

WARD: Manor

112751/FUL/24

DEPARTURE: No

Demolition of the existing detached dwelling and construction of 2 no. detached dwellings, with car parking and associated landscaping.

70 Moss Lane, Sale, M33 5AT

APPLICANT: Ms Alcock

AGENT: Howard & Seddon ARIBA

RECOMMENDATION: GRANT WITH CONDITIONS

This application has been reported to the Planning and Development Management Committee due to 6 or more representations being received contrary to Officer recommendation.

EXECUTIVE SUMMARY

The application relates to the redevelopment of 70 Moss Lane, a residential site featuring a detached two storey dwelling and garden. Planning permission is sought for demolition of the existing dwelling and the erection of 2no. detached 2 storey dwellings (with accommodation within the attic space), with associated access, landscaping, outbuildings and boundary treatment.

The proposed design of each dwelling would include a half hipped roof, front gable, traditional window form and external materials consisting of brickwork and render. Off street parking areas are proposed, garden areas to the front and rear and patios and pathways are proposed around the buildings. A bin, cycle store and a shed are proposed.

The application has received objection letters from the occupiers of 7no. properties. The main concerns raised relate to the principle of an additional dwelling, impact upon the character of the area, residential amenity, trees and parking/highways.

The tilted balance in NPPF paragraph 11 d) ii) is engaged as a result of the fact that the Council is not currently meeting the requirements of the Housing Delivery Test. Weight is given to the contribution of 1 new residential unit (net) to the Council's housing land supply. Other benefits have been taken into consideration as set out within the Planning Balance section of this report. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission. The proposal is considered to comply with the development plan as a whole and is therefore recommended for approval subject to appropriate conditions.

SITE

The application relates to No.70 Moss lane which is a substantial two storey detached dwellinghouse surrounded by an extensive garden. The existing property is early / mid-20th century. It is hipped roofed. There is a canopy to the front door, a side conservatory and a rear flat roof extension.

The site has a large garden extending to the rear, front and side of the property. Access is off Moss Lane and the driveway extends to the front and side of the dwelling along with established landscaping/vegetation. The front boundary consists of a hedge and mature trees, the side boundaries are established hedges and the rear boundary consists of a wood panel fence (approx. 1.8/2 metres high).

The mature trees within and surrounding the proposal site are protected by Tree Preservation Order (falling within area A1 of TPO088). There are no other designations affecting the site.

The application site is located within a residential area, being surrounded on all sides by residential properties (predominantly two storey semi-detached or detached).

PROPOSAL

The application proposes the demolition of the existing dwelling and the erection of 2no. two and half storey 5-bed detached dwellings. The design of the dwellings would include half hipped roofs, a two storey front gable, a chimney, a flat roof rear extension and a rear dormer.

Each detached dwelling (plots 1 & 2) is to consist of:

- Ground floor – open plan kitchen/dining living area, utility area, 2xlounges and w/c;
- First floor – 4 bedrooms (two with ensuites) and a bathroom;
- Second floor – a bedroom with an ensuite and walk-in wardrobe.

The total floorspace of the proposed development would be 601 m². (The net increase in residential floor space would be 333m²).

Value Added

During the application process amended plans were received to alter the design, elevation detail and boundary treatment. Additional plans were provided to show details of cycle and bin stores and clarify the impact on the street scene. The application is assessed on the following plans received on 14 May 2024:

- 15254 –OSA – SITE LOCATION PLAN
- 15254 -23K – SITE PLAN AS PROPOSED
- 15254 -20K - PROPOSED PLANS PLOT 1

- 15254 -21L - PROPOSED ELEVATIONS PLOT 1
- 15254 -27F - PROPOSED ELEVATIONS PLOT 2
- 15254 -26E - PROPOSED PLANS PLOT 2
- 15254 -22I - STREET SCENES AS PROPOSED
- 15254 -34B - GATES AND PIERS AS PROPOSED, TYPICAL FENCE
- 15254 -32B - SITE AND STREET SECTION
- 15254 -34B - GATES AND PIERS AS PROPOSED, TYPICAL FENCE
- 15254 -33A – BINS & CYCLE STORE AS PROPOSED
- 15254 -30B - STRIP SECTIONS
- MY1014/MFS/03 REV.B – TREE PROTECTION PLAN

DEVELOPMENT PLAN

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

- The **Places for Everyone Plan (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced.
- 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 PfE POLICIES

JP-H1 – Scale, Distribution and Phasing of New Housing Development
 JP-H2 – Affordability of New Housing
 JP-H3 – Type, Size and Design of New Housing
 JP-C8 – Transport Requirements of New Development
 JP-G7 – Trees and Woodland
 JP-G8 – A Net Enhancement of Biodiversity and Geodiversity
 JP-P1 - Sustainable Places
 JP-S1 - Sustainable Development
 JP-S4 – Flood Risk and Water Environment
 JP-S2 – Carbon and Energy

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L2 – Meeting Housing Needs
L4.14 - L4.16 – Sustainable Transport and Accessibility
L7.3 - (Amenity Only)
R2 - Natural Environment;
R3 - Green Infrastructure.

PROPOSALS MAP NOTATION

None

SUPPLEMENTARY PLANNING DOCUMENTS AND GUIDANCE

Revised SPD1 - Planning Obligations;
SPD3 – Parking Standards and Design
PG1 – New Residential Development
SPG24 - Crime and Security.
Draft Trafford Design Code 2023

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and it was last updated on 14th February 2024. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

111616/FUL/23 - Demolition of the existing detached dwelling and construction of 3no. detached dwellings with car parking and associated landscaping. Withdrawn, 10.08.2023.

96847/HHA/19 - Demolition of existing conservatory and garage and erection of a single storey rear extension. External alterations to include two storey bays to front and side elevations, replacement windows and re-facing of existing external brickwork throughout. Approve with conditions, 29.04.2019.

109105/TPO/22 - Works to trees within TPO 088, specifically the felling of a number of trees T2, T3, T6, T9, T10, T13, T15, T25 and T26 (refer to plan).

APPLICANT'S SUBMISSION

Design and Access Statement
Aboriginal Implications Assessment
Ground Investigation Report
Bat Survey

CONSULTATIONS

Lead Local Flood Authority - The site possesses some low surface water risk for the 1 in 100-year outline, however there are no records of flooding within 20m or Ordinary Watercourses within 5m. There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site. The applicant is advised to follow the hierarchy of drainage as set out in Part H of the Building Regulations as seen below.

1. Into the ground (infiltration)
2. To a surface water body
3. To a surface water sewer
4. To a combined sewer

Recommended an informative, permeable surfaces must be considered for the parking areas and no surface water should discharge onto the highway or to a highway drain.

Local Highway Authority - Based on the information provided by drawing number Drawing number 15,254 23 Amendment H for the proposed access, servicing, and car and cycle parking arrangements there are no objections on highway grounds to the proposals. The LHA would request the condition detailed in Section 6 and informative in Section 7 are attached to any ensuing planning permission.

It is requested that the Waste Management Team also be consulted to ensure that they are satisfied with the proposed development servicing arrangements.

Waste Management - No issues from Waste - standard bin allocation applies (1 x 140L General Waste, 1 x 240L Paper & Card, 1 x 240L Mixed Recycling, 1 x 240L Food & Garden waste)

United Utilities - No further comment on application. Provide advice on working near pipes and drainage hierarchy.

Environmental Protection (Contaminated Land) – No comments or objection.

Greater Manchester Ecology Unit – comments 18 April 2024 and 11 March 2024

Recommend an informative regarding 'legislation to safeguard bats'.

The Biodiversity Impact Assessment identifies that the proposal will result in a net loss of biodiversity but that "loss of area habitats will be compensated with enhancements such as bat boxes, bird boxes and provisions for hedgehogs". However no biodiversity enhancement scheme has been submitted. Recommended condition on enhancement required.

The trees and shrubs in the garden were identified as having potential to support nesting birds. As all wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended), any clearance or works to these should avoid the main bird breeding season. Recommend a condition to limit works outside the bird nesting season (unless an ecologist has undertaken a check and provided written confirmation no bird would be harmed).

As the invasive Rhododendron was found at the site we would advise that a condition be attached in regard to the removal of the Rhododendron on site

Tree Officer – The mature trees within and surrounding the proposal site are protected within area A1 of TPO088.

Nine trees are proposed for removal, the majority are of low quality and were granted permission to remove under 109105/TPO/22 in October 2022. The proposed loss of two groups of rhododendron, G1 and G3, is likely to improve the area. The three most important trees along the frontage, Horse chestnuts T4 and T7, and beech T5 are of high quality and are to be retained.

I have no objection to the proposals providing the recommendations in the submitted Arboricultural Implications Assessment and Method Statement are followed, particularly in relation to the reconfiguring of the driveway on page 11. The tree protection fencing, shown in Appendix 5: Tree Protection Plan, must be in place following the proposed tree works but prior to demolition starting on site and it must remain in place until all works have finished.

REPRESENTATIONS

Further to notification to neighbours and site notices, 9 representations were received from 7 neighbouring residential properties. The comments are summarised below:

Amenity

- Overlooking and Invasion of privacy (in particular gardens).
- The window in the roof space would affect privacy. 4 large bedrooms would be sufficient. If the houses will have 5 bedrooms an alternative is use Velux windows that follow the pitch roof.
- Height and position of proposal would affect the light and aspect
- Noise will increase from 2 houses.
- Proposed bin store proximity to neighbouring property is detrimental.
- Pollution from gas central heating
- During building work unable to open windows.
- Two and half storeys unnecessary and unreasonable
- Accommodation for up to 20 people, a 2.5 fold increase (250%)

Visual amenity

- Demolition of a period property to be replaced by 2 new builds which are out of character and size to neighbouring properties
- Overdevelopment of the plot, Moss Lane
- Removal of mature trees, shrubbery and greenery and increased hard landscaping will be detrimental to surrounding appearance in general
- Density to be greater than surrounding housing and out of keeping with the area.
- Unable to identify a positive reason for demolition of existing house, will change the unique character of the buildings on Moss Lane.

Highways and Parking

- Each plot should minimally have parking for 5 cars such that each parking spot is accessible without other vehicles having to be moved.
- Likely to park on the road/pavement - hazard for schoolchildren at busy times and hindrance to emergency vehicles (Police, Fire, Ambulance).
- Increase in bins will reduce pavement space on bin day.

Other Matters

- Removal of mature trees, shrubbery and greenery and increased hard landscaping will be detrimental to wildlife and harmful to global warming.
- Hours of work, noise pollution during construction.
- Plan drawing is not sufficient for residents to make a proper assessment in that the drawings appear not to be to scale with little or no dimensions and heights etc provided.
- The freehold title to 70 Moss Lane is burdened by a registered restrictive covenant preventing the erection of more than one dwelling house. For approximately 90-100 years (since construction of the existing house) the land has been used for a single house to preserve the appearance and character of the area. The Application constitutes a breach of that restrictive covenant.
- Request details of the Restrictive Covenant, if it can be varied and process.

A 10 day re-consultation took place following the receipt of amended plans. Further representations (objections) have been received from the occupiers of six nearby properties who had commented previously, raising the following additional comments: -

- Previous objections still stand – amendments do not mitigate concerns.
- Time for residents to comment is too short.
- Additional tree planting will block light.
- The proposed development would provide accommodation for 20 people – a density which is out of character with the area.
- With 5 bedrooms per house, each dwelling should have parking space for 5 cars or cars will end up parked partially on the pavement, which will be a hazard for school children.

- The access to Plot 2 is directly opposite the driveway to another property and should be moved.

OBSERVATIONS

THE DECISION MAKING FRAMEWORK

1. S38(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.
2. The NPPF, at paragraph 11, explains how the “presumption in favour” should be applied in the decision-taking process. It means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting planning permission 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.
3. The Places for Everyone Joint Development Plan was adopted on 21 March 2024. In accordance with Paragraph 76 of the NPPF, and for the first five years of the plan’s adoption, Trafford is now no longer required to identify a five year housing land supply. In effect, for decision making purposes, it should be assumed that the Local Planning Authority has a five year supply of specific, deliverable housing sites. The Council’s housing land supply position therefore no longer triggers the tilted balance.
4. However, Housing Delivery Test (HDT) presumption still applies. Paragraph 79 of the NPPF states that where the HDT falls under 75% then the presumption in favour of sustainable development applies. Trafford’s HDT figure for 2023 is 65% i.e. the Council delivered an average of 65% of its housing requirement over the three years to March 2023. The tilted balance is therefore triggered by the HDT.
5. As development plan policies in Places for Everyone are very recently adopted they are up to date and should be given full weight in decision making. Although the tilted balance in the NPPF is a primary material consideration, the development plan remains the starting point for decision making.

PRINCIPLE OF DEVELOPMENT

6. Policy JP-H2 states that: A key part of the overall strategy is to maximise the amount of development on brownfield sites in the most accessible locations and minimise

the loss of greenfield and Green Belt land as far as possible. In order to deliver the necessary densities, an increasing proportion of new dwellings will be in the form of apartments and town houses, continuing recent trends.

7. Policy JP-H3 states: Development across the plan area should seek to incorporate a range of dwelling types and sizes including for self-build and community led building projects to meet local needs and deliver more inclusive neighbourhoods. Residential developments should provide an appropriate mix of dwelling types and sizes reflecting local plan policies, and having regard to masterplans, guidance and relevant local evidence
8. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. Policy L2.2 states that: All new development will be required to be:
 - (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents;*
 - (b) Appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development;*
 - (c) Not harmful to the character or amenity of the immediately surrounding area; and*
 - (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford.*
9. The site is a large house with a driveway and set within a large garden. A large part of the proposed dwellings would be built over the original building footprint, nevertheless some of the new development would be built over the current garden area. As such part of the site which would accommodate the proposal is considered to be greenfield land, as identified by the NPPF.
10. In consideration of the part of the proposal to be built on greenfield land it is noted that the application site is located within an established residential area, in a sustainable location sited relatively close to public transport links, local schools and other community facilities.
11. The proposal would see the delivery of 2no. 5xbed two storey dwellings (a net increase of 1 dwelling) within a sustainable, residential location in accordance with JP-H3 of Places for Everyone. The proposal would make a small contribution to the Borough's housing land supply.
12. Additionally there is also likely to be a small economic benefit during the construction phase of the development.

13. In conclusion, whilst the proposal would result in a fairly limited contribution to housing supply, it is still considered that weight should be afforded in the determination of this planning application to the scheme's contribution to housing delivery and meeting the Government's objective of securing a better balance between housing demand and supply. The proposal would comply with Policy L2 of the Trafford Core Strategy, alongside Policy JP-H1, JP-H2 and JP-H3 of Places for Everyone.
14. The principle of residential development is therefore acceptable, subject to consideration of other material considerations reviewed below.

DESIGN

15. Paragraph 131 of the NPPF states that: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.
16. Paragraph 139 states that *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."*
17. Policy JP-P1 of Places for Everyone contains extensive requirements for development, with 16 key design and sustainable places considerations outlined below. Namely, development should be: *Distinctive; Socially inclusive; Resilient; Adaptable; Durable; Resource efficient; Safe; Supported by critical infrastructure; Functional and convenient; Incorporate inclusive design; Legible; Easy to move around; Well-connected; Comfortable and inviting; Incorporate high quality and well managed green infrastructure/public realm; Well served by local shops, services, amenities and facilities*
18. Paragraph 2.4 of PG1, New Residential Development, acknowledges the role of infill development in providing a valuable contribution towards the supply of new housing, however this document reiterates that the resulting plot sizes and frontages should be sympathetic to the character of the area and satisfactorily relatable to neighbouring properties.
19. Paragraph 2.4 states: Development of small vacant sites or the retention of buildings and construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding

properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene. Both the new property and the retained dwelling should comply with the standards set out in these guidelines.

20. The draft Trafford Design Code states: The type, form and profile of a building has a dramatic effect on how it sits within its setting, and should seek to be complementary to the surroundings, particularly in historic environments. The rhythm and repetition of a group of houses on a street or around an open space can create a striking visual identity. Form is also important for the functionality of a building, with projecting elements in the facade or roof creating additional spaces or maximising light into a property.

Assessment of Design

21. The siting and orientation of the proposed buildings would respond well to the site. The dwellings are set back from the highway following the building lines of the existing dwellings and set in from the side boundaries and the proposal would provide space between the proposed properties themselves, ensuring a suitable degree of spaciousness is maintained in keeping with the surrounding residential character of the neighbouring detached and semi-detached properties. Trees are proposed to be maintained to the front, side and rear boundaries and the hedge to be retained to the front boundary, in addition a landscape condition is recommended to ensure the verdant/green quality of the site is maintained and ecological enhancements provided (as discussed in Ecology and Trees section). The existing vehicular access would be utilised and the existing pedestrian access would be altered to provide a new vehicular access for the other plot.
22. The proposed properties would be two storeys in height with accommodation in the roof space. The roof shape would be partially hipped, which is reflective of some properties in the local street scene and gable, brick and render features would be in keeping with the surrounding context.
23. Overall the scale, height, massing, siting, design, and landscaping would be appropriate to the context and would contribute positively to the character of the area. Conditions are recommended to ensure appropriate external materials, landscaping and details such as reveals.
24. Taking the above into account, the proposed development would be acceptable in design terms and would not have any detrimental impact on the character or visual appearance of the street scene or the surrounding area and would comply with Policy JP-P1 of Places for Everyone, the National Design Guide, the draft Trafford Design Code and policies in the NPPF.

ECOLOGY AND TREES

25. Paragraph 131 states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.
26. Paragraph 174 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by (criterion d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 continues, when determining planning applications, local planning authorities should apply (criterion d) opportunities to improve biodiversity in and around developments should be integrated as part of their design.
27. Core Strategy policies R2 – Natural Environment, advises *the protection and enhancement of the natural environment of the Borough*, and R3 – Green Infrastructure advises on the provision of functional green infrastructure (GI).
28. The mature trees within and surrounding the proposal site are protected by Tree Preservation Order (within area A1 of TPO088) and the site has established bushes/hedges to its boundaries. The Tree Officer has reviewed the proposal and has not raised an objection subject to conditions to ensure tree protection. The most important trees (along the frontage) are of high quality and are to be retained and the trees proposed for removal for the majority are low quality. Furthermore, the loss of two groups of rhododendron (an invasive species) would be a benefit to the site. Relevant landscaping conditions are recommended.
29. The Greater Manchester Ecology Unit has reviewed the Biodiversity Impact Assessment and Bat Survey and recommended a number of conditions.
30. The Biodiversity Impact Assessment identifies that the proposal will result in a net loss of biodiversity. GMEU state that ecological enhancement can be relatively easily achieved through the provision of measures such as bird and bat boxes and soft landscape planting utilising native species or wildlife attracting plants and it is recommended this requirement is conditioned to be provided prior to occupation. A biodiversity enhancement scheme has now been submitted and further comments are awaited from GMEU in relation to this. It is recommended that a condition is attached in relation to this.
31. The trees and shrubs in the garden were identified as having potential to support nesting birds. As all wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended), it is recommended that a condition is attached to limit works outside the bird nesting season (unless an ecologist has undertaken a check and provided written confirmation that no bird would be harmed).

32. As the invasive Rhododendron was found at the site a condition to manage the removal is recommended.
33. The submitted bat survey confirms that the site offers negligible potential for a bat roost and no further surveys are required. For clarification an informative is recommended to inform of legislation regarding the presence of bats.
34. The proposed development would be exempt from Biodiversity Net Gain requirements, being an application for non-major development submitted before 2 April 2024.
35. Subject to conditions the proposed development would be acceptable in terms of ecology and biodiversity and would comply with Core Strategy Policy R2, Policy JP-G8 of Places for Everyone and the NPPF.

RESIDENTIAL AMENITY

36. This section considers the potential amenity impact upon neighbouring residential properties. NPPF paragraph 135 states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
37. JP-P1 of the PfE plan states development should be: Comfortable and inviting, with indoor and outdoor environments: A. Offering a high level of amenity that minimises exposure to pollution; and B. Addressing microclimate issues such as sunlight, indoor air quality, overheating, shade, wind and shelter. Policy JP-P1 also states that development should be: Socially inclusive: A. Responding to the needs of all parts of society; Enabling everyone to participate equally and independently...Incorporating inclusive design within all spaces...easy to move around for those of all mobility levels.
38. Furthermore, PfE Policy JP-H3 states that all new dwellings must comply with the nationally described space standards.
39. Core Strategy Policy L7.3 states that *“In relation to matters of amenity protection, development must:*
 - Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way”.*
40. The Council’s adopted planning guidance for new residential development sets out minimum separation distances which will be sought in order to protect residential amenity. These are as follows:

- 21m between facing habitable room windows across public highways (increased by 3m for three or more storeys)
- 27m between facing habitable room windows across private gardens (increased by 3m for three or more storeys)
- 15m between a main elevation with habitable room windows and a facing blank elevation
- 10.5m between habitable room windows and garden boundaries (increased by 3m for three or more storeys)

Impact upon neighbours

41. To the front and rear there are significant interface distance between properties that comply with the above guidelines and as such there would be no undue impact on existing amenity in these aspects. To the front the properties are set approx.15m from the street and there is an approximately 38m interface distance to the properties on the opposite side of Moss Lane. To the rear a dormer would be set within the roof slope of each of the proposed properties, however there would be significant separation distances, with 28m to the rear boundary from the main rear elevation and over 50m interface distance between the proposed dwellings and the properties to the rear. Furthermore, any views from the single storey element would be screened by boundary treatment to the rear boundary.
42. Plot 1 would be located adjacent to 72 Moss Lane, a semi-detached two storey dwelling with a side extension which consists of a car-port to the ground floor. There are windows in the side elevation of this property.
43. In terms of the ground floor windows in the side elevation, two of the windows are secondary windows to the living room which has its main window to the front elevation and the third ground floor window serves an office/storage room which is considered to be a non-main habitable room. It is therefore considered that any impact on these windows would not result in an unacceptable impact on the residential amenity of this neighbouring dwelling.
44. The side first floor window at 72 Moss Lane is the only window to a bedroom (a habitable room), and the separation distance to the side elevation of the dwelling at plot 1 would be 8m (currently 16m). To the side extension of 72 Moss Lane, the front window also solely serves a bedroom. The proposed dwelling would project forwards of this window by 7m, however it would be set 5.5m from the side elevation. In assessing the impact on light and outlook to these bedroom windows, it is also noted that a large oak tree is to be removed which will, in itself, result in some benefit in terms of light and outlook. Given the position of these windows at first floor level, it is considered that they would retain an acceptable level of light and outlook. It is therefore considered that the proposed development would not result in an unacceptable overbearing or overshadowing impact in relation to windows in the side of this dwelling.

45. The proposed dwelling at plot 1 would set 3.6m from the shared boundary and 5.6m from the side elevation of the side extension of 72 Moss Lane. The dwelling has a similar building line to the front and rear as 72 Moss Lane with the single storey element projecting 3.7m to the rear. It is considered that the proposed development would not result in any unacceptable overbearing or overshadowing impact in relation to windows in the front or rear elevations of No. 72 or in relation to the rear amenity space of that property.
46. The dwelling proposed at plot 2 would be set approx. 4.3m from the shared boundary and approx. 12.3m from the side elevation of 68 Moss Lane. There are side windows in the ground and first floor of that dwelling which provide secondary outlooks to habitable rooms or serve non habitable rooms. Given the separation distance is to be maintained, that the ground floor windows are secondary and that the impact on first floor windows would be less than on ground floor windows because of their siting at first floor level, it is considered that there would not be any undue overbearing or overshadowing impact in relation to the windows in the side elevation of this neighbouring dwelling.
47. The front building line of the proposed dwelling at plot 1 would be similar to 68 Moss Lane. The rear elevation of the proposed dwelling would project approximately 3m further than the rear elevation of 68 Moss Lane, however as it would be set significantly in from the shared side boundary as noted above, there would not be any undue overbearing or overshadowing impact in relation to windows in the rear elevation of 68 Moss Lane or to this neighbouring property's private amenity space.
48. Within each plot is proposed a single storey shed, bin store and cycle store, which are limited in scale, for domestic use only and are a typical feature in residential gardens. The sheds would not result in any detriment to neighbouring amenity.
49. The proposed dwellings contain a first floor window serving a bathroom to both side elevations. It is recommended that a condition would need to be attached requiring these windows to be obscured glazed and fixed shut. The ground floor windows in the side elevations would be screened by boundary treatment which could be ensured via a condition. The neighbouring properties' level of privacy would be maintained, as would the privacy of the future occupiers of the proposed dwellings.
50. Each of the proposed dwellings would exceed the Nationally Described Space Standards and would feature good room sizes. Windows would provide sufficient natural light and outlook and all habitable rooms would experience a good level of amenity in terms of light, outlook and privacy. Each property would have a large garden affording a good amount of outdoor amenity space.
51. Issues have been raised in the representations relating to equalities. These issues have been taken into account by officers in the assessment of the residential amenity impacts but do not alter the conclusions of this assessment.

52. It is therefore considered that there would be no unacceptable impact on the residential amenity of any neighbouring properties and the proposed development would provide a satisfactory level of amenity for future occupiers. As such, the proposed development would comply with Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone and policies in the NPPF in this respect.

ACCESSIBILITY

53. PfE Policy JP-H3 states that all new dwellings must be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impractical. Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.

54. The applicant has confirmed that the proposed development would be built to comply with Part M4(2) of the Building Regulations. It is recommended that a condition is attached to require compliance with this.

SERVICING, ACCESS, HIGHWAYS AND PARKING

55. Paragraph 115 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."

56. 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.*

57. The two dwellings would be accessed by separate vehicle entrances. Plot 1 would utilise the existing vehicular access and a new vehicular access would be provided for plot 2 (and the existing pedestrian access removed). Three parking spaces would be provided for each of the proposed dwellings in accordance with the SPD3 Parking standards. Furthermore, each plot would also benefit from an internal vehicle turning area to accommodate access and egress in a forward gear. A dedicated secure 4-space cycle store fitted with internal cycle stands is proposed to the rear garden of each dwelling. The access and car & cycle parking arrangements are accepted by the LHA.

58. A Construction Management Plan has been submitted, which the LHA has confirmed is acceptable in terms of highways issues but further comments are awaited from Environmental Health. It is recommended that a condition is attached in relation to the CMP.

59. Bin stores are proposed within the rear gardens and accessible to the dwellings.

60. 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.
61. Taking the above into account, the proposal complies with Policies L4 and L7 of the Core Strategy and Policies JP-C5 and JP-C7 of Places for Everyone in this respect.

DRAINAGE

62. Policy L5 of the Trafford Core Strategy states that “the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”. At the national level, NPPF paragraph 173 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.
63. The LLFA has reviewed the application and is satisfied the proposed development is acceptable with regards to drainage and recommends an informative to advise on permeable surfaces. United Utilities have provided comments and these are to be provided as an informative.
64. The proposed development, subject to condition, is therefore considered acceptable in terms of drainage and in line with NPPF and Policy L5 of the Core Strategy and Policy JP-S4 of Places for Everyone.

SUSTAINABILITY AND CLIMATE CHANGE

65. The application falls under the Council’s threshold for requiring a specific energy statement.
66. However the development would provide two dwellings in a sustainable location. Building regulations would cover the energy performance of the building in terms of building fabric, windows and overall insulation levels.
67. In summary the scheme is considered to comply with Policy L5 of the Core Strategy and the aims of Policy JP-S1 and JP-S2 of Places for Everyone.

EQUALITIES

68. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people

from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards to planning applications.

69. Issues have been raised in the representations relating to equalities and as such, in making an assessment of the application proposals, it is necessary to have regard to the Public Sector Equality Duty. If it is known that a decision could have an impact on persons with (a) protected characteristic(s), then this cannot be disregarded, whether or not that is material to the planning merits of the case.
70. Officers have had regard to this in making an assessment of the impacts of the proposed development.
71. As discussed above, the applicant has confirmed that the proposed development would be built to comply with Part M4(2) of the Building Regulations. It is recommended that a condition is attached to require compliance with this.

OTHER MATTERS

72. Residents have advised there is a restrictive covenant on the site. This is a private legal matter and not a material planning consideration. It is noted that all neighbouring properties have been notified.

DEVELOPER CONTRIBUTIONS

73. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
74. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of three additional trees per property (which is considered achievable on site). No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

PLANNING BALANCE AND CONCLUSION

75. The proposal would provide 2no. new residential dwellings (net increase of no.1 dwelling), contributing towards housing supply within the area, and is in a sustainable location. There would also be a small amount of economic benefit arising from the construction process. The proposed development would comply with

Policy L2 of the Core Strategy and Policies JP-H1, JP-H2 and JP-H3 of Places for Everyone.

76. The proposed development is considered to be acceptable in terms of design and visual amenity and in terms of impact on residential amenity and parking and highways issues. Subject to conditions, ecology, parking and servicing considerations are also found to be acceptable.
77. Applying NPPF paragraph 11 d ii), there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against the policies in the NPPF taken as a whole. The scheme complies with the development plan as a whole and is considered to represent sustainable development. It is therefore recommended for approval, 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:

- 15254 –OSA – SITE LOCATION PLAN
- 15254 -23K – SITE PLAN AS PROPOSED
- 15254 -20K - PROPOSED PLANS PLOT 1
- 15254 -21L - PROPOSED ELEVATIONS PLOT 1
- 15254 -27F - PROPOSED ELEVATIONS PLOT 2
- 15254 -26E - PROPOSED PLANS PLOT 2
- 15254 -22I - STREET SCENES AS PROPOSED
- 15254 -34B - GATES AND PIERS AS PROPOSED, TYPICAL FENCE
- 15254 -32B - SITE AND STREET SECTION
- 15254 -34B - GATES AND PIERS AS PROPOSED, TYPICAL FENCE
- 15254 - 33A – BINS & CYCLE STORE AS PROPOSED
- 15254 -30B - STRIP SECTIONS
- MY1014/MFS/03 REV.B – TREE PROTECTION PLAN

Reason: To clarify the permission, having regard to Policy JP-P1 of Places for Everyone, Policy L7 of the Trafford Core Strategy, and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application no works involving the use of any materials to be used externally on the buildings shall take place until samples and / or full specification of all such materials [including bricks, window header stone, roof slates and ridge tiles, fascias and copings, dormers, rooflights, windows including cills, doors, render and rainwater goods] have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy JP-P1 of Places for Everyone and the provisions of the NPPF.

4. The dwellings hereby permitted shall not be occupied unless and until the bicycle stands and bin storage as shown on drawing numbers 15254 - 33A – BINS & CYCLE STORE AS PROPOSED and 15254 -23K – SITE PLAN AS PROPOSED have been installed and made available. The cycle storage and bin storage shall be retained thereafter for the lifetime of the development.

Reason: In the interests of servicing the site and parking, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policies JP-C5 and JP-C7 of Places for Everyone and the provisions of the NPPF.

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities, including measures for keeping the highway clean
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii hours of construction activity.

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 provisions of the NPPF.

6. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season (1st March to 31st August inclusive), unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the local planning authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

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

7. No development shall take place unless and until a scheme for the Biodiversity Enhancement Measures, as set out in Appendix II of the Inspection & Assessment in Relation to Bats & Breeding Birds by Tyrer Ecological Consultants Ltd dated September 2023, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: In the interests of biodiversity enhancement in line with Policy JP-G8 of Places for Everyone and the National Planning Policy Framework.

8. No development (including demolition, ground works and / or vegetation clearance) shall take place unless and until an invasive non-native species protocol has been submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Rhododendron on site including details of the timing of the proposed works. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure that invasive species identified on site are appropriately dealt with and in the interests of biodiversity enhancement in line with Policy JP-G8 of PfE, Policy R2 of the Core Strategy and the National Planning Policy Framework.

9. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with the details in the submitted documents titled "Dwg.MY1014/MFS/03 Rev. B - Tree Protection Plan" and "15254 -23K – SITE PLAN AS PROPOSED ". The protection measures 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 JP-G7 – Trees and Woodland - of Places for Everyone, Policies 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.

10. a) Notwithstanding the details shown on the approved plans, no development or works of site preparation shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include formation of any banks, terraces or other earthworks, hard surfaced areas and materials, boundary treatments, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.
- (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
- (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped and to ensure the acceptable protection of trees both on and off-site, having regard to its location, the nature of the proposed development and having regard to Policies JP-G7, JP-G8, and JP-P1 of Places for Everyone, Policies R2 and R3 of the Trafford Core Strategy, and the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the first floor on the side elevations of the dwellings facing north-east and south-west 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.

12. 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 dormer windows and no first floor side elevation windows shall be added to the dwelling(s) 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 JP=P1 of PfE, Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

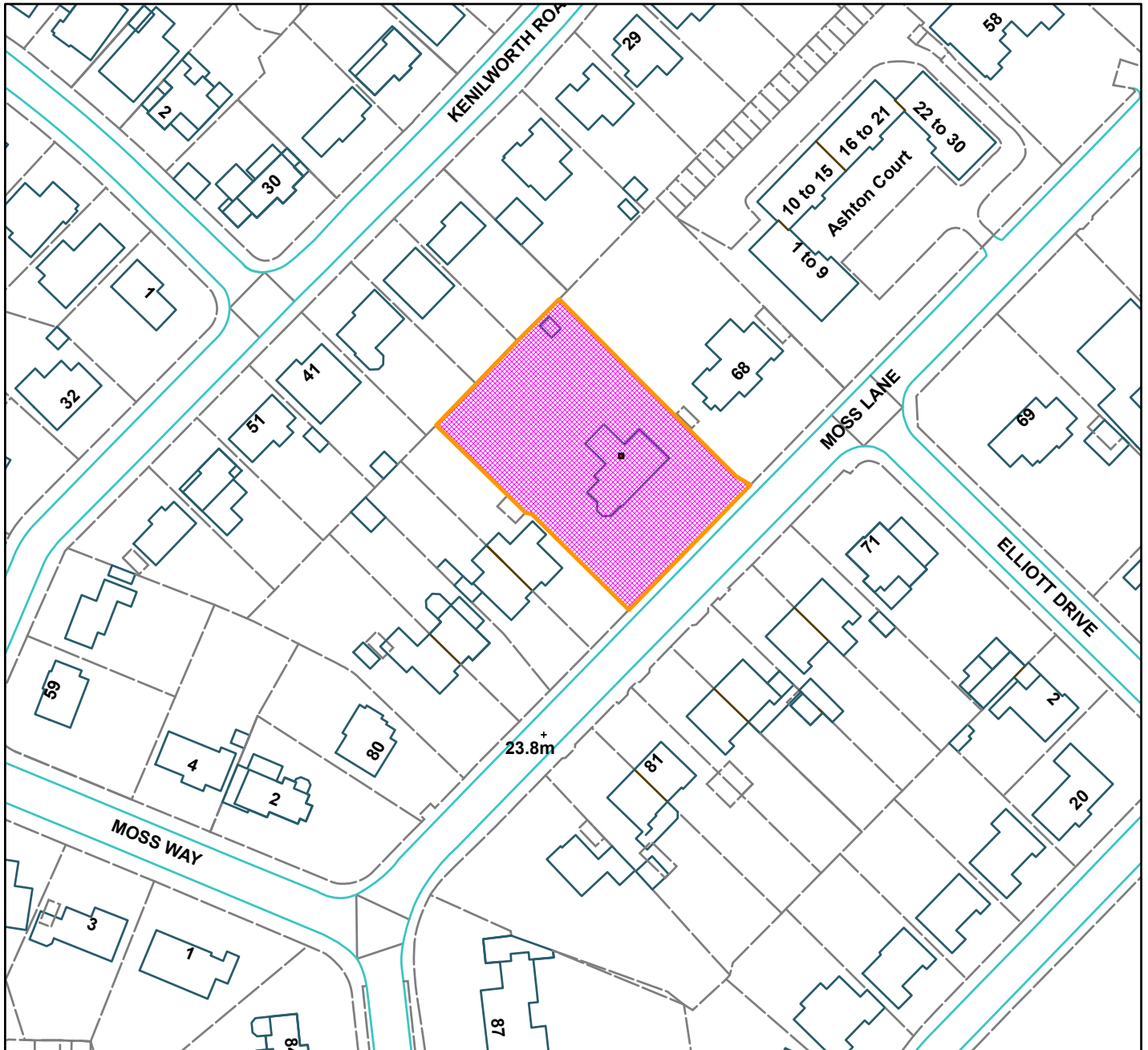
13. The dwellings hereby permitted shall be built to comply with the “accessible and adaptable” standard in Part M4(2) of the Building Regulations.

Reason: In the interests of amenity and to ensure that the development is accessible to all sections of the community, having regard to Policies JP-H3 and JP-P1 of Places for Everyone and policies in the NPPF.

TM



70 Moss Lane, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 20/06/2024
Date	10/06/2024
MSA Number	AC0000809316 (2022)

WARD: Urmston

113085/FUL/24

DEPARTURE: No

Installation of 12no. floodlights mounted on 9no. lighting columns 7m high on Courts 1 and 2.

Urmston Cricket And Lawn Tennis Club, Moorside Road, Urmston.

Applicant: Mr Russell Comrie

Agent:

RECOMMENDATION: GRANT WITH CONDITIONS

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

Executive Summary

The application relates to courts 1 and 2 of the three AstroTurf Courts at Urmston Cricket and Lawn Tennis Club, on Moorside Road in Urmston. The application seeks planning permission for the erection of 12no. floodlights. It is proposed to illuminate the courts with 12no. luminaires which would be located on 9no. lighting columns that would be 7.0 metres in height. The nine lighting columns would be 89mm diameter and finished in a dark green colour.

Development plan policy is up to date and the tilted balance (as set out in paragraph 11d of the NPPF) is not engaged. The application has received objection letters from the occupiers of 10 properties and letters of support from the occupiers of 57 properties. The main considerations are in relation to the impact of the floodlighting and any noise and / or disturbance associated with an increase in usage of the courts on the amenity of nearby residential properties.

A previous application for floodlighting, 98898/FUL/19, was refused by the Planning and Development Management Committee in June 2020. However, the current application proposes a reduced number of floodlights and the tennis court closest to residential properties at Albany Court is no longer proposed to be floodlit. It is also noted that the previous application was not supported by appropriate lighting and noise assessments by suitably qualified consultants. Noise and lighting assessments have been submitted with the current application together with a Floodlight Management and Maintenance Strategy and the Council's Environmental Health officers have raised no objections to the proposed development, subject to appropriate conditions. Officers therefore consider that the proposed development would not result in an unacceptable impact on residential amenity.

The application complies with the development plan when taken as a whole and with policies in the National Planning Policy Framework. The application is therefore recommended for approval.

SITE

The application site comprises an existing tennis club which was established in 1846 and has facilities for tennis, cricket, bowls, croquet and a club house. The sports club has ten tennis courts comprising three Astroturf, three Italian clay and four grass. The AstroTurf is the only surface playable all the year round.

This application relates specifically to courts 1-2 which are located to the south of the site, immediately adjacent to the club house. The club house and facilities are accessed from Moorside Road with car parking available to the front of the sports club house.

Albany Court, a three storey apartment block for over 55s is sited on the western boundary of the courts. The wider surrounding area is predominantly residential and is bounded by residential properties on all sides with the exception of the south which adjoins Urmston Grammar School.

PROPOSAL

Planning permission is sought for the erection of 12no. floodlights. It is proposed to illuminate the courts with 12no. luminaires which would be located on 9no. lighting columns that would be 7.0 metres in height. The proposal is to floodlight courts 1+2 of the three AstroTurf courts.

The application documents state that the floodlighting system would be timeclock controlled to prevent usage after 10.00pm. The proposed floodlighting system provides a lighting level of 300 lux across the principal playing area to satisfy the Lawn Tennis Association Standards for club tennis.

The nine lighting columns would be 89mm diameter and finished in a dark green colour.

DEVELOPMENT PLAN

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

- The **Places for Everyone Plan (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced.
- The **Trafford Core Strategy**, adopted 25th January 2012; the Trafford Core Strategy 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; A number 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 the new Trafford Local Plan.

PRINCIPAL RELEVANT CORE STRATEGY AND PFE POLICIES

L7 - Design;
L4-Sustainable Transport and Accessibility;
L5 – Climate Change;
R2 – Natural Environment
R5 – Open Space, Sport and Recreation.

JP-P1- Sustainable Places;
JP-P6: Health
JP-C1: An Integrated Network.

OTHER LOCAL POLICY DOCUMENTS

SPD3- Parking Standards & Design.

PROPOSALS MAP NOTATION

Protected Open Space (UDP – OSR5)

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) in December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated in February 2024. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

98898/FUL/19 - Installation of 12 no. floodlighting columns on the 3 existing astroturf tennis courts.

Refusal, 19.06.2020

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

H/71067 - Erection of a fixed frame cricket practice cage.

Approved with Conditions - 19.05.2009

APPLICANT'S SUBMISSION

Urmston Sports Club Tennis Floodlighting Planning and Technical Statement

Appendix A V2 Location plan Urmston lawn tennis club

Appendix B V2 Proposed site plan two Astro tennis courts

Appendix B Existing site plan two Astro tennis courts

Appendix C Lighting Design Calculations Sports Lighting UK

Appendix D Noise Assessment

Appendix E Tennis pro led tennis court floodlights

Appendix F Guidance note gn01-21 - the reduction of obtrusive light

Appendix G Urmston Sports Club Obtrusive Light Report

Appendix H Ultc Floodlight Management

Appendix I Ultc Albany Court Drop in meeting

Appendix J View from Albany Court

The Chairperson at Urmston Sports Club has responded on behalf of the applicant to the objections received, submitted 15th May. The comments have been summarised below: -

Urmston Sports Club.

- To enable the playing of tennis during the darker months of the year, can extend the offering of sport for the benefit of community and extend the programmes.
- Health and Social benefits of sport.
- Diverse, participating membership with varied age range, genders, cultural and ethnic backgrounds.
- Extending the usage time of our facilities can only be an asset to members and community as a whole.

Planning applications.

- This is our second application and in light of our naivety with the first application it has been extremely thorough taking into account all of the requirements of Trafford MBC Planning Department and of our immediate neighbours, most notably the residents of Albany Court. There have been 38 extra points of difference addressed compared to the initial application.

5-a-side football

- There are not any plans for 5-a-side football at our Sports Club.
- There are several areas of provision for small-sided football related sports in the locality.
- Given the proximity to residential areas, any such application for change of use would have zero chance of success, and we could never afford cost of the infrastructure required.

Lighting

- Lights would only be in operation when it is dark which occurs at differing times throughout the year.

Sound

- Commissioned an exhaustive sound survey, which has been deemed acceptable.
- Less sound generated from two floodlit courts in use than there is from six courts being used all at once in the summer months.
- Interestingly sound travels more slowly at night and in cooler temperatures than during daytime and in warmer temperatures.

Parking

- Parking facilities are sufficient, relationship with Urmston Grammar School allows use of their car parking spaces.

Other Sports

- There is not nor has there ever been any demand from our members for any other sport for which we provide facilities to be floodlit.
- Not financially viable.

Unightly Views

- Aside from the poles (which will merge in with the existing fencing) on which the lighting will be suspended there will be people playing tennis, as opposed to empty court.

Eco Footprint

- Our lighting solution will be the most eco-friendly one that exists on the market today. To be as efficient as possible from a financial and efficiency standpoint.

Adverse Effect on Property Value

- Comparison in regards to private and public courts.

CONSULTATIONS

Environmental Health (Nuisance): No objection subject to conditions relating to the

requirement for a verification report and hours of use of floodlights.

Local Highway Authority: No objections.

Greater Manchester Ecology Unit: There is negligible potential for the works to disturb roosting bats and no surveys are required subject to informative.

REPRESENTATIONS

The application has received objection letters from 10no. properties and letters of support from 57no. properties.

In summary, the letters of support are summarised as follows:-

Financial viability

- Over past 4 years, tennis membership at Urmston Sports Centre has increased by 30%. Floodlights will attract more members, help keep membership costs low and help secure future of USC
- USC provides a range of sporting and social activities and is more affordable than commercial sports clubs in the area
- Be able to host competitive league matches
- Allow expansion for coaching for the number and ages of teams
- Can offer sessions to non-members
- Financial difficulties on the part of Urmston Tennis Club may result in further tranches of land for property development

Wider community benefits

- Benefit the wider community, pupils at Urmston Grammar School and members of Urmston Sports Club (USC)
- Shortage of tennis courts in Urmston area
- Accessible local sports club
- Other local clubs in Trafford / Manchester / Cheshire have already got floodlights and have been able to attract and retain more players
- Community spirit at the club

Physical and mental wellbeing

- Floodlights will provide more playing time all year round which would be invaluable
- During winter months, 6 months of the year access to the courts is limited
- Tennis improves mental and physical wellbeing and can become an integral part of members lives
- Social aspect of playing tennis provides long term benefits
- Reduce anti-social behaviour

Amenity

- Noise levels would be nowhere near as high as those produced in the summer, as play would be on two courts only. In the summer all six courts are in use.
- Resident of Albany Court states windows are highly effective at shutting out background noise and it is almost impossible to hear anything or notice any light emanating from the tennis courts.
- Lighting would only be operational when it is dark.

Visual impact

- The pylons will cause some alteration to the view, but are slender and unobtrusive and would not extend beyond the height of the current sky line.
- Would not be in an area of unspoilt natural beauty.

Previous application

- 38 extra points of difference addressed compared to the initial application.

Other sport use

- There are not any plans for 5-a-side football at the Sports Club.
- There is no demand from members for any other sport

In summary, the letters of objection are summarised as follows:-

Amenity

- Albany Court is a retirement block, reason for residents choosing to live there was that it is quiet and peaceful
- Close proximity of the floodlights to the properties in Albany Court
- Unclear from the submission which wattage will be used, difference between 260w and 75w and the effect it will have to residents close by
- Would have to have curtains and blinds closed due to light overspill
- Closing the windows can make it warm inside, to have lights on as well would be uncomfortable
- Adverse impact to privacy
- Adverse impact to outlook, visual impact of lighting columns

Noise

- Adverse impact from noise from 3.30pm - 10pm onwards. Tennis players now play as early as 8.30am, 7 days a week.
- Noise would be all year round, not restricted to summer months
- Prominent noise not just from tennis play but talk amongst players, shouting and swearing.

Other sport use

- Concern over the courts being used for other sports, for example football, bowls, cricket.
- Key objective of floodlighting is to increase membership by 50%, cannot see how tennis being played all year round would achieve the increase.

Sustainability

- Carbon footprint – use of extra electricity

Other matters

- Revised application does not show any real material difference. No less intrusive than original proposals
- Devaluation of property
- Late delivery of letters, dated 20th March but did not deliver these till 26th March. Residents only have a few days to object.

Officer comment:

Loss of property value is not a material planning consideration.

OBSERVATIONS

BACKGROUND

1. Urmston Tennis Club is an established club which has ten tennis courts comprising three Astroturf, three Italian clay and four grass. There is a detailed history of applications relating to improving and extending the facilities at the club.
2. The previous planning application (98898/FUL/19) for the installation of 12 no. floodlighting columns was refused by the Planning and Development Management Committee on 19 June 2020. The revised application has reduced the number of floodlit courts from three to two with the court closest to residential properties now not proposed to be floodlit. In addition, the total number of floodlighting columns has been reduced from twelve to nine. It is also noted that the previous application was not supported by a full assessment of the lighting impacts by an appropriately qualified consultant or by any noise assessment from an appropriately qualified consultant.

THE DECISION TAKING FRAMEWORK

3. S38(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.
4. The NPPF, at paragraph 11, explains how the “presumption in favour” should be applied in the decision-taking process. It means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting planning permission 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. Places for Everyone Joint Development Plan was adopted on 21 March 2024. As development plan policies in Places for Everyone are very recently adopted they are up to date and should be given full weight in decision making.
 6. The policies which are 'most important' for determining this application are those relating to amenity.
 7. For the purposes of NPPF Paragraph 11, the relevant development plan policies are considered to be up to date. The tilted balance (as set out in paragraph 11d of the NPPF) is therefore not engaged, and paragraph 11c and paragraph 12 provide the decision-taking framework for this application.

PRINCIPLE OF DEVELOPMENT

8. Paragraph 96 (c) of the NPPF advises that *“Planning policies and decisions should aim to achieve healthy, inclusive and safe places ... which ... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*
9. Paragraph 102 continues *“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.*
10. PfE JP-P6 Health advises in paragraph 9.39 that *‘Sports participation in Greater Manchester is slightly lower than the national average. 72.9% of adults in Greater Manchester (16+) were ‘active’ or fairly ‘active’ as of May 2018. This represents an increase of 0.5 percentage points compared to May 2017 but is 1.9 percentage points below the England average. Nationally, there is a major problem of inactivity amongst younger people, with only 32% of 5–15-year-olds being defined as active, and just 9% of 2–4-year-olds.’*
11. PfE JP-P6 Health continues to say at paragraph 9.42 *‘Ensuring the continued availability of, and easy access to, a high-quality range of sport and recreation facilities, would therefore help to achieve key objectives such as improving the health of residents, and making Greater Manchester a more attractive place to live and visit.’*

12. PfE JP-P7 Sport and Recreation states, *'A network of high quality and accessible sports and recreation facilities will be protected and enhanced, supporting greater levels of activity for all ages.'*
13. Policy R5 of the Trafford Core Strategy (Open Space, Sport and Recreation) advises that the Council should seek to protect existing, and secure the provision of, areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose.
14. The submitted Planning Statement advises at paragraph 6.11 that *'Despite this progress The Club is limited by the seasonal nature of the game. Floodlights would enable The Club members to play and enjoy throughout the year and particularly during evening leisure time. It would help to retain and attract new members enabling The Club to compete... enjoying the benefits of floodlighting. The Club offering a year-round playing facility would prove to be an attraction to prospective members and, at the same time, promote health and wellbeing in the local community.'*
15. The proposed floodlights would provide improvements to the existing sport facilities and are acceptable in principle. The development would be in accordance with Policy R5 of the Core Strategy, Policies JP-P7 and JP-P6 of PfE and relevant policies of the NPPF.

DESIGN AND VISUAL AMENITY

16. NPPF Paragraph 131 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."
17. NPPF Paragraph 135 states that decisions should ensure that developments adhere to a number of design-oriented criteria.
18. NPPF Paragraph 139 states "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."
19. PfE Policy JP-P1: Sustainable Places outlines a number of key attributes that all development, wherever appropriate, should be consistent with. The relevant attributes are outlined below:

Distinctive, with a clear identity that

- a. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture
- b. Enables a clear understanding of how the place has developed; and
- c. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

Socially inclusive:

- a. Responding to the needs of all parts of society;
- b. Enabling everyone to participate equally and independently;
- c. Providing opportunities for social contact and support; and
- d. Promoting a sense of community

Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained.

Functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage

16. Incorporating high quality and well managed green infrastructure and quality public realm, with:
- a. Opportunities for recreation and outdoor play for children, and interaction between the generations;
 - b. Public and private spaces clearly distinguished;
 - c. Development clearly defining, and promoting activity within, public spaces;
 - d. High quality landscaping with schemes

20. The National Design Guide (C1) states that *development should understand and relate well to the site, its local and wider context. Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it; patterns of built form...to inform the form, scale, appearance, details and materials of new development.*

21. The draft Trafford Design Code's anticipated adoption is in summer 2024. The LPA accept that the Trafford Design Code is not an adopted guide or code and therefore cannot carry significant weight at the time of the application. However the LPA consider the Trafford Design Code to be a material consideration in the assessment of the proposal. The importance of high quality design is further reflected in the Core Strategy, NPPF, NPPG and the National Design Guide.

22. The floodlights are functional in their appearance but, in the context of the tennis club setting, it is considered that they would be an appropriate addition. The floodlights would be a dark green colour which would assimilate sympathetically with their surroundings.
23. The proposal is therefore considered to be acceptable in terms of its visual impact and the proposed development would comply with the relevant design criteria found within PfE Policy JP-P1, the NPPF, the National Design Guide and draft Trafford Design Code.

RESIDENTIAL AMENITY

24. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
25. Policy L5.13 states that development that has the potential to cause adverse pollution (of air, light, water, and ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put into place.
26. The main considerations for this application are therefore in relation to the impact of the lights and any noise and/or disturbance associated with an increase in usage of the courts.
27. The closest residential receptors would be the occupiers of Albany Court, a three storey apartment block for over 55s which is sited beyond the western boundary of the courts.

Noise

28. It is acknowledged that use of floodlighting to allow sport to take place can impact on neighbouring properties through noise issues associated with the extended play of tennis up until 10.00pm in the winter, spring and autumn.
29. The objections submitted, largely from residents of Albany Court, raise concerns that the development would result in noise 7 days a week up until 10pm all year round which would not be restricted to summer months.
30. The application has been submitted with a Noise Impact Assessment, which has been assessed by the Council's Environmental Health Officer. The report states that up to ten courts are used during the summertime up to 22:00, light permitting.

31. The Environmental Health Officer states that the application is not seeking to introduce a new source of noise. The proposal would mean that the two floodlit courts are used at times of the year when they would otherwise have been unavailable due to a lack of light. The EHO states that, in the autumn, winter, and early spring, any noise arising from such use should not cause impact since windows to the adjacent flats are likely to be kept closed. At other times, the NIA confirms that noise from tennis play should not significantly change the baseline noise level and in any case, such noise is likely to already be present in the evening.
32. The provision of no floodlighting to the closest court would ensure a buffer is kept between floodlit tennis activity and the flats, with received noise levels being attenuated by distance as shown by the noise contour plot of Figure 5 to the NIA. Furthermore, as noted by the Environmental Health Officer the utilisation of Court 1 (furthest away from Albany Court) in preference to Court 2, where only one court is required to be illuminated, could serve to further minimise any impact of noise. This could be controlled through a management plan as discussed further below.
33. From reviewing the findings in the submitted NIA, the Environmental Health Officer has no objection. It is recommended that a condition should be attached to any grant of permission for the development to be installed and operated in accordance with the submitted Noise Impact Assessment Report, reference P5969-R1-V3.
34. It is therefore considered that the proposal would not cause an unacceptable level of noise and disturbance to neighbouring properties.

Lighting

35. Within the appendix of the Planning and Technical Statement a number of calculations, an obtrusive light report and IPL guidance were provided. Appendix C, E, G, H and F are relevant and have been assessed by the Council's Environmental Health Officer.
36. The Environmental Health officer observes the LED light sources to the luminaires are to be fitted within substantial hoods to minimise glare and light overspill. The maximum value of vertical illuminance onto the facing façade of Albany Court has been calculated as 3.4 Lux, which complies with the relevant criteria of the Institution of Lighting Professionals' Guidance Note 01/21 *Guidance notes for the reduction of obtrusive light* [the 'ILP guidelines'].
37. The Environmental Health officer raised a query in regards to additional measurements of maximum luminous intensity of the luminaires in Candela. This relates to the perception of glare from the windows of the adjacent residential properties. From the technical information submitted including the supporting

Planning Design and Technical Statement, March 2024 (including appendices), it has been established that any observer within these properties will not be able to see the source of the luminaires.

38. The Planning Design and Technical Statement states that it is proposed that the floodlighting system will be timeclock controlled only to be used up to a 10.00pm cut off time. A condition is recommended restricting the hours of use of the floodlighting system to between 08:00 hrs and 22:00 hrs on any day. It is also recommended that details of the proposed timeclock system should be submitted to and approved by the local planning authority prior to the floodlighting system being brought into use.
39. The proposed luminaires are to be sited in the horizontal plane with cover hoods (no upward light) with rear spillage guards. Appropriate details can be secured by planning condition.
40. To safeguard the amenity of neighbouring occupants, it is also recommended that a condition requiring a verification report should be attached to any grant of permission. The report should demonstrate that the development has been installed in accordance with the supporting Planning Design and Technical Statement including evidence that the luminaire hoods obscure any direct visibility of the lighting LED sources as observed at the façade of Albany Court and that the actual Lux level is consistent with the predicted results and compliant with the Lighting Professionals' Guidance.
41. In addition, the verification report would need to confirm the installation of Light Spillage guards in positions which would be agreed by the Local Planning Authority. The suggested condition is considered necessary to ensure the impact of glare and brightness is reduced and would not result in an adverse impact to residential amenity.
42. A final pre commencement condition has been imposed which requires a revised Floodlight Management and Maintenance strategy to be submitted to and approved in writing by the Local Planning Authority. The strategy would detail the processes and procedures to be implemented in ensuring compliance with planning conditions relevant to the operation of the floodlights, and for regular checking and maintenance of the luminaires, cover hoods and rear light spillage guards, to ensure none have become mis-aligned or defective in any way. The strategy would also need to include details of a protocol for the utilisation of Court 1 (furthest away from Albany Court) in preference to Court 2, where only one court is required to be illuminated. This would further mitigate any impacts on residential amenity. In addition, the proposed condition would require that the approved floodlights are maintained for the lifetime of the development.
43. In considering the proposals, the Council's EHO has concluded that the lighting design and assessments provided are satisfactory both individually and

cumulatively and demonstrate that the proposed installation will not create unacceptable adverse impacts to neighbouring properties from light ingress, subject to the above conditions.

44. Having regard to the above the proposed floodlighting is not considered to result in any unacceptable impacts on residential amenity as a result of light spillage or glare.

Conclusion

45. Having regard to the objections received and the consultation response from Environmental Health, it is considered that the proposal would not result in any unacceptable impact on residential amenity (through light spill, sky glow and glare or noise impacts). As such, it is considered that the proposed development would be in accordance with Policies L7 and L5 of the Core Strategy and policies in the NPPF in relation to residential amenity.

PARKING AND HIGHWAYS

46. Policy L4 of the Core Strategy states that the Council's adopted SPD3 guidance sets out maximum parking standards. Policy L7 of the Core Strategy states development must incorporate sufficient off-street car and cycle parking, manoeuvring and operational space. The car parking standards set out in the Core Strategy specify the requirements which each development will normally be expected to provide, although these are maximum standards and every planning application is treated on its own merits depending on the circumstances of the site.

47. Paragraph 115 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.*

48. It is considered that the development would not have any impact on parking or highways issues. The Local Highway Authority has reviewed the proposal and there is no objection on highway grounds to the proposals.

ECOLOGY

49. P/E Policy JP-G8 outlines that a net enhancement of biodiversity resources will be sought and also outlines a number of measures that development will be expected to adhere to, with the most relevant points outlined below:

- a. *Follow the mitigation hierarchy of:*

- i. *Avoiding significant harm to biodiversity, particularly where it is irreplaceable, through consideration of alternative sites with less harmful impacts, then*
- ii. *Adequately mitigating any harm to biodiversity, then*
- iii. *Adequately compensating for any remaining harm to biodiversity*
- b. *Avoid fragmenting or severing connectivity between habitats;*
- c. *Achieve a measurable net gain in biodiversity of no less than 10%*
- d. *Make appropriate provision for long-term management of habitats and geological features connected to the development;*
- e. *Where appropriate, development should: mitigate air pollution impacts on Manchester Mosses SAC; mitigate urban edge, functionally linked land and recreation disturbance impacts on the South Pennine Moors SAC/SPAs; and assess and potentially mitigate boat movement, water pollution, and light spillage and shading impacts on the Rochdale Canal SAC; and*
- f. *Development proposals should be informed by the findings and recommendations of the appropriate biodiversity/ecological assessment(s) in the PfE evidence base and/or any updated or appropriate biodiversity/ecological assessments submitted as part of the planning application process.*

50. Policy R2 of the Core Strategy states that a pleasant, clean, unpolluted and visually attractive environment is important to the quality of life enjoyed by residents, to the quality of the image the Borough presents to the outside world, and is essential for attracting investment and jobs to the area.

51. Greater Manchester Ecology Unit were consulted on the application and had no specific comments on the application on ecological grounds. The lighting will be within an already relatively well developed area. Foraging and commuting fauna are unlikely to be affected.

52. The Local Records Centre holds few records of foraging or roosting bats in the area. Having assessed the work planned, there is negligible potential for the works to disturb roosting bats and no surveys are required. As such, the following informative would be attached to a grant of planning permission.

53. The development was validated on 19th March 2024 and is not a major development. The development is therefore exempt from statutory biodiversity net gain requirements under the transitional arrangements for implementation of biodiversity net gain.

54. The development is therefore compliant with Policy R2 of the Core Strategy, Policies JP-S1 and JP-G8 of PfE and policies of the NPPF.

CLIMATE CHANGE

55. PfE Policy JP-G8 outlines the aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, which will be supported through a range of measures. The most relevant points are outlined below:

- 1. Promoting the retrofitting of existing buildings with measures to improve energy efficiency and generate renewable and low carbon energy, heating and cooling;*
- 2. Promoting the use of life cycle cost and carbon assessment tools to ensure the long-term impacts from development can be captured;*
- 3. Taking a positive approach to renewable and low carbon energy schemes, particularly schemes that are led by, or meet the needs of local communities;*
- 4. Increasing the range of nature-based solutions including carbon sequestration through the restoration of peat-based habitats, woodland management, tree planting and natural flood management techniques;*
- 5. An expectation that new development will, unless it can be demonstrated that it is not practicable or financially viable;*
 - a. Be net zero carbon(29)...;*
 - b. Incorporate adequate electric vehicle charging points...;*
 - c. Where practicable, prioritise connection to a renewable energy/heating/cooling network in the first instance or a low carbon energy/heating/cooling network that is adaptable to non-fossil fuels at a later date*
 - d. In residential developments, achieve energy demand reductions in terms of space heat demand; hot water energy demand and the delivery of on-site renewable energy generation, in accordance with Table 5.1.*

56. Core Strategy Policy L5.1 advises 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.

57. The use of LED lighting is recognised as being energy efficient and an environmentally friendly solution and is therefore considered to be in accordance with this policy.

DEVELOPER CONTRIBUTIONS

58. The proposal would not result in the creation of any new floor space and as such there are no CIL contribution requirements.

59. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

60. S38(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 tilted balance is not engaged.
61. The proposed floodlights would provide improvements to the existing sport facilities. The application submission also suggests that the provision of floodlights will enable the club membership to continue to grow whilst increasing community participation in tennis and providing support to community schemes. The proposal complies with Policy R5 of the Core Strategy in terms of providing community benefits through improved sports facilities and promoting participation. In this respect, the proposals would also be in line with Paragraph 96 of the NPPF which states that decisions should aim to achieve healthy, inclusive and safe places ... which ... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
62. The proposal is acceptable in terms of its visual impact and design, subject to the colour of the floodlight columns being conditioned.
63. In terms of residential amenity, whilst a previous planning application (98898/FUL/19) for the installation of 12 no. floodlighting columns was refused by the Planning and Development Management Committee on 19 June 2020 on noise and lighting impacts, it is considered that the current application has addressed the concerns raised at that time.
64. The revised application has reduced the number of floodlit courts from three to two with the court closest to residential properties now not proposed to be floodlit. In addition, the total number of floodlighting columns has been reduced from twelve to nine. Noise and lighting assessments have been submitted with the current application and the Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions including a verification report in relation to the implementation of the approved lighting details and the submission of a revised Floodlight Management and Maintenance Strategy. On this basis, the proposal is therefore considered acceptable with regard to any potential noise and lighting impacts on nearby residential properties.
65. All detailed matters have been assessed in regards to design, amenity, ecology and highways/ parking impacts. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition. The application complies with the development plan when taken as a whole and with policies in the National Planning Policy Framework. The application is therefore recommended for approval.
66. 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 details shown on the submitted plans and supporting information:

1:200 Proposed Site Plan Two Astro Tennis Courts, received by the local planning authority on 19 March 2024;

1:1250 site location plan, received by the local planning authority on 19 March 2024;

TennisPro LED lighting details (pages 1 to 9), received by the local planning authority on 11 March 2024.

Reason: To clarify the permission, having regard to PFE Policies JP-P1 of the Trafford Core Strategy, Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. Upon first installation, the floodlight columns hereby approved shall be powder coated in dark green (RAL 6007) or an alternative colour the details of which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the columns shall be retained in that colour.

Reason: To ensure that the appearance of the development is acceptable, having regard to PFE Policy JP-P1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. The floodlighting hereby approved shall not be illuminated at any time before 08:00 hrs or after 22:00 hrs on any day and the hours of illumination shall be controlled by a timeclock system to ensure that the floodlights cannot be illuminated by tennis court users, except during the permitted times. The floodlighting shall not be brought into use unless and until the timeclock system has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority and the timeclock system shall be retained in good working order thereafter.

Reason: To safeguard the amenities of the area including the residential amenity of nearby properties and to limit the impact of the development on protected species having regard to Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework

5. Upon first installation, the luminaires to the floodlighting system shall be mounted horizontally and fitted with cover hoods that obscure the light source to any windows of the facing façade of Albany Court in accordance with details that have first been submitted to and approved in writing by the local planning authority. The luminaires and cover hoods shall be retained in accordance with the approved details thereafter.

Reason: To safeguard the amenities of the area including the residential amenity of nearby properties and to limit the impact of the development on protected species having regard to Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Upon first installation, the luminaires to the floodlighting system shall be fitted with rear light spillage guards in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The rear light spillage guards shall be retained in accordance with the approved details thereafter.

Reason: To safeguard the amenities of the area including the residential amenity of nearby properties and to limit the impact of the development on protected species having regard to Policies L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The development hereby permitted shall not be brought into use unless and until a revised Floodlight Management and Maintenance Strategy has been submitted to and approved in writing by the Local Planning Authority to include a strategy for the utilisation of Court 1 (furthest away from Albany Court) in preference to Court 2, where only one court is required to be illuminated. The report shall also provide a strategy for regular checking and maintenance of the luminaires, to ensure none have become mis-aligned or defective in any way. The use shall be operated in accordance with the approved Floodlight Management and Maintenance Strategy at all times that the floodlights are in operation.

Reason: To safeguard the amenities of the area including the residential amenity of nearby properties, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The development hereby permitted shall not be brought into use unless and until a verification report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the floodlights have been installed in accordance with the supporting Planning Design and Technical Statement,

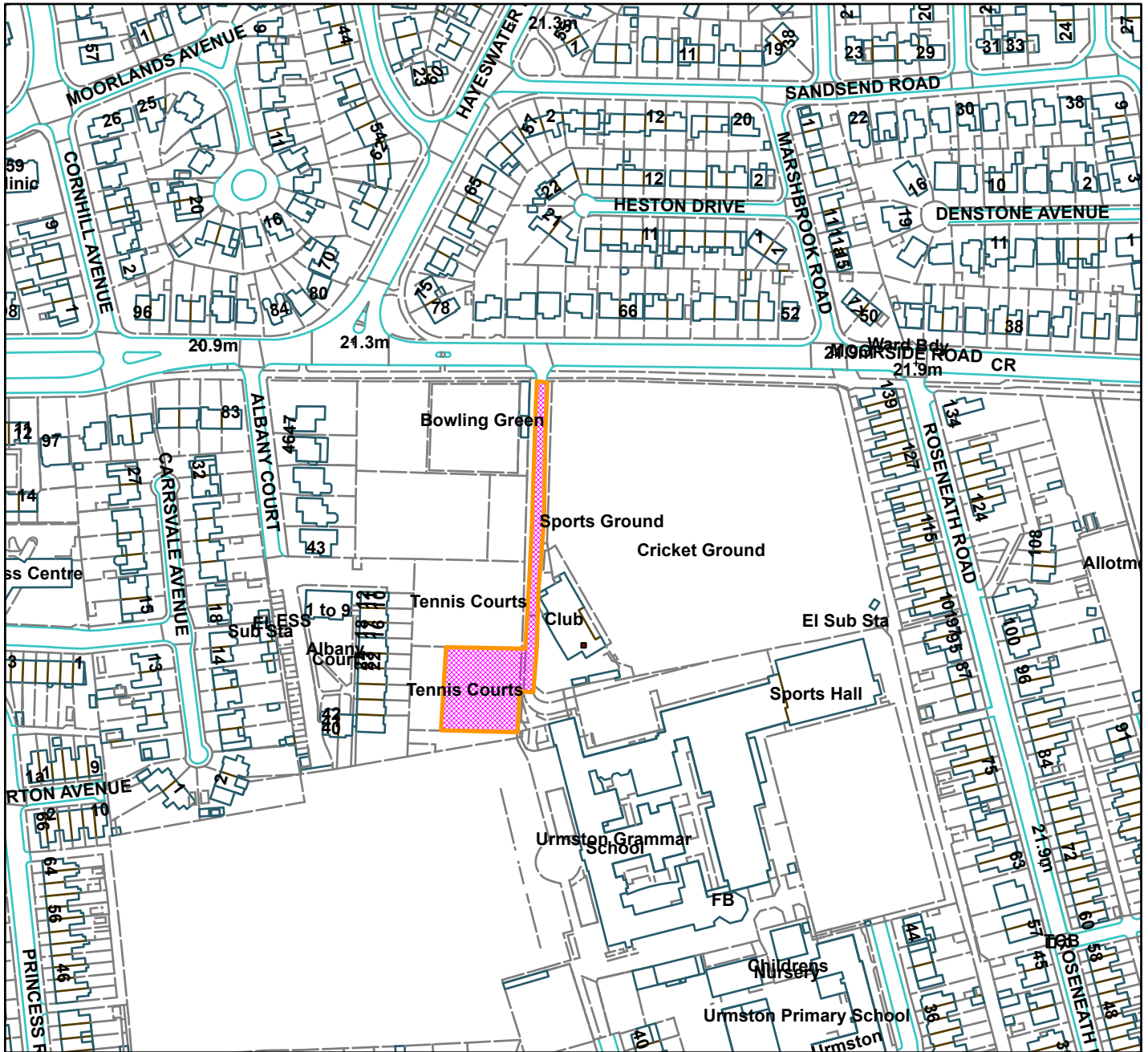
March 2024 (including appendices). The report shall demonstrate with sufficient evidence that the luminaire hoods obscure any direct visibility of the lighting LED sources as observed at the façade of Albany Court, in order to achieve a complete cut off of the direct light beam from any of the floodlights to all observer positions at this property. The report shall also provide supporting photographic evidence and measurements of illuminance in Lux in the vertical plane at the façade of Albany Court and confirm the installation of Light Spillage guards in positions approved by the Local Planning Authority.

Reason: To safeguard the amenities of the area including the residential amenity of nearby properties, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

KG



Urmston Cricket And Lawn Tennis Club, Moorside Road, Urmston (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 20/06/2024
Date	10/06/2024
MSA Number	AC0000809316 (2022)

WARD: Manor

113096/FUL/24

DEPARTURE: No

Alterations to and extension of Brentwood High School and Sixth Form College, comprising internal reconfiguration of the existing building and construction of a single-storey extension, as well as the reconfiguration of the existing car park, external play areas and cycle track, the provision of new landscaping, installation of air source heat pumps, enclosures and solar panels, erection of a polytunnel and associated works, plus temporary construction access from Cherry Lane.

Brentwood School And Community College, Cherry Lane, Sale, M33 4GY

APPLICANT: Trafford Council

AGENT: Turley

RECOMMENDATION: GRANT

This application is being reported to the Planning and Development Management Committee as the applicant is Trafford Council and 5no objections have been received.

EXECUTIVE SUMMARY TBC

The application relates to an existing SEN school (Brentwood High School and Sixth Form college) located in Sale West, immediately off Cherry Lane.

Permission is sought for a single-storey extension, internal re-configuration and various external alterations. This will provide an additional 'teaching wing' to the school ensuring it can raise its capacity for pupils by 80 students (10 per year over 8 years).

Objections have been received from the occupiers of five nearby properties raising concerns regarding traffic impacts, amenity and issues relating to security / community safety.

The proposal is considered in-line with the local, regional and national policies and objectives to expand and provide high quality and appropriate teaching and learning facilities, and would also not result in a loss of protected open space or playing field having been sensitively designed in this regard.

The proposal is also considered to have been designed appropriately and will not have any unacceptable impact on the amenity and quality of life of adjacent residents. Furthermore, the proposal is considered acceptable with regards to Biodiversity Net Gain and ecology, trees and landscaping, parking and highways, drainage, climate change and equalities.

The application complies with relevant policy in Places for Everyone Plan and the Trafford Core Strategy and with policies in the National Planning Policy Framework and is therefore recommended for approval, subject to conditions.

SITE

The application site is comprised of Brentwood School and associated grounds, located off Cherry Lane in Sale West. The existing school is of recent construction and incorporates 4 'wings' joined by a central curved connecting corridor and access. The site also incorporates an existing car park, multi-use games area (MUGA), a large playing field to the north and existing cycle track, as well as other external areas. Vehicular access is gained through an automated gate off Cherry Lane. Immediately east of the site sits St Margaret Ward Catholic Primary School – although the overwhelming surrounding development is suburban residential.

The school itself is less than 10 years old, having been granted permission under application reference 84225/FUL/14 (subsequently varied under app ref 87109/VAR/15) and incorporates a school and community (sixth form) college meeting the needs of young people with SLD (severe learning difficulties), PMLD (profound and multiple learning difficulties), autism and complex needs.

PROPOSAL

The application seeks full planning permission for the erection of a single-storey extension to the school, incorporating internal and external reconfigurations, various external alterations, additional landscaping, air source heat pumps and enclosures, PV panels to the roof, erection of a poly tunnel and associated works, and temporary construction access from Cherry Lane. The single-storey linear extension linking the ends of two of the existing teaching wings would involve the reconfiguration of the existing cycle track and re-location of the current bandstand and cycle-shed. Furthermore, 22no additional parking spaces are proposed as is additional cycle storage. In total, the works proposed would allow an additional pupil capacity of 80no pupils (ten per year, over 8 years).

Value Added

The applicant has submitted a number of minor amendments, clarifying the close-board fencing panels to the air source heat pump enclosure and also increasing the level of PV panels to the roof.

DEVELOPMENT PLAN

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

- **The Places for Everyone Plan (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced.

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

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

PRINCIPAL RELEVANT PfE POLICIES

JP-S1: Sustainable Development
 JP-S2 – Carbon and Energy
 JP-S4 – Flood Risk and the Water Environment
 JP-S5 – Clean Air
 JP-G7: Trees and Woodlands
 JP-G8: A Net Enhancement of Biodiversity and Geodiversity
 JP-P5: Education, Skills and Knowledge
 JP-P7: Sport and Recreation
 JP-C1 – An Integrated Network
 JP-C6 – Walking and Cycling
 JP-C8 – Transport Requirements of New Development

PROPOSALS MAP NOTATION

Protected Open Space – UDP OSR5

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

OSR5 Protection of Open Space (replaced by Core Strategy R5)

OTHER PLANNING GUIDANCE DOCUMENTS

SPD3 – Parking Standards and Design

Draft Trafford Design Code
National Design Guide

Playing Fields Policy and Guidance – Sport England (Dec 21)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 19th December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 14th February 2024. The NPPG will be referred to as appropriate in the report.

OTHER RELEVANT LEGISLATION

N/A

APPLICANT'S SUBMISSION

Air Quality Assessment
Arboricultural Impact Assessment
Arboricultural Mitigation Strategy
Phase 1 Environmental Desk Study Report
Cover Letter
Design and Access Statement
Ground Contamination Desk Study Report
Flood Risk Assessment & Drainage Strategy Report
Landscape Specification
Noise Impact Assessment
Planning Statement
Preliminary Ecological Assessment
Transport Statement
Travel Plan
Tree Survey
Bat Roost Assessment
Construction Environmental Management Plan
Acoustic Technical Note
Response to Neighbour Comments
Ground Condition Assessment
Transport Technical Note
BNG Metric 4.0

BNG Statement
BNG Technical Annex 1
Energy Supporting Statement
Geo-Environmental Appraisal
Ground Condition Assessment

RELEVANT PLANNING HISTORY

84225/FUL/14 Demolition of existing vacant single storey school buildings and construction of a new single storey school for pupils with special educational needs aged from 11 to 16 and Post 16 to 25 years. Retention and widening of existing vehicular access from Cherry Lane and associated alterations to existing car park, open space (including retention of sports pitch) and landscaped areas. Part retention and part new security fencing to site boundary and between school and grassed areas; erection of 4m and 6m high lighting columns; CCTV and other associated works – **Approved with Conditions 20-02-2015**

87109/VAR/15 Application for variation of condition 2 on planning permission 84225/FUL/14. (Demolition of existing vacant single storey school buildings and construction of a new single storey school for pupils with special educational needs aged from 11 to 16 and Post 16 to 25 years. Retention and widening of existing vehicular access from Cherry Lane and associated alterations to existing car park, open space (including retention of sports pitch) and landscaped areas. Part retention and part new security fencing to site boundary and between school and grassed areas; erection of 4m and 6m high lighting columns; CCTV and other associated works). To include proposed additional cycle/trike track and associated steel lock up structure – **Approved with Conditions 14-01-2016**

94184/FUL/18 Erection of a canopy to the existing café – **Approved with Conditions 24-05-2018**

CONSULTATIONS

Air Quality

No objections or comments in relation to the air quality impact on future site users and sensitive receptors from the operation phase of this development. Furthermore following submission of the CEMP, the Environmental Health officer confirmed that the Construction Environment Management plan is satisfactory in relation to preventing adverse impacts at nearby sensitive receptors and no comments or objections are made.

Cadent Gas

No objection to the proposal. The applicant is reminded of their responsibilities and obligations towards Cadent Gas assets.

Education

As the proposal is to expand the existing school and is not residential, it will not attract any developer contributions.

Environmental Health – Contamination

Initial concern raised given the submitted ground contamination report had been written in 2014 and that the conclusions may need re-appraising. Following the submission of Phase I and Phase II investigations, the Environmental Health officer confirmed that the review and assessment of the soil sampling phase of the site investigation did not reveal any levels of contamination which would present a risk to future site and require remediation. The ground gas monitoring and risk assessment provided is satisfactory and concluded that gas protection measures are not required to be included within the school extension building. No comments or objections in relation to contaminated land are made on this application.

Environmental Health – Nuisance

No objection to the application on the grounds of nuisance, and satisfied with the submitted CEMP. However, the drawings for the ASHP enclosure showed a hit and miss fence where a solid fence would have been required. Following completion of the above minor amendments, the Environmental Health Officer confirmed no objection.

Greater Manchester Ecology Unit

Following initial assessment of the applicants BNG Statement and submitted metric, there was concern that insufficient information had been provided as regards the off-site biodiversity units that would be used in order to make up the short-fall evidenced by the BNG Metric.

Following further consultation with GMEU and the applicant, GMEU are satisfied that they can be confident the BGP condition could be discharged based on the evidence seen at determination stage.

The applicant subsequently submitted further information as regards their chosen offset sites and requested the imposition of a pre-occupation condition in order to secure them. However, the legislation confirms the BGP condition must be pre-commencement.

Lead Local Flood Authority

Following review of revised submitted FRA and drainage strategy, the LLFA offer no objection so long as a condition is imposed ensuring compliance with said strategy.

Local Highways Authority

The LHA initially requested a number of pieces of additional information, namely:

- the removal of the guardrail adjacent to the temporary construction access to be replaced with a staggered arrangement set back from the carriageway and the proposed temporary access,
- the removal of the traffic calming feature to ensure the construction vehicles access the site from the correct side of the road,
- amended tracking with the removal of the traffic calming feature,
- an additional two cycle parking spaces (in a secure and covered arrangement),
- a temporary hardstanding area is provided within the site for the proposed construction vehicles

Following submission of an additional technical note and response, the LHA are satisfied that the proposal will not result in an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

Secured by Design

No objection, although it is advised that the eaves of the single-storey structure are designed to discourage scaling/access to the roof as much as possible. It is further advised that the proposed extension is constructed to Secured by Design (SBD) standards, including security-certified doors/windows/any rooflights, laminated glazing, secure wall/roof construction.

Sport England

No objection, subject to the imposition of conditions relating to;

- CEMP compliance
- 9v9 pitch markings
- Replacement cycle and storage facilities
- Compliance with the existing Community Use Agreement.

Trees Officer

No objections, although a condition is required to implement the tree protection fencing before works start on site and to remain in place until all works have finished.

United Utilities

No objection although the applicant is reminded of their obligations towards sustainable drainage, and UU assets.

REPRESENTATIONS

The Council received 6no letters of representation; 5 in objection and 1 neutral.

The letters of objection raised the following issues:

- Increase in size will result in an increase in traffic and obstruction that no. of minibuses cause at school pick-up time, making unsafe road conditions.
- The passage at the side of the school which backs onto Catterick Avenue will become more restricted, unsafe and hidden.
- Access via Catterick Avenue is unsafe.
- The close proximity of the new building to residential properties will result in an increase in noise.
- The noise created from the building work is also unacceptable and causes disruption to local residents, some of those work from home.
- The school is fairly new and to create a re-design so soon after completion shows this wasn't very well thought out.
- There is rubbish, overgrown landscaping, left over building material behind the green bike container. When the school do cut the grass, the remains land on the alleyway behind Catterick Avenue and is not cleaned up afterwards.
- The original works caused great disruption to residents of Catterick Avenue, and the mess caused was never cleaned up.
- There is a loud humming noise coming from the school in evenings resulting in noise pollution.
- There has been an increase in traffic since the school opened, which causes a lot of congestion and pollution. The surface of the road is a disgrace.
- The school is an eyesore.
- The green storage container attracts the kids climbing and throwing rubbish over the fence.
- The passageway to the rear should be blocked off totally.

The neutral letter raised the following questions:

- What are the hours the noise will be going on?
- Will there be dust and dirt from trucks?
- Will they be working at weekends?

The applicant has responded as follows:

- The humming noise referred to is likely to come from a nearby electricity substation and is outside the applicant's control. A further acoustic technical note was submitted in this regard emphasising the properties on Cherry Lane are further way from the proposed development and noise impacts will be acceptable.
- The increase in vehicle trips equates to two additional trips every three minutes during the morning period and one trip every two minutes in the afternoon period therefore the proposed development will not have a material impact on the wider highway network.
- The submitted CEMP includes a number of measures to minimise dirt and dust, as well as outlining hours of construction.

A further full note of response, dated 22 April 2024, is available on the public portal. This further addresses the above objections in detail and is referred to within the body of this report.

OBSERVATIONS

THE DECISION MAKING FRAMEWORK

1. S38(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.
The NPPF, at paragraph 11, explains how the 'presumption in favour' should be applied in the decision-taking process. It means approving development proposals that accord with an up-to-date development plan without delay.
2. The Places for Everyone Joint Development Plan was adopted on 21 March 2024. As development plan policies in Places for Everyone are very recently adopted they are up to date and should be given full weight in decision making.
3. The policies which are 'most important' for determining this application are those relating to education and protected open space. These policies are up to date in NPPF terms and the tilted balance is not engaged.

PRINCIPLE OF DEVELOPMENT

Education

4. Core Strategy Policy L3.6 identifies Sale West as a Priority Regeneration Area, and states that *'within Sale West development and redevelopment will be supported in order to regenerate this former Council estate. Development should focus on improvements to the residential mix and quality, the neighbourhood centre, the public realm and access to employment opportunities. The Council will seek the net addition of 100 residential units during the plan period as part of the regeneration proposals for Sale West. The new housing will be designed to a high standard, with a particular emphasis on improving the relationship between buildings and the street and the quality of neighbourhood open space'*.
5. Further, L3.1 states that *'within Trafford's Regeneration Areas, the Council will secure...improved access to education, training and advice centres to/from the Regeneration Areas'*. L3.2 states that *'within these Regeneration Areas the Council will support appropriate development(s) that will reduce inequalities, secure regeneration benefits; create truly sustainable communities; and make positive contribution(s) to achieving the Plan's Strategic Objectives and relevant Place Objectives'*.

6. PfE Policy JP-P5 states that *'significant enhancements in education, skills and knowledge to benefit existing and new residents will be promoted, including by:*
 1. *Enabling the delivery of new and improved accessible facilities for all ages, such as early years, schools, further and higher education, and adult training to ensure our workforce is ready to benefit from new employment opportunities'*
7. NPPF Paragraph 99 states that *'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
 - a) *Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.*
8. Given the above it is evident that there is a local, regional and national strategic direction supporting the expansion and improvement of existing educational facilities. The proposal seeks to extend the existing Brentwood School and College, allowing it to increase its functional capacity and better serve a greater number of students. It is also noted that the school's specialism – being designed for those students and young people who have SLD, PMLD, autism and complex needs – places a greater emphasis on the need for high quality and appropriate teaching and learning facilities, which these proposals would seek to provide. Officers therefore consider the proposal is aligned with the local and national policies and objectives outlined above with regards to education.

Protected Open Space

9. The application site sits on allocated Protected Open Space. As such it is necessary to review the application against the relevant policies, those being Core Strategy Policy R5, PfE Policy JP-P7 and NPPF Paragraph 103. Sport England have also been consulted and their response is discussed in this section.
10. The proposal seeks to alter the location and form of the existing cycle track, as the location of the extension would be in the area where the existing cycle track sits. It is noted the proposals would not materially impact the dimension, siting or use of the larger playing field.
11. Core Strategy Policy R5 states that *'The Council will seek to address key areas of deficiency in quality and quantity of open space and indoor/outdoor leisure provision, in accordance with the recommendations and priorities of the Greenspace Strategy, the Leisure Management Review, Greenspace Assessment of Need, Outdoor Sports Facilities Study, and other associated reviews and strategies by adoption of the following actions and standards set out below:*
 - *Protecting existing and securing the provision of areas of open space and outdoor sports facilities.*

- *Making the best use of community buildings, schools and other suitable assets to provide facilities and promote participation in a range of leisure activities.*
12. R5.3 states that *'accordingly developers will be required as appropriate to demonstrate how their development will protect, and encourage the use of Trafford's open space and sports/recreation facilities'*.
13. PfE Policy JP-P7 is more strategic in nature, but seeks to protect and enhance a network of high quality and accessible sports and recreation facilities to support greater level of activity for all ages.
14. NPPF Paragraph 103 states that *existing open space, sports and recreational buildings, including playing fields, should not be built on unless:*
- a) *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) *The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
15. In a similar vein, Sport England's Playing Fields Policy and Guidance states that *Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*
- *All or any part of a playing field, or*
 - *Land which has been used as a playing field and remains undeveloped, or*
 - *Land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of the five specific exceptions.*
16. The relevant exception in this case is Exception 3, which states that *'the proposed development affects only land incapable of forming part of a playing pitch and does not:*
- *reduce the size of any playing pitch;*
 - *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
 - *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
 - *result in the loss of other sporting provision or ancillary facilities on the site; or*
 - *prejudice the use of any remaining areas of playing field on the site.'*
17. This can be read in tandem with NPPF Paragraph 103(b).

18. It is therefore evident that at local, regional and national level there is a clear priority on the protection and enhancement of protected open space where necessary. Following consultation with Sport England, they are satisfied that *‘the proposal takes place on an area of playing field, but which is considered to broadly meet the requirements of Exception 3 given the current function of that part of the playing field and the re-provision of the cycle and storage facilities within the proposed scheme. The remaining playing field will be unaffected and capable of providing a 9v9 FA standard football pitch to support the existing use by Clubs, as well as the capability to provide a variety of natural turf sports facilities to support the school curriculum and community.’*
19. *The recommendation includes conditions to ensure that the delivery of football on the remaining playing field is unaffected during construction and that the facilities as proposed are implemented and a community use agreement, which was previously required by condition on the original planning permission, is provided. Conditions to this effect are recommended.*
20. Officers consider that the above ensures the proposal would not result in a loss of protected open space or playing field, and the cycle track is being appropriately re-provided with little impact to those using it. The proposal is therefore considered to be in line with the clear local and national objectives set out within Core Strategy Policy R5, PfE Policy JP-P7, the NPPF and Sport England’s Playing Fields Policy and Guidance.

DESIGN AND VISUAL AMENITY

21. NPPF Paragraph 131 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.”
22. NPPF Paragraph 135 states that decisions should ensure that developments adhere to a number of design-oriented criteria.
23. NPPF Paragraph 139 states “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”
24. PfE Policy JP-P1: Sustainable Places outlines a number of key attributes that all development, wherever appropriate, should be consistent with. The relevant attributes are outlined below:

1. Distinctive, with a clear identity that

- a. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture
 - b. Enables a clear understanding of how the place has developed; and
 - c. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.
- 2. Visually stimulating, creating interest and imaginative environments which raise the human spirit through the use of green space, public art and quality design.
- 3. Socially inclusive:
 - a. Responding to the needs of all parts of society;
 - b. Enabling everyone to participate equally and independently;
 - c. Providing opportunities for social contact and support; and
 - d. Promoting a sense of community
- 5. Adaptable, able to respond easily to varied and changing needs and technologies
- 6. Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained.
- 7. Resource-efficient with:
 - a. A low carbon footprint;
 - b. Efficient use of land;
 - c. Minimised use of new materials;
 - d. High levels of recycling
- 11. Incorporating inclusive design within all spaces with support for tackling inequality and poverty to form part of creating sustainable places
- 15. Comfortable and inviting, with indoor and outdoor environments:
 - a. Offering a high level of amenity that minimises exposure to pollution
 - b. Addressing microclimate issues such as sunlight, indoor air quality, overheating shade, wind and shelter
- 25. The National Design Guide (C1) states that *development should understand and relate well to the site, its local and wider context. Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or*

incorporated into it; patterns of built form...to inform the form, scale, appearance, details and materials of new development.

26. The draft Trafford Design Code anticipated adoption is in 2024. It is accepted that the Trafford Design Code is not an adopted guide or code and therefore cannot carry significant weight at the time of the application. However the Trafford Design Code is a material consideration in the assessment of the proposal. The importance of high quality design is further reflected in the Core Strategy, NPPF, NPPG and the National Design Guide. The following draft Codes are considered relevant in this regard and the design merits of the proposal have been assessed against these details:

27. Elevations and façade

- **NRE1 Façade design;** *the design of commercial and non-residential buildings must provide architectural interest and articulation to elevations and profile.*

In this sense the application is considered to have been designed appropriately. The design of the building, largely through its façade, fenestration pattern and general appearance closely reflects that of the existing 'wings' and would not appear out of keeping or incongruous with its immediate surrounds. Ultimately the façade design reflects the functions the school is required to undertake – incorporating ample natural light through fenestration patterns, regular and consistent brick design and appropriate window and door openings. Officers are therefore satisfied the extension has been designed appropriately.

28. Scale and form

- **NRSF1 Scale and form;** *scale and form of buildings must reflect that of the surrounding site context.*
- **NRSF2 Roof form;** *roof forms must reflect the surrounding site context.*

Likewise, the scale and form of the new extension closely resembles that of the existing 'wings' in length, width and height and effectively connects into the two central wings fairly seamlessly. It does not appear overly large or dominant, nor does it erode any existing level of spaciousness or openness and its impact off Cherry Lane is particularly limited, given it is sensitively sited to the rear of the site. With regards to the roof form – again, it seeks to match the existing split-level pitched roof utilising the same materials and design features so as to allow the extension to assimilate comfortably into the existing building.

29. Siting

- **NRPL1 Siting;** *buildings must be sited in a manner that sufficient space is provided between buildings to allow for the appropriate provision of setbacks,*

circulation routes, amenity space, public realm, tree planting, soft landscaping and verges.

As noted above the siting is set away from the street scene, and the extension will sit well behind the primary elevation fronting on to Cherry Lane. The siting also allows the improvement of internal and external circulation (effectively creating an internal loop and closed courtyard) which is of significant benefit to the function of the school. It is set well off the western and northern boundaries of the school and further away than the existing buildings from the rear elevation of dwellings on Catterick Avenue

30. Materials and cladding

- **NRM1 Materials;** *proposed primary materials must reflect the dominant material palette from the surrounding context.*
- **NRM2 Cladding;** *vary the texture and modulation of cladding materials.*

The materials reflect and match those in use on the existing building – which itself is of a modern construction. These include PPC aluminium frame double glazed windows, aluminium rainwater goods and parapet cladding, site assembled composite metal cladding and profiled roof panels to the roof, and red clay facing brick. Not only are these an accurate match for the materials in use on the existing building but they are also considered appropriate with regard to the day-to-day function of the school – hard-wearing, efficient, functional and adaptable. In this sense the materials utilised are considered acceptable.

31. Parking

- **NRP1 Surface parking;** *surface parking must be well landscaped and allow for natural surveillance and easy access to the buildings it serves.*
- **NRP4 Cycle parking;** *cycle parking must be provided in a covered, secure and easily accessible location.*

There is additional car parking provision proposed within the confines of the existing car park. The applicant has also confirmed that there is 1no additional accessible parking space located adjacent to the existing parking spaces. As is evident following review of the submitted landscaping scheme, there are minor additional shrubs and planting as well as retention of existing vegetation that will provide some visual break-up in this regard. However, weight is given to the required function of the school and the number of parking spaces this necessitates. It is also noted that the parking spaces remain easily accessible from the main entrance of the school, from which there is a good level of natural surveillance.

Furthermore, replacement of the existing cycle store with one providing a number of additional spaces is welcomed. Details of the secure and covered store are to be sought by condition.

32. Landscaping

- **NRPL3 Landscaping;** *Commercial and non-residential developments must be designed around a landscape strategy which must seek to provide a landscape buffer at the interface of the site with the public realm, in addition to landscaping within the wider site, including car parks.*

There is a good level of additional landscaping brought forward by the scheme – much of which is secured on the western boundary providing a visual buffer between the rear elevation of the dwellings on Catterick Avenue and the new extension. There is also a good level landscaping along the primary elevation fronting onto Cherry Lane, abutting the existing playing field and dotted throughout the car park.

33. Security

The Design and Access Statement confirms that natural surveillance has been taken into account in the design of the development. The school site is secure and has a clear lockdown between public and private spaces. There is weldmesh steel security fencing or existing vertical steel fencing at 2.4m high around the perimeter of the site with further security provided by CCTV.

Concerns have been raised by neighbours that the passageway at the side of the school which backs onto Catterick Avenue will become more restricted, unsafe and hidden. However, the applicant has confirmed that there is no proposed change to the existing fence line and the proposed building would be 21m away from the boundary and thus the footpath will be unaffected by the proposals with the building having no additional impact on this in terms of lighting or safety. The proposed development would also provide some additional passive surveillance in relation to the footpath. The GM Police Design for Security team have confirmed that they hold no objection although advise the extension should be built to Secured by Design standards.

34. It is therefore considered that the proposed development would be acceptable in terms of design and visual amenity and would comply with Policy JP-P1 of PfE, the National Design Code, the draft Trafford Design Code and policies in the NPPF in relation to design.

RESIDENTIAL AMENITY

35. With regards to residential amenity, CS Policy L7 states that development must 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. In this regard, the application is considered to acceptable as discussed below.

Impact on residents at Catterick Avenue

36. The dwellings at nos 6 to 12 Catterick Avenue are the closest properties to the proposed extension. Officers note that the proposal would form a single-storey building in height (3.5m to eaves, with the pitched roof then sloping away from the rear elevation of the dwellings), with an approximate 24m distance between the two elevations. Officers consider the low height, complementary roof pitch and significant interface distance would ensure that there would not be any unacceptable impact on the amenity of residents at Catterick Avenue by way of overbearing, overshadowing, or overlooking / loss of privacy impacts.
37. With regards to other potential impacts – it is notable that the applicant has submitted a number of supportive technical documents in relation to air quality, noise impact (including an additional acoustic technical note) and ground contamination and site investigation reports, as well as a Construction Environment Management Plan to ensure there would be as limited impact as possible on adjacent residents.
38. These have been reviewed in detail by the relevant statutory consultees and Environmental Health officers with no objection raised in this regard, subject to the imposition of compliance conditions. The air source heat pumps sited at the northern end of the extension would be housed in acoustic grade closed-board imperforate timber fence which has also been considered acceptable.
39. Officers are therefore satisfied that, subject to appropriate conditions, the proposal would not result in any undue impact on the amenity of adjacent residents, particularly at Catterick Avenue. The proposal is therefore considered acceptable with regards to CS Policy L7 in this regard.

BIODIVERSITY NET GAIN, ECOLOGY, TREES AND LANDSCAPING

40. As per CS Policy R3, the Council are committed to *working with local communities, developers and partners [to] develop an integrated network of high quality and multi-functional green infrastructure (GI)*. This high quality and multi-functional GI will help the Council achieve a number of objectives, most notably:
- *Improve health and well-being;*
 - *Protect and connect existing and potential sites of nature conservation value and historic landscape features, and seek to create new wildlife habitats as recommended in the GM Ecological Framework;*
 - *Protect and provide appropriate natural space to connect landscapes and allow wildlife to move through them to adapt to climate change;*
 - *Mitigate the negative effects of climate change and support biodiversity, for example inclusion of green roofs, green walls and tree planting*

41. PfE Policy JP-G8 outlines that a net enhancement of biodiversity resources will be sought and also outlines a number of measures that development will be expected to adhere to, with the most relevant points outlined below:

- a. *Follow the mitigation hierarchy of:*
 - i. *Avoiding significant harm to biodiversity, particularly where it is irreplaceable, through consideration of alternative sites with less harmful impacts, then*
 - ii. *Adequately mitigating any harm to biodiversity, then*
 - iii. *Adequately compensating for any remaining harm to biodiversity*
- b. *Avoid fragmenting or severing connectivity between habitats;*
- c. *Achieve a measurable net gain in biodiversity of no less than 10%*
- d. *Make appropriate provision for long-term management of habitats and geological features connected to the development;*
- e. *Where appropriate, development should: mitigate air pollution impacts on Manchester Mosses SAC; mitigate urban edge, functionally linked land and recreation disturbance impacts on the South Pennine Moors SAC/SPAs; and assess and potentially mitigate boat movement, water pollution, and light spillage and shading impacts on the Rochdale Canal SAC; and*
- f. *Development proposals should be informed by the findings and recommendations of the appropriate biodiversity/ecological assessment(s) in the PfE evidence base and/or any updated or appropriate biodiversity/ecological assessments submitted as part of the planning application process.*

42. Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

43. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

Ecology

44. The application has been submitted with a number of ecological reports, most notably a Preliminary Ecological Assessment and a Bat Roost Assessment, as well as a Tree Survey, Arboricultural Impact Assessment and Arboricultural Mitigation Strategy.

45. The PEA confirmed that there is no evidence of protected species on site which could be affected by development, although it may be beneficial prior to commencement to undertake a walkover survey to ensure that no protected species activity has developed between the time of the survey and the time of commencement.
46. The Bat Roost Assessment did identify some potential roost features – however on a more detailed inspection these were discounted as they did not allow for internal access. No direct evidence of bat activity was identified during the survey and ultimately the buildings were assessed as having negligible potential to support roosting bats. As such no further surveys are required.
47. Following review by GMEU, the conclusions of both of these documents have been considered acceptable.

Trees

48. The application has been submitted with a Tree Survey, Arboricultural Impact Assessment and Arboricultural Mitigation Strategy and these have been reviewed by the Council's Trees Officer.
49. A total of seven trees are required to be removed as they are directly impacted by the development, although the remaining are retained and protected as outlined within the Tree Protection Plan. A total of 53 new trees are proposed as identified within the Soft Landscaping Plan Dwg no 201565-STO-00-00-DR-L-0006 Rev P03.
50. The Council's Trees Officer has confirmed that they hold no objections to the proposal on arboricultural grounds subject to the imposition of a condition requiring the implementation and retention of the tree protection fencing. The proposal is therefore considered acceptable in this regard.

Biodiversity Net Gain

51. The applicant has submitted a full BNG Metric and Assessment and has indicated that the development cannot achieve 10%+ biodiversity net gain on-site, and as such they will be required to utilise offset sites. Following GMEU review, this has been considered acceptable, although the applicant is reminded that any offsite gains can only occur on registered biodiversity units, and these biodiversity units will need to be secured legally, either through a S106 agreement or a Conservation Covenant relating to those offset sites, before they can be registered. This will need to occur prior to discharge of the relevant Biodiversity Gain Plan (BGP) condition.

HIGHWAY AND PARKING IMPACTS

52. Policy L4 of the Core Strategy states that the Council's adopted SPD3 guidance sets out maximum parking standards. Policy L7 of the Core Strategy states development

must incorporate sufficient off-street car and cycle parking, manoeuvring and operational space. The car parking standards set out in the Core Strategy specify the requirements which each development will normally be expected to provide, although these are maximum standards and every planning application is treated on its own merits depending on the circumstances of the site.

53. Paragraph 115 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.*

54. Officers note the scheme incorporates an additional 22 car parking spaces, alteration to the car parking layout, additional EV parking and additional cycle parking as well as a temporary construction access off Cherry Lane. Following initial review, the LHA requested clarification on a number of points as follows:

- The removal of the guardrail adjacent to the temporary construction access to be replaced with a staggered arrangement set back from the carriageway and the proposed temporary access,
- the removal of the traffic calming feature to ensure the construction vehicles access the site from the correct side of the road,
- amended tracking with the removal of the traffic calming feature,
- an additional two cycle parking spaces (in a secure and covered arrangement),
- a temporary hardstanding area is provided within the site for the proposed construction vehicles

55. In terms of parking provision, the current car park provides 74 car parking spaces (including 4 accessible spaces). As per the SPD3 parking standards, two car parking spaces are required per classroom. The development would result in an increase of 8 classrooms therefore requiring an additional 16 spaces. The LHA has confirmed that the provision of an additional 22 spaces would be acceptable. The application proposes a double-stacked parking arrangement to the eastern side of the car park. The LHA has confirmed that this is acceptable if this is for the use of staff.

56. The applicant has been requested to provide additional accessible parking spaces as discussed further in the Equalities section below and this information is currently awaited. An additional 1 no accessibility parking space is to be provided, adjacent to the siting of the existing accessibility parking spaces.

57. The LHA also requested a condition providing for the re-instatement of the traffic feature as well as a CEMP (which was submitted and subsequently reviewed), and informatives relating to Section 50 Licenses and a Memorandum of Understanding in relation to the Highways Works.

58. The applicant submitted additional information within the CEMP and Traffic Management Plan to remedy the issues raised by the LHA. The applicant has also submitted an updated Travel Plan which the LHA has confirmed is acceptable. It is

recommended that a condition is attached to secure the implementation of this. All other aspects of the proposal in terms of highways and parking have been considered acceptable and it is therefore considered that the proposed development would comply with Policies L4 and L7 of the Core Strategy and Policy JP-C1, JP-C6 and JP-C8 of PfE in this respect.

DRAINAGE

59. CS Policy L5 states that the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location. This will involve a sequential approach to determining the suitability of land for development and application of the exception test, as outlined in national planning policy, where necessary.
60. The policy goes on to state that developers will be required to improve water efficiency and reduce surface water run-off through the use of appropriate measures such as rain water harvesting, water recycling and other Sustainable Drainage Systems (SUDS) appropriate to the various parts of the Borough, as mapped in the Council's Strategic Flood Risk Assessment.
61. This is supported by CS Policy R3, which states (in regard to surface water management) the Council will seek to maximise the potential climate change benefits of the network and deliver, where appropriate, the opportunities and requirements set out in Policy L5, including enhanced flood risk management through water storage or run-off protection, integrating mitigation measures such as SUDS into the design, controlling temperatures through shade and other cooling effects, and reducing air and water pollution.
62. The applicant has submitted a proposed drainage layout, manhole schedule and drainage strategy which lean largely on the existing separated surface water/foul water system but also incorporate a new swale to the west of the site, as well as additional infiltration blankets utilising stone wrapped in permeable membranes. This has been reviewed by the LLFA who are satisfied that the drainage strategy is acceptable subject to a compliance condition. It is therefore considered that the proposed development would be acceptable in terms of Policy L5 of the Core Strategy and Policy JP-S4 of PfE and policies in the NPPF in this respect.

CLIMATE CHANGE

63. Policy JP-S2 – Carbon and Energy – states that there is an expectation that new development will, unless it can be demonstrated that it is not practicable or financially viable, be net zero carbon in terms of regulated operational carbon emissions.
64. The applicant states that the development incorporates a Passive Design Strategy and that the thermal envelope of the building will be high performance including:

- High performance glazing and shading specification to control solar gain. Windows have been sized specifically to meet appropriate daylighting conditions internally for good learning environments, whilst not at the expense of overheating in the summer.
- Designed to reduce thermal bridging - preventing heat loss and preventing development of cold spots which can lead to issues of condensation and mould.
- Air tight building fabric which will reduce uncontrolled infiltration, preventing excessive heat loss in winter and gain in summer.
- Concrete frame designed to retain heat energy using thermal mass. Thermal mass will assist in preventing overheating, enhancing the benefit of night / purge ventilation in summer months.

65. The building orientation and aperture design is intended to optimise daylighting, including optimal cill heights and window sizes.

66. The building form has been designed with a deliberately low form factor to minimise fabric heat loss (building mass to building surface area ratio is low). Internally, thermal mass will be exposed to help retain heat and reduce internal temperature fluctuations. Natural ventilation potential has been maximised through cross ventilation and hybrid measures, including through louvres, shallow floor-plates, heat recovery ventilation units and designing in the stack effect system, where pressure differences are used to draw air through a building.

67. Energy Efficient Services would also be incorporated within the scheme as follows.

- LED lighting system with automatic controls including daylight dimming which will be utilised to minimise both energy consumption and maximise daylighting.
- Variable speed fans and pumps will be used to distribute air and water respectively throughout the building.
- Point of use water heaters shall be used to minimise hot water distribution losses.
- An automatic controls system complete with metering for monitoring and targeting will allow systems to operate safely and efficiently whilst providing users with the facility to record / monitor energy consumption and carbon emissions.

68. Renewable Energy - As part of delivering Net Zero Carbon in Operation (NZCiO), extensive renewable technologies will be implemented on the site.

- Heat generation will be delivered through a non-fossil fuel reliant system (Air Source Heat Pumps).
- The roof will incorporate an extensive provision of Photovoltaic Panels (PV), which are spaced as efficiently as possible

69. The applicant has confirmed that that the proposed Development will be designed to minimise its energy consumption via the energy hierarchy of reduce energy demand,

maximise energy efficiency and low & zero carbon technology and its operational cost through efficient design and modern construction method. In conclusion, it is clear that the applicant has taken a positive approach to operational energy demands through the inclusion of measures to improve energy efficiency, to generate renewable energy, and to utilise low carbon technology. Whilst achieving the ultimate objective of Policy JP-S2 cannot be expressed at this stage, available evidence indicates that the development would score highly against the policy's credentials. It is considered that the proposed development is capable of being fully in accordance with Policy JP-S2 of PfE in relation to this.

EQUALITIES

70. PfE Policy JP-P1 states that development should be consistent with a number of key attributes, with the relevant attributes in this case outlined below:

- *Socially inclusive:*
 - o *Responding to the needs of all parts of society;*
 - o *Enabling everyone to participate equally and independently;*
 - o *Providing opportunities for social contact and support; and*
 - o *Promoting a sense of community*
- *Incorporating inclusive design within all spaces with support for tackling inequality and poverty to form part of creating sustainable places*
- *Easy to move around for those of all mobility levels, particularly by walking and cycling, with enjoyable routes free from obstacles and disorienting stimuli, and with places to rest*

71. The Public Sector Equality Duty (PSED), contained in the Equality Act 2010, requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. 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.

72. Section 149 – Public Sector Equality Duty (PSED) of the Equality Act 2010 states:

- i. A public authority must, in the exercise of its functions, have due regard to the need to—
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
73. Disability is a 'protected characteristic' under the Equality Act 2010 and the Act states that meeting different needs involves taking steps to take account of disabled people's disabilities.
74. Inclusive access has been an integral part of the design, to ensure the existing building and new extension is accessible to all. Pedestrian access to all new and existing building entrances will be inclusive mobility compliant.
75. Appropriately sized doors and circulation spaces are used throughout the proposed extension as per the existing for ease of access and to meet standard DfE design requirements. Circulation routes have also been optimized to reduce travel distances between lessons, as well as offer simple and legible wayfinding.
76. As the extension is single storey as per the existing school, this means all facilities including highly frequented spaces have been located for ease of access for visitors and users.
77. WCs have been evenly distributed throughout the new extension, as they were for the original school for the user groups accommodated with ambulant WCs available in the two hygiene rooms. The applicant has confirmed that Building Regulations approved document Part M (Access to and Use of Buildings) and BS 8300-2:2018 (Design of An Accessible and Inclusive Built Environment) have been used to define accessible solutions for the design. There is level access into the existing building all around the perimeter and this would be continued throughout the proposed extension. All the accessible parking bays – including the 1no additional bay provided as part of the application - would be located within 40m of the main entrance.
78. Regard is also given to the nature of the school, which provides considerable and high quality facilities for SEN students and this is reflected in the intricate designs of the classrooms, layouts and corridors. This extension ultimately improves pupil capacity by 80 which represents a substantial improvement both in the quality and quantity of the education and services provided to those who need it. The proposals will provide benefits to children (age as a protected characteristic) and those with SEN (disability as a protected characteristic).
79. The evidence suggests that the impact upon some groups with 'protected characteristics', as defined by the Equality Act (covering age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) would be positive.

DEVELOPER CONTRIBUTIONS

80. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'public or institutional facility' consequently the development will be liable for CIL at a rate of £0psqm in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

PLANNING BALANCE AND CONCLUSION

81. The proposed application seeks to alter and extend Brentwood High School and Sixth Form College, comprising an internal reconfiguration of the existing building and construction of a single-storey extension, as well as the reconfiguration of the existing car park, external play areas and cycle track, the provision of new landscaping, installation of air source heat pumps, enclosures and solar panels, erection of a polytunnel and associated works, plus temporary construction access from Cherry Lane.

82. It is noted that at the local and national level there is a significant strategic objective to improve and enhance educational facilities where possible. These works would significantly increase the capacity of Brentwood School and as such are considered to be in line with these policies and objectives.

83. Furthermore, whilst the site is allocated as Protected Open Space, it has been evidenced that the re-provision of the cycle track would be sufficient to ensure that the development falls within Sport England's relevant policy exception. This is also considered in line with the NPPF.

84. The application is also considered acceptable in terms of design, amenity impacts, ecology, landscaping, highways and equalities. All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. The application complies with relevant policy in Places for Everyone Plan and the Trafford Core Strategy and with policies in the National Planning Policy Framework. It complies with the development plan when taken as a whole. The application is therefore recommended for approval.

RECOMMENDATION

GRANT subject to the following conditions:

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

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

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

- Street Furniture Design Dwg no 201565-STO-00-00-DR-L-0007 Rev P02
- External Existing & Proposed Electrical Services Dwg no 201565-ESD-ZZ-GF-DR-E-6000 Rev P02
- Proposed and Existing Levels Dwg no 201565-STO-00-00-DR-L-0003 Rev P00
- Proposed Architectural Site Plan Dwg no 201565-POZ-ZZ-ZZ-PL-A-1120 Rev P02
- Proposed Ground Floor Plan (FF&E Loaded) Dwg no 201565-POZ-ZZ-00-DR-A-1200 Rev P02
- Proposed Roof Plan Dwg no 201565-POZ-ZZ-R1-DR-A-2001 Rev P03
- Proposed Refurb Works Dwg no 201565-POZ-ZZ-00-DR-A-2005 Rev P02
- Proposed External Elevations Dwg no 201565-POZ-ZZ-ZZ-DR-A-1210 Rev P05
- Boundary Design Dwg no 201565-STO-00-00-DR-L-0004 Rev P02
- Landscape General Arrangement Dwg no 201565-STO-00-00-DR-L-0001 Rev P07
- Site Sections Dwg no 201565-STO-00-00-DR-L-0010 Rev P01
- Photovoltaic Array Roof Level Layout Dwg no 201565-ESD-ZZ-ZZ-D-E-6900 Rev P03
- Proposed GA Sections Dwg no 201565-POZ-ZZ-ZZ-DR-A-3500 P02

Reason: To clarify the permission, having regard to Policy JP-P1 of Places for Everyone, Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to JP-P1 of Places for Everyone and the requirements of the National Planning Policy Framework.

4. The landscaping works as indicated on the below plans shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following the commencement of use of the development hereby permitted, whichever is the sooner.
 - Hard Landscape Design Dwg no 201565-STO-00-00-DR-L-0005 Rev P01
 - Landscape specification Dwg no 01565-STO-XX-XX-SP- 0001
 - Soft Landscape Design Dwg no 201565-STO-00-00-DR-L-0006 Rev P03
 - Landscape General Arrangement Dwg no 201565-STO-00-00-DR-L-0001 Rev P07

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 Policy JP-P1 of PfE, Policies R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

5. The development hereby approved shall not be brought into use until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The schedule shall be implemented in accordance with the approved details.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to PfE Policy JP-P1, Policies R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

6. The development hereby permitted shall be implemented wholly in accordance with the following plans:
 - Tree Survey and Constraints Report- 30.01.2024 - PS-V1
 - Soft Landscape Design, No. 201565-STO-00-00-DR-L-0006, Rev.P02
 - Landscape General Arrangement, No. 201565-STO-00-00-DR-L-0001, Rev.P07
 - Landscape specification, Ref. 201565-STO-XX-XX-SP-L 0001

No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with the submitted Tree Protection Plan - Overview No. TR-01. 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 PfE Policies JP-P1, JP-P2, JP-G7 and JP-G8 and Policies R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The development shall be implemented in accordance with the details submitted within the Construction Method Statement ref BRE-GAL-XX-XX-T-X-1001 P03 Rev

P03 and submitted Traffic Management Plan Rev B, received by the local planning authority on 11 April 2024.

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

8. The development hereby permitted shall not be brought into use until the traffic calming feature and guardrail that are to be removed in association with the creation of the temporary access road off Cherry Lane have been fully re-instated and made good in accordance with details of the re-instatement that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policies JP-C1, JP-C6 and JP-C8 of PfE and the National Planning Policy Framework.

9. No cycle parking infrastructure shall be installed until full details of proposed cycle parking have been submitted to and approved in writing by the local planning authority. The submitted details shall identify the type, specification and quantity of proposed cycle parking, and shall confirm that the cycle parking will be provided within a sheltered and secured environment. The submitted details shall also include a scheme for the advance identification of the cycle parking. The approved cycle parking works shall be installed and made available for use prior to the commencement of use of the additional classroom accommodation and shall be thereafter retained.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, and whilst also minimising pedestrian/cyclist conflict, having regard to Policy L4 of the Trafford Core Strategy, Policies JP-C1, JP-C6 and JP-C8 of PfE, and the National Planning Policy Framework.

10. Notwithstanding the information on Drawing 201565-STO-00-00-DR-L-0001 P03, the additional classroom accommodation hereby permitted shall not be brought into use unless and until the remaining natural turf playing field has been marked out for Youth U11 and U12 (9v9) to FA standards - 73 x 46m (79 x 52m including safety run-off area).

Reason: To secure the provision and use of the playing field for football before the occupation of the building and to accord with CS Policy R5, PfE Policy JP-P7, Sport England's Playing Fields Policy and Guidance and the NPPF.

11. The development shall be operated in accordance with the approved community use agreement (dated 24/02/2016) at all times (as required by Condition 13 of planning permission 87109/VAR/15).

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with CS Policy R5, PfE Policy JP-P7, Sport England's Playing Fields Policy and Guidance and the NPPF.

12. The development permitted by this planning permission shall only be undertaken in accordance with the approved Drainage Strategy by Ridge and the following mitigation measures as detailed below:

- Proposed Drainage Layout (dwg ref. 201565-RDG-XX-XX-D-C-5001 P05)
- Full infiltration through the utilization of both infiltration blankets and swales

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to comply with CS Policy R3 and L5.

13. Upon the commencement of use of the additional classroom accommodation hereby approved, the submitted Travel Plan 2024 Brentwood School and College (Updated January 2024), received by the local planning authority on 11 March 2024, shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

Reason: To reduce car travel to and from the site in the interests of sustainability and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policies JP-C1, JP-C6 and JP-C8 of PfE and the National Planning Policy Framework.

14. The development hereby permitted shall not be brought into use unless and until the access, parking and turning areas shown on the approved plans have been provided and made available for those purposes. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any equivalent Order following the amendment, re-enactment or revocation thereof), no development shall take place on any of the areas so provided.

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

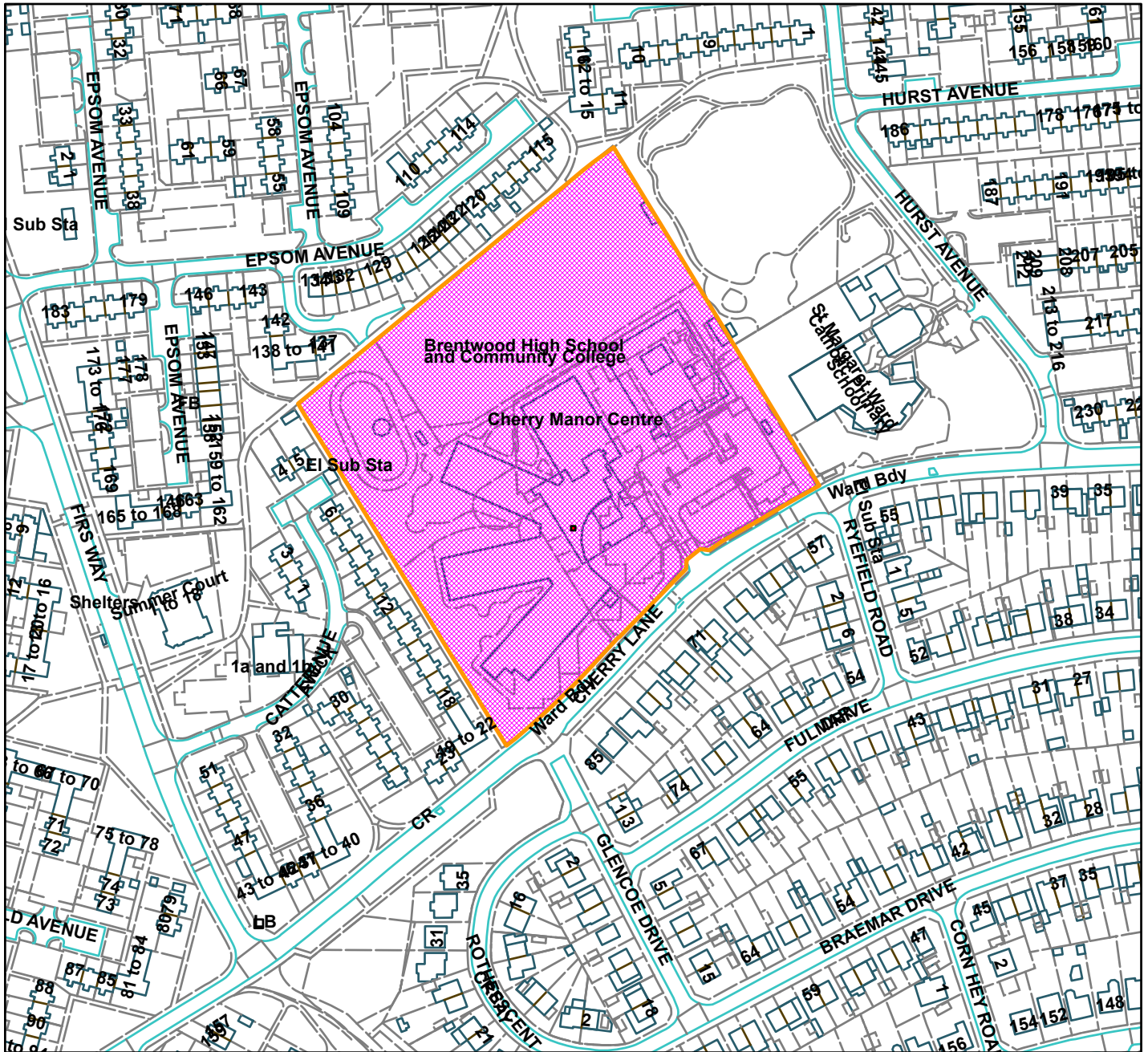
15. The air source heat pumps hereby permitted shall not be brought into use unless and until 2m high acoustic grade timber fencing has been provided in accordance with the submitted details around the perimeter of the air source heat pump compound as shown on drawing number 201565-STO-00-00-DR-L-0001 Rev P05. The fencing shall be retained thereafter.

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

WH



Brentwood School And Community College, Cherry Lane, Sale (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 20/06/2024
Date	10/06/2024
MSA Number	AC0000809316 (2022)

WARD: Sale Central

113186/FUL/24

DEPARTURE: No

Demolition of 2 buildings and erection of 5 new dwellings

71A And 73 Chapel Road, Sale, M33 7EG

APPLICANT: Trafford Council

AGENT: BTP Architects

RECOMMENDATION: GRANT

This application has been brought to Committee as it is a Trafford Council application to which an objection has been made

EXECUTIVE SUMMARY

This application relates to the development of land at 71A and 73 Chapel Road (formerly part of the curtilage of the Claremont Centre, Claremont Road, which is recognised by the Local Planning Authority as a non-designated heritage asset.

Planning permission is sought for the erection of 5 no. dwellings (comprising 4 no. semi-detached and 1 no. detached property) following demolition of the existing buildings on site.

The application has received objection letters from Sale Civic Society and a neighbouring dwelling. The main concerns raised relate to heritage harm as a result of the loss of the annexe building, loss of privacy and overlooking and loss of light from proposed tree planting. All representations have been duly noted and considered as part of the application appraisal.

The tilted balance in NPPF paragraph 11 d) ii) is engaged as a result of the Council's failure to meet the requirements of the Housing Delivery Test. Weight is given to the contribution of 5 no. new residential units to the Council's housing land supply.

In weighing the planning balance, considerable importance and weight is given to the desirability of preserving the setting of the adjacent non-designated heritage asset as well as having consideration to the significance of the annexe building (73 Chapel Road) itself. It is considered that the proposal would result in moderate less than substantial harm.

Other benefits and harms have been taken into consideration as set out within the Planning Balance section of this report.

It is considered that when applying the tilted balance, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning

permission for the proposed scheme. The proposal is considered to comply with the development plan as a whole and is therefore recommended for approval subject to appropriately worded conditions.

SITE

The application site comprises 71A and 73 Chapel Road, a two storey hostel/day care facility on the corner of Chapel Road and Claremont Road, and a single storey annexe building. The site formerly formed part of the curtilage of the Claremont Centre (currently used by Trafford Music Service) to the rear of the site.

The surrounding area is largely residential in character however the site directly faces Chapel Road Clinic on the opposite side of Chapel Road.

The site is located close to Sale Town Centre.

PROPOSAL

Permission is sought for the erection of 5 no. dwellings following the demolition of the existing buildings. The development would comprise 2 no. pairs of two storey semi-detached dwellings and 1 no. detached two storey dwelling. All properties would have further accommodation provided within the roofspace.

Value Added: Amended plans have been received further to discussions around design. The amendments are summarised as follows:

- Introduction of more architectural detailing;
- Changes to bay and window design;

DEVELOPMENT PLAN

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

- **Places for Everyone Joint Development Plan Document (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced;
- The **Trafford Core Strategy**, adopted 25th January 2012; the Trafford Core Strategy 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; A number 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 the new Trafford Local Plan.

PRINCIPLE RELEVANT PLACES FOR EVERYONE POLICIES

JP-S1 – Sustainable Development
JP-S2 – Carbon and Energy
JP-S4 – Flood Risk and the Water Environment
JP-H1 – Scale, Distribution and Phasing of New Housing Development
JP-H2 – Affordability of New Housing
JP-H3 – Type, Size and Design of New Housing
JP-H4 – Density of New Housing
JP-C6 – Walking and Cycling
JP-C8 – Transport Requirements of New Development
JP-P1 – Sustainable Places
JP-P2 – Heritage
JP-G8 – A Net Enhancement of Biodiversity and Geodiversity

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

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

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

SUPPLEMENTARY PLANNING DOCUMENTS

SPD1 – Planning Obligations
SPD3 – Parking and Design
SPG1 – New Residential Development
Draft Trafford Design Code
Technical Housing Standards – Nationally Described Space Standards (2015)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated in February 2024. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

H/LPA/62368 - Change of use from registered day care centre and hostel (sui generis) to offices (B1) and associated external and internal works.
Approved with conditions 02/08/2005

H/53809 – Erection of portacabin for additional office space.
Approved with conditions 13th May 2002

H/41784 – Erection of single storey extension.
18th March 1996

APPLICANT'S SUBMISSION

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

- Heritage Statement
- Design and Access Statement
- Drainage Strategy
- Ecological Assessment
- Preliminary Risk Assessment
- Arboricultural Statement
- Tree Survey
- Biodiversity Metric

CONSULTATIONS

Lead Local Flood Authority – Raise no objection subject to condition requiring submission and approval of detailed surface water drainage scheme based on the hierarchy of drainage.

United Utilities – Noting that this is a full application, it is requested that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment prior to determination of the application.

Greater Manchester Ecology Unit – The submitted ecology report has identified features in the buildings and trees on the site that are suitable for roosting bats. Therefore a

further bat presence/absence survey has been requested to be submitted prior to determination. The findings of this report will be reported in the Additional Information Report.

In addition, although the application was submitted prior to the requirements for mandatory biodiversity net gain, the NPPF does advise for planning decisions to provide biodiversity net gains. As a number of mature trees on the site are proposed to be removed, GMEU would advise that compensatory planting is secured no net loss, and provide additional gains for the site.

Local Highway Authority – No objection subject to the following:

- The reinstatement of the footway in the area that does not propose dropped kerb vehicle crossovers;
- A dimensioned site plan which confirms the proposed rear access gates are an absolute minimum of 900mm wider however 1000mm width is advised;
- Cycle parking is requested to be provided in a secure and covered arrangement for the semi-detached dwellings.

Furthermore a condition for a Construction Method Statement (CMS) and an informative in relation to new accesses and dropped kerb vehicle crossovers are requested.

Pollution (Contaminated Land) – No comments received at the time of writing the report. Any comments received will be set out in the Additional Information Report.

Arboricultural Officer – No objection subject to the submission of a method statement that includes further details of the area of temporary ground protection, identified by blue diagonal-hatching on the submitted Tree Protection Plan, as recommended in the submitted Arboricultural Statement, in line with section 7.4 of BS5837.

REPRESENTATIONS

A neighbour representation has been received. Points of objection raised are summarised below:

- Object to the planting of a tree on the northwest boundary of the proposed development, adjacent to the front boundary with 75 Chapel Road, which will impact upon “right to light” on the north facing bay window to the front of this neighbouring property;
- Overlooking and loss of privacy from first floor windows;

A representation from Sale Civic Society advises that the site is within the original grounds of the former Sale Central School (built 1914 to the designs of Architect Edward James Thompson FRIB), the original buildings including the boundary wall and railings are considered a non-designated heritage asset in accordance with Annex 2 of the NPPF. The site has been identified in the draft Local List as having a degree of

significance meriting consideration in planning decisions, because of its heritage interest.

Sale Civic Society strongly object to the demolition of the Sports Pavilion (73 Chapel Road) which they advise was built as part of the original School in 1914 and used latterly as offices and meeting rooms for the Citizens Advice Bureau.

Furthermore it is strongly requested that the boundary wall is retained and existing openings are closed up and new openings creating – existing brickwork and ironwork is re-used, and relocated as required. All new gates and railings should match the original.

OBSERVATIONS

The Decision-Taking Framework

1. S38(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 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 NPPF, at paragraph 11, introduces the 'presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11c explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that 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.
3. The Places for Everyone Joint Development Plan was adopted on 21 March 2024. In accordance with Paragraph 76 of the NPPF, and for the first five years of the plan's adoption, Trafford is now no longer required to identify a five year housing land supply. In effect, for decision making purposes, it should be assumed that the Local Planning Authority has a five year supply of specific, deliverable housing sites. The Council's housing land supply position therefore no longer triggers the tilted balance.
4. However, Housing Delivery Test (HDT) presumption still applies. Paragraph 79 of the NPPF states that where the HDT falls under 75% then the presumption in

favour of sustainable development applies. Trafford's HDT figure for 2023 is 65% i.e. the Council delivered an average of 65% of its housing requirement over the three years to March 2023. The tilted balance is therefore triggered by the HDT.

5. As development plan policies in PfE are very recently adopted they are up to date and should be given full weight in decision making. Although the tilted balance in the NPPF is a primary material consideration, the development plan remains the starting point for decision making.
6. Policy JP-H2 states that: A key part of the overall strategy is to maximise the amount of development on brownfield sites in the most accessible locations and minimise the loss of greenfield and Green Belt land as far as possible. In order to deliver the necessary densities, an increasing proportion of new dwellings will be in the form of apartments and town houses, continuing recent trends.
7. Policy JP-H3 states: Development across the plan area should seek to incorporate a range of dwelling types and sizes including for self-build and community led building projects to meet local needs and deliver more inclusive neighbourhoods. Residential developments should provide an appropriate mix of dwelling types and sizes reflecting local plan policies, and having regard to masterplans, guidance and relevant local evidence.
8. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. Policy L2.2 states that: All new development will be required to be:
 - (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents;
 - (b) Appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development;
 - (c) Not harmful to the character or amenity of the immediately surrounding area;
 - (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford.
9. The Core Strategy, which was adopted (in January 2012) two months prior to the publication of the original NPPF, remains part of the statutory development plan. Some of its policies have been replaced or part-replaced by PfE whilst others remain in force. Prior to the adoption of PfE, some Core Strategy policies had been formally recognised as being out of kilter with current NPPF policy; policies R1 (Heritage) and L4 (Sustainable Transport and Accessibility) for instance. Whilst such inconsistency remains (and with the relevant policies not wholly superseded), PfE has introduced new policies on these topics which are

consistent with national policy (see policies JP-P2 (Heritage) and JP-C8 (Transport Requirements for New Development)).

10. The application proposes the erection of 5 no. new dwellings following demolition of existing buildings on site. When having regard to the nature of this proposal and its key considerations, Core Strategy policies of the topics of design and residential amenity (Policy L7 and Policy JP-P1), heritage (Policy R1 and JP-P2), and highways impact (Policy L4) are most central to its assessment. These policies are considered to be up to date and should be given full weight, notwithstanding the fact that there is some inconsistency in the remaining wording of Core Strategy Policies L4 and R1.

Housing Land Supply and Delivery

11. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to paragraph 60 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
12. The Trafford Housing Needs Assessment (HNA) 2023 provides the latest available evidence to help to shape the future housing and relates strategies and policies of the area. It identifies that family sized homes are popular but there is a shortage of four-bedroom properties which the proposed development would contribute towards. The proposal is within an established residential area, in a sustainable location sited close to public transport links, local schools and other community facilities.
13. The proposal would see the delivery of 5 no. family dwellings within a sustainable, residential location in accordance with JP-H3 of Places for Everyone. The proposal would make a small contribution to the Borough's housing land supply.
14. It is noted that PfE Policy JP-H4 requires housing development to be at appropriate densities, although the policy does also state that lower densities may be acceptable where they can be clearly justified by site specific issues such as the design context. Applying PfE Policy JP-H4 the application site is within the 'all other locations' area which requires a minimum net residential density of 35 dwellings per hectare. The site measures approximately 0.125 ha which translates to 4 dwellings. The development is in accordance with this policy.
15. The proposal is for 5 no. units only and therefore falls below the trigger for any affordable housing contribution.

16. Additionally there is also likely to be a small economic benefit during the construction phase of the proposal.
17. In conclusion, whilst the proposal would result in a fairly limited contribution to housing supply, it is still considered that significant weight should be afforded in the determination of this planning application to the scheme's contribution to housing delivery and meeting the Government's objective of securing a better balance between housing demand and supply. The proposal meets Policy L2 of the Trafford Core Strategy, alongside Policy JP-H1 and JP-H3.
18. The remaining issues to consider are heritage (the loss of the existing buildings and impact on neighbouring non-designated heritage assets), the impact of the proposed new development on the character and appearance of the site and the surrounding area, highway safety and convenience and residential amenity.

HERITAGE

19. The importance of preserving the historic environment is reflected in NPPF and supporting NPPG. NPPF introduces the term 'heritage assets' which are defined as: 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions.' Such heritage assets can be 'designated' or 'non-designated'.
20. Heritage assets in the Borough contribute to the unique character and quality of the historic built environment. These sites and buildings are an irreplaceable record of the Borough which can contribute to our learning and understanding of the past including its social and economic history, and are also a resource for the future. It is therefore essential that we seek to preserve, protect and where appropriate, enhance these special buildings and sites, in line with national and regional planning policy guidance.
21. Paragraph 201 of the NPPF advises: *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*
22. Paragraph 203 states that *"In determining applications, local planning authorities should take account of:*
 - a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

c) *The desirability of new development making a positive contribution to local character and distinctiveness.”*

23. Paragraph 209 states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

24. Elements of Core Strategy Policy R1 have been superseded by Policy JP-P2 (Heritage) of PfE. Policy JP-P2 defers to individual authorities’ local plans to inform the positive management and integration of that area’s heritage. Significantly, it also refers to development proposals affecting designated and non-designated heritage assets being considered in line with national policy.

25. Policy JP-P2 of PfE states that: We will proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings. Development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy.

Significance of the Non-Designated Heritage Asset

26. Significance is defined in the NPPF as ‘The value of a heritage to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’ Setting of a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’

27. Planning Practice Guidance (PPG) states that local planning authorities may identify non-designated heritage assets during the course of a planning application.

28. Paragraph 209 of NPPF states *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

29. The Claremont Centre (Sale and District Higher Elementary School) on Claremont Road has been identified as a non-designated heritage asset by GMAAS as part of its local listing project, noted for its:

Historic interest: The foundation stone of the new Sale and District Central School was laid in February 1914 and was opened in December of that year.

Architectural interest: The school was designed by Mr EJ Thompson Jnr of Sale.

Local interest: Known as Sale Central School, part of Sale Grammar School and now home to Trafford Music Service

Aesthetic Value: The school makes a positive contribution to the historic character of the area.

Social/Communal Value: The school fulfilled a key role in the local community, and generations of former pupils will have personal association with the building, contributing to their sense of place.

Landmark Status: The school is a landmark building on this section of Claremont Road.

30. The single storey annexe is identified within the heritage statement as being a former ancillary building used in association with the school, constructed sometime between 1938 and 1947 (owing to the historical map analysis undertaken). It is assessed within the heritage statement: “... *the structure adopts a very simple rectangular form and has little by way of any decorative features. Common brickwork in English Garden Wall bond indicate that the walls are formed in solid masonry. This reinforces the likelihood that this building was very much an ancillary storage or ancillary building and was not intended for any form of permanent occupation. Window openings and doorways are wholly utilitarian in character ... Allied to this, the building has suffered from piecemeal alterations and poor repairs. On its north elevation a modern door has been crudely inserted into the brick wall to provide an access point whilst at ridge line the original ventilation feature has been lost. The clear differences in style, detailing and materials may also indicate that the annexe was also a later addition to the school site. This is most clearly demonstrated in the use of common bricks as its facing. This contrasts with the smooth faced bricks used for both the Claremont Centre and the boundary walls.*”

Consideration of Harm

31. In determining planning applications, paragraph 203 of the NPPF advises local planning authorities to take account of: ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.’

32. Elements of Policy R1 have been superseded by Policy JP-P2 (Heritage) of PfE. Policy JP-P2 defers to individual authorities' local plans to inform the positive management and integration of that area's heritage. Significantly, it also refers to development proposals affecting designated and non-designated heritage assets being considered in line with national policy. It thus subsumes the tests of paragraph 209 of the NPPF in relation to non-designated heritage assets which falls to be applied here.
33. The proposed scheme is for the demolition of both the single storey annexe as well as the two storey building. The two storey building is a modern building and there is no objection to its loss, neither would it be considered to have any harm to the setting of the Claremont Centre.
34. Whilst the heritage statement suggests that the single storey annexe is of lesser significance to the Claremont Centre, its historical use, age, position and retained features very clearly read as a historical ancillary building to the main school and should be analysed as a key phase of the site's development. The total demolition of the annexe building would therefore result in some moderate harm to the significance of the non-designated heritage asset; the Council's Heritage Development Officer has objected to the proposal on these grounds.
35. Likewise, the boundary wall is of clear significance to the wider site, presenting a visual legibility of the site from the street scene. It mimics much of the built fabric of the school (the building of prime significance to the wider site) in its overall style and materiality. Its alteration or demolition would result in a loss of this element of the site's significance.
36. The existing boundary wall and railings to Claremont Road and Chapel Road are to be retained, repaired and redecorated. Where these have been removed across the Chapel Road frontage, new will be constructed in a like-for-like manner to reinstate the historic lost detail.
37. The high, timber boundary treatment to the rear of the plots would have some negative impact on the significance of this portion of the site's former use as a playground in that it would create an overly imposing, solid feature in what was once an expansive space, from the outbuilding to the main school.
38. The proposed development itself is considered to be appropriate in terms of design and materiality (subject to standard conditions to secure these details) and would represent an appropriate development for the site in terms of layout and scale.
39. The identified harm arising from the assessed negative impacts above (the loss of the single storey annexe and instatement of a higher timber fence to the proposed rear gardens) should be weighed and assessed under paragraph 209 of the NPPF:

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

40. This is addressed within the Planning Balance section of this report.

DESIGN AND VISUAL AMENITY

41. NPPF, PPG, the National Design Guide (NDG) and the National Model Design Code (NMDC) set out the Government’s planning policies and guidance on matters of design. The NDG is considered to be a material consideration in the determination of planning applications and should be attributed significant weight. The current version of the NPPF (20 December 2023), highlights the increased importance given to the consideration of design by the Government.
42. Paragraph 131 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 139 expands on this and is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings.”
43. PfE Policy JP-P1 outlines an ambition to create a series of beautiful, healthy and varied places. Development should be distinctive, with a clear identity that respects and acknowledges the character and identity of the locality in terms of design, siting, scale and materials used.
44. In relation to density, Policy JP-H4 states: New housing development should be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high-quality design.

45. Policy L7 advises that, in relation to matters of design, development must be appropriate in this context, make best use of opportunities to improve the character and quality of the area and 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.
46. The Council's Planning Guidelines within adopted "New Residential Development" paragraph 2.4, states that "Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the area. The resulting plot sizes and frontages should therefore be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene."
47. In taking forward advice in the NPPF and the NDG, this Council is producing its own Trafford Design Code. The document will set out design principles for new development across the Borough, when having regard to local distinctiveness and local vernacular. Adoption is anticipated later in 2024. The Strategic Design Principles in the TDC include 'Design with Character and Beauty' and set out that an understanding of the character of a place is essential to producing a contextual, sympathetic and high quality design proposal.
48. It has been recognised at the local level that systemic change is needed to ensure that design and beauty is a core part of the planning process within Trafford with increased emphasis on design and context.
49. The draft Trafford Design Code identifies that "*The central parts of Sale are best characterised by their well-preserved Victorian and Edwardian suburban qualities, leading to a generous spatial quality. Exceptional examples of this suburban style of architecture with decorative facades and roof details, sit behind established stone boundary wall and hedges along tree lined streets.*"
50. The context of the site is characterised by its association with the Claremont Centre to the rear and the mixed residential character of Chapel Road. The street scene is made up of a mix of dwellings and apartments of both traditional and more modern period and style.
51. The proposed development comprises the erection of 4 no. semi-detached dwellings and 1 no. detached dwelling following demolition of the existing buildings on site.
52. The proposed dwellings would be 2 storeys in height with additional

accommodation provided within the roofspace.

53. Design cues have been taken from the traditional two storey terraced dwellings on Chapel Road to the north west of the site with the proposal including many of the architectural features including the canted bay windows at ground floor, arched doorway detail with fanlight window and window headers all in a contrasting buff brick. Stone cills have also been replicated.
54. The proportions of the buildings do not match those of the terrace however the windows have been sized accordingly whilst in a traditional style, to better fit the space within the elevations. Furthermore a soldier course has been added to break up the space above the first floor windows and the eaves of the properties.
55. Although the proposal would incorporate accommodation within the roofspace, the adjacent terraces have basements with an elevated ground floor level. Therefore the proposal would not be taller than the neighbouring properties and is considered to be appropriate in terms of scale and height.
56. The detached property is sited on the corner of Chapel Road and Claremont Road and has been designed to address both street frontages. Architectural detailing including the decorative brick quoin and contrasting buff and red brick takes reference from the property on the corner of Chapel Road and Joynson Street.
57. Boundary treatment is considered to be appropriate and would retain the historic setting of the Claremont Centre.
58. It is considered that overall, the level of attention given to architectural detailing and the wider character of the street scene creates a successful and well-designed scheme that is appropriate to its context.

RESIDENTIAL AMENITY

59. In addition to ensuring that developments are designed to be visually attractive, the NPPF (paragraph 135) also advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
60. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
61. The application is considered in relation to impact on the amenity of existing neighbouring properties as well as the level of amenity provided for the future occupiers of the proposed development.

Neighbouring properties

62. PG1 New Residential Development sets out the guidance that relates to all forms of new residential development. With regards to privacy, the Council's Guidelines states that for new two storey dwellings, that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. The SPG states that "Where three storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3 metres over the above figures and for four or more storeys, the figures as for 3 storeys apply.
63. With regard to overshadowing, PG1 states that *"In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15m should normally be provided. The SPG states that "Distances to rear garden boundaries from main windows should be at least 10.5m for 2 storey houses and 13.5m for 2 storey flats or houses with 3 or more storeys."*
64. Blank gables are proposed to the sides of the semi-detached properties. The end property (Plot 5) would only extend marginally (approximately 1.2m) to the rear of 75 Chapel Road and would be separated from the boundary by the driveway. As such there would be no undue overlooking or loss of privacy from the proposed development.
65. The separation distance between Plot 1 and the dwelling on the opposite corner of Claremont Road is over 16m to the closest point. The ground and first floor windows in the facing elevation are secondary windows to habitable rooms (living room and bedroom), also served by windows on the front and angled elevation. It is therefore considered to be reasonable to condition the side elevation windows to be fitted with obscure glazing to prevent undue overlooking or loss of privacy.
66. No rooflights are proposed in the front elevations of the proposed properties. The separation distance to dwellings on the opposite side of Chapel Road is approximately 21m at the closest point (to the gable elevation of the apartments in Chapel Walks). This relationship is acceptable.
67. To the rear of the site, the proposed dwellings would overlook the grounds of the Claremont Centre, a public building with no residential use. As such there are no amenity concerns.

Future occupiers

68. Paragraph 130 (f) of NPPF advises that decisions should ensure that developments *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and*

future users.”

69. The proposed living conditions for the occupiers of the development are acceptable. Bedrooms are of a generous size, and ample living space is to be created with all bedrooms and main habitable rooms afforded an acceptable amount of daylight and outlook. All units meet the Nationally Described Space Standards in regards to floorspace and are to be built to comply with Building Regulations M4(2) ‘accessible and adaptable dwellings’. The rear gardens are of a suitable size for their purpose as private residential gardens.

70. Adjacent facing gables within the development are blank and there would therefore be no privacy concerns.

Conclusion

71. The proposed development is considered to be acceptable in terms of residential amenity for both neighbouring occupants and future occupiers.

HIGHWAYS AND PARKING

72. Core Strategy Policy L4 states that 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 part of a package of measures to promote sustainable transport choices.

73. Core Strategy Policy L7 states that in relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street and cycle parking, manoeuvring and operational space.

74. The Parking SPD’s objectives include ensuring that planning applications accommodate 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.

75. Paragraph 115 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.”*

76. The LHA has been consulted and their comments are incorporated within this section of the report.

Access

77. It is proposed to provide three separate dropped kerb vehicle crossovers to provide access to the five separate dwellings. The LHA request that the current kerb line is reinstated in the areas that are not proposed to be provided as dropped kerb vehicle crossovers. It is considered that this can adequately be addressed by condition.

Servicing Arrangements

78. The development proposes to provide a bin store to the rear of each dwelling.

79. Each dwelling proposes to provide a gate to access the rear yard, where the bin store is located. Measured off plan, each gate appears to be 800mm wide; the LHA requests the gate is 900mm as an absolute minimum, however would advise that a 1000mm width is provided. It is considered reasonable to deal with this matter by condition.

Parking Arrangements

80. The car parking standards as detailed within Supplementary Planning Document 3 'Parking Standards and Design' (SPD3) states that for this location a four-or-more bedroom dwelling unit requires three car parking spaces.

81. The proposed development comprises of two parking spaces per property, with the detached dwelling containing the provision of a garage. However, the width of this garage is only 2.25m wide and therefore insufficient to be considered as an additional car parking space.

82. The plans propose a shortfall of 5 parking spaces (one per dwelling) however due to the available on-street parking in the vicinity of the development and the sustainable town centre location, the LHA accepts the proposed shortfall.

83. No detail has been provided for the proposals of cycle parking. It is requested that a minimum of four cycle parking spaces are provided per dwelling in a secure and covered arrangement. Given the provision of the garage at the detached dwelling, it is deemed that this is sufficient to provide adequate cycle parking space for a minimum of four bikes. A condition is therefore recommended to secure the cycle parking details and require implementation.

Traffic Regulation Orders

84. The current arrangement on-site, is that on-street parking is provided for permit holders along with parking restrictions for the current access to 71A Chapel Road. With the proposals, it is deemed possible that H-bar markings will be created for each of the four new access points. However, it is not proposed how the area between each access will be controlled, whether parking restrictions will be in place or on-street parking for permit holders will be retained. The applicant

is reminded that the minimum length for an on-street parking bay is 6m long. The proposed arrangement is to be agreed with Trafford Parking.

85. Given that the application for the proposed development is Trafford Council, and therefore the proposed highway works and TRO cannot be progressed via S106 and S278 legal agreements, a Grampian condition will be imposed. A Grampian condition is used to secure off-site works or payments without the need of a S106. In the case of this application the condition would secure the associated costs for the TRO which are expected to be in the region of up to £10,000.

ECOLOGY, BIODIVERSITY AND LANDSCAPING

86. As part of the planning system's role in contributing to and enhancing the natural and local environment, the NPPF advises that this includes minimising the impacts on biodiversity. A number of principles for local planning authorities to adopt when decision-taking are put forward in the interests of conserving and enhancing levels of biodiversity. This includes refusing planning permission where significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, and encouraging the incorporation on biodiversity enhancement in and around new developments.
87. At the Development Plan level, this matter is covered by Policy R2 (Natural Environment) of the Trafford Core Strategy. This requires applicants for planning permission to demonstrate that their development proposals will protect and enhance the biodiversity value of a site and its surroundings.
88. Given the time of submission, the application proposals are exempt from statutory Biodiversity Net Gain requirements under the transitional arrangements. The submitted ecological survey concludes that "The size and limitations of the proposed development of the site will have no significant negative impact on the biodiversity of the area. Nevertheless, a condition requiring biodiversity enhancement measures is recommended to mitigate against the loss of trees as a result of the development.
89. There are no TPOs within or immediately adjacent to the development site and it does not lie within a Conservation Area. As such none of the trees within the site are protected.
90. The proposal does require the removal of two mature trees, sycamore T5 and beech T6 which have been classified within the submitted Arboricultural Statement as category B, moderate quality. Nevertheless, both trees are already affecting the boundary walls, which will affect their longer term retention. The two street trees, limes T7 and T8 are immediately adjacent and so will partially screen the loss of T5 and T6. The mature ash tree T2, adjacent to the entrance has also been classified in the report as category B, however this tree is clearly

under stress with signs of ash dieback disease and is not suitable for long term retention.

91. The retained street tree will require some root protection from the demolition and construction works.
92. The tree protection measures shown on the Tree Protection Plan must be in place prior to demolition works starting and must remain until all construction works are completed.
93. The loss of trees is considered to have a detrimental impact on the visual amenity of the site. However, there is scope within the site for this to be mitigated to an extent through new on-site planting and landscaping.
94. Acknowledging that representation received from a neighbouring resident with regard to the proposed siting of new trees adjacent to 75 Chapel Road, it is considered that a landscaping condition should be attached to allow for further consideration regarding exact placement.
95. A condition is recommended requiring the submission of the method statement for the area of temporary ground protection, as requested by the Tree Officer.

FLOODING AND CLIMATE

96. The application falls below the Council's threshold for requiring a specific energy statement.
97. However the development would provide 5 no. dwellings in a sustainable location.
98. Policy L5 of the Trafford Core Strategy states that "the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location.' At the national level, NPPF paragraph 173 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.
99. Having regard to consultation comments from the Lead Local Flood Authority, there are no drainage matters that need to be addressed other than those recommended to be dealt with by way of condition.
100. In summary the scheme is considered to comply with Policy L5 of the Core Strategy and the aims of Policy JP-S1 and JP-S2 of PfE.

EQUALITIES

101. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
102. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it; and
103. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in this respect.
104. Policy JP-P1 of PfE states that development should be socially inclusive. Policy JP-H3 states that all new dwellings must be built to the "accessible and adaptable" standards in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable. Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developers create places that are safe, inclusive and accessible.
105. The submitted Design and Access Statement confirms that the proposed development would be built to comply with Part M4(1) of the Building Regulations ('visitable dwellings') and have incorporated the following design elements:
1. Level access threshold for ease of access
 2. Wider car parking spaces
 3. Clear width of over 775mm to the front door
 4. Circulation and internal doorways adequately sized to facilitate access to habitable rooms and WC at entrance level
 5. WC access zone clearance allowed for
106. Notwithstanding the above, the applicant has now confirmed that all dwellings will be built to the "accessible and adaptable" standards in Part M(4)2. A condition to this effect is therefore recommended.
107. 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. As such,

it is considered that the proposed development is acceptable with regard to Policy L7 of the Core Strategy.

DEVELOPER CONTRIBUTIONS

108. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

109. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide additional trees on site as part of the landscaping proposals.

PLANNING BALANCE AND CONCLUSION

110. Section 38(6) of the Planning and Compulsory Purchase Act 2004 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.

111. The tilted balance is engaged and the application should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.'

112. In weighing the planning balance, the benefits of the proposal need to be weighed against the adverse impacts.

Scheme benefits

113. There are considered to be economic, social and environmental benefits arising from the proposed development, aligning with the NPPF in terms of the three overarching objectives to achieve sustainable development. The amount of weight to be attributed to each benefit is set out in turn.

114. The provision of 5 family sized residential dwellings is a modest number but would nonetheless contribute in a meaningful and positive way to the Council's housing land supply and boost the supply of homes in line with NPPF paragraph 60. In view of the Council's current position of housing delivery in the Borough, this carries substantial weight. The social benefits are further enhanced through the provision of attractive homes within a sustainable location.

115. Economic benefits would arise through the creation of construction jobs

although these are moderate in number and temporary in nature. Limited weight is therefore attributed to these economic benefits.

116. Environmentally, the proposed development makes an efficient use of a brownfield site in accordance with Places for Everyone density policy, providing homes close to services, reducing the need to travel etc. Nevertheless, it is a basic policy requirement that development should be sustainably located and therefore neutral weight should be attached.

Scheme harms

117. The wider site has been identified as a non-designated heritage asset due to its architectural and aesthetic interest and value as well as its local interest, social/communal value and landmark status. The main scheme harm stems from the harm to the significance of the identified non-designated heritage asset (the setting of the Claremont Centre and the loss of the annexe building) and the harm is identified as moderate. Limited weight is given to this harm, having regard to the assessment of the annexe building as a later addition.

Planning Balance Conclusion

118. The proposal is considered to comply with the development plan as a whole.
119. Substantial weight is given to the contribution the scheme would make to the Borough's housing land supply and delivery. The exercise under the tilted balance has been carried out, and the harms arising from the proposal are considered to be outweighed by the benefits when tested against NPPF Paragraph 11(d)(ii). There are no other material considerations which would suggest a decision should be made other than in accordance with the development plan.
120. The application is therefore recommended for approval subject to appropriately worded 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 approved plans, numbers:

- Location Plan – 100 Rev A;
- Proposed Site Plan – 105 Rev B;
- Boundary Plan – 108 Rev B;
- Street Elevations – 110 Rev C;
- Typical Window Detail – 114;
- Typical Roof Detail – 115;
- Typical Door Detail – 116;
- 4B6P Plans and Elevations – 135 Rev E;
- 4B7P Proposed Floor Plans – 145 Rev C;
- 4B70 Proposed Elevations – 146 Rev D;
- Single Garage – 150 Rev B;

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

3. Notwithstanding any description of materials in the application, no above ground works shall take place unless and until samples and full specification of all materials (brickwork, render, windows, doors, roof covering, rainwater goods etc.) to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

4. All window and door openings shall be constructed with minimum 90mm deep external reveals.

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

5. Prior to the commencement of development the applicant shall submit evidence to the Local Planning Authority to demonstrate commitment to or payment of the required funding for the Traffic Regulation Order (TRO) amendments and works to the highway necessary to facilitate the development hereby approved. No occupation of the dwellings hereby approved shall take place until the updates to the

TRO have been completed and the works to the highway completed in agreement with the Local Highway Authority.

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

6. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.
- b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
- c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

7. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

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

- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities, including measures for keeping the highway clean;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Hours of construction activity;
- 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;
- Contact details of site manager to be advertised at the site in case of issues arising;

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 Policies L4 and L7 of the Trafford Core Strategy.

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. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generate by the proposed development, having regard to Policies L4 and 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) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the ground and first floor south east side elevations of Plot 1 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.

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

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

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

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

14. No building hereby approved shall be occupied unless and until details of the proposed rear garden gates have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before development is brought into use and shall be retained at all times thereafter.

Reason: To ensure adequate access is provided for the transportation of bins and cycles to and from the back garden, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

15. The development hereby permitted shall not be commenced until such time as a detailed surface water drainage scheme based on the hierarchy of drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before development is brought into use and shall be retained at all times thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

16. No development hereby permitted shall be commenced unless and until a method statement that includes further details of the area of temporary ground protection, identified by blue diagonal-hatching on the submitted Tree Protection Plan, as recommended in the submitted Arboricultural Statement, in line with section 7.4 of BS5837, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before development is commenced.

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.

17. The dwellings hereby permitted shall be built to the “accessible and adaptable” standards in Part M4(2) of the Building Regulations.

Reason: To ensure that the development is inclusive and accessible and having regard to Places for Everyone Policy JP-H3 and relevant sections of the NPPF.

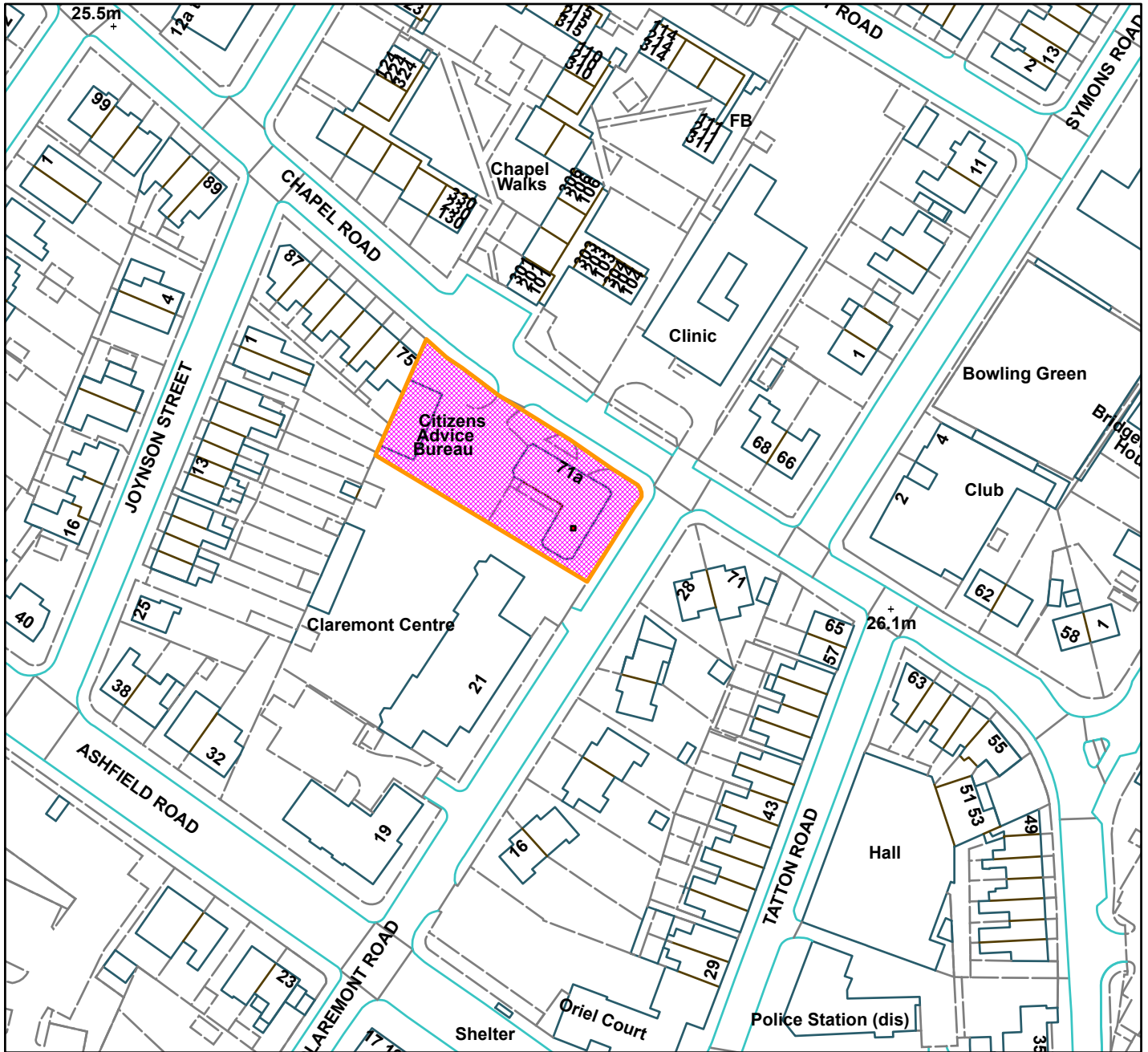
18. Prior to the occupation of the development hereby approved, the footway in the areas that do not proposed dropped kerb vehicle crossovers, shall be reinstated in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

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

JE



71A And 73 Chapel Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 20/06/2024
Date	10/06/2024
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