscaping reserved. The houses would have accommodation over three floors with the majority of the second floor accommodation within the roof space. Three off street parking spaces would be provided per dwelling. The dwellings would have a pitched roof design with gable features and dormers and use of buff coloured brickwork, stone and slate.

With the exception of some changes to the size and positions of the first floor windows in the side elevations, the application proposal is identical to a previously approved development (planning permission 93111/FUL/17 which expired earlier this year). This is given significant weight as the policies at local level remain unchanged while the revisions to the NPPF/NPPG do not materially change the assessment of the acceptability of the proposal.

The Council's current housing land supply position automatically triggers the tilted balance but, in any case, the proposal is considered to be acceptable in policy terms and in terms of design, residential amenity, trees, ecology, parking, highway safety and drainage.

In respect of the tests of NPPF paragraph 11, there are no policies protecting areas or assets of particular importance that would provide a clear reason for refusing the development proposed and there are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits of granting planning permission (namely, the provision of one (net) additional family dwelling in a sustainable location, contributing to the Borough's housing supply (following the demolition of the existing dwelling), together with a small economic benefit arising from the construction process). The application is therefore recommended for approval, subject to appropriate conditions.

## **SITE**

The application site comprises of an 'L' shaped plot of land accommodating a 1920s era 2.5 storey detached dwelling and detached garage occupying the northern part of the plot (the northern element), and an overgrown vegetated area forming the southern part (the southern element), both of these elements fronting Bow Green Road to the north-west, and the southern element also fronting Stanhope Road to the south-west. The site is on the southern slope of Bowdon Hill such that the ground levels fall moving north-east to south-west along Bow Green Road.

Boundaries are marked by stone walls topped by self-seeded vegetation fronting Bow Green Road and Stanhope Road to the north-west and south-west; hedges and fencing along the northern element's north-east and south-east boundaries; and wood panel fencing along the northern element's south-west boundary separating it from land originally included within the wider plot and forming part of its original garden, which has been sold off. The northern element's north-west, north-east and south-east boundaries are screened by mature trees and vegetation.

Vehicular access to the site is from Bow Green Road into the northern element, with parking being provided on a long driveway between the dwelling's front (north-east) elevation and the boundary with Fairways (No. 5 Bow Green Road) and Pear Tree (No. 7 Bow Green Road) to the north. To the rear (south-east) of the northern element are relatively modern detached houses; the side of Chatsworth House and the rear of Marlborough House.

There are a number of trees on site, none of which are protected by a Tree Preservation Order. There is however an Area Tree Preservation Order protecting the adjacent trees located within the curtilage of Chatsworth House and Marlborough House.

The plot is bound by large residential properties to all sides, with the remainder of the southern/south-eastern part of the original wider plot having been sold off as two separate plots, which each have planning permission for a pair of semi-detached dwellings as per planning permission references 99487/FUL/19 and 94928/FUL/18.

## **PROPOSAL**

Outline planning consent is sought for the demolition of the current building and the erection of a pair of 2.5 storey three bedroom semi-detached dwellings over the northern part of the L-shaped plot, Plot 1 to the north and Plot 2 to the south.

Consent is sought for appearance, scale, layout and access with landscaping reserved.

The design and layout of the scheme proposed through the current application is the same as that approved through planning permission reference 93111/FUL/17, which expired on 17 March 2021, the only differences being some minor changes to the proposed side windows.

### **Appearance**

The dwellings would have a contemporary design with a dual pitched roof and front and rear facing dual pitch roofed gables, together with front and rear facing flat roofed two storey elements. The dwellings would have a front facing shared dormer with dual pitch roof, front facing first floor balconies, front and rear facing second floor balconies, and chimney stacks to each side gable. The roof would include front and rear facing roof lights.

The front and rear facing elevations would include large amounts of glazing especially at second floor at the upper portion of the front and rear facing gable elements. Materials would comprise of buff brick, stone facing, timber/aluminium doors and windows, glass terrace balustrades and grey slate roofs.

### Layout

The internal layout would comprise of a hallway, reception room, cloakroom, and open plan kitchen-diner-living room at ground floor; two en-suite bedrooms with walk-in dressing rooms, a gym with walk-in WC and storage room, laundry room and office at first floor; and a third en-suite bedroom with walk-in dressing room at loft level.

Whilst landscaping is a reserved matter, the wider site plan indicates this would comprise of a parking area to the front (north-west) and garden to the rear (south-east) together with rear patio. Two new sets of metal or timber gates would be installed at the plots' front boundaries.

### Scale

The dwellings would have a roof ridge height of 11.5m and an eaves height of 6.46m. They would each be 20m long and would combined have a total width of 15.9m, including the side projecting chimney breasts. Plot 1 and Plot 2 would be 1.6m and 1.37m from the north-east and south-west (side) boundaries respectively. Plot 1 would be 17m and Plot 2 would be 17.7m from their front boundaries (the boundary angled at this point) and 16.7m from the rear boundary.

### Access

Access would be taken from Bow Green Road to the north-west via two new pairs of metal/timber double gates.

## **DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25 January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the

Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 - Planning Obligations;  
SPD3 - Parking Standards & Design;  
PG1 - New Residential Development;  
SPG24 - Crime and Security.

## **PROPOSALS MAP NOTATION**

Critical Drainage Area.

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

None.

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

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3<sup>rd</sup> October 2021 and submission of the Plan for Examination in Public is expected to be early 2022. PfE is now at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

The application site, together with the wider original application site which also includes land to the south-east, has been the subject of multiple planning applications for residential development submitted by the applicant and subsequent owners of parts of the wider plot since 2010, several of these applications currently pending.

102428/OUT/20: Outline planning application for the erection of a pair of new semi-detached dwellings with new vehicular entrances onto Stanhope Road together with hard and soft landscaping following demolition of the existing dwelling. Consent is sought for access, appearance, scale and layout with landscaping reserved. Pending. This application relates to the south-western part of the applicant's L-shaped plot.

99642/FUL/19: Erection of a pair of new semi-detached dwellings with new vehicle entrances onto Stanhope Road together with hard and soft landscaping and demolition of the existing dwelling. Pending. This application relates to the south-western part of the applicant's L-shaped plot.

99487/FUL/19: Erection of a new pair of semi-detached house and demolition of the existing dwelling. Approved 12 July 2021. This application relates to the plot to the south/south-east of the application site on land no longer owned by the applicant.

97076/RES/19: Application for approval of reserved matters for the landscaping for plot 3 approved under outline planning permission 86978/OUT/15. Approved 22 January 2020. This application relates to the south-western part of the applicant's L-shaped plot.

96461/OUT/18: Outline application for the erection of one house following the demolition of the existing house (consent for access, appearance, layout and scale with all other matter reserved). Approved 21 August 2019. This application relates to the south-western part of the applicant's L-shaped plot and proposes a single detached dwelling of the same design and location for this part of the originally wider rectangular plot as per approved outline consent 86978/OUT/15.

96397/FUL/18: The erection of a pair of new semi-detached dwellings with new vehicle entrances onto Stanhope Road together with hard and soft landscaping and demolition of the existing dwelling. Refused 11 October 2019. Appeal allowed 25 September 2020. This application relates to the south-western part of the applicant's L-shaped plot.

94928/FUL/18: Erection of a pair of semi-detached houses. Approved 14 June 2019. This application relates to the south-east corner of the original application site, which is now longer owned by the applicant.

93111/FUL/17: Erection of a pair of new semi-detached dwellings following the demolition of the existing dwelling. Approved 16 March 2018. This application related

to the northern part of the current application site currently occupied by the existing dwelling house.

90644/FUL/17: The erection of a pair of new semi-detached dwellings and the demolition of the existing dwelling. Approved 11 April 2017. This relates to the plot to the south/south-east of the application site, which is no longer owned by the applicant, for the erection of a pair of semis in place of the previously approved single dwelling as per 86978/OUT/15.

87549/FUL/16: Erection of a dwelling with accommodation over three floors above ground level. Approved 18 May 2016. This application related to the south-east of the original rectangular plot and is no longer in the applicant's possession.

86978/OUT/15: Outline planning permission for the erection of 2 semi-detached houses and 3 detached houses following demolition of existing house (consent sought for access, appearance, layout and scale with all other matters reserved). Approved 8 March 2016. This application related to the original wider plot and included a pair of semi-detached dwellings in the approximate location of the current proposal.

85402/RES/15: Application for approval of reserved matters for the appearance and landscaping of 3 detached dwellings approved under outline planning permission 75480/O/2010. Approved 11 June 2015. This application related to the original rectangular plot and included a detached dwelling in the general location of the current proposal.

75480/O/2010: Outline application (including details of access, layout and scale) for demolition of existing dwelling and erection of three detached dwellings. Approved 23 April 2012. This application related to the original rectangular plot and included a detached dwelling in the general location of the current proposal.

### **APPLICANT'S SUBMISSION**

None.

### **CONSULTATIONS**

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

**LLFA** - No objection subject to condition.

**GMEU** - No objection.

**Land Contamination** - No comment.

**Environmental Health (Nuisance)** - No objection subject to conditions.

**Arboriculturalist** - No objection subject to condition.

**United Utilities** - No objection.

## **REPRESENTATIONS**

Letters of objection have been received from six properties, which raise the following issues:

- The new dwellings would be too large compared to surrounding properties.
- The development would result in an unacceptable overdevelopment of the plot when added to the other consented dwellings on the wider original plot, especially when compared to other approved schemes on surrounding plots which proposed fewer houses.
- The proposal would result in an unacceptable regimented layout.
- The proposed semi-detached dwellings would be out of character with the local area which is characterised by detached dwellings.
- The proposal would unacceptably impact the building line and sight lines.
- The new dwellings would result in an unacceptable privacy impact.
- The proposal would result in an unacceptable overbearing impact on neighbouring plots.
- The proposal would result in an unacceptable noise and light pollution impact.
- The development, when added to the other properties proposed for the remainder of the wider plot, with their resulting provision of additional vehicle entrances, would result in an unacceptable traffic hazard.
- The Planning Inspectorate approved the previous application subject to multiple planning conditions, which have not been included in the current submission.
- The application is misleading in asserting it proposes two new dwellings, when it should also refer to the further two dwellings proposed at the southern portion of the wider plot.
- The application is misleading in claiming each proposed dwelling would have three bedrooms when there is clearly room for six bedrooms in both.
- The CIL declaration is misleading. The applicant can only claim a CIL exemption for one dwelling however he is claiming for four, the two for the current application, and a further two on the remainder of the plot subject to another application.

- The plans do not include all existing trees along the Bow Green Road frontage. The proposed hard standing will encroach within the root protection areas of several of these trees.
- The measurements on the submitted plans are incorrect.
- The applicant has submitted multiple planning applications over the past decade.

One of the objection letters comprises of a detailed statement from a Planning Consultant representing a neighbouring occupant, which raises the following additional points (the following does not including several of those points already noted above to avoid duplication):

- The Applicant has failed to provide sufficient supporting information to allow the LPA to correctly assess the impact of the proposed development.
- Whilst an application had previously been granted consent on this site for a pair of semi-detached houses (as per 86978/OUT/15), this allowed for the erection of a 2.5 storey pair of semi-detached houses, whereas this application is for the erection of a pair of semi-detached 3 storey houses.
- The principle of residential development has been accepted at the site, as demonstrated through the numerous successful applications including the current extant consents. However, the Applicant continues to seek to expand the scope of development allowed, seeking to maximise the density and value of the site.
- The proposed development fails to accord with the provisions of the National Planning Policy Framework and the adopted Development Plan.
- The applicant has also not understood the live issues and has failed to deal with them; as such any grant of consent may well fall foul of the relevant legal tests and could result in a claim for Judicial Review.
- There has been a significant level of objection to the numerous schemes at the site and yet the applicant has failed to take into consideration the substance and basis of these objections and previous reasons for refusal, resulting in the submission of multiple schemes that are not significantly materially different from each other.
- The applicant has submitted two CIL self-build exemption forms in their own name, however the application is for two separate dwellings. The applicant has also submitted two self-build exemption forms for the live application reference 102428/OUT/20. The objector therefore does not accept that the applicant intends to build out all four dwellings and reside at each and the Council should consider all four forms inapplicable. The LPA should reject the exemption forms and require a full CIL payment from the applicant.
- The development description on the CIL form is incorrect.

- The self-build exemption form is also incorrect in that it does not provide the details of the market/social housing floor space.
- Given the gross scale of development being proposed, the poorly conceived design of the proposed dwellings, the impact on neighbour amenity and the lack of consideration paid within the scheme to the local environment, the proposal does not represent sustainable development and should therefore be refused.
- The numerous expired consents for residential dwellings at this site means that should the application be approved the applicant cannot be relied upon to implement the scheme and therefore it does not provide a reliable source of housing supply.
- The applicant has failed to provide sufficient information to allow for an assessment of the proposal's climate change impacts.
- The proposed development would result in the loss of a significant number of trees and hedges which currently make an important contribution to the street scene as well as act as habitat and wildlife corridors.
- There has been no evidence submitted to suggest the applicant has sought to implement measures to increase the energy performance of the dwellings and the objector considers this to be a material consideration weighing against the development.
- Whilst the application site is not within the Conservation Area, it is noted to be located adjacent to it, and as such the harm from the scheme on the character and appearance of the Conservation Area should be addressed as part of the application.
- The applicant should submit a Heritage Statement to allow for a correct assessment of the proposal's impact on the Conservation Area.
- The applicant has failed to submit sufficient information in relation to the matter of site drainage, which should be considered prior to any approval.
- The proposal, being located relatively close to the road, could result in an unacceptable air quality impact for future residents.
- Allowing this unacceptable scheme would set a precedent for future applications.
- The proposal which was allowed at appeal has been amended to increase the footprint of the buildings even further, which creates an over dominant effect on the street scene.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
  - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policy L7 is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
6. There are no protective policies in the NPPF which provide a clear reason for refusing the development proposed. The Council does not, at present, have a five year supply of immediately available housing land and Paragraph 11d) ii) of the NPPF, the 'tilted balance', is therefore engaged. The report concludes that the proposal's housing land, design and amenity impacts are acceptable.

## **Housing Land**

7. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The plot is located in a residential area.
8. It is noted that the northern part of the site is currently occupied by the existing dwelling which would be demolished to facilitate the proposal, with a large part of the new dwellings built over the existing footprint. Nevertheless some of the new development would be built over parts of the plot currently not occupied by the

existing dwelling, including part of the existing garden. As such part of the site which would accommodate the proposal is considered to be greenfield land, as identified by the NPPF.

9. The proposal would therefore need to be considered in light of Core Strategy Policies L1.7-L1.8, specifically Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority. The part of the proposal which would be built within the current building's footprint would be on brownfield land. Moving on to the part of the proposal which would be built on greenfield land it is noted that the first priority of Core Strategy Policy L1.7, which details the release of land within regional centres and inner areas for new development of housing, does not apply in this case due to the location of the site. Therefore the application must be considered against the second and third points of Policy L1.7.
10. In this instance it is noted that the application site is located within an established residential area and is considered to be a sustainable location sited relatively close to public transport links, local schools and other community facilities. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
11. In terms of Policy L2 the proposed dwellings could be used for family housing and therefore would comply with L2.4. The proposal would likely result in a small economic benefit during its construction phase.
12. The proposal would contribute towards the Council's ability to meet its overall housing land target through the provision of an additional dwelling net of clearance.
13. Considering the above noted positive factors, although part of the application site is classed as greenfield land, the proposal nevertheless satisfies the tests of Policy L1.7 and relevant policies within the NPPF, as well the design/amenity requirements as outlined below. The application site is situated within a sustainable location and would also provide family homes within the area, in accordance with Core Strategy Policy L2. The proposal is considered to be acceptable in terms of housing policies with reference to Core Strategy Policies L1 and L2, the New Residential Development SPG and the NPPF.
14. The proposal is therefore considered to be acceptable in principle with reference to Core Strategy Policies L1, L2, the New Residential Development SPG and the NPPF, including paragraph 11 d) i) as there are no protective policies in the NPPF which provide a clear reason for the refusing the development proposed.

## **DESIGN AND IMPACT ON THE STREET SCENE**

15. *Paragraph 126 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and*

*development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*

16. Paragraph 134 states: *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.*
17. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
18. It is noted that the current proposal is almost identical to the scheme that was previously approved on this site through planning permission reference 93111/FUL/17, the only difference being minor changes to the size of the proposed side facing windows.
19. The proposed dwellings would be bound by large 20<sup>th</sup> Century and contemporary detached dwellings set within relatively large plots.

#### Siting and Footprint

20. The proposed dwellings would be set within the centre of the new plot. The proposal is considered to result in an acceptable impact on the existing building line. It would not result in an unacceptable overdevelopment of the plot and would maintain sufficient views / spaciousness to the sides.

#### Bulk, Scale, Massing and Height

21. The dwellings would have 2.5 storeys including accommodation within the roof spaces. They would be higher than the plot's current dwelling however they would not be out of proportion when compared to the surrounding properties. They are considered to be of an acceptable bulk, scale, massing and height. Planning permission would be subject to a condition setting the dwellings' ridge and eaves heights.
22. It is considered that the proposed dwelling would not undermine views along either Bow Green Road or Stanhope Road and would help to frame existing views along these roads.

#### Layout

23. The proposed internal layout would provide an acceptable standard of internal space for future occupants.

24. The proposed external layout would comprise of hard standing to the front and a mix of hard and soft landscaping to the remainder, including back gardens to the rear, which would be acceptable. It is noted that landscaping remains the sole reserved matter.

### Detailed Design

25. The dwellings would have a contemporary design with a main dual-pitched roof, gable elements, flat roofed two and 2.5 storey elements to the front and rear topped by external terraces, and chimney stacks. The proposal would introduce windows in each elevation. External materials would comprise of brickwork with stone detailing, grey roofing tiles and timber/aluminium doors. These elements are considered to be acceptable especially with reference to the fact that multiple nearby properties have a similar contemporary design and finish. Planning permission would be subject to standard materials and detailed design conditions.

26. Whilst Officers note that the local area currently does not contain any semi-detached dwellings, the proposal is considered to be well designed and the principle of semi-detached dwellings is not considered to be unacceptable at this location, and was accepted in the previous permission.

27. Whilst the proposed chimney stacks in the buildings' side elevations would be prominent features, it is considered that these elements would be acceptable within the overall context of the contemporary design.

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

### **IMPACT ON RESIDENTIAL AMENITY**

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

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

31. As concluded at the time of the previous application (93111/FUL/17) the proposal would result in an acceptable amenity impact on surrounding residential properties.

### **Impact on Pear Tree Cottage and Fairways to the North-East**

32. The dwellings Pear Tree Cottage and Fairways are located to the north-east of the application site. The proposed new dwelling in Plot 1 would be positioned approximately 1.6 metres from the boundary with the properties to the north. The

side facing first floor and loft level windows would serve a gym, WCs and voids and It is noted that the first floor window to the room proposed as a gym has been increased in size in comparison with the previous permitted scheme but, given the proposed use of this room (and the others served by windows on the side elevation), it is considered to be reasonable to condition these to be fitted with obscure glazing and restricted openings to prevent any unacceptable levels of close overlooking and loss of privacy for neighbouring occupants. The proposed balconies at second floor level would also project marginally beyond the roof overhang with clear views towards the side boundary to the north-east, as such a condition requiring privacy screens is recommended in order to limit any potential overlooking and harm to privacy.

33. Views from the proposed side facing ground floor windows into the neighbouring plots to the north-east would be screened by the retained boundary treatment at this point.

34. A distance of 15m is normally required to be maintained between a 2 storey wall and a main sole habitable room window in a neighbouring property to prevent development having an overbearing impact. The distance between the proposed new dwelling at Plot 1 and the main rear wall of Pear Tree Cottage to the north as shown on the submitted plans would be approximately 19m, which would be acceptable.

35. It is therefore considered that the proposal would not result in any undue loss of light or an unacceptable overbearing impact to these properties.

#### **Impact on Marlborough House and Chatsworth House to the South-East**

36. The proposed dwellings would be positioned approximately 17m away from the rear boundary with Marlborough House and Chatsworth House to the rear of the site.

37. The separation distance between the properties would be in excess of 30m and therefore in accordance with the relevant privacy guidelines set out in PG1. Given the overall distance between the properties the proposal exceeds the Council's guidelines and would not result in any unduly overbearing impact or unacceptable loss of light.

#### **Impact on Facing Properties on Opposite Side of Bow Green Road to the North-West**

38. The front facing windows/outlooks would be 31.5m from the facing properties' front boundaries and 46.8m from facing habitable room windows, which would be acceptable.

#### **Impact on Un-Developed Plot to the South-West of Proposed Plot 2 Gable**

39. At the present time the land to the south of the proposed gable elevation of Plot 2 is empty, this land designated as Plot 4. Planning permission has recently been granted (99487/FUL/19) for the erection of a new pair of semi-detached houses

and demolition of the existing dwelling, at Plot 4. If built out the new dwellings at Plot 4 would have ground floor rear facing habitable room outlooks which would face Plot 2's 2.5 storey gable elevation at a distance of 13.3m, which would be less than the 15m guideline in the New Residential Development guidelines. It is noted that the Committee report for 99487 stated the following regarding this relationship:

*It is noted that there is a now expired application to the north of the site (app no. 93111/FUL/17) which permitted a pair of semi-detached dwellings. While this is no longer extant, there is a current application 103057/OUT/20 for an identical proposal on that part of the site and it is therefore prudent to consider potential impacts based on those previously approved plans as a reference point. The rear of the proposed dwellings would look towards the sides and rear gardens of those units. Given the separation distances and side facing elevations of the properties in question the current proposal would not be materially detrimental to any future occupiers of those properties should they be built. The levels of separation would be sufficient to prevent loss of amenity to the future occupiers of that development were these proposal to be implemented in the future.*

40. It is noted that this would not affect existing residents and that the same relationship between these dwellings has been permitted previously given the previous applications on both sites and that there has not been any material change in circumstances since these previous decisions that would affect the assessment of residential amenity impacts. Therefore, it is considered that the proposed relationship between Plot 2's gable elevation and the approved properties at Plot 4 would be acceptable.
41. It is noted that the Nuisance consultee has confirmed no objection including with reference to the proposed dwellings' noise and light impacts on surrounding occupants.
42. The proposed dwelling at Plot 2 would be sited 1.37m from the boundary with Plots 3 and 4 outside of the site. The first floor and loft level windows would serve a gym, WC and voids and, whilst it is noted that the window serving the gym has been increased in size in comparison with the previous permission, it is therefore considered to be reasonable to condition these to be fitted with obscure glazing and restricted openings to prevent any unacceptable overlooking or loss of privacy. The proposed balconies at second floor level would project marginally beyond the roof overhang with clear views towards the side boundary to the south-west and as such a condition requiring privacy screens is recommended.
43. Plot 2's proposed side (south-west) facing ground floor windows would have a clear view into Plot 4, and no details of a proposed common boundary at this point have been provided. It is recommended that a condition is attached requiring details of boundary treatment including a screen fence along this boundary to ensure that there would be no undue overlooking.
44. The proposed dwellings would have an acceptable amount of garden space.

## **Conclusion**

45. In terms of impact upon neighbouring residents the proposed dwellings are compliant with the minimum separation distances to boundaries set out in PG1: New Residential Development in relation to existing properties outside the application site and consequently it is considered that the proposed development would not result in material loss of light, outlook or privacy or have an overbearing impact. Relationships to proposed properties on adjacent plots are also considered to be acceptable as discussed above. In addition due to the separation distances it is not considered that the proposal would result in light or noise pollution to neighbouring properties over and above what would normally be associated with family housing.
46. It is however considered that permitted development rights should be removed from the properties to prevent extensions and alterations to the buildings. This would prevent any uncontrolled extensions or addition of windows or other openings in the future that could result in loss of amenity.
47. Officers consider it reasonable to also include a condition stating the bottom edge of each proposed roof light should be a minimum of 1.7m above internal floor levels to prevent unacceptable overlooking of the adjacent plots to the north-east and south-west.
48. Subject to the attachment of conditions regarding the fitting of obscure glazing to first and second floor windows in the side elevations of the proposed dwellings, together with an additional condition requiring the installation of privacy screens to the balconies, the requirement that the bottom edge of each roof light is a minimum of 1.7m above internal floor levels, and a condition requiring details of boundary treatment including a screen fence on the boundary between Plot 2 and Plot 4, the proposal would not adversely affect the level of residential amenity neighbouring residents can reasonably expect to enjoy and the development would provide future occupants with a satisfactory standard of amenity. The proposal is therefore considered to be in accordance with policy L7 of the Trafford Core Strategy and the thrust of the NPPF.

## **HIGHWAYS, PARKING AND SERVICING**

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

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

52. The proposal would introduce two vehicle accesses onto Bow Green Road with each dwelling having space for three off-street parking spaces which would be in accordance with the required standards, and it is noted that the LHA has not objected to the proposed parking and access arrangements, as well as the proposal's highways safety impacts, subject to a condition ensuring the new accesses and parking areas are installed prior to first occupation, and a further condition requiring the submission of a Construction Management Plan for the LPA's written approval prior to the commencement of development.
53. There would be sufficient space within each plot to ensure that bins would be stored to the rear of each dwelling and therefore out of public view.
54. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

## **DRAINAGE**

55. Policy L5 of the Core Strategy notes that new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.
56. The LLFA consultee has confirmed no objection provided the grant of planning permission is subject to a planning condition requiring the applicant to submit details of surface water drainage for the LPA's written approval prior to the commencement to any development. This requirement is considered to be reasonable.

## **TREES AND ECOLOGY**

57. The application site is overgrown with what appear to be unmanaged trees to all sites including along each boundary. The applicant has not submitted a tree report or provided any information regarding tree protection measures, however Officers note that the proposed dwellings would be built away from the common boundaries and also that the application site is not in a Conservation Area and does not contain any TPO protected trees, meaning permission is not required for the removal of the on-site trees. It is noted that there is a TPO on the grounds of Chatsworth House to the west however this development is a sufficient distance away from the proposed dwellings not to result in harm to any trees which are the subject of the TPO.
58. The LPA's arboriculturist has agreed to the proposed development subject to the standard tree protection condition to ensure off-site trees are protected during construction works.

59. The applicant has provided an updated bat roost assessment. The GMEU has reviewed this and has confirmed no objection to the development on the basis of the information provided. It is advised however that bats can, and do, turn up in unlikely places. Should bats be found works must cease and advice must be sought from a suitably qualified and experienced person on how best to proceed. An informative to this effect should be attached in the event of approval.
60. Details of the proposed landscaping would be assessed at reserved matters stage and would need to include satisfactory replacement planting as well as the planting of additional trees together with the possibility for specific green infrastructure such as green roofs, porous hardstanding and habitat creation.
61. Having regard for the above it is considered that, subject to appropriate conditions, the development would accord with Policy R2 of the Trafford Core Strategy and the NPPF.

### **DEVELOPER CONTRIBUTIONS**

62. 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).
63. 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. Details of landscaping would be assessed in the reserved matters submission and should ensure the provision of additional trees on site (a minimum of six net of clearance) as part of the landscaping proposals.

### **OTHER MATTERS**

64. Addressing the other concerns raised by objectors not addressed in the above assessment, Officers would note as follows:
65. In response to the objector's argument regarding the fact the applicant has now applied to increase the footprint of the approved application at the south-west corner plot, Officers note that this objector is referring to a separate planning application. The red edge in relation to the current application has been amended to exclude this area of the wider site.
66. Whilst Officers accept that the loft level could be converted into additional bedrooms, it is noted that each dwelling would meet the maximum parking requirement under SPD3 for properties with three or more bedrooms through their inclusion of three parking spaces per property. Therefore, even if additional bedrooms were to be created, the development would be considered to be acceptable in terms of its parking provision.
67. Officers note the discrepancies on the submitted CIL forms. The applicant can only apply for an exemption for their own future dwelling and the full CIL payment would be required.

68. The submitted plans include a scale and their measurements are correct.
69. The application form is now on the website and residents have been given the opportunity to submit additional comments with reference to this document.
70. Officers consider sufficient information has been submitted to determine the planning application, subject to planning conditions where relevant.
71. The proposed dwellings must be considered on their own merits and it is not considered that there would be any justification for refusing these properties on the grounds that the wider development would result in over-development.
72. There is no policy requirement for the applicant to submit information on the proposal's climate change impacts.
73. The application site is not considered to be within the setting of the Devisdale Conservation Area, which is to the north of the plot. It is noted that the delegated report drafted with reference to the previously approved scheme, reference 93111/FUL/17, also does not refer to the site as being within the setting of this Conservation Area.
74. The proposal would not result in an unacceptable air pollution impact. It is noted that the Nuisance consultee has confirmed no objection.
75. Future proposed development would be assessed on its own merits with reference to its specific contexts.

## **PLANNING BALANCE AND CONCLUSION**

76. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up to date (emphasis added) development plan, permission should not normally be granted.
77. The scheme complies with the development plan, the starting point for decision making, which would indicate in itself that planning permission should be granted.
78. The proposed development would provide one additional dwelling (following the demolition of the existing property). All detailed matters have been assessed, including the principle of the proposed development location, together with its visual amenity and design, highway safety and neighbour amenity impacts. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered

and representations and consultation responses taken into account in concluding that the development is appropriate for the site.

79. In addition, the fact that a previous permission for an almost identical form of development has only recently expired is given significant weight as the policies at local level remain unchanged and the revisions to the NPPF/NPPG do not materially change the assessment of the acceptability of the proposal.
80. The outline proposal is considered to be acceptable and in accordance with Core Strategy Policies L1, L2, L4, L5, L7, L8, R2 and R3, the Planning Obligations SPD, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF. As such, in terms of NPPF paragraph 11 d) i), there is no clear reason for refusal of the proposed development.
81. It is considered that the impacts of the outline proposal, subject to appropriate mitigation through conditions, would be in compliance with the development plan and relevant policy in the NPPF. In terms of NPPF paragraph 11 d) ii), there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission. It is therefore concluded that the application should be approved subject to appropriate conditions.

## **RECOMMENDATION**

**GRANT** subject to the following conditions:

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

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

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

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

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, [A1070(b)-A-G200] E-00 B, E-01 C, E-02 C, E-03 B and P-00 E, received by the local planning authority

on 24 December 2020; A1070(b)-A-G100-P-05 A, received by the local planning authority on 21 January 2021; A1070(a)-A-G100-P-00 E, received by the local planning authority on 8 July 2021; and [A1070(b)-A-G200] E-04-B and P-01-B, received by the local planning authority on 25 August 2021.

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

4. Notwithstanding the details hereby approved, no above ground development shall commence unless and until detailed plans and sections at a scale of 1:5 showing the external reveals, detailing of window and door openings (including heads, cills and jambs), the screens at first floor level and the treatment of facade and roof edges have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

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

6. No development shall take place unless and until a Construction and Pre-Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority, including details of the proposed measures to manage and mitigate the main environmental effects. The CEMP shall address, but not be limited to the following matters: a. Suitable hours of construction and pre-construction activity (see below) b. the parking of vehicles of site operatives and visitors, c. loading and unloading of plant and materials including times of access/egress d. storage of plant and materials used in constructing the development e. the erection and maintenance of security hoardings f. measures to control the emission of dust and dirt during demolition and construction and procedures to be adopted in response to complaints of fugitive dust emissions g. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site) h. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity i. information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors j. information to be made available for members of the public. The development shall be implemented in accordance with the approved CEMP.

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

7. The development hereby permitted shall not be occupied unless and until the proposed site accesses onto Bow Green Road and the areas for the movement, turning and parking of vehicles, these areas to have a porous surface, have been implemented in complete accordance with plans hereby approved.

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

8. The development hereby permitted shall not take place unless and until the details of a surface water drainage scheme in accordance with the drainage hierarchy have been submitted to and approved in writing by, the Local Planning Authority. These details should comply with BRE365 testing to investigate the potential for infiltration. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse flooding impacts.

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 having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the first and second floor windows in the side elevations of the dwellings 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 having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

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

12. 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), the balconies hereby approved shall not be brought into use unless and until opaque screens to their side boundaries measuring no less than 1.7m in height have been erected. The screens shall be retained as such thereafter.

Reason: In the interests of residential amenity in accordance with Policy L7 of the Core Strategy and NPPF.

13. The development hereby permitted shall not be occupied until details of the type, siting, design and materials to be used in the construction of boundary treatment to all site boundaries, including a screen fence on the common boundary between Plot 2 and Plot 4, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

14. No works involving the erection of any building hereby approved shall take place until existing and proposed finished site and floor levels for the proposed building(s) relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

15. No development or works shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and

construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

16. The development hereby approved shall not be occupied until details of bin stores which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, and cycle storage, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores and cycle storage shall be completed and made available for use prior to the first occupation of the dwelling houses and shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse, recycling and cycle storage facilities at the design stage of the development, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

17. The development hereby approved shall not be occupied unless and until a scheme for the provision and implementation of one electric vehicle charging point for each dwelling has first been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved scheme and the electric vehicle charging point shall be installed prior to first occupation and retained thereafter.

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or replacing that Order), with the exception of the areas marked on the approved plans as a 'balcony' any flat roofed areas on the building hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area, and no railings, walls, parapets or other means of enclosure shall be provided on those roofs unless planning permission has been sought and granted for such works.

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

19. The cill levels of all rooflights shown on the approved plans shall be a minimum of 1.7m above the internal floor level

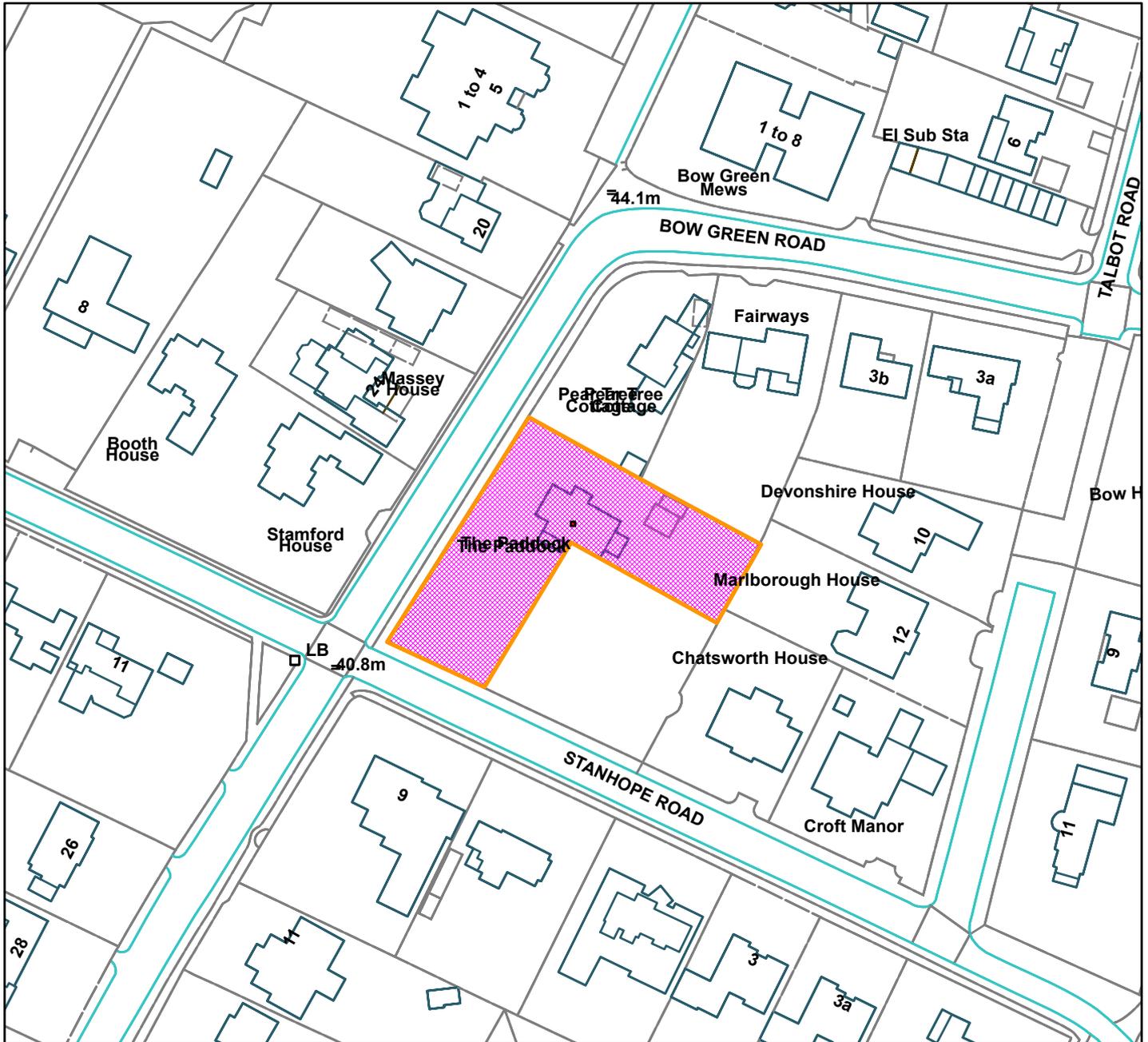
Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and guidance in the NPPF.

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TP



9 Bow Green Road, Bowdon (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/09/2021
Date	26/08/2021
MSA Number	100023172 (2012)

**WARD:** Altrincham

**104042/FUL/21**

**DEPARTURE: NO**

**Hard and soft landscaping works on land adjoining the building on Grafton Street including the relaying of the existing cobbles and stone and the formalising of the parking spaces. Creation of a roof garden accessible via a new internal staircase with a covered lobby.**

47-49 Stamford New Road, Altrincham, WA14 1DS

**APPLICANT:** Ferrious Ltd

**AGENT:** N/A

**RECOMMENDATION: GRANT**

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**The application is reported to the Planning and Development Management Committee due to receiving 6 objections contrary to officer recommendation.**

### **SITE**

This application relates to 47-49 Stamford New Road, a substantial three storey building occupying a corner plot between Stamford New Road and Grafton Street. The building has a polished granite finish to its ground floor and red brick finish to the upper floors. The ground floor is in retail use with office uses occupying the upper floors. The building is identified as a positive contributor to the Stamford New Road Conservation Area. The site is also adjacent to the Goose Green Conservation Area and is within Altrincham town centre. Surrounding uses are primarily commercial however there are also some residential uses including at 'The Tannery' to the east of the site.

### **PROPOSAL**

Planning permission is sought for the creation of a roof garden (to be used in conjunction with the existing office and retail uses) including a new staircase and roof lobby. Permission is also sought to formalise four parking spaces through the relaying of existing cobbles and stone, installation of bollards and planting of trees on the adjacent unadopted Grafton Street.

### **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.

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES AND OBJECTIVES**

L4 – Sustainable Transport and Accessibility

L7 – Design

R1 – Historic Environment

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD3 – Parking Standards and Design

Conservation Area SPDs

## **POLICIES MAP NOTATION**

Conservation Area (Stamford New Road)

Town Centre (Altrincham)

Altrincham Town Centre Neighbourhood Business Plan

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

None

## **PRINCIPAL RELEVANT ANBP POLICIES**

CP1 – Town Centre Parking

D1, D2, & D3 – Design & Quality

G1 – Green Infrastructure

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

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3<sup>rd</sup> October 2021 and submission of the Plan for Examination in Public is expected to be early 2022. PfE is now at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

### **NATIONAL DESIGN GUIDE**

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

### **RELEVANT PLANNING HISTORY**

84990/FUL/15- Change of use from ground floor shop and basement to 1 no. two bedroom apartment and ground floor office with bin and cycle stores. Approved with Conditions- 13.05.2015

84821/PAJ/15- Change of use of first and second floor from offices (Class B1) to 4 no. apartments (Class C3). Application for determination as to whether prior approval is required under Schedule 2 Part 3 Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Prior Approval Approved - 19.03.2015

### **APPLICANT'S SUBMISSION**

- Design and Access Statement
- 3D Models
- Response to Representations:
  - In relation to the width of the footway, there is currently no restriction to how close vehicles can park to the application building. The gap can already be reduced to 500mm.
  - The figure of 4no. car parking spaces is based on approx. 30 years of use but there is no objection to referring to 2no. spaces instead.
  - The trees are not in planters and if there are any issues with underground services they will be addressed.
  - White Stem Birch Trees are suitable for a polluted urban environment. There are many examples around Manchester.
  - In reference to comments about providing a micro-park instead of parking, it would be desirable to not have to provide parking but some parking is required for the town centre to survive.

### **CONSULTATIONS**

**Heritage Development Officer** – No objection subject to traditional materials being used to the roof lobby (lead or slate rather than GRP).

**Environmental Health (Nuisance)** – No objection subject to conditions.

**Environmental Health (Contaminated Land)** – No objection.

**Local Highway Authority** – No objection subject to a condition relating to the position of rooftop trees. An informative relating to responsibility or liability for damage or injury relating to the roof garden is also requested.

## **REPRESENTATIONS**

Letters of objection have been received from five neighbouring properties in response to a neighbour consultation exercise. Objections are raised on the following grounds:

- The application does not make clear whether the parking spaces would be for the use of Ferrious or the residents of Grafton Street.
- The applicant property's address is on Stamford New Road where there are already short stay spaces.
- Residents of Back Grafton Street have had to endure the eyesore of scaffolding and the inconvenience of no pavement access whilst work has taken place to the applicant property.
- It seems unfair that residents should lose the ability to park in these spaces permanently.
- There is not enough space for parking spaces to be provided and the pavement to be retained. People using Grafton Street would have to walk along the other side of the road causing disturbance to residents there.
- Current parking in the proposed spaces makes it difficult for those parked on the other side to access their spaces and can block larger vehicles.
- Residents rely on the free and local parking where the spaces would be located. The road is jointly owned and maintained by everyone on the street *The applicant has submitted land registry documents to demonstrate that the site is entirely within their ownership.*

A letter of representation was also received from the Altrincham Neighbourhood Business Plan Design Group which made the following comments:

- Ferrious should be commended for their excellent restoration of the original Montague Burton building.
- The ANBP Design Panel support this planning application but there are concerns regarding the proposed car parking arrangement to Grafton Street, as explained below.
- The proposed roof terrace is encouraging in that it demonstrates an investment in this fine building and in Altrincham town centre. Proposed use by the building occupants and invited public demonstrates a sustainable use. There should be excellent views from the roof and a great location for events.
- There are no details of the cladding to the new roof access structure.
- Grafton Street is an unadopted highway and at present car parking there is a chaotic free for all. Aspiring to bring order this situation is commendable but as shown the proposed car parking arrangement would not work.
- Guidance for pavement width is 1500mm, for two people to pass and wheelchair access, etc. The proposals indicate a width of 1344mm.

- Guidance for parallel parking is for a single car bay to be 2000mm wide x 6000mm long. These dimensions would allow for two parking spaces, not four as shown.
- Planting trees to Grafton Street is also commendable but details are needed for tree protection from cars reversing into the tree and the tree base surround. There may be services under the pavement/road too. Would trees in a raised planter arrangement address these two issues?
- Relaying cobbles and paving flags will greatly improve the road and pavement surface.

The Design Group asked that their letter be considered an objection due to the parking concerns raised.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2020 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Policies L4, relating to parking and highway safety and L7, relating to design and residential amenity, are considered most important in determining this application. This is because they relate to the likely impacts of the proposed development on the surrounding area.
5. Policy L4 is considered to be consistent with the NPPF for the purposes of this application. Policy L7 of the Core Strategy is consistent with the NPPF and so is considered up-to-date. The application should therefore be determined in accordance with the development plan unless material considerations indicate otherwise. [N.B. Policy R1 is considered to be out of date, but is not determinative as no heritage harm is identified].

### IMPACT ON HERITAGE ASSETS

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, "special attention in the exercise of planning functions to the desirability of preserving or enhancing the character

or appearance of a conservation area” in the determination of planning applications.

7. The National Planning Policy Framework (NPPF) is also a material consideration. Paragraph 199 of the NPPF advises that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”
8. Further to the above Policy R1 of the TBC Core Strategy advises that Trafford’s historic environment makes a major contribution to the attractiveness and local distinctiveness of the Borough and that the significance, character, and appearance of these heritage assets are qualities that will be protected, maintained and enhanced.
9. Policy R1 does not reflect the key tests of ‘substantial’ or ‘less than substantial’ harm as set out in the NPPF. It also does not reflect subsequent case law. Policy R1 is therefore considered to be out of date. No less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.

#### The Significance of the Heritage Assets

10. The site is within the Stamford New Road Conservation Area. The Conservation Area Appraisal (SPD5.4) describes the special interest of Stamford New Road Conservation Area as ‘an area defined by the development of the Altrincham railway station; from the early 19th century development of Railway Street and late 19th to early 20th century speculative commercial development of Stamford New Road, to the early 21st century refurbishment of the station. The Conservation Area is a cohesive group of good quality development in a variety of architectural styles, detailing and expression, which contributes to a high-level of aesthetic value. Commercial parades exhibiting these design details express the pride and wealth exhibited by the owners and builders of the time, testifying to the prosperity and confidence of the town. The scale, massing and form of buildings on Stamford New Road results in a strong building line and sense of enclosure, which contributes to the visual interest and rhythm of the street scene. Significant pedestrian routes contribute to the finer grain and spatial interest of the Conservation Area while functional historic rear elevations contribute positively to integrity and evolution. The consistent use of traditional building materials and local details repeated throughout the Conservation Area provides a sense of visual harmony.’
11. The application site is recognised as a positive contributor to the Stamford New Road Conservation Area. The building was built between 1908 and 1937 and was designed for Montague Burton; whose initials are displayed in metal above the main entrance at first floor level. The building reflects the traditional functional character and former uses in the area. The buildings use contributes to the character of the area. It illustrates the development of the settlement in which it stands.

12. The application site is adjacent to the Goose Green Conservation Area and is considered to be part of its setting.
13. The significance of the Goose Green Conservation Area is described in the Conservation Area Management Plan (SPD5.2) as being:

*The significance of the Goose Green Conservation Area is rooted primarily in its historic value. It is notable for retaining much of its historic hamlet character and enclosed nature, which is notably different from the wider surrounding area. This historic character is conveyed through the Conservation Area's architecture, which remains predominantly domestic in design and scale, and the survival of historic thoroughfares and the central open space. The sense of visual harmony is further enhanced through the consistent use of brick. The history of the Conservation Area is evident in the survival of the domestic architecture and its marriage with later shop fronts some of which are of an appropriate style which contributes to and enhances the character of the Conservation Area.*

#### Stamford New Road Conservation Area Policies

14. The Stamford New Road Conservation Area Management Plan contains the following policies of particular relevance:

##### *Policy 45*

Areas of damaged road or pavement surface are to be repaired, using historic materials where possible and a strategy is to be sought and implemented regarding maintenance, road markings, signage and on-road parking, where resources allow. Surviving historic stone setts, paving and kerbstones must be preserved and kept in good condition. Reinstatement of historic materials is encouraged, particularly on Back Grafton Street.

##### *Policy 54*

Key views along Railway Street and Stamford New Road should be preserved, particularly those that follow the building line of the commercial shopping parades towards the Clock Tower.

##### *Policy 56*

Any new development should take inspiration from the established architectural styles within the Conservation Area. Appropriate features, materials and detailing are to be integrated into the design (see 2.2 of this Management Plan and the extended discussion in the accompanying Appraisal).

##### *Policy 61*

New development should reflect the traditional design and rhythm of the roofscape of the town. Prominent roof top plant and dormer windows will not generally be accepted. Loft conversions may be permitted only if conservation rooflights are used and are restricted to the rear elevations of properties.

## Impact on the Heritage Assets

### Impact on Stamford New Road Conservation Area

15. It is recognised that Grafton Street is in a state of disrepair with an uneven surface, missing setts and inappropriate materials having been used for repairs; including what appears to be concrete and tarmac. The Heritage Development Officer initially raised concerns with the removal of stone setts. The applicant has since confirmed that the setts and kerbs to Grafton Street are to be retained, other than those required to be removed for the installation of the bollards and trees, and are just to be re-laid level. Further consideration of the matter by the Heritage Development Officer has confirmed that there is no objection to this element of the scheme. The relaying of the setts and stone kerbs along the application site's side of Grafton Street would enhance the appearance of the street and would be a benefit in heritage and visual amenity terms.
16. There is potential for visual clutter to be introduced through the installation of additional bollards along Grafton Street. This is an element that the Heritage Development Officer initially raised concerns with. The applicant subsequently considered a reduction in the number of bollards to Grafton Street but has concluded that a reduction in bollards would make them ineffective at preventing unauthorised access to the parking spaces. Nevertheless, it is considered that the number proposed is not excessive and that the use of trees in place of some bollards will reduce this impact and add visual interest to the street. The Heritage Development Officer raises no concern to this element of the proposal upon further consideration.
17. Concerns about the visual impact of the proposed lobby, staircase and lift overrun, and balustrade on the appearance of the roofscape were initially raised by the Heritage Development Officer. The applicant subsequently submitted 3D models to demonstrate the limited visibility of the roof lobby, which includes the staircase and lift overrun, from outside of the site. The applicant has also agreed to clad the lobby in hung slate which is a more traditional material. Further consideration of the balustrade by the Heritage Development Officer confirmed no objection to this element.
18. The application building already has a tall brick parapet wall to its Stamford New Road and Grafton Street elevations. The applicant proposes the installation of a mesh balustrade with associated planting around the remainder of the roof with the intention that this will provide a framework for climbing plants. The mesh balustrade would appear relatively light and it is recognised that views of it from outside of the site would be limited.
19. The applicant has demonstrated a suitable planting schedule and has provided precedent images of how the planting may appear. It is considered that this will add visual interest to the building and the wider street scene without detracting from their historic significance. It is recommended that a condition be added requiring the maintenance of the planting for a five year period.

20. The proposed roof lobby will have limited visibility from outside of the site due to the tall parapet walls that the roof space has. It will replace an existing structure and its overall scale and massing would not be excessive for the rooftop location. It is proposed that it be clad in hung slate which is a traditional material that is in keeping with the historic character of the area.
21. It is considered that the proposed works would not harm the character or appearance of the Stamford New Road Conservation Area and are acceptable in this respect. This is with regard to Policies L7 & R1 of the Core strategy; SPDs 5.4 & 5.4a; and NPPF guidance.

#### Impact on Goose Green Conservation Area

22. The application site is adjacent to the Goose Green Conservation Area and is considered to be part of its setting.
23. Views to the applicant property from the central open space at Goose Green are very limited due to intervening properties. Nevertheless, some views are available from spaces to the rear of the properties which are an important part of the Conservation Area's domestic character. The site is also visible in views of Goose Green, particularly from the upper floors of surrounding properties.
24. The most visible change, in the context of assessing the impact on Goose Green, is the addition of the planters and balustrade to the south and east elevations. Some views of the roof lobby would also be visible.
25. It is considered, for the reasons outlined above, that the installation of the planters and associated balustrade would be in keeping with the character of the application property whilst adding visual interest to it.
26. The proposed roof lobby would be clad in hung slates which is a traditional material and in keeping with the character of the area. Its scale and massing would not appear overly bulky within the roofscape.
27. It is considered that the proposed works would not introduce harm to the setting of the Goose Green Conservation Area. This is with regard to SPDs 5.2 and 5.2a; Policies L7 and R1 of the Core Strategy; and relevant NPPF guidance.

#### Heritage Assets Conclusion

28. The proposed development would not result in harm to the character or appearance of the Stamford New Road Conservation Area or to the setting of the Goose Green Conservation Area. Great weight has been given to the desirability of preserving the Conservation Areas in reaching this view.

#### DESIGN

29. Paragraph 126 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 134 states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...”

30. In relation to matters of design, Policy L7 of the Core Strategy states 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 and boundary treatment.
31. As discussed above, the relaying of the setts and stone kerbs along the application site’s side of Grafton Street, together with the planting of trees, would enhance the appearance of the street and would be a benefit in visual amenity terms. Furthermore, it is considered that, subject to the use of hung slate on the roof lobby, the proposed alterations to create a roof garden would be acceptable in design terms and would not have any detrimental impact on the visual amenity of the area. It is therefore considered that the proposed development would comply with Policy L7 of the Core Strategy and guidance in the NPPF in terms of good design.

## AMENITY

32. Policy L7 of the Trafford Core Strategy states that “In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”.
33. There are a number of sensitive receptors in the vicinity of the site which include ‘The Tanneries’ apartments to the east. As the roof terrace will be open, there is potential for excess noise to be introduced to neighbouring residential properties. It is recommended that conditions restricting the hours of use to daytime use (0800 to 2000 on any day) and a restriction on the use of amplified music are added to any grant of planning permission. Subject to these conditions, the proposal would not be expected to introduce harm to the amenity of neighbouring occupiers through excessive noise.
34. At roof level, there is an existing 1.7m tall brick parapet wall to the north and west elevations. This faces Grafton Street and Stamford New Road, respectively, and prevents overlooking in these aspects. The easternmost part of the roofspace will not be used as part of the terrace. A distance of approximately 25m would be retained to facing windows at ‘The Tanneries’ to the east which is considered sufficient to avoid overlooking issues. The ground floor of the adjacent building at 5 Grafton Street is also in residential use however there would be no views into these properties.

35. The remaining sides of the roof, facing south and east, will have planters with mesh fencing above to a height of at least 1.7m. The applicant property is taller than neighbouring buildings to the south meaning that there are no views directly into neighbouring properties. Angled views down into some properties could be possible however. Nos. 8a-10a Goose Green do not have residential uses to their upper floors and so there are no overlooking concerns in this aspect. It is understood that the adjacent building at no. 51 Stamford New Road is not in residential use but that the upper floors of nos. 53-55 are. Views towards these properties from the roof would be very limited and undue loss of privacy would not be expected. The intention is for climbing plants to be grown along the mesh fencing which would provide additional screening and reduce views out from the roof. It is recommended that the implementation of this planting is secured by condition.
36. The proposal complies with Policy L7 of the Core Strategy and relevant NPPF guidance with regard to the protection of residential amenity.

#### PARKING AND HIGHWAY SAFETY

37. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
38. In relation to parking and highway safety, Policy L7 of the Core Strategy states that development must:
- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
  - Provide sufficient off-street car and cycle parking, manoeuvring and operational space;
  - Provide sufficient manoeuvring and operational space for service vehicles, as appropriate;
39. The applicant has submitted land registry documents to demonstrate that approximately half of the adjacent section of Grafton Street is in their ownership. The LHA has confirmed that the street is a private unadopted road. The installation of bollards to secure parking for the application site is therefore not opposed in principle.
40. The Altrincham Neighbourhood Business Plan Design Group note that only two parallel parking spaces would be provided and not the four indicated. It also notes that the footway width of 1.34m would be inadequate.
41. Town Centre Wide Design Principles 12 and 15, relating to connectivity and physical and visual street clutter, both aim to reduce street clutter with one aim being to improve conditions for cyclists and pedestrians. The Design Group recognises that the proposals seek to re-order the current ad-hoc arrangement at the site but questions whether parking needs to be provided at all.

42. The applicant has provided swept path analysis to demonstrate that the existing and proposed spaces along Grafton Street can all be accessed in a satisfactory way. The LHA do not consider that the proposals would lead to an increase in demand for parking along the adopted highway outside restricted hours as a result of lost parking.
43. The LHA raise concerns that objects could fall from trees in the rooftop garden which overhang the public highway along Stamford New Road. The applicant has moved the positions of the trees in response to this and an informative can be added to confirm that the LHA accepts no responsibility for any loss or injury that may occur as a result of the trees.
44. The proposal is therefore considered to be acceptable in terms of highway and parking impacts and would comply with Policies L4 and L7 of the Core Strategy and guidance in the NPPF.

## EQUALITY

45. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
46. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards to planning applications.
47. In respect of those with a disability, SPD3 sets a standard of three bays or 6% of total capacity, whichever is greater, for accessible parking provision at non-food retail sites. The standard for offices is that an individual accessible bay is provided for each disabled employee plus two bays or 5% of the total capacity, whichever is greater. These are minimum, rather than maximum standards and do not differentiate if a site is in a town centre (and also assume a site is capable of providing at least three bays). This proposal does not provide any accessible parking spaces and thus is contrary to SPD3 and L4.
48. It is recognised that the application seeks to formalise the existing informal parking arrangement along Grafton Street, which currently does not provide any accessible parking spaces. In addition, the width required for an accessible

space could not be provided without encroaching onto either, or both of, the road or the footway, thereby having other detrimental impacts on pedestrian accessibility and the usability of the existing parking spaces on the opposite side of the street. The current proposal does not occupy any more of the footway or the road than the current informal arrangement. With regard to the requirement for accessible parking provision for the site, it is therefore considered acceptable, in this instance, that no accessible parking spaces are provided and that these material considerations which would justify a departure from L4 and SPD3 in these circumstances. There is no practical or reasonable alternative here which would deliver any accessible parking.

49. It is also noted that an objection has been received on the basis that an occupant of the nearby apartments with a protected characteristic would be disadvantaged by reason of the fact that the free parking that is currently available at the application site would no longer be available, meaning that they may no longer be able to park in close proximity to their home. With regards to this issue, it is noted that, as the applicant has control over this area of land, they could remove the existing parking spaces completely without the requirement for planning permission and, regardless of whether or not permission is granted for the current proposals, they are not obliged to provide parking spaces for the occupiers of other properties. Having regard to these material considerations, it is therefore considered that the proposal is acceptable in this respect.
50. No particular benefits or dis-benefits of the scheme have been identified in relation to any of the other protected characteristics in the Equality Act.
51. As such, it is considered that the proposed development is acceptable with regard to Policy L7 of the Core Strategy.

#### DEVELOPER CONTRIBUTIONS

52. The development would not attract any developer contributions.

#### PLANNING BALANCE AND CONCLUSION

53. The proposal would be acceptable in design and heritage terms and would not introduce harm to either the Stamford New Road Conservation Area or the Goose Green Conservation Area. It is considered that, subject to appropriate conditions, the proposed development would not result in any unacceptable impact on the amenity of any nearby residential properties by reason of either noise and disturbance or overlooking. The application is also considered to be acceptable on parking and highway safety grounds and having considered all the relevant facts, without any accessible parking.
54. The application is therefore considered to be in accordance with the development plan when taken as a whole and relevant NPPF guidance and it is recommended that planning permission should be granted, subject to conditions.

#### **RECOMMENDATION:**

**GRANT** subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CH001-01 (received by the local planning authority on 20.05.21), CH001-05 (received by the local planning authority on 15.06.21) and CH001-06 (received by the local planning authority on 20.07.21) and the 1:1250 site location plan.

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

3. No development involving the use of materials to be used in the construction of the external surfaces of the building (including rainwater goods and joinery details of windows and doors) hereby permitted shall take place until details of the materials 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 Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. The roof terrace hereby approved shall only be used between the hours of 0800-2000 on any day and not at any time outside these hours.

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

5. No amplified or other music shall be played on the roof terrace hereby approved outside the following times 0800-1800.

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

6. No use of the roof garden shall take place unless and until a noise management plan for the roof garden has been submitted to and approved in writing by the Local Planning Authority. The noise management plan shall provide details of measures to be implemented to minimise noise and disturbance to noise sensitive premises in the vicinity and arrangements to ensure that it is updated in response to specific issues raised by the local authority. The noise management plan shall be implemented at all times that the roof garden is in use.

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

7. (a) The landscaping works shall be carried out entirely in accordance with drawing CH001-05 within the next planting season following final occupation of the development hereby permitted.
- (b) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

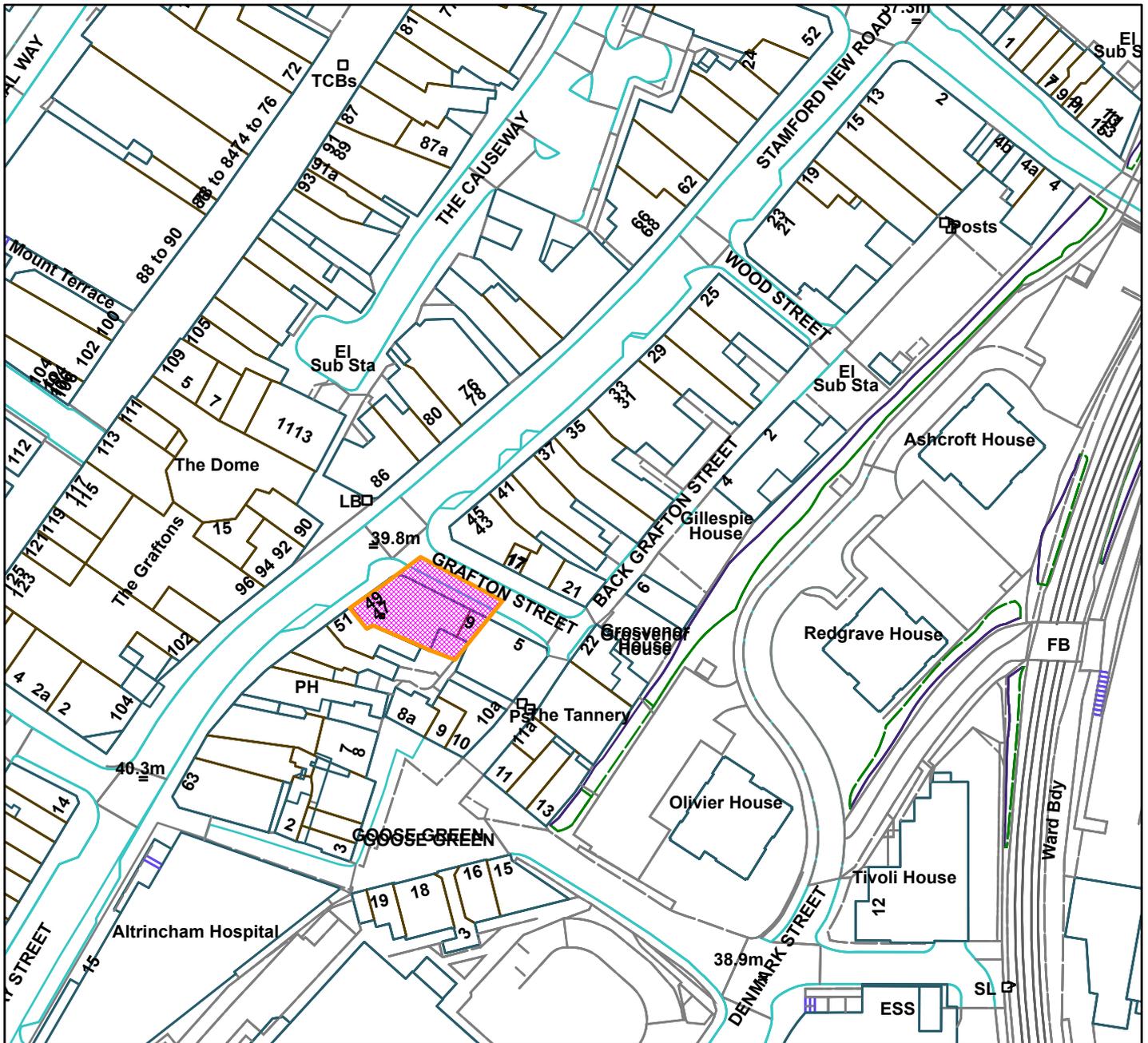
Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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JW



47 - 49 Stamford New Road, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/09/2021
Date	26/08/2021
MSA Number	100023172 (2012)

**WARD: Flixton**

**104348/FUL/21**

**DEPARTURE: No**

**Demolition of existing covered smoking area to east elevation and erection of new covered smoking area to west elevation.**

Garricks Head Hotel, Moorside Road, Flixton, M41 5SH.

**APPLICANT:** Mr Nigel Gowland, Punch Pubs.

**AGENT:** Ms Jaimie Mundin, Inventive Design Associates.

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee as it has been called in by Councillor Thomas.**

### **SITE**

The application site relates to the Garrick's Head public house, which is located on a corner plot to the south of Moorside Road and to the east of Brook Road. The Garricks Head was built in the mid-20<sup>th</sup> Century in the 'Tudorbethan' style and is a large two storey half-timbered building with prominent, matching overhanging gables to the front (north) elevation at first floor. The rear (south) of the plot includes two single storey elements.

The wider plot comprises of a beer garden to the front and a car park to the side (west) which is accessed from Brook Road. Boundaries are marked by brick walls to the north and west, and a low rise brick wall topped by wood panel fencing to the south.

The plot originally included an additional car park to the east however this is now in the process of being developed as a row of dwelling houses following grant of planning permission reference 100149/FUL/20, approved 29 June 2020, and the subsequent variation of conditions application, 104199/VAR/21, approved on 9 July 2021.

The site is bound by dwellings to the west, a dwelling and square shaped grassed and fence enclosed plots to the south, with dwellings to the south of the latter; further dwellings to the east; and a golf course to the north, on the opposite side of Moorside Road.

The Garricks Head Public House is a non-designated heritage asset.

### **PROPOSAL**

Further to the development of the former car park to the east of the plot as dwellings, the applicant proposes to dismantle the existing smoking shelter facing this area and erect a new timber smoking shelter at the building's western elevation, within the retained car park. The smoking shelter would have an open sided timber frame supporting a polycarbonate mono-pitch roof. It would also include two planters.

### **DEVELOPMENT PLAN**

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

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

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

L4 - Sustainable Transport and Accessibility;  
L7 - Design;  
L8 - Planning Obligations;  
R1 – Historic Environment.

### **OTHER LOCAL POLICY DOCUMENTS**

SPD3 - Parking Standards & Design.

### **PROPOSALS MAP NOTATION**

Critical Drainage Area.

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

None.

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

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3<sup>rd</sup> October 2021 and submission of the Plan for Examination in Public is expected to be early 2022. PfE is now at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

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

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

105504/NMA/21: Application for non-material amendment to planning permission to 100149/FUL/20 to allow for an amended vehicular access, larger cycle stores and installation of electric charging points. Pending.

104199/VAR/21: Application for variation of condition 2 on planning permission 100149/FUL/20 (Erection of 3 no. terraced houses with associated parking and landscaping. Retention of the Garrick's Head Public House together with reconfigured car park and customer terrace). To amend approved plans including external alterations and addition of dormers at rear. Approved 9 July 2021.

103265/CND/21: Application for approval of details reserved by conditions of grant of planning permission 100149/FUL/20. Condition numbers: 3 (materials), 8 (levels - site), 10 (CEMP) and 13 (Glazing and ventilation strategy). Full discharge of conditions 4 June 2021.

101312/CND/20: Application for approval of details reserved by conditions of grant of planning permission 100149/FUL/20. Condition number: 14 (Noise Management Plan). Full discharge of condition 10 August 2020.

100149/FUL/20: Erection of 3 no. terraced houses with associated parking and landscaping. Retention of the Garrick's Head Public House together with reconfigured car park and customer terrace. Approved 29 June 2020.

### **APPLICANT'S SUBMISSION**

N/A.

### **CONSULTATIONS**

**Local Highway Authority** – No objection.

**Heritage Development Officer** – No objection.

**Environmental Health (Nuisance)** – Awaiting final comment.

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

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

**Flixton Neighbourhood Forum** – No comment received.

**Cadent Gas** – No objection.

## **REPRESENTATIONS**

Two letters of objection have been received from a single property, which state the following:

- The current smoking shelter at the building's eastern elevation should be retained.
- A concern regarding the large number of people using the pub, which is resulting in an unacceptable parking impact with patrons and local residents parking on both sides of Brook Road resulting in damage to parked cars as other vehicles attempt to navigate the restricted road space between them. Vehicles are also being parked across driveway entrances and taxis are blocking the road when dropping off/picking up due to lack of parking spaces.
- Since the pub reopened there have been many instances of antisocial behaviour from patrons including urinating in public, trespassing on neighbouring plots, threatening local residents and drug use.
- During the lockdown the pub closed off the car park and converted part of the space into a beer garden. This reduced parking provision has resulted in patrons having to park on the adjacent roads.
- A new smoking area at this point would exacerbate the above issues with the retained car park thereafter likely to be used as space for socialising rather than to park vehicles and patrons likely to congregate around the smoking shelter, causing additional noise and disturbance.

As part of the call in request Councillor Thomas raised concerns on the following grounds: *“Street scene, environmental, both litter and noise, impact on residents”* and stated that *“We have received a number of complaints regarding the large screen TV in a shelter already erected and noise and some very anti-social behaviour such as urinating in the streets close to the pub. The erection of said smoking shelter will remove all parking at the pub after the granting of Ref. No: 100149/FUL/20”*.

## **OBSERVATIONS**

### **THE DECISION MAKING FRAMEWORK**

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly

compliant with much of the policy in the revised 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.

3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Policy L7 of the adopted Core Strategy – relating to the proposals design and amenity impacts - is considered to be 'most important' for determining this application. Policy L7 is considered to be compliant with the NPPF and is therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and acceptable amenity impacts, together with associated SPDs. The 'tilted balance' is not engaged. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. [N.B. Policy R1 is considered to be out of date, but is not determinative].

### **IMPACT ON RESIDENTIAL AMENITY**

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

#### Privacy and Overlooking

6. The proposed smoking shelter would allow patrons to congregate under cover with views towards dwellings to the west, north-west and south, however these would be towards non-sensitive parking at the front of the dwellings to the west, a fence enclosing a back yard to the rear of the dwelling to the north-west, and a gable elevation of the dwelling on the opposite side of the common boundary to the south. As such, the proposed development would not result in any unacceptable overlooking or loss of privacy to neighbouring properties.

#### Overbearing/Overshadowing

7. The proposed development, being relatively small and some distance from the closest neighbouring plots, would not result in an overbearing or overshadowing impact on neighbouring occupants.

#### General Noise / Amenity Impact

8. Officers accept the smoking shelter would result in the congregation of patrons at this point, and therefore there is the potential for some increase in noise within this part of the site with raised voices more likely due to the consumption of alcohol. Nevertheless, it is noted that there is an existing main entrance into the public house on this elevation, immediately adjacent to the proposed shelter, and therefore this is already likely to be a relatively noisy part of the site. The shelter would be set approximately 13m to the north of the closest residential property (which has its side elevation facing the public house), with the intervening space

being the site's vehicle entrance which would also currently generates a degree of noise and disturbance from both vehicle and patrons travelling by foot. Furthermore, it is considered that, even if permission were to be refused for the proposed smoking shelter, there is a likelihood that people would still smoke in this area adjacent to the entrance to the public house.

9. It is noted that the previous grant of planning permission, 104199/VAR/21, was subject to condition 14 which required the applicant to submit a Noise Management Plan (NMP) including details on how the current smoking shelter would be managed. This included reference to the provision of a new smoking shelter, a requirement to ensure the smoking shelter is not used after 11.00pm, a requirement that all doors should be kept closed except for access and egress and a requirement that the area is regularly monitored to ensure noise is kept to a minimum. This condition was subsequently discharged with reference to an approved NMP, and the Environmental Health (Nuisance) consultee has confirmed no objection to the current application provided the applicant submits an amended NMP to account for the new smoking shelter. The applicant is in the process of providing this document which will be forwarded to the Nuisance consultee for their final comment on receipt. It is therefore considered that a revised condition will need to be attached relating to the Noise Management Plan. The wording for this condition will be finalised and reported on the Additional Information Report once the revised NMP has been submitted.
10. Subject to a final comment from the Environmental Health (Nuisance) consultee and a condition in relation to the NMP, it is considered that the development would not result in an unacceptable impact on the residential amenity of nearby properties over and above existing impacts associated with the use of the site as a public house. As such, it is considered that the amended proposed development would comply with Core Strategy Policy L7, and the NPPF in terms of its amenity impacts.

## **HERITAGE IMPACT**

11. The Garricks Head Public House is a non-designated heritage asset. Planning Practice Guidance (PPG) states that LPAs may identify non-designated heritage assets. With reference to PPG and the NPPF it is not necessary for a building to be on an adopted local list or consulted upon in order to be identified as a non-designated heritage asset.
12. NPPF paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.
13. Policy R1 states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings.
14. The significance of the Garricks Head public house derives from it being a good

example of an early 1950s public house and accommodation in a 'Tudorbethan' style. The Westmorland slate roof with diminishing course and half-timbered detailing are particularly striking elements.

15. As discussed in the Design section below, Officers consider the proposed smoking shelter to be acceptably designed and appropriate in terms of scale and massing. The Heritage Development Officer has confirmed no objection to the proposal. Officers therefore consider the proposed development to be relatively minor in scale and consider that it would result in a negligible impact on the significance of the Garrick's Head.
16. Applying NPPF paragraph 203 and taking a balanced judgment it is considered that the development would not result in any harm to the significance of the NDHA.

## **DESIGN**

17. Paragraph 126 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 134 states: Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
18. Policy L7 of the Trafford Core Strategy states: In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.
19. The plot is bound by a golf course to the north (front), early/mid-20<sup>th</sup> Century semi-detached dwellings to the west and south and a new row terraced dwellings to the east.
20. The smoking shelter would be a relatively small element which would be acceptably subservient to the main building. It would not result in an unacceptable visual impact in terms of its scale, massing or position against the current building.
21. The shelter would be a simple structure comprising of an open sided timber frame and polycarbonate mono-pitch roof. Planning permission would be subject to a standard materials condition.
22. The proposal would result in an acceptable design impact with reference to Core Strategy Policy L7 and the NPPF.

## **HIGHWAYS, PARKING AND SERVICING**

23. Core Strategy Policy L4 states: [The Council will prioritise] *the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
24. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
25. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments.
26. The smoking shelter would not be built over an existing car parking space and the applicant has provided a swept path plan demonstrating it would not impede the movement of vehicles using the adjacent car park. The LHA has confirmed no objection to the proposal, including with reference to its parking impacts on surrounding roads.
27. Concerns have been raised that the car park adjacent to the proposed smoking shelter has recently been used as a beer garden and that the proposed siting of the smoking shelter would result in the car park area being more likely to be used as a social space rather than for parking. However, it is noted that the tables have now been removed from this area and that Condition 5 of planning permission 104199/VAR/21, which relates to the whole site of the public house, requires that the parking and turning areas shall be retained for that purpose thereafter. It is therefore considered that this condition does require the parking to be retained in this area (although it is recognised that recent written ministerial statements have acknowledged the need for local planning authorities to take a "positive and flexible approach to planning enforcement action to support economic recovery and support social distancing while it remains in place)."
28. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD3, the New Residential Development PG1 and the NPPF.

## **DEVELOPER CONTRIBUTIONS**

29. There would be no requirement for developer contributions in relation to this proposal.

## **OTHER MATTERS**

30. In response to the other points raised in the neighbour objection letter, issues relating to the activities of drunk patrons, public urination, trespassing and drug use are matters that are outside the scope of this planning application. It is noted that the GM Police Design for Security consultee has not objected to the proposal.

## **PLANNING BALANCE AND CONCLUSION**

31. Section 38(6) of the Planning and Compulsory Purchase Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
32. It is considered that the proposed development would be acceptable in terms of impact on the non-designated heritage asset, design and visual amenity, residential amenity, and parking impacts. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF in relation to these matters. It is therefore recommended that planning permission should be granted, subject to conditions.

## **RECOMMENDATION:**

**GRANT** subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [1963] 202 Rev B, 204 Rev A, received by the local planning authority on 19 August 2021 and [1963] OS Rev A.

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

3. The development hereby permitted shall be constructed entirely of the materials details which are shown on the submitted plan, number [1963] 204 Rev A.

Reason: To ensure that the appearance of the development is acceptable, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Noise Management Plan condition – wording to be provided in the Additional Information Report
5. The approved smoking shelter shall not be brought into use until the existing smoking shelter attached to the building's eastern elevation has been removed in accordance with submitted plans, numbers [1963] 202 Rev B and 204 Rev A, received 19 August 2021.

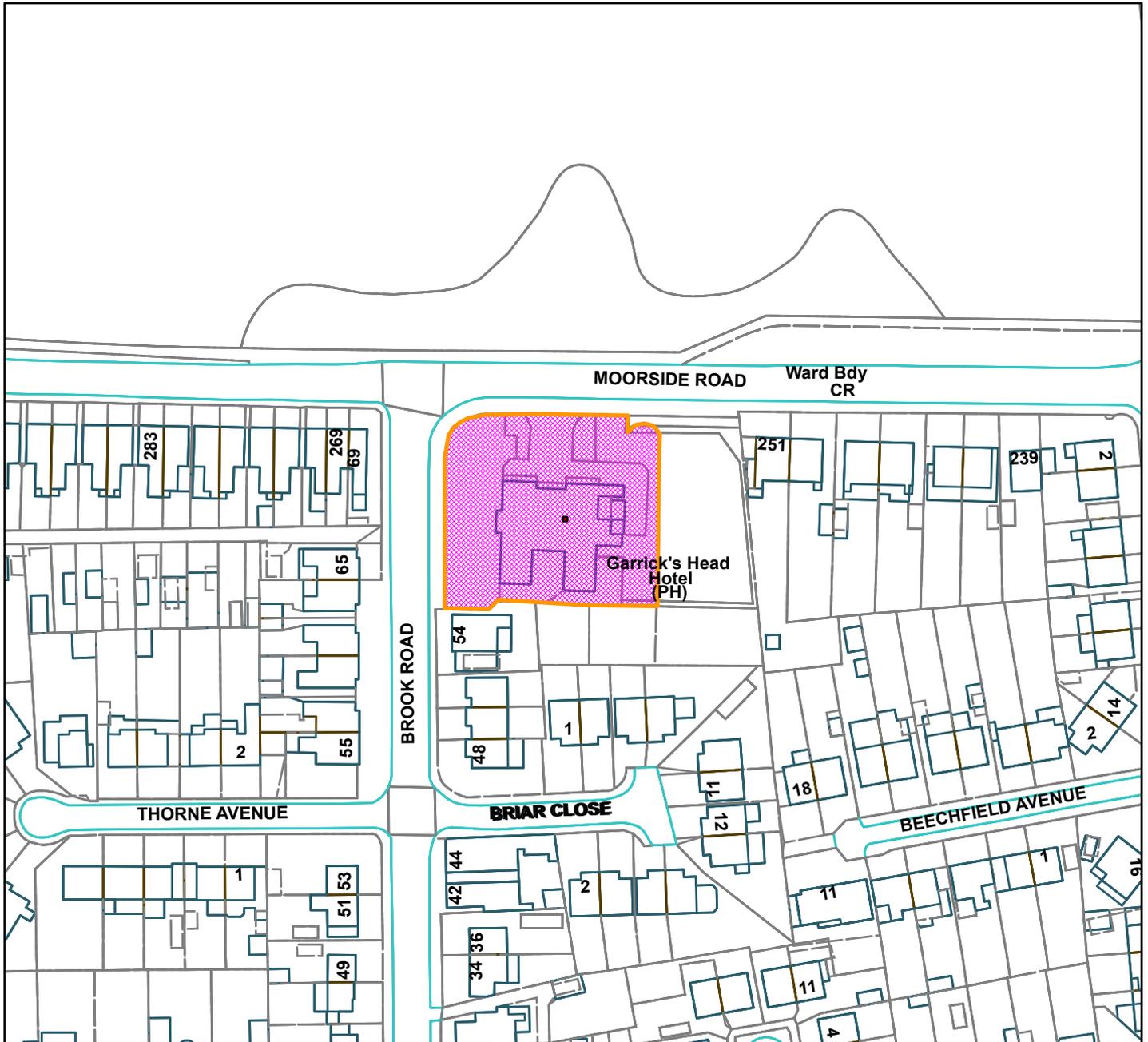
Reason: To ensure both smoking shelters are not in use at the same time and in the interests of amenity, having regard to Policy L7 of the Trafford Core Strategy and guidance in the National Planning Policy Framework.

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TP



Garricks Head Hotel, Moorside Road, Flixton (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/09/2021
Date	26/08/2021
MSA Number	100023172 (2012)

**WARD:** Broadheath

**104642/FUL/21**

**DEPARTURE: NO**

**Removal and replacement of 3 no. existing Vodafone flagpole antennas with 6 no. upgraded antennas located on new support poles and ancillary development thereto, including the removal and replacement of 6 no. existing RRUs (Remote Radio Units) with 12 no. ERSs (Ericsson Radio Systems) and installation of 1 no. GPS module, on the rooftop of Bridgewater House. Height of masts taken by themselves is 4 metres. Overall height of proposed masts is 17.4 metres above ground level**

Telecommunications Site Ctil 125598 Vf 79739, Rooftop of Bridgewater House, Park Road, Altrincham, WA14 5DL

**APPLICANT:** CTIL And Vodafone Limited

**AGENT:** Miss Vicky Parsons, Clarke Telecom

**RECOMMENDATION: GRANT**

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**The application is reported to the Planning and Development Management Committee due to receiving 6 objections contrary to officer recommendation.**

### **SITE**

This application relates to the rooftop of Bridgewater House, a four storey flat-roofed building to the south of Park Road in Timperley. The property is in residential use following conversion from offices during the last four years. Parking is provided to the south of the building with small areas of landscaping provided to its north, east and west. Vehicular access is taken from Park Road to the west of the building.

The roof of Bridgewater House is functional in nature and includes several flat-roofed structures, plant equipment and telecommunications infrastructure.

The site is bound by Park Road to the north, the Bridgewater Canal to the east, residential properties facing Downs Drive to the south and a small local centre to the west. Timperley metro station is situated to the north east. The area is primarily residential in nature.

### **PROPOSAL**

Planning permission is sought for the replacement of three antennas on three support structures with six antennas also on three support structures. The replacement structures are to be in the same locations as the existing structures. The existing columns have a height of 6.3m whilst the replacement structures have a height of 4m. The replacement structures will also host a GPS module and 12no. Ericsson Radio Systems which are relatively minimal additions.

The installation of a 1.1m tall handrail is also proposed.

### **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 AND OBJECTIVES**

L7 – Design

**SUPPLEMENTARY PLANNING DOCUMENTS**

None

**POLICIES MAP NOTATION**

None

**PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

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

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3<sup>rd</sup> October 2021 and submission of the Plan for Examination in Public is expected to be early 2022. PfE is now at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

**NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

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

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

## **NATIONAL DESIGN GUIDE**

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

## **RELEVANT PLANNING HISTORY**

93216/FUL/17- Erection of 5no ground floor apartments and associated landscaping. Approved with Conditions- 23.03.2018

91754/VAR/17- Application for removal of condition 5 on planning permission 91111/FUL/17 (Application for new and replacement of existing single glazed windows with grey aluminium powder coated double glazed windows to all elevations). To remove obscured glazing. Approved with Conditions- 04.09.2017

91111/FUL/17- Application for new and replacement of existing single glazed windows with grey aluminium powder coated double glazed windows to all elevations. Approved with Conditions- 13.06.2017

90154/PRO/16- Change of use of existing office building from office (Use Class B1(a) ) to residential (Use Class C3) to create 55 no. apartments. Application for determination as to whether prior approval is required under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Prior Approval Approved- 13.02.2017

75918/TEL/2010- Installation of 3 no. replacement imitation flagpoles with antennae and an internally located equipment cabinet (Prior notification under Schedule 2, Part 24, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Prior Approval Approved- 23.11.2010

## **APPLICANT'S SUBMISSION**

- ICNIRP declaration
- Covering letter
- Site Specific Supplementary Information
- Further background information

## **CONSULTATIONS**

Cadent Gas- There is apparatus in the vicinity which may be affected by the activities specified.

## **REPRESENTATIONS**

Letters of representation from six properties have been received. These all object on the following grounds:

- The masts are unsightly and reduce the aesthetics of the property which will affect property values.
- Telecoms companies and freeholders benefit from siting telecoms equipment on residential buildings but there is no benefit to residents.
- No objection to existing equipment being removed but should not be replaced.
- Handrails will be visible from Park Road
- The replacement masts will be more noticeable despite being lower than the existing.
- The proposal would interfere with the amenity of residents.
- Concerns are raised about health impacts associated with 5G technology.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up-to-date or out-of-date is identified in each of the relevant sections of this report and appropriate weight given to it.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. Policy L7 of the Core Strategy, relating to design, is considered most important in the determination of this planning application. This is because the primary issue is the impact of the proposal on the visual amenity of the area. Policy L7 is consistent with the NPPF and therefore considered to be up-to-date. The "tilted balance" referred to in NPPF paragraph 11 is therefore not engaged.
5. There are no Core Strategy policies that would presume against the principle of installing telecommunications equipment to the roof of the building. The principle of the development is therefore acceptable, subject to consideration of its impact on the visual amenity of the area.

### NPPF REQUIREMENTS

6. Paragraph 117 of the NPPF states "Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
  - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
  - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.”
7. The applicant has submitted Site Specific Supplementary Information which demonstrates compliance with the NPPF requirements for pre-application consultation. The site is not near to a school or college. It is also not within a safeguarding zone surrounding an aerodrome, technical site or military explosives storage area.
  8. The applicant has also submitted a statement self-certifying that the proposed development would comply with ICNIRP guidelines. An accompanying letter clarifies that this statement also covers the 2020 update to the guidelines.
  9. The applicant has therefore complied with the NPPF submission requirements for telecommunications applications of this type.

## DESIGN

10. Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 134 states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...”
11. In relation to matters of design, Policy L7 of the Core Strategy states 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 and boundary treatment.
12. The roof of Bridgewater House is more prominent than usual for a four storey building given the elevated nature of the adjacent section of Park Road. The

existing rooftop of the site nevertheless appears functional with several flat-roofed plant structures and three existing masts.

13. The proposed development would replace three groups of telecoms infrastructure grouped around three flagpole columns. These consist of a total of three antennas with six ancillary Remote Radio Units. These would be replaced by three structures, in the same positions as the existing columns, supporting six antennas as well as ancillary equipment.
14. The replacement telecoms equipment would appear bulkier than the equipment that is being replaced; with two antennas to each structure. The replacement equipment would also be approximately 2m lower in height. The proposed handrail also represents a minimal structure that is typical of functional roof spaces. It is considered that, given the functional appearance of the roof, the proposed replacement equipment would not have any significantly greater impact on the visual amenity of the area than the existing.
15. It is also noted that paragraph 115 of the NPPF states that “The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.” The proposal is therefore in accordance with NPPF policy in utilising a building that already houses telecommunications infrastructure rather than proposing this on a new site thereby minimising overall visual impacts.
16. It is therefore considered that the proposed development would be acceptable in terms of its impact on the visual appearance and character of the street scene and the surrounding area, As such, the proposal complies with Policy L7 of the Core Strategy in design terms.

## AMENITY

17. Policy L7 of the Trafford Core Strategy states that “In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”.
18. The proposed replacement equipment represents a minimal increase in the bulk of the telecoms equipment. This, in addition to the rooftop position of the infrastructure, ensures that visual intrusion and loss of light would not be introduced. There are no further amenity concerns and it is considered that the proposal would not have any detrimental impact on the residential amenity of nearby properties. As such, the proposal complies with Policy L7 of the Core Strategy in this regard.

## HEALTH AND SAFETY

19. A number of representations have raised concerns about the health impacts of 5G technology.
20. Paragraph 118 of the NPPF states: Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
21. The applicant has submitted a certificate which self-certifies compliance with the ICNIRP guidelines. An accompanying letter confirms that this also covers the 2020 update to the guidelines. This is in accordance with the NPPF requirements and therefore acceptable.

## DEVELOPER CONTRIBUTIONS

22. The development would not attract developer contributions.

## CONCLUSION

23. The proposed replacement telecommunications equipment would be in keeping with the functional appearance of the roof of the application site. It would not have any significantly greater impact on the visual appearance and character of the street scene and the surrounding area than the existing equipment. It is therefore considered that it would not introduce harm to the visual amenity of the area or to the residential amenity of any nearby properties and would be in accordance with Policy L7 of the Core Strategy. The proposal also meets the requirements of the NPPF relating to applications for the installation of telecommunications equipment. There are no further concerns with the proposal. It is therefore recommended that permission is granted subject to conditions.

## **RECOMMENDATION:**

**APPROVE** subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 100 Rev. A, 101 Rev. A and 201 Rev. A (received by the local planning authority on 17.05.2021) and 304 Rev. A, 305 Rev. A, 306 Rev. A and 307 Rev. A (received by the local planning authority on 19.08.2021).

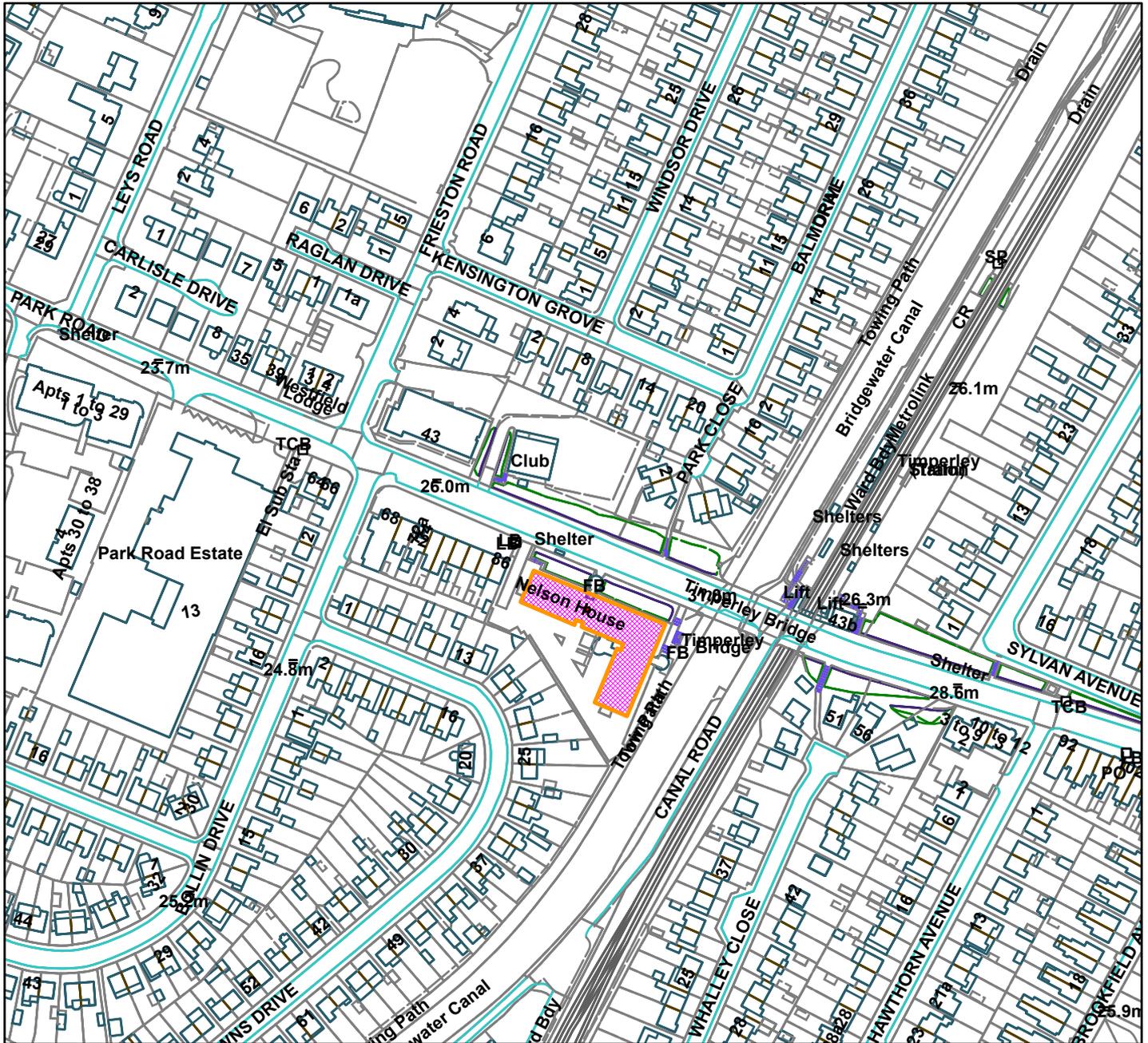
Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JW



Telecommunications Site Ctil 125598 Vf 79739, Rooftop Of Bridgewater House, Park Road, Altrincham (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/09/2021
Date	26/08/2021
MSA Number	100023172 (2012)