

WARD: Bowdon

89582/FUL/16

DEPARTURE: No

Works in conjunction with new court surface to include new kerbing, retaining wall, steps, patio area, ramp for disabled access, ramp for machinery access and new fencing; variation of condition 6 of planning approval 86115/FUL/15 (Erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5) to allow for amended lighting scheme as submitted within proposed light contour drawing 1453-05 Rev B.

Bowdon Lawn Tennis Club, Elcho Road, Bowdon, WA14 2TH

APPLICANT: Mr Kirkman

AGENT: Kirkman Architects

RECOMMENDATION: GRANT

The application is reported to Planning and Development Management Committee as more than 6 representations contrary to officer recommendation have been received.

SITE

The application site comprises an existing tennis club with 8 no. grass courts and 5 no. all weather courts. There is an existing car park accessed off Green Walk with parking for approximately 40 cars.

The surrounding area is predominantly residential and is bounded by residential properties on all sides with the exception of the north east boundary which adjoins Altrincham Grammar School for Girls.

The Club is accessed from Green Walk with the car park fronting onto Green Walk. A separate locked pedestrian entrance is located on Elcho Road.

Courts 6-9 are located at the northern end of the Club and lie adjacent to Green Courts and the school fields. There is an existing hedge which runs along the north western boundary with Green Courts and along the north eastern boundary with the school. The hedge is within the application site and measures approximately 4 metres in height. The courts themselves and the area around the existing Clubhouse (with the exception of a small patio area with low level planting), up to the southern boundary of the site, to Court 5 to the west and Heather Courts to the south west of the Clubhouse is grassed. There is a belt of trees outside of the application site along the access road from Green Courts to the school grounds.

There are existing chain link fences around the courts and this extends to form the boundary to the driveway to Corrib Stables.

There is an existing single storey greenkeeper's cabin with pitched roof located adjacent to the boundary with Heather Courts with small steps built into the slope leading to the upper level.

The application site is located within the Devisdale Conservation Area.

PROPOSAL

The application relates specifically to works to courts 6 to 9. The proposals detail various works which are required to support the change of court surface as approved under application reference 84577/FUL/14:-

- Erection of new retaining wall behind courts 6 & 8 as part of the court extension which would bring the courts up to Lawn Tennis Association standard sizes;
- Erection of new chain link fences around the courts;
- Provision of disabled access ramp;
- Provision of ramp to allow machinery access;
- Provision of new access steps;
- Extension of existing patio area;
- New kerbing;
- Associated planting;

The proposal would not result in any increased floor area.

Permission is also sought under this application for the variation of condition 6 attached to approval 86115/FUL/15 to allow for an amended lighting scheme to be considered as the previous lighting scheme had included the hedge to the rear of courts 6 and 9 in the assessment within the light spillage calculations.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 – Design

R1 – Historic Environment

R5 – Open Space and Recreation

PROPOSALS MAP NOTATION

Protected Open Space

The Devisdale Conservation Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

SPD5.10 Devisdale Conservation Area Appraisal (July 2016)

SPD5.10a Conservation Area Management Plan (July 2016)

GREATER MANCHESTER SPATIAL FRAMEWORK

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

OTHER LEGISLATION

Planning (Listed Buildings and Conservation Areas) Act 1990

RELEVANT PLANNING HISTORY

91426/FUL/17 – Application for variation of condition 6 (development to be carried out in accordance with approved lighting scheme) of planning approval 86115/FUL/15 (Erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5) to allow LED lamps.

Pending consideration

86115/FUL/15 – Erection of 9 no. floodlighting columns (10 no. luminaires) and 6.7 metres high to courts 4 and 5.
Approved with conditions 14th March 2016

84577/FUL/14 – Resurfacing of courts 6-9 with an artificial grass surface.
Approved with conditions 30 March 2015

84338/FUL/14 – Erection of 12 no. floodlighting columns with maximum height of 8m.
Approved with conditions 30 March 2015

H/54978 – Demolition of existing clubhouse and erection of new clubhouse comprising clubroom and bar, kitchen, changing accommodation and ancillary facilities.
Approved with conditions 5 November 2002

H/47151 – Construction of an additional all-weather tennis court to south west of existing court with 3.6m high chain link fence to north west and south east sides.
Approved with conditions 19 May 1999

H/42226 – Erection of 9 no. 6m high lighting columns and light fittings to illuminate 2 no. existing all-weather tennis courts.
Non-determination

H/40641 – Erection of 18 no. 6m high lighting columns and light fittings to illuminate 4 no. existing all weather tennis courts.
Refused 24 May 1995

H/32447 – Construction of an all-weather tennis court and erection of a 3.5m high chain link fence surround.
Approved with conditions 19 December 1990

H/27497 – Erection of 9 ten metre high columns to floodlight two tennis courts.
Refused 17 August 1988

APPLICANT'S SUBMISSION

A Design and Access Statement and Heritage Assessment have been submitted as part of the application.

CONSULTATIONS

Pollution & Licensing – No objection

United Utilities – No comments received at the time of writing this report

Electricity North West – The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the

development does not encroach over either the land or any ancillary rights of access or cable easements. Informatives are to be included in any approval.

REPRESENTATIONS

Letters of objection have been received from 9 neighbouring addresses and Bowdon Conservation Group. The main points raised are summarised below:

Loss of trees

- The proposed size and positioning of the new fence line around courts 6-9 would pose a risk to the established line of firs and other trees dividing the tennis club from Green Courts;
- Would serve to remove screening to the courts from neighbouring properties and greenspace and at night time they would help in screening the light spill that would emanate from the approved new lighting system;
- The trees contribute to the verdant setting of the conservation area and their loss would result in harm to the character and appearance of the area;
- Loss of light and noise barrier to the detriment of neighbouring amenity;
- Removal of trees would be harmful to the neighbouring area and environment;
- The current planning application does not refer to the removal of these conifers which need planning permission for their removal;
- A Section 211 notification is required for hedge specimens provided that one or more stems exceeds a diameter of 75mm at 1.5m above ground;
- The Government Planning Portal advises that works deemed necessary for implementation of a planning consent are exempt from the requirement to submit a Section 211 notification only if they were expressly mentioned as such in the planning application. Application 84338/FUL/14 (Erection of 12 no. floodlighting columns with maximum height of 8 metres) includes no reference to remove vegetation;
- Request plan of proposed vegetation removal;
- Application 84338/FUL/14 confirmed that these trees were not to be taken out;
- There is no need for their removal as there is sufficient room to erect a screen inside the boundary;
- The mixture of evergreen and deciduous trees add a green back drop to the club and surrounding houses;
- The trees should be protected with Tree Preservation Orders;
- The application proposes the planting of a new hedge to the north of the existing club house along the eastern boundary of the proposed fence. This hedge will give some mitigation from light and fence views from Corrib Stable. A similar hedge could be required to the south end of the club house again on the eastern boundary of the new court surface to provide similar relief to Heather Court and Riseley.

Impact on Conservation Area

- Loss of trees and replacement fencing will result in further erosion of the character of the Conservation Area;

Extended Patio

- Increased noise and disturbance to neighbouring properties.

Safety

- The proposal to use the school access road to transport 1000s of tonnes of aggregate during construction would require a traffic management system

Other Matters

- Incorrect location plans;
- The Council previously accepted that the presence of vegetation along the boundary would limit harm to neighbouring residents as a result of floodlighting;

OBSERVATIONS

BACKGROUND

1. Bowdon Lawn Tennis Club is an established club with a total of 13 courts, 8 of which are grass and 5 with an all-weather surface.
2. There is a detailed history of applications relating to improving the facilities at the club with floodlighting and resurfacing of some of the courts. Courts 6 to 9 are currently grass however permission was granted under application reference 84577/FUL/14 for resurfacing with an artificial grass.

Loss of hedge

3. Whilst a number of objections have been raised regarding the loss of the hedge on the north and east boundaries of the site, it should be noted that these works do not require permission and as such do not form part of the consideration of this application.
4. A representation received on behalf of some of the neighbouring residents raises objection to the felling of 97 trees on boundaries of courts 6 to 9. It is their interpretation that a notice under Section 211 of the Town and Country Planning Act (1990) *“ought to have been submitted to appraise the Council of the proposed works because all but one of the 97 trees ... are of dimensions that exceed the minimum size for such notification. Such notification is required for hedge specimens provided that one or more stems exceeds a diameter of 75mm at 1.5 metres above ground.”*
5. Following advice from the Council’s Arboriculturist, it is the Council’s view that the 97 ‘trees’ cannot be considered as rows of individual trees, as they collectively form clipped, formal hedges that have been regularly maintained to a high standard for many years. The height of the plants within the hedges has been limited by management. The hedges in question are not old, neglected hedges that have evolved into rows of trees, nor are they hedgerows within which

individual trees have been spared the shears or flail; in both situations, the individual trees or groups of trees could be afforded the protection of a Tree Preservation Order or enjoy a measure of protection if standing within a designated conservation area. However this is not the case in this circumstance.

6. The relevant legislation and 'best practice' have been examined and nothing has been found to suggest that formal hedging should receive the same consideration in law as individual trees, groups of trees or woodlands.
7. Regarding the same matter, a 'Hedge Removal Notice' was submitted by the applicant on 30th August 2016. Local authorities do not issue Hedgerow Replacement Notices; the LPA receives the notice from the person managing the hedgerow and places details of the proposed hedgerow removal on a register, in accordance with The Hedgerow Regulations 1997. The understanding of the Council is that a 'hedgerow' is a hedge composed of one or more native species, bordering agricultural land in a rural setting. Guidance of the GOV.UK website relating to the regulations actually makes reference to 'countryside hedgerows.'
8. The hedge in question at Bowdon Lawn Tennis Club is a formal clipped hedge composed of a monoculture of Western Red Cedar (*Thuja plicata*) and does not come within the scope of The Hedgerow Regulations 1997.

Variation of approval 86115/FUL/15

9. Planning permission was granted under planning approval 86115/FUL/15 for the erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5, adjacent to the current application site.
10. Condition 6 of the approval states that:

“The development shall be carried out in accordance with the lighting scheme detailed within the Illuminance Pro Lighting Systems report Bowdon Lawn Tennis Club, dated 10-12-2015. A verification report shall be submitted to and approved in writing by the Local Planning Authority which confirms that the approved lighting scheme has been installed before the lighting is first brought into use.”
11. Whilst the loss of the hedge would not normally require permission, condition 6 of planning permission 86115/FUL/15 (Erection of 9 no. floodlighting columns (10 no. luminaires) and 6.7 metres high to courts 4 and 5) required the development to be implemented in accordance with the lighting scheme and assessment detailed in the lighting report. The presence of the boundary hedge was taken into consideration in the lighting assessment as it was present on site at the time of the assessment.
12. In order for the Council to be satisfied that the removal of the hedge would not result in harm to residential amenity, a revised lighting assessment was

requested and submitted by the applicant to demonstrate the impact that the loss of the hedge would have on this permission.

13. Updated lighting assessment reference 3492C was submitted to the Council on 10th October 2017 and this has removed the hedge alongside courts 6-8 and has taken no account of other vegetation or screening behind any of the courts.

PRINCIPLE OF DEVELOPMENT

14. Paragraph 70 of National Planning Policy Framework (NPPF) advises that planning policies and decisions should plan positively for the provision and use of sports venues. Paragraph 73 continues that *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”*
15. Policy R5 of the Trafford Core Strategy (Open Space, Sport & 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.
16. Improvements to existing sports facilities are therefore acceptable in principle and the main considerations in this application are the impact on residential amenity, design and impact on the character of the Conservation Area and streetscene more generally.
17. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area” in the determination of planning applications.
18. Paragraph 132 of NPPF establishes that when considering the impact of a proposed development of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
19. The NPPF sets out that harm can either be substantial or less than substantial. Case law has established that there can be degrees of less than substantial. There will also be cases where development affects heritage assets but from which no harm arises. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para 134).

20. Policy R1 of the Trafford Core Strategy states that:-

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

21. The main issues to be considered under this application are the impact on the Conservation Area, residential amenity and highways and parking.
22. This application also seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission reference 86115/FUL/15 (Erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5) granted on 14th March 2016. The minor material amendments proposed are detailed within the proposal section of this report.
23. The development under 86115/FUL/15 remains as approved in all other regards. The following report will assess the acceptability of the minor material changes as proposed under Section 73 of the Town and Country Planning Act (1990) (as amended) in addition to the other works proposed as detailed above.

IMPACT ON THE DESIGNATED HERITAGE ASSET

24. The application is located within the Devisdale Conservation Area.
25. The relevant Conservation Area documents are the Devisdale Conservation Area Appraisal (CAA) (July 2016) and the Devisdale Conservation Area Management Plan (CAMP) (July 2016).

The significance of the heritage asset

26. The special character of the Devisdale Conservation Area derives from its value as an historic area of enclosed land on the summit of Bowdon Hill. The topography and landscape of the area is important, and includes the wooded north slope of Bowdon Hill and the gentler west slope descending towards Dunham Massey. The residential properties are characterised by large plots, grand houses, magnificent gardens, sweeping drives, coach houses, tree-lined streets and a vast mix of revival architectural styles. The area is also characterised by gradients and associated views, and the open space of The Devisdale is much valued common land, used extensively today by pedestrians. The area also has high ecological and arboricultural value in particular.

The application site

27. The CAA and CAMP subdivide the area into different character zones. The application site falls within Character Zone B: The Devisdale (the car park is within Character Zone C: Southern Residential Area). The part of the site to which this application relates falls fully within Character Zone B.
28. The Conservation Area Appraisal identifies that the majority of Character Zone B *“is made up of open space, park, gardens and woodland, combining considerable variety of habitat and thereby encouraging bio-diversity. ...Bowdon Lawn Tennis Club combines a car park screened by trees along the Green Walk boundary, with herbaceous borders in front of the courts and within the car park. Beyond this are five Astroturf courts surrounded by high green netting with a thick beech hedge separating them into two sections. Further north, the clubhouse is located in the middle of the grass courts, which are surrounded by a well-maintained leylandii hedge and timber fence on two sides.”*

The proposal

29. Policy R1 states that “All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”
30. Policy L7 of the Trafford Core Strategy states that development should be appropriate in its context; make best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and be compatible with the surrounding area.
31. The following policies of the CAMP are relevant.

Policy 5

Ensure that adaptations to 21st century uses are sensitive to the historic character and appearance of the building; balancing the need for new facilities with the retention of original features, detailing and decorative materials.

Policy 23

Mature trees should be retained as their loss greatly diminishes character as well as wildlife habitats. Trees, shrubs and exotic planting schemes associated with the Earl of Stamford’s estate are of high significance.

Policy 28

The open spaces within the Conservation Area, including the Memorial Garden, sports grounds, the Dunham Road woodland, The Devisdale and Denzell Gardens, are to be maintained and conserved.

Policy 37

Timber fencing is used in some areas as a traditional means of enclosure. Chestnut paling and other traditional forms of fencing should be repaired on a like-for-like basis. Replacement with a more ornate treatment or a modern form of fencing is unacceptable.

Policy 40

Modern treatment such as high brick walls, modern timber panel fencing and tall metal railings are not acceptable.

32. The majority of the works result from the need to address the change in levels between courts 1-5 and 6-9. At present there is a grassed bank which drops down to a lower level adjacent to the clubhouse.
33. A new concrete kerb is required for the retention of the hard court surface. This is to be set in 300mm from the fence line around the perimeter of courts 6 to 9 together with the construction of a retaining wall to address the change in levels between courts 5 and 6. Planters are proposed either side of the new steps to provide additional landscaping within the site. These works are required in association with the resurfacing of the courts and are considered to be appropriate in scale and character to the existing use and character of the site. The works would not impact on the wider character and setting of the Devisdale Conservation Area.
34. It is proposed to extend the patio from the side of the existing clubhouse and extend the patio area to the boundary with the courts to the north and Heather Court to the south west, with the provision of new steps to address the change in levels. This area is currently grassed and it is considered by the applicant that this will aid safety under foot replacing the need to walk across the grass whilst also allowing for additional outdoor seating. This area is considered to be relatively small in relation to the overall size of the site.
35. The provision of a disabled access ramp will provide improved access to all courts and the clubhouse. An additional ramp is proposed to provide improved access for the machinery required for maintaining the site. It is considered that the proposed hard landscaping works would not detract from the overall open and green character of the site.
36. The proposed new chain link fence would be a maximum of 3.6m in height and is to be sited around the perimeter of courts 6 to 9 and between courts 6 and 8 and 7 and 9. Whilst not a traditional means of enclosure within the Conservation

Area, it is considered to be appropriate to the existing and historic use of the site as a tennis club and in keeping with existing boundary treatments within the site.

37. Natural stone is proposed for the patio and steps, natural stone walling and timber sleepers for the retaining walls and hard landscaped areas. These materials are considered to be appropriate to the site within the setting of the Conservation Area.
38. The removal of the hedge from the previously approved lighting scheme would not lead to any greater impact on the character or appearance of the Conservation Area from that lighting scheme. The Lighting report and light spillage diagrams within Illuminance the Pro Lighting Systems report: Bowdon Lawn Tennis Club, reference 3492C indicates that its loss would have a minimal effect on the extent of light spillage, and it is considered that the proposal would have no effect on glare or skyglow.

Consideration of harm

39. It is considered that the works to resurface the courts, install additional fencing and form extended outdoor areas would be appropriate to the existing use of the site and would not be detrimental to the character and setting of the Devisdale Conservation Area or the street scene more generally.
40. The previous proposal approved under 86115/FUL/15 was considered to result in less than substantial harm to the Conservation Area. The proposal was considered to be in accordance with Policy R5 of the Trafford Core Strategy in terms of promoting existing leisure uses in the interest of meeting the needs of residents and ensuring the continuing provision of this leisure facility within this part of the Conservation Area which is characterised by its open space and community use. It was considered that the public benefit as identified above would outweigh the limited harm caused by the proposed floodlights and that it was in accordance with Paragraph 134 of NPPF.
41. The current proposal to allow the variation of condition 6 of planning permission (86115/FUL/15) would not result in any significant harm over and above what was approved by planning permission (86115/FUL/15), it remains however that the proposal would result in less than substantial harm to the Conservation Area, and this harm is considered to be outweighed by the public benefits of the development in line with the previous permission.
42. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving this designated heritage asset. Overall the proposals are considered to be in compliance with policies L7 and R1 of Core Strategy and the NPPF.

LANDSCAPING

43. The proposed hard and soft landscaping works which form part of this application (as listed under the proposals section of this report) are considered to be minor in terms of any impact they would create on the open space that is characteristic of this part of the Conservation Area. The proposed materials and design are considered to be appropriate to the character of the existing site and the setting of the tennis club within the Conservation Area more generally.

RESIDENTIAL AMENITY

44. In relation to residential amenity, Policy L7 of the Core Strategy states development must not prejudice the amenity of the occupants of adjacent properties by reason of being overbearing, overshadowing, overlooking or visual intrusion.
45. The updated lighting contours, and light spillage diagrams within the update lighting report provided in respect of the variation of condition 6 to planning approval 86115/FUL/15 are considered to be acceptable, indicating that the loss of the hedge would have a minimal impact on light spillage preventing any undue harm to neighbouring residential occupiers, over and above the previously approved scheme. The Councils Noise and Pollution team have raised no objection to the proposal subject to a condition requiring a verification report to confirm that the lighting has been installed in accordance with the latest Pro Lighting Systems report.
46. The proposed physical works around the clubhouse would be modest and would not result in any impact on the amenity of neighbouring properties. Concern has been raised regarding increased noise as a result of an increase in outdoor seating in close proximity to neighbouring residential properties. The proposed patio would extend up to the boundary with Heather Courts although realistically, the part of the patio that is likely to be used for sitting out (excluding areas around the steps and ramps) is approximately 12 metres from the boundary. There are currently no conditions relating to hours of use of the clubhouse although it is acknowledged that the provision of a patio and outdoor seating may encourage more people to stay at the club and sit out when they may have previously stayed inside the clubhouse or left the site altogether.
47. The cut off time for the use of the floodlights at the club is 21.30 on any day. It is therefore considered to be reasonable and appropriate to restrict the use of the patio for outdoor seating/drinking in line with these times to prevent undue impact on the amenity of neighbouring residents. A condition is therefore recommended to require that all outdoor tables and chairs are stored within the clubhouse (or other suitable storage space to be advised) by this time.

48. As such the proposal is considered to be acceptable and would not result in harm to the surrounding residential properties. Therefore the proposal is considered to be in compliance with Policy L7 of the Core Strategy.

HIGHWAYS & PARKING

49. 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 every planning application is treated on its own merits.
50. The proposal involves no changes to the access or existing car park and it is considered that there would be no impact as a result of the proposal upon these existing arrangements.

DEVELOPER CONTRIBUTIONS

51. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'leisure' development, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
52. No other planning obligations are required.

CONCLUSIONS

53. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development and variation of condition will not result in undue harm to the amenity of neighbouring residents or the character and appearance of the conservation area, subject to the inclusion of conditions.
54. Considerable importance and weight has been given to the desirability of preserving the setting of the designated heritage asset (the Devisdale Conservation Area). The proposals are not considered to result in any harm. As such the development is not specifically restricted by the NPPF.
55. The proposed scheme complies with policies L5, L7, R1 and R5 of the Trafford Core Strategy and the NPPF and therefore it is recommended that planning permission is granted subject to the conditions listed below.

RECOMMENDATION:

GRANT subject to the following conditions:-

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with details shown on the submitted plans, numbers 1425-13, 1425-14 and 1425-11.

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

3. The fence hereby approved shall be powder coated prior to their installation in a colour which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the fence shall be retained in that colour.

Reason: In the interests of visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Any chairs or tables provided for outdoor use on the extended patio area hereby approved shall be removed and stored inside the clubhouse (or other building as identified by the applicant) by 21.30 Monday to Sunday and retained as such overnight.

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

5. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and full specification of materials to be used for the approved patio areas, steps, ramps and stone planters 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 location, the nature of the proposed development and having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

6. A verification report shall be submitted to and approved in writing by the Local Planning Authority which confirms that the approved lighting scheme has been installed in accordance with the Illuminance Pro Lighting Systems report: Bowdon Lawn Tennis Club, reference 3492C. The verification report shall be provided before the courts are first used.

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

7. The floodlights approved on courts 4 and 5 shall be powder coated prior to their installation in Holly Green or an alternative colour which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the columns shall be retained in that colour.

Reason: In the interests of visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

8. The floodlights approved on courts 4 and 5 shall not be illuminated outside the following times:
15:30 to 21:30 hours on any day.

Reason: In the interests of public and visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

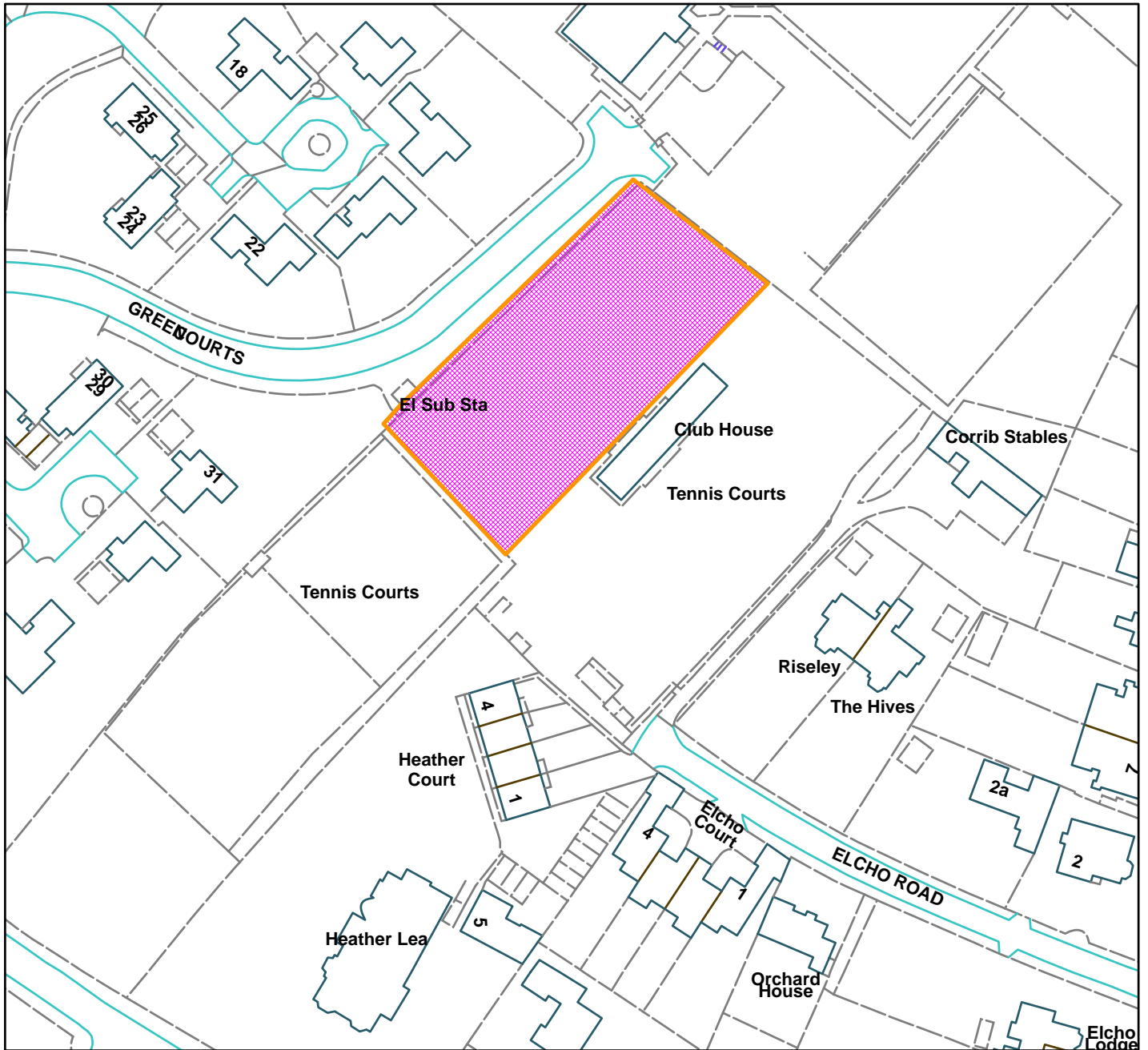
9. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of permission 86115/FUL/15, the approved lighting columns on courts 4 and 5 shall be of a retractable design and shall be kept in their retractable position at all times outside of the authorised hours of use. The specific retractable design of the columns shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The columns shall be thereafter retained in accordance with the agreed details.

Reason: In the interests of visual and residential amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

JE



Bowdon Lawn Tennis Club, Elcho Road, Bowdon (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date - 09/11/17
Date	30/10/2017
MSA Number	100023172 (2012)

WARD: Stretford

91513/FUL/17

DEPARTURE: No

Change of use of No. 24 Moss Road at ground floor from A1 to A1/A3/A5, erection of external flue to the rear of No.24 Moss Road, subdivision of existing first floor living accommodation to 4 No. studio flats and an external staircase to the rear to provide access to the first floor accommodation with external alterations to rear

24 - 26 Moss Road, Stretford, Manchester, M32 0AH

APPLICANT: Mr Raza

AGENT: Tang and Associates Ltd - Chartered Architects

RECOMMENDATION: GRANT

SITE

The application site consists of two A1 retail units with residential accommodation (two existing flats) at first floor located within a terraced row of mixed use commercial / residential properties on the east side of Moss Road, Stretford. The ground floor units in the remainder of the terrace comprise a variety of commercial uses including an existing takeaway, a betting shop and a dog grooming salon with residential accommodation located above these units. The site is bound to the east by a pedestrian alleyway and the side boundaries of No.16 Garden Avenue and No.99 Davyhulme Road East which are separated by an approximately 2m high brick wall.

There is no designated parking area, though on-street parking is available on Moss Road.

PROPOSAL

Planning permission is sought for the subdivision of the existing A1 unit at Nos. 24 and 26 Moss Road to form an A3 restaurant and/or A5 hot food takeaway at No 24 Moss Road and to retain an A1 retail use at No. 26 Moss Road. The proposal includes the creation of four self-contained studio flats at the first floor level above both units, which would be accessed by an external staircase proposed to the rear elevation of No. 26 Moss Road. The proposal also includes the installation of an external flue to the rear of No 24 Moss Road in connection with the proposed A3/A5 use.

There would be no increase in floorspace.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

W2 – Town Centres & Retail

OTHER LOCAL POLICY DOCUMENTS

SPD3 – Parking Standards & Design

PG13 – Hot Food Takeaway Shops

PROPOSALS MAP NOTATION

Local Shopping Centre

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None relevant

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

90422/FUL/17 - Installation of steel stairs (black powder coated paint) in rear yard to provide private access to first floor flats.

Approved with conditions – 31.03.2017

90419/CPL/17 - Certificate of Lawfulness for 2 self-contained flats at first floor level

– Withdrawn

90417/CPL/17 - Certificate of Lawfulness for 2 self-contained flats at first floor level
- Withdrawn

89272/COU/16 - Change of use of ground floor from shop (A1) to hot food takeaway (A5) at No 24 and shop (A1) at No 26 and installation of extract duct to rear of No 24 (Revision of 88566/COU/16).
Refused - 21.10.2016

88566/COU/16 - Change of use of the ground floor from shop (A1) to hot food takeaway (A5) at No 24 and shop (A1) at No 26 and the installation of an extract duct to the rear of No.24 Moss Lane -
Refused - 9/08/16.

82768/FULL/2014 - Conversion of ground floor shop unit (Use Class A1) into two separate units: 1no. shop (Use Class A1) and 1no. hot food takeaway (Use Class A5), including the erection of a single storey rear extension and installation of an extraction flue to the rear elevation –
Refused 15/08/2014.

79856/FULL/2013: Retention of ATM to shop front –
Approved - 18/03/2013.

79855/AA/2013: Retention of illuminated signage to ATM –
Approved -18/03/2013.

H27982: Change of use of rear ground floor room from storage to estate agents office –
Approved 08/11/1988.

H19378: Installation of new shop front – Approved 02/04/1984.

APPLICANT'S SUBMISSION

The application is supported by a Design and Access Statement.

CONSULTATIONS

LHA – No objection.

Pollution and Housing (Nuisance) – No objection to the proposed opening hours and to the proposed extract system and flue subject to the submission of a noise assessment, and implementation of any mitigation measures identified.

REPRESENTATIONS

A petition containing 282 signatures has been submitted and comments raised include:

- It's not needed and there are too many hot food takeaways already
- Litter
- Existing traffic and parking issues will be exacerbated

17 letters of objection have also been received raising the following concerns:

- Increased vehicle usage due to another hot food takeaway and 4no. flats, increasing parking congestion, noise and disturbance and inconvenience
- Increased noise and disturbance for residents due to increased footfall in the evening
- Increased parking congestion – exacerbating existing parking issues
- Existing parking means the bus stops in the middle of the road.
- There is congestion caused by the sports club opposite as cars wait for the automated gate to open, which will be compounded
- Highway safety - poor visibility for drivers and pedestrians due to parked cars on Moss Road will be worsened.
- Increased litter from A5 use and 4no. flats
- Another fast food takeaway will change the nature of the area making it less desirable to live in.
- In front of the property in question, there is only one parking space and access requires driving over other people's property, causing distress to neighbours and damage to the ground.
- Noise pollution
- The shops on Moss Road close at 10pm and the streets become very quiet. Another takeaway would disturb this arrangement resulting in complaints in the neighbourhood.
- The area has more than sufficient food takeaways in the area. Many of the petition comments state that another takeaway is not needed.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. Policy W2.9 of the Trafford Core Strategy states that within local centres, there will be a focus on convenience retail facilities and services to meet local needs.
2. This application seeks to subdivide an existing retail unit in order to provide a retail unit and potentially an A3 restaurant or A5 hot food takeaway and therefore the proposal would not reduce the retail offer or the range of goods and services available within the Moss Road local centre. As such, there is no objection in principle to the proposed subdivision of the existing A1 retail unit to form an A3/A5 use and a smaller A1 retail unit as it will not affect the ability of Moss Road local centre to meet the needs of the local population.

RESIDENTIAL AMENITY

3. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”*.
4. The planning history of No.s 24 and 26 Moss Road is material to the consideration of this planning application, and is outlined briefly below.
5. There have been three planning applications refused for No.s 24 and 26 Moss Road for the change of use of one unit into A5 and retaining the other unit as A1 (89272/COU/16, 88566/COU/16 and 82768/FULL/2014) on the grounds of vehicular and pedestrian comings and goings of patrons resulting in undue noise and disturbance to nearby residential properties particularly late at night. Planning application 82768/FULL/2014 was also refused on the grounds of the siting of the proposed fume extraction system being visually intrusive and overbearing to nearby residential windows in the adjacent first floor flats. It is outlined below how the current proposal has addressed the previous reasons for refusal.
6. The proposed fume extraction system would be attached to the side of the two storey outrigger to the rear of No 24 Moss Road. The siting of an external flue in this location was accepted in principle in two previous planning applications (88566 and 89272) and is considered acceptable in the current application. The Pollution and Housing (Nuisance) Section has reviewed the submitted extract details and has no objection to the proposal subject to a condition requiring the submission of a noise assessment prior to the installation of the odour control equipment, with any mitigation scheme identified to be implemented and retained in good order for the duration of the development. The location of the flue would satisfactorily disperse fumes at the proposed height shown.
7. As outlined previously, the Local Planning Authority has previously raised no objections to the siting of the extract flue to the rear of No.24 Moss Road. It is considered that the proposed flue would be sited a sufficient distance from the nearby first floor window at 18 Garden Avenue. This property contains a window at first floor facing the shared boundary with No. 24 Moss Road, however this would not face directly towards the flue. In addition, an existing flue is in place to the rear of No 22 Moss Road and the proposed flue is not considered to have any greater impact on the amenity of No 18 Garden Avenue than this does at present. The proposed flue is also considered to be sited a sufficient distance away from a first floor window to the rear of No. 24, which would serve a communal hall area in the proposal. Given the above, the proposed flue is not considered to have a detrimental impact on the amenity of neighbouring properties.

8. The siting and design of the proposed external staircase is the same as approved under 90422/FUL/17 and as such it is considered that, with inclusion of an obscure glazed screen to the top platform as approved in that application, there would be no impact to the amenities of No. 28a Moss Road or the residential properties to the rear of the site.
9. The provision of the 4no. self-contained flats to the first floor would utilise the existing window openings at first floor which was previously in residential use. The proposed windows in the side elevations of the rear outrigger would serve kitchen areas and a shower room and as such, as the proposal is re-using existing residential window openings, would not be considered materially different to the current relationship to neighbouring residential occupiers.
10. As such the proposed external alterations would not result in an adverse impact to surrounding residential occupiers.
11. With regard to noise and disturbance, the Council's adopted guidance document PG13: Hot Food Takeaway Shops explains that noise and disturbance is one of the main issues to consider for proposed hot food takeaways, particularly given that these businesses operate into the evening at a time when people can reasonably expect peace and quiet. It notes how the issues surround not just activity on the premises, but also the cumulative impact of intermittent and incidental noise outside the premises from comings and goings such as the closing of car doors, revving of engines and conversation from those congregating outside. These guidelines therefore recommend that where a hot food takeaway is proposed in close proximity to residential properties, permission ought not to be granted or a condition restricting hours of operation be imposed.
12. Each of the three previous planning applications comprised opening hours until 2300 for the proposed A5 use. Consequently, these applications were refused on grounds of generating harmful noise and disturbance for surrounding residential occupiers due to the nature of an A5 operation operating into the late evening. The current proposal however proposes opening until 9.30pm which is considered to address the previous reason for refusal as it removes the potential for undue noise and disturbance to nearby residents at an anti-social hour later in the evening. The proposed earlier closing time would allow for an earlier dispersal of patron visits and pedestrian and vehicle movements, and closing down of the activities within the takeaway and the bin storage area in the rear yard. The Pollution and Housing (Nuisance) team has no objection to the amended opening hours on the basis of preventing late evening disturbance as vehicle and patron movements associated with the use would not extend late into the evening.
13. The previous planning applications outlined that whilst the application property is located within a Local Centre, where there are two existing hot food takeaways

that operate into the evening, (22 Moss Road and 12 Moss Road) the surrounding area is predominantly residential and the commercial parade does not have a late night character. As such the previous proposals were resisted on the basis of introducing late night activity to the detriment of nearby residential occupiers. However due to the proposed opening hours, the proposed use would operate without significant noise impacts to nearby residential occupiers as the activity generated by the proposed uses drawing to a close at an earlier closing time would not appear out of character with use of a Local Centre. The current A1 use, which previously operated as an off license with no planning control over opening hours, can itself generate high numbers of customers and frequent pedestrian and vehicular movements. As such the early evening trade of an A3/A5 use would not be considered to generate an unacceptable increase in noise disturbance given the Local Centre context and the current lawful use of Nos. 24 and 26 Moss Road. Equally, the operation of an early evening A3 restaurant use, given the scale of the unit would not change the character of the commercial frontage to that of late night economy and result in additional undue noise levels over and above those experienced by the existing commercial parade.

14. There are two other takeaways within this parade of shops, these are established uses and have not been granted planning permission in recent years. It is considered that whilst there is some existing noise as a result of these existing uses, the proposal would not result in an unacceptable level of noise and disturbance when considered cumulatively with these existing premises due to the reduced opening time resulting in the cumulative impact occurring at an earlier time in the evening.
15. Having regard to the perceived increase in litter amounting from the proposed takeaway, it is within the remit of the local planning authority to request, and for the applicant to implement, a management plan for the hot food takeaway which will include measures to effectively moderate and reduce the risks of littering in the surrounding area. This may include additional litter bin provision, details of a cleaning programme to clean up litter from external areas and litter advice and signage to be provided at the premises. The Environmental Protection Act 1990 also imposes duties on certain landowners and occupiers to keep land clear of litter and refuse. Updates to the act were made in the Clean Neighbourhoods and Environmental Act 2005 which generally extended the range of enforcement powers for local authorities to deal with problems affecting the quality and appearance of the local environment.
16. The potential noise generated from two additional flats in addition to the two existing residential flats would not be considered to result in significant harm to the occupiers of surrounding residential properties.

DESIGN AND APPEARANCE

17. Paragraph 58 of the NPPF states that *“The Government attaches great importance to the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Paragraph 64 states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
18. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”*.
19. As outlined earlier, in order to facilitate the proposed change of use to a hot food takeaway, it is proposed to install an external flue to the rear of No 24 Moss Road. It was considered in the determination of application 88566/FUL/16 that the siting of the extract system in this location was acceptable. The siting of the flue to the rear of the site would minimise its visual impact within the surrounding public domain and it would be largely screened from the surrounding area. The height of the flue has been kept below the ridge of the roof in the interests of limiting the visual impact to the surrounding area.
20. The proposed creation of the 4no flats at first floor involves the erection of an external staircase to the rear of No.26 Moss Road. The siting and design of the staircase is the same as approved under 90422/FUL/17 whereby the staircase terminates before the end of the existing two storey outriggers, within a recessed area between these outriggers. As such, the staircase would be largely concealed from the public domain unless travelling down the alleyway between Moss Lane and Davyhulme Road East. Therefore, it is not considered that the proposed external staircase would have a materially detrimental impact on the appearance of the building or its setting within the surrounding street scene.
21. There are minimal external changes proposed relating to the ground floor at the rear, facing the alley to the rear, which would have a minimal visual impact upon the building and the surrounding area.

PARKING PROVISION

22. Policy L4 of the Trafford Core Strategy states that *“maximum levels of car parking for broad classes of development will be used...to promote sustainable transport choices, reduce the land-take of development, enable schemes to fit*

into central urban sites, promote linked-trips and access to development for those without use of a car and to tackle congestion.”

23. Given that the site is situated in a local shopping centre, on a bus route, and a short walk from Trafford Park train station, it is considered to be in a sustainable location and therefore the availability of parking in the area would be considered to be acceptable for the proposed uses. The LHA raises no objections on the basis of the sustainable location and that there is unrestricted parking on-street available in the immediate vicinity on Moss Road. In addition, flats above shops do not typically provide car parking facilities for residents and as such the lack of parking provision is accepted in this case.
24. It is acknowledged that there has been substantial objection raised with regard to the potential adverse impact on parking congestion by local residents. However, the LHA consider that the change of use from a convenience store to a hot food takeaway or restaurant would not adversely affect the comings and goings of vehicles and pedestrians and the level of vehicles generated by each use would be considered similar. Furthermore, the convenience store use would attract customers during the day and is likely to have busy periods in the morning and evening whereas the proposed hot food takeaway or restaurant would be most busy in the evenings when traffic movements in the area are likely to be less given that the majority of neighbouring businesses would be closed. The previous applications for this site have not been refused on the basis of parking congestion. The comments raised with regard to highway safety and the proximity to the sports club and the bus stop are existing issues and the proposal would not significantly worsen this situation. The objection letters referred to concerns of local residents relating to the parking and highways implications associated with the proposed change of use. Whilst on-street parking does occur in the area, there are no parking restrictions in place and the LHA does not consider that the proposed development will have a significantly greater impact than the existing use on this situation.
25. The amended plans detail cycle provision comprising of one space per dwelling, which is appropriate.

OTHER MATTERS

26. The objection letters received raise concerns that there are an excessive number of food outlets in the area already. As noted above, there are two A5 uses within this local centre at present however the change of use of this unit to a takeaway is not unacceptable in principle as set out in the Principle of Development section above.

CONCLUSION

27. On balance, having regard to the previous planning history and the current lawful use of the application site, it is considered that the opening hours proposed in this application in conjunction with the change of use of one unit to A3/A5 use would not result in undue noise and disturbance to the occupiers of nearby residential properties, particularly late at night and would not result in an adverse parking impact. On this basis the proposal is considered to be in accordance with Policies W2, L4, L5 and L7 of the Core Strategy and relevant provisions of the NPPF.

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 amended plan Drawing No. 9362 /011 – Revision E.

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

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

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

4. The staircase and balustrade hereby approved shall be powder coated black prior to their installation and shall be retained in that colour thereafter.

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

5. The staircase and landing hereby approved shall not be brought into use unless and until an obscure glazed screen of a height of no less than 1.7m and with an obscuration level of no less than Level 4 of the Pilkington Glass scale (or

equivalent) has been erected in the position shown on the approved drawing. The approved screen shall be retained thereafter.

Reason: In order to protect the privacy and amenity of occupiers of adjacent property having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Notwithstanding the approved plans, prior to its installation, details of the external flue, including its overall finish and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved details and retained as such thereafter.

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

7. The development hereby permitted shall not be brought into use until an assessment of the noise impact of the proposed ventilation / extraction system on the occupiers of neighbouring noise sensitive premises and, if required, details of a scheme to acoustically treat all externally mounted extraction and ventilation equipment and to identify all control measures which are required to prevent any nuisance, has been submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details before the use hereby approved first takes place and the system shall be effectively operated and maintained in accordance with the approved scheme for as long as the proposed use continues.

Reason: In the interest of residential amenity, having regard to Policy L7 of the Adopted Core Strategy.

8. No part of the building shall be brought into use as a hot food takeaway falling under Use Class A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent Order following the revocation or re-enactment thereof) unless and until a Litter Management Plan detailing facilities and measures for the disposal of litter by customers, such as additional litter bin provision, and litter advice and signage to be provided at the premises, has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The approved measures shall be retained thereafter.

Reason: In the interests of amenity of the occupiers of nearby properties, having regard to Policy L7 of the Trafford Core Strategy.

9. The development hereby approved shall not be brought into use until bin storage and servicing arrangements have been provided, which shall include

accommodation for separate recycling receptacles for paper, glass and cans in addition to other waste, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities and servicing arrangements, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The premises shall only be open for trade or business as outlined below:

A1 use - between the hours of (0900 – 2130) Monday - Sunday

A3 use - between the hours of (1130 – 2130) Monday - Sunday

A5 use - between the hours of (1130 – 2130) Monday – Friday and (0900 – 2130) Saturday, Sunday and Bank Holiday;

and not at any time outside of these hours.

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

11. Servicing and deliveries to or from the premises shall only take place between the hours of: 0900 – 17:00 on any day and not at any time outside of these hours.

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

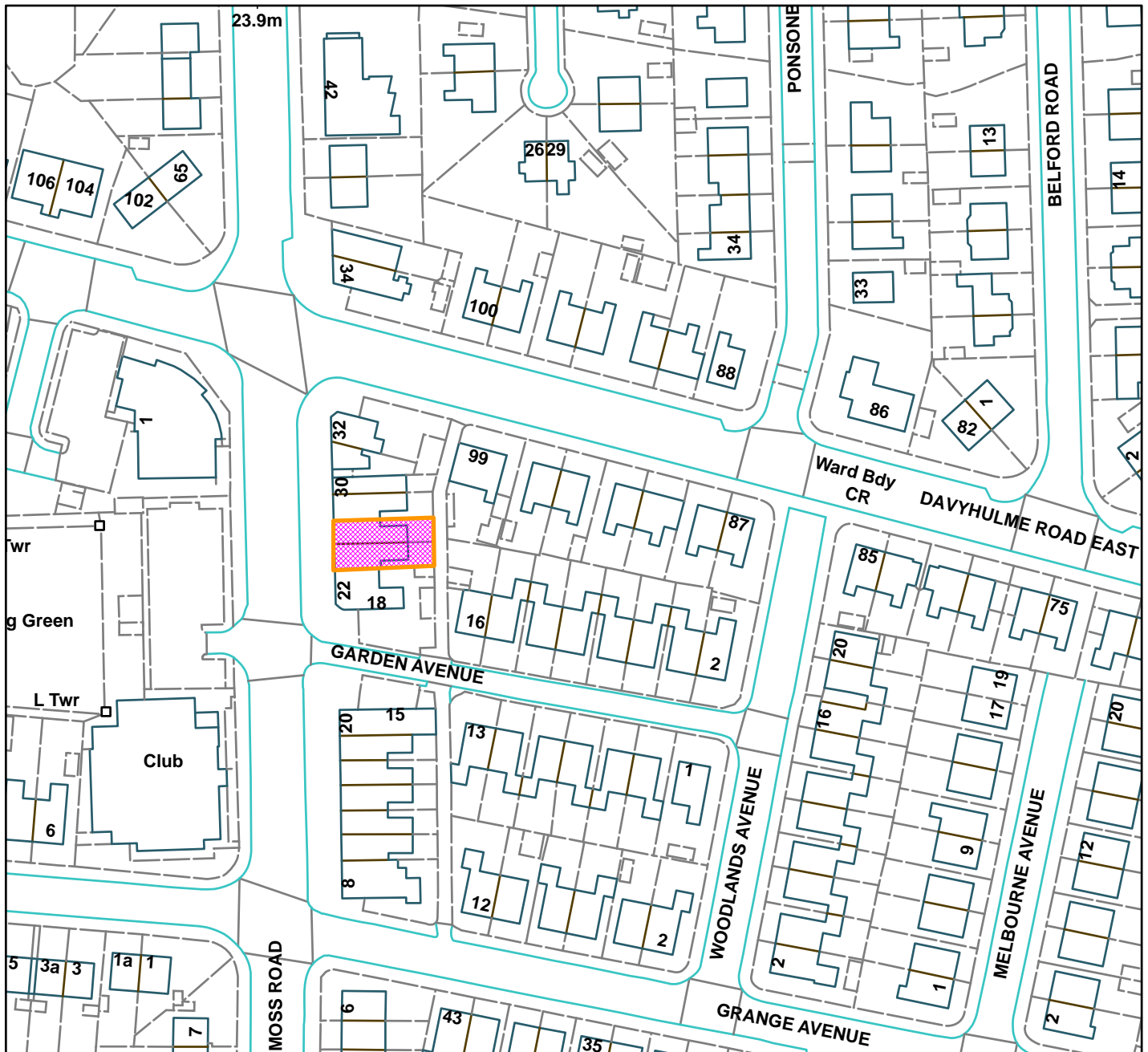
12. The development hereby approved shall not be brought into use until 4 cycle parking spaces have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Details shall include a cycle parking infrastructure where both wheels and the frame of all types of bikes can be secured to the facility. The approved cycle parking spaces shall be retained and made available for use at all times thereafter.

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

RW



24 - 26 Moss Road, Stretford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date - 09/11/17
Date	30/10/2017
MSA Number	100023172 (2012)

WARD: Urmston

91554/FUL/17

DEPARTURE: NO

Application for the retention of the integrated Automatic Number Plate Recognition (ANPR) car park management system including 2 no. cameras, 2 no. external cabinets and a Pay and Display unit.

Land To The Side And Rear Of Victoria Parade, Urmston, M41 9AD

APPLICANT: ParkingEye Ltd.

AGENT: None.

RECOMMENDATION: GRANT

The application has received in excess of 6 representations contrary to the officer recommendation and therefore is to be determined by the Planning and Development Management Committee.

SITE

The application relates to a parcel of land currently in use as a car park sited to the western side of Atkinson Road, Urmston. Situated within the Urmston Town Centre, the application site is bound to its north and east by commercial units sited on Victoria Parade. To the sites south and east lie other commercial units in a variety of uses. The site itself has a U-shape like layout, and features hard standing with a number of both allocated and unallocated parking spaces. The site has its main entrance and exit off Atkinson Road, sited to its east.

PROPOSAL

The application seeks retrospective planning consent for the erection of an integrated Automatic Number Plate Recognition System car park management system. This has been erected in the following form:

- 1no. Pay and display ticket machine
- 2no. ANPR cameras
- 2no. external cabinets

The above apparatus are erected throughout the site and their size, scale and siting is detailed in further detail in the below sections of this report.

DEVELOPMENT PLAN

The Development Plan in Trafford Comprises:

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

GREATER MANCHESTER SPATIAL FRAMEWORK

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L7 – Design

L8 – Planning Obligations

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

91555/ADV/17 - Advertisement consent sought for the retention of 16no. non illuminated signs relating the car park management scheme – pending consideration

APPLICANT'S SUBMISSION

None

CONSULTATIONS

Local Highways Authority – Raise no objections to the development proposals

REPRESENTATIONS

9no. representations have been received in reference to this application, raising the following areas of concern:

- The parking spaces are for the use of the various unit operators at Victoria Parade and therefore they should not receive parking fines or face restrictions
- Cars are being parked outside of designated area – blocking access
- The pay and display machine has been faulty in the past – leading to fines
- Car parking fines and system putting off customers
- Signage has gone up without consent
- Original application detailed incorrect address
- Number of parking spaces is exaggerated
- Car park in in a bad condition

OBSERVATIONS

Principle of Development:

1. The current application seeks retrospective consent for the erection of a number of external pieces of apparatus relating to a car-park management system (ANPR). The various pieces of apparatus have been sited though-out the site at various locations. The site is currently in use as a car-park and has been used as such for a number of years. The current application would not alter the sites existing use and would simply introduce a number of external pieces of equipment in order to manage the site. As such given that the development proposals would not alter the sites existing use, the principle of the development is considered acceptable.

Design and Street-scene:

2. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment - good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
3. At a local level, the relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
4. The application seeks retrospective consent for the erection of a number of external pieces of apparatus relating to a car parking management system (ANPR). These consist of the following:
 - 1no. Pay and display ticket machine
 - 2no. ANPR cameras
 - 2no. external cabinets
5. The Pay and display machine is presently sited to the far west of the site within its eastern half, fronting Atkinson Road. The Pay and Display machine has a height of 1.25m and a total width of 0.48m. This has a metallic finish and is typical of such features.
6. The external cabinets are currently sited to the north-western corner of the site, opposite the entrance off Atkinson Road. The second unit is sited to the west of the site, adjacent to unit 14 of the Victoria Arcade. These cabinets have a height of 0.942m, a width of 7.35m and a total depth of 03.05m. The cabinets have a metallic finish.
7. The system also features 2no. cameras sited to the sites north-western side, opposite the site entrance and a second to the sites southern side, opposite the site exit. The cameras are sited on 2no. columns. These have a height of 5m, with a projecting arm of 0.45m, featuring an external camera mounted above.
8. The external components of the ANPR system, as set out above, are considered to typical of such features and in this case are considered to be of an acceptable size and scale. The various components of the system remain small in number are considered to be evenly distributed throughout the site; and given its location within a commercial area, these are not considered to appear overly dominant or

visually intrusive within the Atkinson Road street scene. As such in this instance, the various components of the ANPR system are considered to be acceptable and are considered to be in compliance with policy L7 of the TBC Core strategy.

Residential Amenity:

9. One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).
10. Policy L7 of the Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
11. The proposed development as set out above relates to a number of external pieces of apparatus forming part of an Automatic Car-Park Management System. The site is situated within the Urmston Town Centre and therefore given the size, scale and form of the development proposals and the context of the site; it is not considered that this would have any undue impact upon the sites adjoining land users.

Access and Car Parking:

12. The proposed car park management system and equipment are located within the private boundary of the application site, which is an existing car park. These do not impinge on the adopted highway. The existing access and exit points to the car park from Atkinson Road are to be retained as part of the development and are unaffected by the proposals. The proposals would further have no bearing upon the number of car parking spaces within the site. As such the development is not considered to result in any concerns relating to highway safety or have an impact upon the wider highway network.
13. The Local Highways Authority have further raised no objections to the proposals upon the above basis.

Other Matters:

14. A number of representations have been received raising matters around the sites ownership. These matters are not a material planning consideration and remain a civil matter, to be dealt with by land owners and the various other tenants involved. Introducing restrictions or controls on the long standing use of the site for car parking is not a material change of use and the owner of the site is entitled to control access to and use of their land, within the law, as they see fit.

15. A number of concerns have also been raised in reference to the pay and display ticket machine not being functional on site and the site as a whole to being in a poor state. These matters however again are not material planning considerations and therefore cannot be considered as part of this application's determination.

Conclusion:

16. The application seeks retrospective planning consent for the erection of a number of external pieces of apparatus, relating to a car park management system (ANPR). The proposals have been considered to have an acceptable design and are not considered to appear unduly intrusive or visually harmful within the street-scene. The proposals are further not considered to lead to any undue loss in amenity for the sites neighbouring land users and are not seen to have an impact upon the local highway network or have an impact upon highway or highway/pedestrian safety. As such the development is considered to be in accordance with policies L7 and L4 of the TBC Core strategy and the relevant sections of the NPPF.

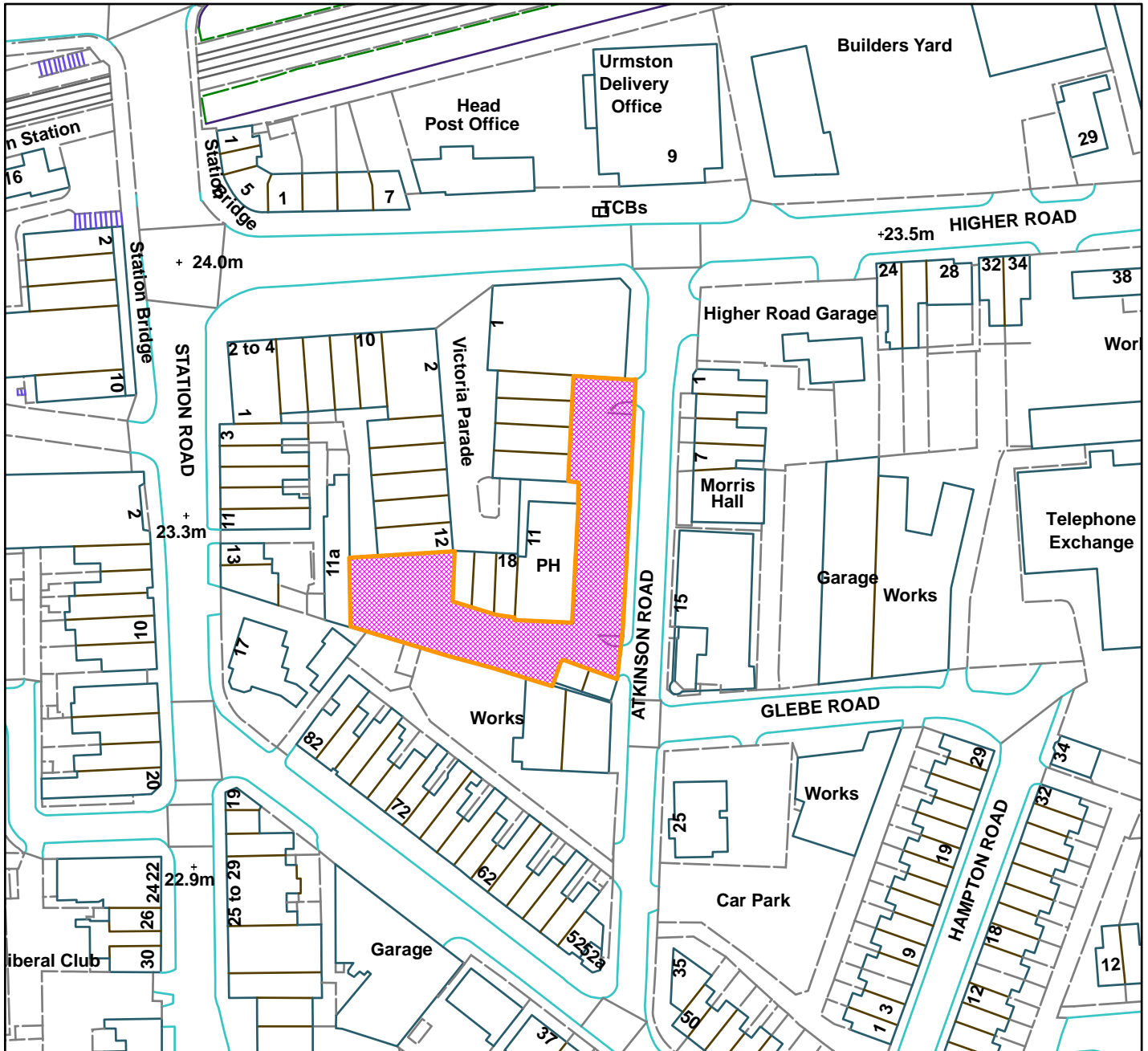
RECOMMENDATION:

GRANT PLANNING PERMISSION

IG



Land to the side and rear of Victoria Parade, Urmston (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date - 09/11/17
Date	30/10/2017
MSA Number	100023172 (2012)

WARD: Priory

91850/FUL/17

DEPARTURE: No

Change of use from cafe (A3) to takeaway (A5) and erection of external flue.

22 Northenden Road, Sale, M33 3BR

APPLICANT: Mrs Andrejczak

AGENT: Building Sense Limited

RECOMMENDATION: GRANT

SITE

The application site contains a café (A3) positioned amongst a row of purpose built single-storey commercial premises to the southern side of Northenden Road and within (but on the edge of) Sale Town Centre as defined by the Trafford UDP Proposals Map.

The site is immediately bound by a computer maintenance shop (A1) to the east and an Italian restaurant (A3) to the west. To the north, on the opposite side of Northenden Road, are office buildings (B1a) whilst the southern boundary lies adjacent to residential properties, notably Nos.24B Northenden Road and the rear garden to No.2A Stamford Place. The other units within the row comprise a barbers (A1) and three other hot food takeaways (A5).

The site is principally accessed from Northenden Road however servicing is undertaken via a rear entrance positioned along an existing access drive off Stamford Place. The site also benefits from 5 staff car parking spaces.

PROPOSAL

This application seeks the change of use of the existing café (A3) to a hot food takeaway (A5) and external alteration through the insertion of a flue to the rear roof-slope.

Five car parking spaces to the rear of the building will be retained in situ for staff members.

FLOORSPACE

The proposal does not include any increase in floorspace provision.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

W1 – Economy

W2 – Town Centres and Retail

PROPOSALS MAP NOTATION

Town and District Shopping Centres

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

Policy S5 - Town and District Shopping Centres

Policy S13 - Town and District Shopping Centres

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

H23183 – Erection of rear extension to provide storage area. Approve with conditions 02.05.1986.

APPLICANT'S SUBMISSION

In the determination of this proposal the applicant has submitted the following supporting information:

- Planning Statement;
- Crime Prevention Statement;
- Odour Impact Assessment; and
- A letter from the applicant responding to the objections detailed in the 'representation' section below.

Further to reviewing the letters of objection, the current owner of the application site has responded to the concerns raised as follows:

- The garage to No.2A Stamford Place has been converted to a gymnasium and is accessed from the garden. Parking is maintained to the front along Stamford Place;
- The application site has 5 car parking spaces designated for staff members and therefore no additional congestion is envisaged;
- All the eateries have industrial commercial bins with the pest/waste problem largely generated from a number of flat conversions in the larger houses;
- The proposal is not creating an additional takeaway as the current premises already provide takeaway services until later in the evenings;
- The objection on the grounds of noise from extractors and fans is unfounded with regulations in place for this type of equipment to be built/used within guidelines;
- The letters of objection are from eateries on the same rank of business as the proposal. The objectors are therefore obviously not keen on healthy competition;
- Northenden Road is known as the place to go for eateries in Sale, which both attracts locals and others accordingly, which can only be beneficial for generating sustainable businesses and attracting new people to the area.

CONSULTATIONS

Local Highways Authority (LHA): No objection on highway grounds.

Pollution and Housing (Nuisance): No objection subject to the conditioning of the submitted Odour Impact Assessment.

Design for Security: Awaiting formal comments.

REPRESENTATIONS

During the determination of this application 8 letters of representation have been received alongside a public petition containing 22 signatures objecting to the proposed change of use and 1 letter of support.

Each of the 8 letters of representation objecting to the proposal are identical in content and detail the following concerns:

- The proposal would be detrimental to the character of the area in that it would introduce another hot food takeaway which would be primarily open in the late evenings;
- The area benefits from having business activity during the day as well as in the evening and this would alter the balance;
- There is an existing problem with strewn takeaway boxes;
- Being fairly close to the town centre but also residential properties, a careful mix of uses is required;
- It would introduce activity that would significantly increase the potential for noise and disturbance to nearby residential properties;
- It would attract additional vehicular activity;
- There is a parking and access issue behind this row of shops with the garage to No.2A Stamford Place being regularly blocked due to staff members. This issue would worsen if there is another business operating primarily in the evening;
- There is a litter problem in the area behind the shops with bins tending to overflow. With an additional takeaway operating this will get worse due to there being insufficient space to provide the correct level of waste management given the parking issues; and
- There will be additional noise from loud industrial fans and extractors. This would be increased due to the business being located 20-30 yards from the rear of No.2A Stamford Place.

The public petition raises the same concerns as summarised above.

The 1 letter of representation supporting the proposed change of use references the following summarised observations:

- The comments/objections which have been submitted are a campaign to prevent another eatery that creates not only choice but competition to the existing outlets;
- The main objection appears to have stemmed from one neighbour who is the present owner of a nearby pizza takeaway;
- The parking issue within the vicinity of the site has been problematic for a number of years, however in any event the evening parking is free. Furthermore, the takeaway customers would only require parking on a passing basis;
- The issue regarding overflowing of bins is valid however relates specifically to individual bins. Each eatery has commercial sized bins which are paid privately and of late the issue relates to the occupiers of a residential property.
- The objection from No.2A Stamford Place is without merit as the garage referred to has been converted into a family gymnasium and there is no evidence of it being used as a garage. Car parking is maintained to the front garden with two car park spaces;
- The owners of No.2A Stamford Place moved into the area approximately 2 years ago knowing full well that there was a number of eateries and takeaways in the parade;
- All the eateries are open late and as such another new eatery of similar operating times should have no additional harm;

- The rear alley/access provides a public right of way with the Council permitting No.18 to have over 7 tenants residing there. This has caused the parking issue;
- The application site is the only property to the rear of the terrace which has clearly marked out boundaries for car parking.

OBSERVATIONS

In the determination of this application the key considerations include:

- The principle of development;
- Impact upon the character and appearance of the area;
- Residential amenity;
- Highway safety; and
- Other matters.

THE PRINCIPLE OF DEVELOPMENT

1. The NPPF (2012) seeks to promote the viability and vitality of commercial centres to provide customer choice and a diverse retail offer for all through retention and enhancement of existing markets and, where appropriate, re-introduction of new ones to ensure markets remain attractive and competitive.
2. The application site is located within Sale Town Centre whereby Policy W2.4 of the Core Strategy confirms that '*Within these centres there will be a focus on the consolidation and improvement of the convenience and comparison retail offer, with the potential to strengthen and enhance the retail offer where suitable, as well as diversification to other uses such as offices, services, leisure, cultural and residential, as appropriate.*'
3. As confirmed by Appendix H of the Trafford UDP, the premises are positioned within a row designated as an '*Other Important Shopping Frontage*' and therefore proposals which seek a change of use will normally be permitted providing the character and vitality of the area is not materially harmed.
4. Having regard to the application site, this portion of Northenden Road is predominately occupied by a mixture of restaurants and takeaways with intermittent retail units and office development. Whilst the change of use from a café to a takeaway would reduce the accessibility of a daytime use along the promenade, the intrinsic character of the street-scene remains unaffected given the availability of established late night eateries within the immediate vicinity of the site. To this end the concerns raised by neighbouring premises are noted, however it is not considered that the vitality and viability of the commercial centre will be adversely affected with the proposal enhancing an existing market in an edge of town centre location.

5. The principle of the change of use from a café to takeaway is, in this instance, considered acceptable and adheres to the stipulations of Policy W2 of the Core Strategy and the guidance contained within the NPPF.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

6. Paragraph 56 of the NPPF (2012) states that The Government attaches great importance to the design of the built environment with Paragraph 64 going on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
7. Policy L7 of the Trafford Core Strategy states that in relation to matters of design, development must:
 - Be appropriate in its context;
 - Make best use of opportunities to improve the character and quality of an area; 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.
8. The only external alteration proposed to the building consists of the introduction of an external flue to the rear roof slope. The flue would not be visible along Northenden Road by virtue of its set back position at a lower pitch to that of the principal elevation. Additionally, the flue remains proportionately scaled and appears subserviently formed as viewed from the rear service yard. As such, the proposed works would have a negligible impact upon the visual amenities of the area and are in accordance with Policy L7 of the Core Strategy and the guidance contained within the NPPF.

RESIDENTIAL AMENITY

9. Policy L7 of the Core Strategy states that in relation to matters of amenity protection, development must be compatible with the surrounding area and must not prejudice the amenity of future occupiers of the development and/or occupants of the adjacent properties by reason of noise and/or disturbance, odour or in any other way.
10. In respect to hot food takeaways, the Council's Planning Guidelines entitled 'Hot Food Takeaway Shops' explain that noise and disturbance for local residents is the most frequent cause of problems associated with such uses, particularly as most businesses operate in the evenings when neighbouring properties can reasonably expect peace and quiet. Issues surround not only activity at the premises, but also the cumulative impact of recurrent and incidental noise generation outside the premises from the comings and goings of car doors, revving of engines and conversation from those congregating outside. As such,

the Planning Guidelines recommend that proposals should be thoroughly assessed and in less intrusive circumstances, granted subject to restrictions on operating hours.

11. Whilst the application site forms part of the wider shopping frontage, there are a number of residential properties within close proximity of the proposed takeaway, namely the apartment building of No.18a to the west and the apartment building of No.24b and the detached property at No.2a Stamford Place to the south.
12. The majority of units within the shopping frontage operate within evening hours and it is therefore recognised that the cumulative effect of the existing uses, in addition to the proposed takeaway on the above mentioned dwellings, could potentially result in limited increases to the amount of noise, disturbance and litter.
13. Open 5 days a week, the operation hours for the proposed takeaway are 16:00 till 23:00 Wednesday to Sunday (including Bank Holidays) which is similar to the operating hours of the adjoining restaurants and takeaways along the terrace. This is more limited than would normally be considered acceptable in an edge of town centre location and, although this particular operator may not wish to open to any greater extent, this permission should not restrict the opportunity for weekday or day time opening in the future, As such the hours of operation are proposed to be restricted to 11am to 11pm, 7 days a week.
14. The Council's Nuisance section has raised no objections to these hours of operation noting that they are reasonable within a mixed use town centre location and are not considered to result in significant harm to the amenities of local residential properties through noise generation or disturbance. Additionally, taking into account the proposed hours of operation and the siting of the premises within the shopping parade, the proposed use will not have a significantly detrimental impact in terms of noise and disturbance when this is considered cumulatively with the predominating uses along the road. It is recommended, however, that a condition is attached to any subsequent planning consent restricting the hours of operation to those detailed above to ensure the amenities of neighbouring properties are not significantly or detrimentally impacted upon.
15. In the installation of an external flue to the rear elevation of the unit, the submitted plans alongside the conclusions made within the Odour Impact Assessment indicate that given the use of non-solid fuel to cook the produce which generates high levels of heat (a gas fired oven as opposed to any frying appliances), in addition to the incorporation of a flue system which achieves a vertical discharge route and gives rise to a strong stack effect (the movement of air, in or out of a building, through a chimney or gas flue, as a result of air buoyancy) resulting in a significantly lower odour emission, the installation meets the standards required to ensure odour is appropriately dispersed.

16. The Council's Pollution and Housing Section (Nuisance) has reviewed the submitted information and raises no objection to the positioning of the flue, however notes that the Odour Impact Assessment is based upon the use of a gas fired oven only, as opposed to any other appliances which usually require additional filtration equipment to prevent odour emissions. It is therefore requested that two conditions are attached to any grant of permission, the first requesting further details of the ventilation/extraction system in the event any other cooking appliances are used and the second requesting that the rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises.
17. Having regard to the perceived increase in litter amounting from the proposed takeaway, it is within the remit of the local planning authority to request, and for the applicant to implement, a management plan for the hot food takeaway which will include measures to effectively moderate and reduce the risks of littering in the surrounding area. This may include additional litter bin provision and litter advice and signage to be provided at the premises. The Environmental Protection Act 1990 also imposes duties on certain landowners and occupiers to keep land clear of litter and refuse. Updates to the act were made in the Clean Neighbourhoods and Environmental Act 2005 which generally extended the range of enforcement powers for local authorities to deal with problems affecting the quality and appearance of the local environment.
18. Subject to the incorporation of the conditions detailed above, the proposal is compliant with the Council's Planning Guidelines on 'Hot Food Takeaway Shops' and Policy L7 of the Core Strategy.

HIGHWAY SAFETY

19. Policy L4 of the Trafford Core Strategy seeks the promotion of sustainable forms and choice of modes of travel to all sectors of the local community through prioritising development within the most sustainable areas whilst ensuring new development does not individually or cumulatively impact upon the functioning of the highway network.
20. Policy L7 of the Trafford Core Strategy requires development to incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety, the provision of sufficient and appropriate off-street car and cycle parking, the provision of necessary manoeuvring and operational space for service vehicles and the provision of, and access to, waste recycling facilities. Matters of accessibility are also a material consideration in the promotion of sustainable forms of transportation.

21. SPD3: Parking Standards and Design for Trafford states that for the proposed use class, 1 car parking space per 6m² of public floor area should be required. The proposed plans indicate that the public floor area of the takeaway will be 13.5 m² which generates a need for 2 visitor car parking spaces according to the standards. As confirmed by the applicant, no visitor car parking is proposed for the takeaway however the Local Highway Authority (LHA) have observed that Northenden Road is ticketed for a maximum stay of 2 hours Monday to Saturday 9:00 – 17:00 after which parking is free. As such, the LHA considers that due to the availability of existing car parking provision along the road and sustainable location of the site within the town centre, the proposal is unlikely to significantly impact upon the highway network.
22. The retention of 5 car parking spaces to the rear elevation for the equivalent of 3 full time staff members is also considered a contributing factor to the LHA's decision to raise no objection to the application.
23. It is understood that servicing is proposed to be carried out from the rear yard accessed via Stamford Place. Whilst not indicated on the plan, sufficient space exists for the storage of refuse which can then be transferred to Stamford Place for collection. However, to ensure that sufficient waste storage is provided, it is recommended that the applicant submit details as to the location of the bin store and associated servicing arrangements.
24. Subject to the attachment of a condition requesting details of refuse collection, the proposal meets the stipulations of SPD3 and Policies L4 and L7 of the Core Strategy.

CONCLUSION

25. The proposal to change the use of the existing café into a takeaway is considered to be compatible with other such uses within the immediate area and as such will not detrimentally affect the vitality and viability of the shopping frontage. It is not considered that the takeaway will have significant adverse impacts upon the amenities of neighbouring properties (including when considered cumulatively with the existing uses) with recommended conditions attached to any grant of permission designed to mitigate the impacts of the takeaway on adjoining sensitive land uses. There will be no significant impact upon the overall character and appearance of the streetscape, nor the highway network, and therefore it is considered that the proposal complies with the aforementioned policies contained within the Council's Planning Guidelines entitled 'Hot Food Takeaway Shops', SPD3: Parking Standards and Design for Trafford, the Trafford Core Strategy and the NPPF.

DEVELOPER CONTRIBUTIONS

No planning obligations are required.

RECOMMENDATION:

GRANT subject to the following conditions:-

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended 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 Location Plan, Existing and Proposed Plans and Elevations and drawing number 17003.03.

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

3. a) Where cooking and food preparation utilises gas fired equipment only, the use hereby permitted shall not take place until the ventilation/extraction system serving the cooking and/or food preparation areas has been installed in accordance with the submitted Odour Impact Assessment by Mr Alper Yenilmez dated 19 October 2017. The extraction / ventilation system shall be effectively operated and maintained in accordance with the manufacturer's instructions for the lifetime of the development.

b) At any time where cooking and food preparation is to utilise other sources of heat as an alternative or in addition to gas fired equipment, this shall not be brought into use until details of an alternative ventilation / extraction system have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and the ventilation / extraction system effectively operated and maintained in accordance with the manufacturer's instructions for the lifetime of the development.

Reason: In the interests of amenity having regard to policy L7 of the Core Strategy and the NPPF.

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

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

5. The development hereby approved shall not be brought into use until a Litter Management Plan detailing facilities and measures for the disposal of litter by customers, such as additional litter bin provision and litter advice and signage to be provided at the premises, shall be submitted to and approved in writing by the Local Planning Authority and implemented in full. The approved measures shall be retained thereafter.

Reason: In the interests of amenity of the occupiers of nearby properties, having regard to Policy L7 of the Trafford Core Strategy.

6. The development hereby approved shall not be brought into use until details of bin storage and servicing arrangements, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other waste, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be completed and made available for use prior to first operation of the use hereby approved and shall be retained thereafter.

Reason: To ensure that satisfactory provision is made for refuse and recycling storage facilities and servicing arrangements, having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

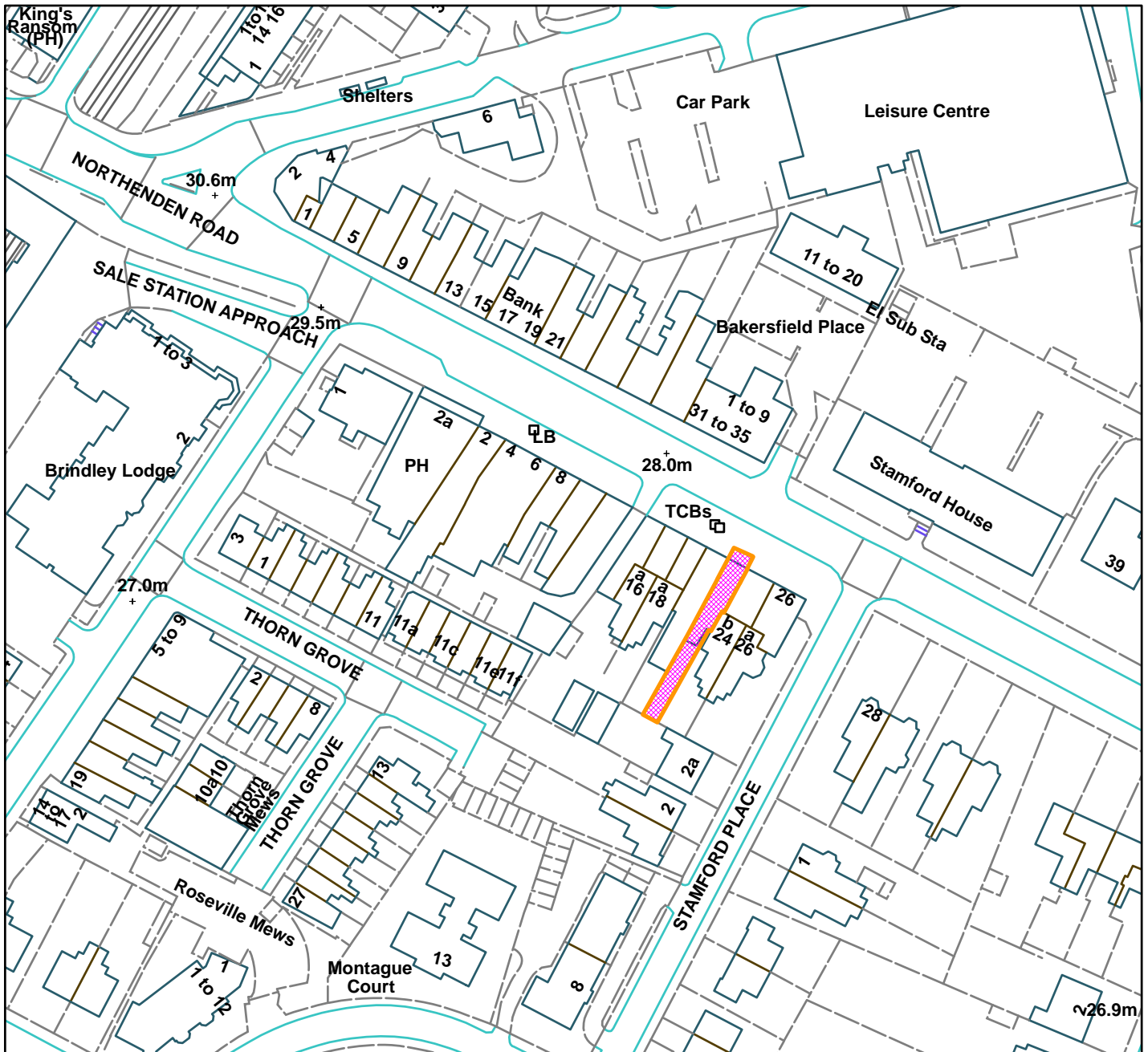
7. The premises shall only be open for trade or business between the hours of 11:00 to 23:00 on any day and not at any time outside of these hours.

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

AW



22 Northenden Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date - 09/11/17
Date	30/10/2017
MSA Number	100023172 (2012)

The demolition of the existing Clubhouse and separate Pavilion and erection of replacement Clubhouse/ Pavilion, an indoor tennis centre, relocated cricket nets and associated sporting facilities and 14no. residential dwellings, (with 12m demountable protective ball stop netting and supporting poles) construction of new vehicular and pedestrian access off Clarendon Crescent and Dane Road and associated external works.

Sale Sports Club, Clarendon Crescent, Sale

APPLICANT: Sale Sports Club and Hales & Brown

AGENT: Miss Helen Hartley, Nexus Planning

RECOMMENDATION: GRANT SUBJECT TO COMPLETION OF A S106 AGREEMENT

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

SITE

The application relates to land within the curtilage of Sale Sports Club, a cricket and tennis facility situated to the west of Clarendon Crescent and the south of Dane Road in Sale. The site is roughly rectangular in shape and comprises: six outdoor tennis courts and associated fencing within the northern part of the site; a cricket pitch occupying the majority of the site with practice nets towards the eastern site boundary; a clubhouse in the north-eastern corner of the site and a pavilion adjacent to the north-eastern corner of the cricket pitch. A parking area within the north-eastern part of the site providing space for 63no vehicles is accessed from Clarendon Crescent. It is understood that the football and rugby pitches to the east of Clarendon Crescent are also managed by the sports club, however these do not fall within the current application boundary. The site is identified as Protected Open Space on the Council's Revised Unitary Development Plan Proposals Map.

The existing clubhouse is a three storey red brick building with later single storey additions to the side and rear. It is understood that this was originally used as a dwellinghouse but became part of the club in 1929. This currently provides changing facilities and social areas. The existing pavilion is a single storey brick-built structure dating from the 1960s and provides changing facilities and storage space for the club.

The site is bounded by a mature hedgerow along Clarendon Road whilst the Dane Road boundary comprises mature planting adjacent to the clubhouse and a low fence/wall beyond. The high fencing surrounding the tennis courts is situated just to the

rear of this boundary. There are residential properties immediately to the west and south of the site, as well as on the opposite side of Clarendon Crescent to the east. Those to the west form a three storey apartment building (Abbots Court) which lies between approximately 5m and 15m from the site boundary which is formed by a dense hedgerow. Those to the south are primarily brick-built two storey dwellings which have either their side or rear boundaries facing the cricket pitch, though these are separated by a narrow pedestrian alleyway and a metal palisade fence. Properties on Clarendon Crescent to the east are substantial 2.5/3 storey brick-built dwellings and are set well back from the highway. These back immediately onto the football/rugby pitches associated with Sale Sports Club but which fall outside of the current application boundary. Land across Dane Road to the north is occupied by 'Priory Gardens', a public park which also marks the southern extent of the Green Belt in this location.

PROPOSAL

Full planning permission is sought for the erection of 14no semi-detached 5-bed dwellinghouses within the eastern part of the site, accessed from and fronting Clarendon Crescent. These would be three storey red brick properties, the third storey being accommodated within the roofspace and utilising a rear-facing dormer. Each unit would have two car parking spaces on a driveway to the front as well as an integral garage and a small balcony to the front elevation.

Also proposed is the erection of a replacement pavilion/clubhouse on the site of the existing pavilion, whilst the existing clubhouse would be demolished and replaced by four of the proposed dwellings. The proposed clubhouse/pavilion is a two storey flat roofed building with a viewing terrace overlooking the cricket pitch and the main access point being from the car park to the north-east. This is intended to accommodate changing/exercise facilities, storage and office space at ground floor level with a lounge, clubroom and kitchen above. It is understood that this would primarily be used in association with the sporting use of the club, however it would also be used for private functions. A parking area for 47no vehicles would be retained within the north-eastern part of the site whilst a new access would be created from Dane Road to the north, in addition to the existing access point from Clarendon Crescent. The existing cricket practice nets are also proposed to be relocated to the south-west corner of the site.

The final element of the scheme comprises the erection of a pitched roof structure to provide indoor tennis facilities. This is located on the site of the three easternmost existing tennis courts and would result in the provision of two indoor courts, in addition to the other three existing outdoor courts which are to be retained. The proposed structure has a steel frame with maximum height of 9.75m and has timber-clad walls up to a height of 3m with a white polyester fabric, pvc coated membrane roof.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

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

SUPPLEMENTARY PLANNING DOCUMENTS

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

PROPOSALS MAP NOTATION

Public Open Space
 Smoke Control Zone
 Critical Drainage Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

OSR5 – Protection of Open Space

GREATER MANCHESTER SPATIAL FRAMEWORK

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

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

80698/AA/2013: Display of illuminated and non-illuminated fascia and freestanding signage – Approved with conditions 05/07/2013.

H30532: Renewal of consent for the continued use of ballroom as playgroup for 25 children – Approved with conditions 23/02/1990.

H29497: Erection of extension to pavilion and construction of pitched roof, construction of 6 hard surface tennis courts & erection of 21 8.5 metre high floodlights – Approved with conditions 23/08/1989.

H26394: Erection of building to provide 3 indoor tennis courts & link to exist club house with repositioning of groundsman's hut & provision of 3 outdoor tennis courts – Refused 01/03/1988.

H26399: Erection of single storey side extension to form dining room – Approved with conditions 04/02/1988.

H20369: Renewal of consent for the continued use of ballroom as playgroup for 25 children – Approved with conditions 12/09/1984.

H10010: Renewal of consent for the continued use of ballroom as play group for 25 children – Approved with conditions 18/09/1979.

APPLICANT'S SUBMISSION

The applicant has submitted the following information in support of the application:

- Arboricultural Implications Assessment and Method Statement
- Design, Access and Crime Statement
- Ecological Assessment

- Drainage Strategy and Flood Risk Assessment
- Housing Needs Statement
- Noise Assessment
- Open Space Assessment
- Planning Statement
- Preliminary Geoenvironmental Appraisal
- Transport Statement
- Tree Survey and Protection Plan
- A petition containing 39 signatures and 107 letters from members of Sale Sports Club in support of the proposals

CONSULTATIONS

Lead Local Flood Authority: No objection - conditions requested.

Greater Manchester Ecology Unit: No objection - conditions requested.

Greater Manchester Police – Design for Security: No objection - security recommendations made.

Local Highway Authority: No objections on highway grounds subject to visibility splays, road markings, garage sizes.

Pollution & Licensing (Contaminated Land): No objection - condition requested.

Pollution & Licensing (Nuisance): No objection – conditions requested.

Sport England: No objection – condition requested.

Lawn Tennis Association: No response received.

English Cricket Board: No response received.

REPRESENTATIONS

Letters of objection have been received from 40 local residents and these raise the following concerns:

- Overdevelopment of the land
- The character of the area will be damaged
- Increased strain on local services including schools, GPs and the Metrolink
- Negative impact on property values in the area
- Intensity of proposed housing units is too great
- Proposed dwellings would be unsightly and unnecessary
- Development does not satisfy local and GM-wide housing needs, such as affordable and family housing

- Impact from dwellings on houses opposite through loss of light and impact on privacy
- Proposed houses would not be in keeping with surrounding area as they are larger, wider, taller and more densely packed than those opposite
- The width of the road is not fit for purpose – this would create difficulties for access for buses, ambulances and cars and would also reduce availability of parking for existing residents
- The proposed parking within the development is not adequate and does not meet parking standards
- Road safety concerns and increase in traffic
- Unacceptable access to Dane Road and disruption to junction of Dane Road/Clarendon Crescent
- Impact of overspill parking on Russell Avenue
- The indoor tennis court structure is not in keeping with the current aspect and character of the area
- Height, size and colour of the roof of the tennis enclosure would dominate views from nearby houses and gardens
- Lack of local resident engagement and support
- Possible phase 2 development on adjacent land
- Pressure on existing sewers and additional impact on drainage
- Development will be disruptive to the local community
- Loss of open space and playing facilities
- Proposal will not enhance the open space and recreation facilities in the area
- Loss of trees, hedgerow and potential loss of wildlife
- Trafford's playing pitch assessment has not yet been adopted
- Erection of nets will affect wildlife
- Impact from noise from clubhouse
- Increased light pollution

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
2. Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. There are no policies within the Framework that indicate

development should be restricted in the context of this proposal, for reasons set out below.

3. The Council does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.
4. Whilst the Council's housing policies are considered to be out of date in that it cannot demonstrate a five-year supply of deliverable housing sites, the scheme achieves many of the aspirations which the policies seek to deliver. Specifically, the proposal contributes towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 in that the scheme will deliver 14no new family homes within the urban area.
5. Policy R5.2 of the Core Strategy states that the Council will seek to protect existing open space, secure the provision of areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose. Policy R5.3 further states that developers will be required as appropriate to demonstrate how their development will protect and encourage the use of Trafford's open space and sports/recreational facilities. Policy R5.4 also states that development which results in an unacceptable loss of quantity of open space, sport or recreational facilities, or does not preserve the quality of such facilities will not be permitted.
6. Paragraph 74 of the NPPF states:

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

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *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*
 - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
7. In relation to Policy R5, an unacceptable loss of open space, sport or recreation facilities is deemed to be 'that which leads to a loss in quantity which could not be replaced with an area of equivalent or better quality in a suitable location to meet present and predicted future demand'. This is broadly consistent with the

second bullet point of Paragraph 74 of the NPPF; albeit less onerous as it does not require the replacement of an equivalent quantity of open space, only a qualitative improvement. The less onerous requirement within the development plan reflects local circumstances and, given the primacy of the development plan in the determination of planning applications and the fact the Council's Core Strategy policies in respect of open space are not 'out of date' in NPPF terms, it should be given greater weight here than the NPPF. . The scheme would also help to boost the supply of housing, which is an overarching intention of the NPPF when read as a whole.

8. The area of open space which will be lost is privately owned, and according to the applicant has not been used as a playing field for 20 years, albeit it has contributed to the amenity of the area generally. As such, the loss of this particular area of open space is not considered unacceptable, subject to appropriate mitigation to replace it with an area of equivalent or better quality (in accordance with Policy R5 of the Core Strategy and Paragraph 25.17 of the Justification for that Policy).
9. It is noted that Sport England have additional criteria to assist with the assessment of a proposal for the loss of playing field land in the context of the NPPF requirements set out above. The consultation response to the application provided by Sport England notes that although the proposal will not result in the loss of functional playing field, the ancillary sports provision will be affected and they are required to be replaced under the requirements of paragraph 74(ii) of the NPPF and Sport England Policy exception E4. This states:

E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.
10. Sport England notes that the England and Wales Cricket Board (ECB) has confirmed the design of the pavilion meets the required standards. Given that no technical specifications have been submitted for the relocated cricket nets, Sport England advises that a condition will be required to ensure the detailed design and materials of these are fit for purpose.
11. Sport England's consultation with the Lawn Tennis Association (LTA) confirms that they have been working with the club and the indoor tennis centre will comply with LTA standards. Trafford is a priority area for the LTA and the new tennis facility is both supported and welcomed.
12. As new housing will be located immediately adjacent to the cricket ground a Ballstrike Risk Assessment and Mitigation Strategy has been submitted. Ballstop

netting is required to limit the incidence of ballstrike. The original proposal was 18m high netting but with amendments to the orientation and location of the wickets this requirement has been reduced to 12m in height. Sport England advised that the ECB has confirmed this is acceptable as it is in line with the recommendations set out in the Risk Assessment.

13. The only point of concern raised by Sport England is in relation to the demountable and retractable netting system. On the basis that a condition is attached requiring the ballstop netting to be demounted at the end of each weekend when cricket is taking place, this aspect of the scheme is deemed to be acceptable in principle.
14. Sport England concludes that it does not wish to raise an objection to the application as it is considered to broadly meet exception E4 of the above policy. This is subject to a condition requiring the submission of details of the relocated cricket nets and an informative setting out the requirements for these nets.
15. The mitigation for the loss of the open space, enabled by the proposed residential development, comprises the improvements to the clubhouse, pavilion and tennis courts as shown on the submitted plans. The proposed improvements to the sporting facilities are therefore considered to represent better provision in terms of quality and are in a suitable location within an existing facility. The erection of the tennis enclosure, whilst reducing the total number of courts on site will result in an increase in the potential hours of usage (through increased use during the winter months in particular) and is therefore considered to represent better provision in terms of quantity.
16. The club are committed to allowing community access to their facilities and already have links with a number of local schools and colleges. The club is committed to extending this community use arrangement and have offered a community use agreement should planning permission be granted, guaranteeing further community benefit as a result of the proposed development. This can be secured through an appropriately worded planning condition.
17. The development is deemed to be in accordance with the aims of Policy R5 of the Trafford Core Strategy in that it would improve the quality of outdoor sports facilities and thereby encourage their use. The loss of the area of open space to residential development is considered to have been justified in light of the requirements of the Development Plan, having regard to the NPPF. Sport England has not raised any objection to the proposal, As such, the principle of development is considered to be acceptable.
18. Should permission be granted, it is proposed to attach a condition requiring the completion of the proposed clubhouse prior to the occupation of any approved dwelling. This is in order to ensure that the dwellings are not brought forward without the improvements to the sports facilities, given that the residential

element of the scheme has been justified on this basis. Whilst the club intend to make a number of improvements to their facilities, it is considered that the provision of the clubhouse alone would be sufficient to mitigate for the loss of the open space itself, given other improvements are reliant on further external funding and therefore their delivery cannot be guaranteed.

DESIGN AND APPEARANCE

19. Paragraph 58 of the NPPF states that *“The Government attaches great importance to the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Paragraph 64 states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

20. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of design, development must: Be appropriate in its context; Make best use of opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”*.

Dwellings

21. It is acknowledged that the proposed dwellings are marginally taller than the existing dwellings on the opposite side of Clarendon Crescent opposite, their maximum height being 9.1m compared to 8m opposite and their eaves height being 5.2m compared to 4.8m. The scale of the proposed dwellings is however not deemed to be inappropriate in this location, generally being in keeping with those opposite whilst also respecting the proportions and detailed design of these neighbours (as set out below). These would not appear significantly larger than surrounding properties in the street scene and the scheme is therefore considered to be acceptable in this respect.

22. The dwellings are set sufficiently far back from Clarendon Crescent to respect the prevailing character of the area with between 5.8m and 6.4m being retained between the front elevation and the edge of the footway. This also allows for an appropriate level of off-street parking to be provided. A sufficient amount of space is also retained between each pair of semis to ensure the development does not appear unduly dense or overcrowded. It is also noted that several properties opposite have been extended to the side and as such, the amount of space proposed between each pair of semis would not be dissimilar to these neighbours.

23. The detailed design of the dwellings is also considered to be acceptable. The proposed materials are deemed to be appropriate and in keeping with the character and appearance of the surrounding area, particularly through the use of red brickwork walls and artificial slate roofs. The design of the dwellings closely matches the houses on the opposite side of Clarendon Crescent, many of which have second floor windows in their front gables due to the implementation of loft conversions. The properties are considered to be well detailed, in particular through the use of stone cills and lintels, variegated brickwork and the addition of balconies with black metal railings, and chimney stacks.
24. Given the above, the proposed dwellings are considered to be acceptable in terms of their design and appearance.

Clubhouse/pavilion

25. The two storey scale of the proposed clubhouse/pavilion is considered to be appropriate and not out of scale with its surroundings. It is also acknowledged that the upper floor fronting the cricket ground is necessary for viewing purposes and this represents an enhancement to the facilities being provided within the existing building on site.
26. The proposed clubhouse would have a similar footprint to the existing pavilion and would also be generally in the same location, ensuring there is no unacceptable encroachment into areas of open space. There would also be a sufficient distance between this and the proposed dwellings to ensure an appropriate standard of amenity; this is discussed in full in the amenity section below.
27. This proposed building has been designed to essentially have two principal elevations, the western side fronting the cricket pitch and the eastern side facing the main approach to the clubhouse. This ensures that it appropriately addresses both of these directions, from which it will be equally prominent. The proposed materials are also considered to be acceptable, the use of variegated brickwork with modern elements such as glazed panels providing a high quality finish that represents a considerable enhancement to the appearance of the existing facilities. The use of a 'green' wall provides appropriate screening to the proposed storage area and details of this can be conditioned with any consent issued.
28. Given the above, this element of the scheme is considered to be acceptable in design terms.

Tennis enclosure and other works

29. The proposed development includes the erection of a 9.75m high tennis enclosure within the northern part of the site to provide two indoor tennis courts

alongside three existing outdoor courts which are to be retained. It is acknowledged that the LTA (Lawn Tennis Association) has set minimum height requirements for indoor tennis courts (9m above the net line and 5.75m above the base line internally) and as such, it is not possible for these facilities to be provided within a lower structure. Notwithstanding this, the proposed enclosure is considered to be acceptable in this respect with an eaves height of only 4.75m. The footprint of the structure is also not deemed to be excessive, again being guided by LTA standards and does not extend beyond the limits of the existing outdoor tennis courts.

30. The orientation of the tennis enclosure is logical, with its ridge running perpendicular to Dane Road. This helps to minimise the prominence of the building in key views when approaching on Dane Road from the east and west, with the gables of the building facing north and south. This siting also reduces its prominence in views from the nearest dwellings on Dane Road and Clarendon Crescent.
31. Following the receipt of amended plans, the detailed design of the enclosure is now considered to be acceptable. The 'plastisol' proposed to the lower section of the walls has been replaced with timber cladding up to a height of 3m which will ensure a much higher quality finish and is particularly important given the proximity of the building to Dane Road and residential properties. The use of a white coloured roof, whilst potentially appearing starker than other colours would reduce the need for artificial lighting within the building and on balance, this aspect of the scheme is considered acceptable. The use of planting adjacent to the northern and eastern elevations of the building will also serve to soften the appearance of the structure and a detailed landscaping scheme will be conditioned as part of any consent issued.
32. The scheme also includes 12m high ball-stop netting along the eastern boundary of the cricket pitch, adjacent to the rear gardens of the proposed dwellings. This would be formed of poles with 0.1m diameter and spaced 8m apart. The applicant has advised that the poles would be demountable and the netting retractable and as such, could be removed when cricket matches are not in progress. This is considered to be essential in the interest of visual amenity as permanent 12m high poles and netting would have a significant impact on the character and appearance of the area. On this basis, this element of the scheme is considered to be acceptable subject to a condition requiring the removal of the poles and netting when not required for a cricket match.

RESIDENTIAL AMENITY

33. Policy L7 of the Trafford Core Strategy states that *"In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing,*

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

34. The Council’s adopted supplementary guidance document for new residential development (referred to onwards as ‘PG1’) 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 on dwellings on eastern side of Clarendon Crescent:

35. There is a distance of approximately 17.1m between the dwellings in the northern part of the site and the front garden boundary of the houses opposite and a further 7.5m to the front elevation of these houses themselves. Within the southern part of the site there is a distance of approximately 17.2m between the dwellings and the front garden boundary of the houses opposite and a further 7.2m to the front elevation of these houses themselves. Whilst there is some variation along this part of Clarendon Crescent, there is at least 24.4m between facing properties at the nearest point.

36. Given that the guidance in PG1 seeks to achieve at least 24m between three storey properties across public highways and 13.5m between windows and garden boundaries, the development is deemed to be acceptable in this respect with no demonstrable detrimental overlooking or overshadowing impact on the dwellings opposite.

37. The other elements of the scheme, including the tennis enclosure and replacement pavilion are deemed to be a sufficient distance away from these neighbours to avoid any detrimental impact on their amenity.

Impact on ‘The Retreat’ and ‘Ivy Cottage’:

38. There is a distance of 4.4m between the side elevation of the southernmost proposed dwelling and its boundary with ‘The Retreat’/‘Ivy Cottage’. There is a total of approximately 15.5m between the side elevation of this property and the two storey element of these neighbours and 12.9m to the nearest single storey section. No first floor windows face towards the application site whilst all proposed upper floor windows would be obscure-glazed. It is also noted that the

balcony serving the proposed dwelling closest to these neighbours would include a planted screen to avoid any overlooking impact.

39. There is currently a significant amount of high planting along this boundary, however this is to be removed and replaced with new planting under the current proposals. Whilst this is likely to take some time to mature, it is considered that there is a sufficient separation distance here to ensure there is no detrimental impact on residential amenity.

Impact on other properties surrounding the sports club:

40. There is a considerable distance between the proposed dwellings and Abbots Court to the west, and to those dwellings on Abbots Close and Kingston Drive to the south. As such, there is not considered to be any unacceptable overlooking, overbearing or overshadowing impact on these neighbours.
41. The proposed tennis enclosure will be visible from a number of nearby properties, in particular Nos 132/132a Dane Road approximately 55m to the north-west. This is however considered to be a sufficient distance to ensure the structure does not unacceptably impact upon the amenity of these neighbours, whilst the orientation of this building also helps to minimise its prominence when viewed from this direction. It should also be noted that the impact of development on particular views is not in itself a reason to refuse an application.
42. The relocated cricket nets will be relatively close to Abbots Court and the dwellings adjacent to the southern boundary of the site, however these are not considered likely to cause an unacceptable level of disturbance through noise or by any other means, given the anticipated level of use and the conclusions of the submitted Noise Assessment. The Council's Pollution & Licensing section has recommended that a condition limiting the hours of use is imposed in order to limit disturbance from these nets. On this basis, the application is considered to be acceptable in this respect.

Amenity of future occupiers of proposed dwellings:

43. The submitted noise survey concludes that there should be no significant adverse impact from noise breakout resulting from the proposed clubhouse, tennis centre, practice nets or car park. This also concludes that the site should be acoustically suitable for residential development, subject to the provision of acoustic screening to some of their gardens.
44. The Council's Pollution & Licensing section has been consulted and advises that the proposed acoustic screening is appropriate to adequately mitigate against noise breakout from the clubhouse. It is noted that part of the acoustic fencing originally proposed has been replaced with a 2.4m high brick wall in order to

address concerns regarding visual amenity and this will provide adequate screening from noise.

45. As with the existing clubhouse, it is proposed to use the new clubhouse for occasional functions and this is not intended to exceed the current level of usage. The Council's Pollution & Licensing section has not raised an objection to the proposals in this respect, subject to conditions ensuring the balcony doors are kept shut during the performance of amplified/live music and the installation of a suitable air handling/ventilation scheme. A condition will also be imposed to limit the hours and days of use of the clubhouse for this purpose to an appropriate degree.
46. The applicant has submitted a ball strike risk assessment in order to assess the potential impact on the proposed dwellings in this respect. This assessment, together with comments received from Sport England has identified the need for 12m high ball stop netting along the eastern boundary of the cricket ground adjacent to the proposed dwellings. Issues associated with the design and appearance of this netting are addressed above, however on the basis that this netting is provided during cricket matches, there is not considered to be an unacceptable impact on future residents from the use of the adjacent cricket ground.
47. There is a sufficient distance between all existing dwellings and the proposed dwellings to ensure there is no unacceptable overbearing, overlooking or overshadowing impact on future residents. It is also noted that future occupiers of the proposed dwellings would be aware of the relationship with surrounding uses and buildings upon moving in and the development would therefore not affect any existing outlook in this respect.
48. Given the above, the proposed development is considered to be acceptable with regard to the amenity of future occupiers of the proposed dwellings.

HIGHWAY MATTERS

49. Policy L4 of the Trafford Core Strategy states that *"when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way"*.
50. Paragraph 32 of the NPPF notes that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"*.

51. The Council's adopted SPD3: Parking Standards and Design seeks to ensure that three car parking spaces are provided for dwellings with four or more bedrooms. The proposal includes the provision of one integral garage and space for two vehicles to the front of each dwelling, which is therefore in accordance with the requirements of SPD3. The Local Highway Authority (LHA) has noted that the garage sizes should be in accordance with Manual for Streets, however those proposed would comply with the dimensions set out in SPD3 (2.4m by 4.8m) and the development is therefore considered to be acceptable in this respect.
52. With regard to the clubhouse/pavilion, SPD3 seeks to achieve one car parking space per 22sqm of floorspace for a use of this type. As noted in the comments from the LHA, this relates to a total requirement of 47no spaces. The proposal includes the retention of 47no spaces within the existing car park which is therefore in accordance with SPD3. It is acknowledged that the existing car park has 63no car parking spaces and that there will be a loss of 16no spaces as a result of these proposals. The amount of floorspace however is also reducing as a result of this development and whilst the Club is aiming to attract new members through these works, the Council's assessment of parking provision is based on floorspace rather than the potential popularity or success of a particular facility.
53. Concerns have also been raised by local residents regarding the width of Clarendon Crescent and the potential for on-street parking issues. It is noted however that the proposed residential development will introduce several new vehicular crossing points on Clarendon Crescent and as such, the level of available on-street parking space will reduce as a result. It cannot therefore reasonably be concluded that issues associated with on-street parking on Clarendon Crescent will be exacerbated as a result of the proposal, notwithstanding the scheme's compliance with the Council's adopted parking standards. The scale of the proposed development is such that there is not considered to be a significant detrimental impact though on-street parking on Clarendon Crescent or other nearby roads, as supported by the comments of the LHA.
54. Whilst the concerns of local residents regarding parking provision are acknowledged, regard must be had to the Council's adopted Development Plan policies and guidance (in this case Core Strategy Policy L4 and SPD3) as well as the provisions of the NPPF, specifically that development should only be refused on transport grounds where the residual cumulative impacts are 'severe'. Given that the development is in compliance with adopted parking standards and also relates to an existing facility, the transport impacts cannot reasonably be deemed to be 'severe' and the application is therefore considered acceptable in this respect. A condition will be attached to any consent issued requiring the retention of all parking spaces shown on the submitted plans. A condition will also be imposed which requires the developer to provide a Travel and Parking Management Plan. This would, amongst other things, require the developer to

secure the provision of painted 'H-bars' across the access points to the existing dwellings opposite the site on Clarendon Crescent should any of the residents approach the club and ask for one to be introduced. This is to deter the parking of vehicles associated with the Club across private driveways following the development being brought into use.

55. The proposals include the retention of the existing vehicular access point from Clarendon Crescent as well as the creation of a second access point from Dane Road. This arrangement is accepted by the LHA and indeed, is considered to represent an improvement on the existing situation, allowing vehicles to more easily enter and exit the car park, particularly when dropping-off/picking-up. It is hoped that this will lessen the occurrence of parents parking on Clarendon Crescent when dropping off children at the club. The applicant has submitted a plan with visibility splays which demonstrates that the required 2.4m by 43m can be achieved from both access points.
56. SPD3 requires a minimum of two cycle parking spaces to be provided for a D2 use such as this. The application includes the provision of a cycle shelter with space for up to ten bicycles and this is deemed to be appropriate for a facility of this scale. A condition will be attached to any consent issued requiring the submission of full details of the proposed cycle shelter. Secure cycle storage can easily be made available for the proposed dwellings through the provision of a shed in the back garden, or within the integral garages.
57. It is noted that the applicant has submitted a 'Traffic Management Document' which includes a number of measures for the effective use of the parking facilities by visiting members of the public, including the provision of marshals when appropriate. These measures will help to ensure that potential parking issues are minimised, however a condition will be attached to any consent issued requiring the submission of a more detailed Travel and Parking Management Plan which will require the approved measures to be implemented.
58. Given the above, the proposed development is considered to be acceptable with regard to highway matters.

TREES, LANDSCAPING AND ECOLOGY

59. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution.
60. A number of trees within the site will be lost as a result of the development whilst the existing hedgerow to the western side of Clarendon Crescent will also be removed. An appropriate condition requiring the protection of existing trees on

site and the submission of a detailed landscaping scheme is considered to be sufficient to ensure this loss of green infrastructure is adequately compensated for.

61. SPD1 seeks to achieve three additional trees within the curtilage of each residential property and one tree per 30sqm of GIA for leisure facilities. It is noted that the submitted plans show two trees to be provided within the rear garden and one in the front of each dwelling. A condition will be attached to any consent issued requiring the submission of a detailed landscaping scheme in order to ensure that an appropriate contribution is made to on-site green infrastructure.
62. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 118 of the NPPF states that *"if significant harm resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*.
63. The application is accompanied by a preliminary ecological assessment undertaken in June 2017 and a follow-up assessment from September 2017 to incorporate additional bat surveys. The latter of these concludes that the proposed development is feasible and acceptable with regard to ecological considerations and the NPPF. This is subject to recommendations including measures for the protection of bird and bats associated with the site along with measures for ecological enhancement.
64. It is noted that representations to the application raise concerns regarding the impact of the proposed ball-stop netting on wildlife. The Greater Manchester Ecology Unit (GMEU) has been consulted on the application and concurs with the recommendations made in the submitted assessment and no objections are raised with regard to the proposed netting. On this basis, the application is considered to be acceptable with regard to matters of ecology subject to the imposition of appropriate conditions.

OTHER MATTERS

Security and safety:

65. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety.
66. A Crime Assessment has been submitted alongside the application and notes that the development has been designed to reduce crime through 'built-in' security measures, including natural surveillance, good lighting and the elimination of hiding places. Whilst no specific recommendations are made, this

concludes that a full Crime Prevention Plan would be formulated to address specific crime-related issues.

67. Greater Manchester Police's Design for Security section has been consulted and has recommended a number of security measures, including the installation of gates to the access points, the use of appropriate external lighting and planting of limited height in the interests of natural surveillance. It is noted that no gates are proposed to either access point however on balance, it is not considered appropriate to require these due to the visual impact they would have on the streetscene and the character of the area. Conditions will be attached to any consent issued requiring the submission of external lighting details and a full landscaping scheme. On this basis, the proposed development is considered to be acceptable with regard to matters of security and safety.

Flooding and drainage:

68. 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 100 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.
69. The application site falls within Flood Zone 1 as defined by the Environment Agency, having a low probability of flooding although the site does fall within a Critical Drainage Area. The applicant has submitted a Flood Risk Assessment and detailed drainage strategy to accompany the application.
70. The Lead Local Flood Authority has been consulted on the application and has not raised any objections to the development, subject to the imposition of planning conditions relating to the submission of a detailed drainage scheme and a Sustainable Urban Drainage Scheme. On this basis, the application is deemed to be acceptable in this respect.

Contaminated land:

71. The application is accompanied by a 'Preliminary Geoenvironmental Appraisal' which recommends that intrusive investigation is carried out to fully assess matters of contamination. The Council's Pollution and Licensing section has been consulted and advises that a condition should be attached to any consent issued requiring the submission of details of suitable gas protection measures to be implemented. On this basis, the application is considered to be acceptable with regard to matters of contaminated land.

External lighting:

72. The application does not include details of any proposed external lighting. The Greater Manchester Ecology Unit has advised that a condition should be attached to any consent issued requiring the submission of a 'lighting design strategy for biodiversity'. This is to ensure that any external lighting does not cause disturbance to bats and is appropriately sited. Subject to this condition, the proposed development is deemed to be acceptable in this respect.
73. An appropriately worded condition will also be sufficient to address concerns raised by local residents regarding light pollution and the impact on amenity through excessive light.

Other representations:

74. Most of the concerns raised by local residents have been addressed in the appropriate sections of this report above, however a number of other concerns not covered are considered below.
75. A number of responses raise concerns that the proposed development will have a negative impact on values of existing houses in the area. This is not a matter for consideration in the planning process, however potential impacts on the amenity of nearby properties have been assessed above.
76. Further concerns relate to the potential future phases of development on land to the east of Clarendon Crescent (currently used as football and rugby pitches). This land does not form part of the current application and as such, these are not matters for which this application can be refused.
77. Other concerns relate to a lack of resident engagement and support for the scheme. It is noted that pre-application consultation by the developer is not a statutory requirement whilst full public consultation on the planning application has been carried out in line with the provisions for publicity set out in the Development Management Procedure Order (DMPO). All representations received as a result of this consultation have been taken into consideration in the determination of the application.
78. With regard to potential disruption to local residents during the construction phase, this is not a matter for which permission can reasonably be refused, given that some level of disturbance would be expected as part of any development. A condition will however be attached to any consent issued requiring the submission of a Construction Method Statement in order to ensure potential impacts during construction are minimised as far as possible.

DEVELOPER CONTRIBUTIONS & AFFORDABLE HOUSING

79. The proposed development would be liable to a CIL (Community Infrastructure Levy) rate of £40 per sqm for the proposed dwellings (being situated in a

'moderate' CIL charging zone) and £0 per sqm for the sports club facilities (constituting a community use and therefore 'all other development').

80. For the purposes of affordable housing, the site is located within a 'moderate' market location, where a 20% affordable housing target will be applied in 'normal' market conditions, as prescribed by Policy L2 of the Core Strategy. Paragraph 3.12 of SPD1 recognises that under 'poor' market conditions, a 20% contribution could inhibit development in 'moderate' market locations and therefore applications for development under these market conditions will have a reduced affordable housing requirement of 10%.

81. The applicant has agreed to pay £210,000 towards the provision of off-site affordable housing, which is in accordance with the above policy requirement. As such, the application is acceptable in this respect.

82. A number of representations raise concerns regarding the impact of the proposed development on local GPs, schools and other community facilities. The number of residential units proposed is not considered to be high enough to warrant a refusal of permission on these grounds or a request for contributions towards these facilities, as the resulting impact would not be significant. As noted above, the residential element of the scheme does attract CIL contributions.

CONCLUSION

83. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site. The development accords with the Development Plan and relevant supplementary planning documents, and where these are silent or out of date, national planning policy. Any residual harm can be mitigated through the use of suitable planning conditions. As such, the application is recommended for approval subject to the conditions listed below.

RECOMMENDATION

That Members resolve that they would be **MINDED TO GRANT** planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure :
 - A contribution of £210,000 towards the provision of off-site affordable housing
- (ii) To carry out minor drafting amendments to any planning condition.

(iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.

(iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions (unless amended by (ii) above): -

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

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

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

AFL-00-ZZ-DR-A-00109 (Rev P03)
AFL-00-ZZ-DR-A-00110 (Rev P01)
AFL-00-ZZ-DR-A-00111 (Rev P01)
AFL-00-ZZ-DR-A-00112 (Rev P01)
AFL-Z1-XX-DR-A-20211 (Rev P05)
AFL-Z1-XX-DR-A-20212 (Rev P05)
AFL-Z1-XX-DR-A-20213 (Rev P07)
AFL-Z3-XX-DR-A-20201 (Rev P04)
AFL-Z3-XX-DR-A-20202 (Rev P04)
AFL-Z2-XX-DR-A-20216 (Rev P04)
AFL-Z2-XX-DR-A-20215 (Rev P04)
AFL-00-ZZ-DR-A-00105 (Rev P04)
AFL-00-ZZ-DR-00106 (Rev P05)
AFL-00-ZZ-DR-00107 (Rev P05)
AFL-00-XX-DR-A-00201 (Rev P03)
AFL-Z2-XX-DR-A-20220 (Rev P04)
AFL-Z2-ZZ-DR-A-20101 (Rev P04)
AFL-Z2-RF-DR-A-20101 (Rev P02)
AFL-Z1-01-DR-A-20101 (Rev P05)
AFL-Z1-GF-DR-A-20101 (Rev P05)
AFL-Z1-RF-DR-A-20101 (Rev P02)
AFL-Z1-XX-DR-A-20214 (Rev P04)
AFL-Z3-00-DR-A-20101 (Rev P02)
AFL-Z3-RF-DR-A-20101 (Rev P02)

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

3. (a) The safety netting to be installed between the cricket ground and the dwellings hereby permitted (the location of which is shown on drawing no. AFL-00-ZZ-DR-A-00111 Rev P01) shall be a maximum of 12m in height (with poles 80mm x 80mm at no less than 8m centres and netting to ECB standards) and shall be in place prior to any construction works taking place on the site, or prior to the start of the next cricket season following construction works taking place on site, whichever is the earlier.
 - b) Following first installation, the safety netting shall only be erected during the Club's cricket season. Within that season it shall be erected only between the hours of 1700 on Fridays and 0900 on Mondays; and for the duration of any weekday cricket matches. At all other times the netting shall be taken down and the poles demounted.

Reason: To protect construction workers and the occupiers of the proposed dwellings during cricket matches, and to ensure that the proposed residential development does not prejudice the use of the playing field, having regard to Policies R5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No development shall take place unless and until full details of the Sustainable Drainage Scheme, which shall include a maintenance and management plan for the site, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the course of the development, and thereafter managed and maintained in accordance with the approved details.

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. No development shall take place unless and until details of suitable measures to be incorporated into the development for the prevention of any ingress of landfill gas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The site is within 250m of two landfill sites and these measures are required to ensure the safe development of the site in the interests of the amenity of future occupiers having regard to Core Strategy Policies L5 and L7 and the National Planning Policy Framework. The scheme is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in risks to site operatives.

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

- (i) the parking of vehicles of site operatives and visitors
- (ii) the loading and unloading of plant and materials
- (iii) the 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 the National Planning Policy Framework.

8. No development shall take place unless and until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The phase II report of the findings must include:

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

- (ii) an assessment of the potential risks to: - human health, - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - adjoining land, - groundwaters and surface waters, - ecological systems, - archaeological sites and ancient monuments;
- (iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers having regard to Core Strategy Policies L5 and L7 and the National Planning Policy Framework. The scheme is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in risks to site operatives.

9. No development shall take place until details of existing and finished site levels and floor 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: Such details need to be incorporated into the design of the development, in the interests of amenity and in compliance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. No development shall take place (including demolition, ground works, vegetation clearance) 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. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: These details are required prior to commencement as removal of Rhododendron is essential before any development takes place. In the interests of removing an invasive non-native species from the site in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

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

12. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority prior to any vegetation clearance.

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.

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

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

14. Construction of the cricket nets shall not commence until details of the design and layout of these cricket nets have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The cricket nets shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policies L7 and R5 of the Trafford Core Strategy and paragraph 74(ii) of the NPPF.

15. The development shall not be brought into use unless and until elevations of the cycle storage facilities for 10no bicycles, as shown on the approved plans have

been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be implemented and made available for use prior to the development being first brought into use.

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.

16. The development shall not be brought into use unless and until a fully detailed Travel and Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following:

- (i) Measures to promote the use of public and sustainable methods of transport
- (ii) A scheme for the management of vehicles visiting the site during sporting events, including drop-off and pick-up arrangements
- (iii) Details of centre line markings on Dane Road
- (iv) Confirmation that painted 'H-bars' will be provided to existing dwellings, through the LHA, on Clarendon Crescent as required

The approved plan shall be implemented in full at all times following the development being first brought into use.

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

17. The development hereby approved shall not be brought into use unless and until a scheme for Biodiversity Enhancement Measures, as set out in section 5.0 of the Ecological Survey and Assessment dated June 2017 ref: ERAP Ltd 2016-256, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use.

Reason: In order to protect any bats that may be present on the site having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

18. The development hereby approved shall not be occupied unless and until a 'lighting design strategy for biodiversity' for all areas to be externally lit has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to protect any bats that may be present on the site or in the surrounding area having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

19. 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. These details shall include the 'green wall' to the storage area of the clubhouse building, 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.

20. The development hereby permitted shall not be occupied 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. These areas shall thereafter be retained and not be put to any other use than their intended purpose.

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

21. The approved clubhouse/pavilion shall not be brought into use unless and until a suitable air handling/ventilation scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the clubhouse/pavilion being first brought into use.

Reason: To enable sufficient ventilation during the hottest periods of the year and in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

22. The dwellings hereby approved shall not be occupied unless and until the approved clubhouse/pavilion has been erected and made available for use.

Reason: The residential development is only justifiable on the basis that the clubhouse/pavilion works are carried out and this condition ensures that both elements of the scheme are brought forward concurrently. Required in accordance with Policy R5 of the Trafford Core Strategy and the National Planning Policy Framework.

23. The groundsman's store shown on the approved plans shall not be erected unless and until full details of this building have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans, elevations and materials to be used.

Reason: These details have not been provided with the application and in the interests of the visual amenity of the area, in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

24. The development shall not be brought into use unless and until a Community Use Agreement has been submitted to and approved in writing by the local planning authority. The Agreement shall be adhered to at all times thereafter.

Reason: In order to ensure the sports facilities remain available for use by the local community in accordance with Policy R5 of the Trafford Core Strategy.

25. The clubhouse hereby approved shall not be open for use as a venue for external functions outside of the following hours:

09.00 – 22.00 Monday – Thursday
09.00 – 00.30 Friday and Saturday

The clubhouse shall not be used for this purpose at any time on Sundays and Public Holidays.

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

26. The cricket practice nets hereby approved shall not be used outside of 18.00 – 20.00 on any day of the week.

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

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

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

28. The doors serving the balcony to the pavilion/clubhouse shall remain closed at all times during the performance of any amplified/live music.

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

29. The planted privacy screen to residential plot no. 1 shown on the approved drawings shall be implemented prior to the first occupation of this dwelling. This screen shall comprise evergreen planting and shall be maintained and retained thereafter.

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

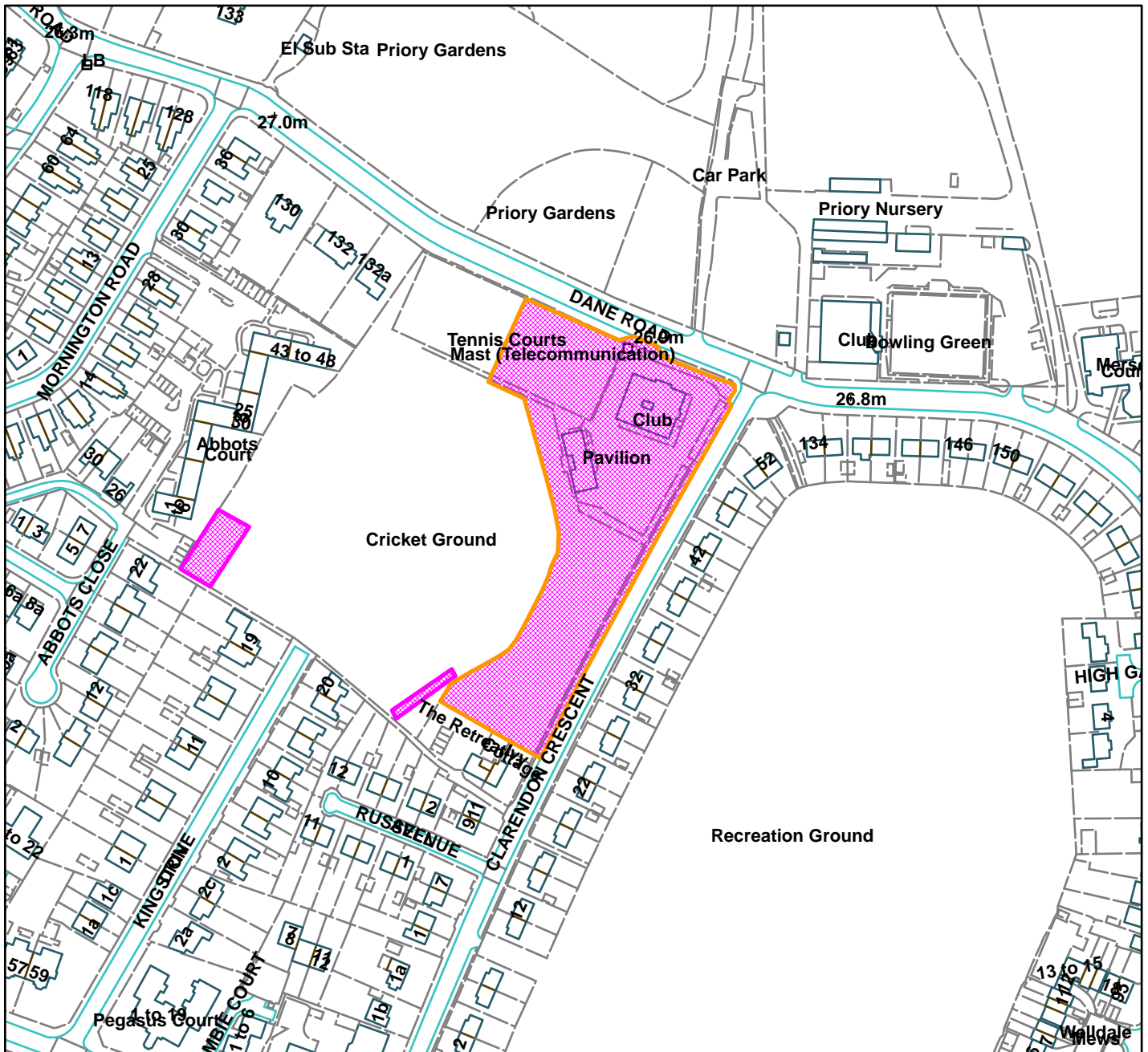
30. The integral garages associated with the dwellings hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason: To ensure adequate off-street parking provision is retained and thereby avoid the harm to amenity, safety and convenience caused by on-street parking, 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.

JD



Sale Sports Club, Clarendon Crescent, Sale (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date - 09/11/17
Date	30/10/2017
MSA Number	100023172 (2012)

WARD: Urmston

91984/FUL/17

DEPARTURE: No

Demolition of the existing building and the adjacent church and erection of a mixed development of four storeys high with 29 no. residential units and office space.

50 - 78 Higher Road, Urmston, Manchester, M41 9AP

APPLICANT: Levertch

AGENT: Howard & Seddon ARIBA

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

This application is to be reported to the Planning and Development Management Committee as there have been 6 or more representations contrary to the officer recommendation.

SITE

The application relates to a roughly rectangular site at the junction of Higher Road and Ashfield Road in Urmston. At present the site comprises a two storey flat roofed modern brick commercial building and a single storey wooden church building (Urmston Evangelical Church) with associated detached outbuilding adjacent to the eastern boundary. There is a forecourt area to the front of the two storey building used for car parking with railings and gates along the front boundary. There is steel palisade fencing to the front and side boundaries of the church building and hedging and shrubs.

To the south the site adjoins the grounds and buildings of the 2nd Urmston Scout Group. These buildings are set back on the site with an area of grass and hardstanding to the front. Beyond the scout group site to the south is the northern side elevation of No. 41, Ashfield Road and the rear elevations of No's 2-6 (evens) Dorclyn Avenue. There is a detached single storey outbuilding on the Scout Group site adjacent to the rear garden boundaries of 41 Ashfield Road and 2-6 Dorclyn Avenue. There is a concrete boundary fence along the southern boundary of the scout club site with these properties. Dorclyn Avenue is a residential cul-de-sac.

To the east of the site across Ashfield Road is a Working Men's Club with bowling green to the rear. There are outbuildings along the western edge of the bowling green and there is a substantial brick boundary wall onto Ashfield Road. Beyond the bowling green to the south is the northern side elevation of 40, Ashfield Road, a detached house.

There are substantial warehouse buildings across Higher Road to the north. The buildings on the northern side of Higher Road at this point are generally larger in scale

and commercial in nature with the exception of No. 53 to the northeast of the site which appears to be in mixed retail and residential use.

There is a two storey commercial building attached to the western side of the two storey building on the application site with parking on the Higher Road frontage.

PROPOSAL

Planning permission is sought for the demolition of the existing buildings and structures on the site and comprehensive redevelopment to create a mixed use residential and office development.

The existing buildings on the site to be demolished comprise a 2 storey commercial premises fronting Higher Road and the detached single storey Urmston Evangelical Church building with associated single storey outbuilding adjacent to the boundary with Ashfield Road.

The proposed building would be four storeys with a basement parking area and a roof terrace. The height of the main roof would be 11.4m with the maximum height of the building (to the top of the lift shaft) of 14.05 metres. The proposed material palette would comprise, brick, render, timber cladding and rain screen tiling and aluminium windows.

The development will comprise a total of 29 apartments (of which 6 would be affordable) - 7 x 1 bed and 22 x 2 bed and 276m² of office development (Use Class B1) including conference room and reception area.

The proposed office space would be at ground level only with apartments across all four floors above basement level.

There would be pedestrian accesses to the site from Higher Road and Ashfield Road. Two vehicular accesses are proposed, one off Ashfield Road to the basement parking and one off Higher Road to surface level parking. The basement parking would comprise 27 car parking spaces in total four of which would be accessible spaces and also 3 motorcycle spaces. At ground level four surface level parking spaces including two accessible spaces are proposed.

A total of 30 cycle parking spaces are proposed on the site, 2 for the office space on the northern frontage of the building and 28 for the apartments in the southwestern corner of the site.

Screened terraces are proposed for Apartments 9, 10 and 11 at first floor level and a large screened communal roof terrace is also proposed on the top of the building accessed via stairs and a lift.

Refuse bins would be stored in an enclosed internal store adjacent to the southern boundary for collection directly off Ashfield Road.

The total floorspace of the proposed offices would be 276 m².

The total floorspace of the proposed new dwellings would be approx. 1936m².

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L1 – Land for New Homes

L2 – Meeting Housing Needs

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

W1 – Economy

W2 – Town Centres and Retail

R2 – Natural Environment

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS

Planning Guidelines: New Residential Development

SPD1: Planning Obligations

SPD3: Parking Standards and Design

GREATER MANCHESTER SPATIAL FRAMEWORK

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

89311/FUL/16 – Alterations to windows and doors at front and side elevations. Including the introduction of 3 no. roller security shutters – Approved 2016

83811/COU/2014 – Change of use of first floor from offices (Use Class B1) to massage and beauty parlour (Sui Generis) – Approved 2014

H/58890 – Change of use to wholesale/retail sale of DIY and home improvement goods with ancillary offices and storage – Approved 2004

H/29529 – Erection of a portacabin to provide additional accommodation for Sunday school – Approved 1989

H/06321 – Erection of extension to garage workshop with offices over – Approved 1978

H/03080 – Demolition of existing offices and extension to workshop and formation of new offices – Approved 1976

APPLICANT'S SUBMISSION

The application is supported by the following documents:

Planning Statement and Sequential Assessment addendum
Design and Access Statement
Acoustic Report
Air Quality Assessment

Drainage Strategy
Crime Impact Statement
Bat Survey
Tree Survey Plan and Schedule

The documents are referred to as appropriate in the report.

CONSULTATIONS

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

Strategic Planning and Growth - No objections in principle. Comments are set out in the Observations section of the report.

Lead Local Flood Authority – No objections in principle subject to appropriate conditions.

Pollution and Housing: -

Contaminated Land - The proposed development site has had previous commercial usage and there is the potential that contamination of the site may have occurred. For this reason a contaminated land condition is recommended.

Nuisance - The noise assessment follows national standards and concludes that suitable internal conditions can be achieved with standard thermal double glazing for all habitable windows, however an alternative ventilation system is required for a number of habitable rooms to ensure that noise ingress can be controlled whilst avoiding the need to open windows for fresh air flow and background ventilation. It is recommended that a condition be attached requiring the details of a suitable room ventilation system to be submitted for approval by LPA, including information to demonstrate the adequacy of the ventilation rates and sound insulation performance of the system.

The development is to be built onto the existing elevations of adjacent commercial/industrial and leisure uses, therefore it is recommended that a condition requiring a scheme of sound insulation to be submitted for LPA approval, prior to the commencement of the development, to ensure that the development can be sufficiently protected against the possibility structural borne sound transmission from the buildings that will adjoin the development.

A condition requiring an Obtrusive Light Assessment to be submitted for LPA approval to ensure that external lighting impacts into the windows of either new or existing sensitive receptors are within suitable margins.

Air Quality - The AQ assessment is acceptable, follows national standards and guidelines and concludes that the new receptors of the development will not be exposed to unacceptable air quality nor will the development have a significant impact on existing

pollution levels. The assessment also considers construction and demolition phase dust impacts and to mitigate the potential for adverse impact identified by the report, it is recommended that a condition be attached requiring a Construction Environmental Management Plan to be submitted following the advice of the report's Table 19: Fugitive Dust Mitigation Measures.

GM Ecology Unit – No Objection. All buildings were assessed as having negligible bat rooting potential. A precautionary informative relating to bats is recommended.

GM Police (Design for Security) – No objections subject to the proposed development being designed and constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement and the physical security specification listed within section 4 of the appendices within the submitted Crime Impact Statement. This should be the subject of a condition.

REPRESENTATIONS

Neighbours: Objections have been received from or on behalf of the occupiers of 16 separate addresses. Grounds of objection summarised below:

Highways Issues

- The existing parking situation in the area is terrible and this will exacerbate it.
- The roads are frequently double parked with vehicles blocking pavements and driveways due to the commercial premises on Higher Road, users of the scout hut and social club and proximity to Urmston Town Centre
- The roads are so narrow emergency vehicles and bin wagons will have difficulty getting down and access / egress from the development onto Ashfield Road would be difficult.
- The high levels of parking make manoeuvres dangerous at junctions and difficult for people trying to push wheelchairs or prams down the pavements and dangerous for children walking in the area around the scout hut.
- Parking issues will be terrible during construction due to contractor's vehicles
- No traffic impact assessment provided.
- Inadequate parking provided – do not consider it to represent 100% parking ratio.
- The existing church and commercial building are not in use so how can traffic generation be compared – this is misleading
- Should consider residents permit parking

Residential Amenity

- Loss of privacy through overlooking from windows and terraces
- Loss of outlook due to height of building. It will be overbearing at 4 storeys high.
- Concerns over noise and pollution during construction
- Concern over proximity of refuse store to residential properties resulting in odours and vermin
- Increase in air pollution

- Concerns raised by local business about how future occupiers of the development would be affected by the 24 hour operation of the business on this highly commercial section of Higher Road.

Visual Amenity

- A 4 storey block does not blend in to the streetscene which is predominantly 2 storey and it will appear as an eyesore in the area.

Other Matters

- Impact on local infrastructure – water pressure and sewerage.
- Extensive flash flooding has been witnessed in the area. Basement parking is contrary to good design principles.
- Devaluation of property
- Impact on television reception – no assessment of this
- No public consultation by the developer

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The site is currently occupied by a commercial premises and a church, both of which are proposed for demolition as part of this scheme. The proposal is for a mixed use development, comprising 29 residential units and 276 sq m of office floorspace.

Employment

2. Under Policy W1.12, when determining applications for the loss of employment floorspace on unallocated employment sites, the following tests need to be considered:
 - There is no need for the site to be retained for employment purposes and it is therefore redundant;
 - There is a clear need for the proposed land use(s) in this locality;
 - There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;
 - The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and
 - The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.
3. In terms of the need for the site to be retained in employment use the applicant states that the current commercial accommodation is no longer suitable or attractive to the market for modern day commercial premises. They also highlight other small scale industrial/warehouse premises in the area which are underutilised.

4. Criterion 2 relates to the need for the proposal in this locality. The applicant considers that this site is suitable for housing – it is a brownfield site, in flood zone 1 and is located close to services in Urmston town centre. There is also a need for additional housing within the borough.
5. The applicant has reviewed other potential alternative sites in the locality, located within a 500m radius of the site; they have also extended this to include the whole of Urmston Town Centre as part of the Sequential Test. The sequential assessment of the search area demonstrates that there are no suitable alternative sites available, particularly given the specific requirements of this mixed-use scheme.
6. In terms of the primary function of the locality, it is not considered that this proposal would compromise this. The area is mixed use in nature and it is considered that the redevelopment of this site would enhance the appearance of the site.

Town Centres

7. The application proposes 276 sqm of office floorspace as part of the scheme which, in accordance with the NPPF, is considered to be a 'main town centre' use. Core Strategy Policy W2 and paragraph 24 of the NPPF require a Sequential Test for main town centre uses that are not in an existing centre. As set out above the applicant has reviewed alternative sites in Urmston Town Centre and demonstrated satisfactorily that there are no suitable alternative sites.

Housing

8. The site is considered to be brownfield and the development would therefore make a positive contribution to the Councils brownfield land target in accordance with Policy L1.7 of the Adopted Core Strategy.
9. The Council does not, at present, have a five year supply of immediately available housing land. Given the lack of a demonstrable five year supply, the proposal should be considered in light of paragraph 49 of the NPPF. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
10. In accordance with Paragraph 49 the sustainability of the proposed development needs to be considered. The application site lies just outside Urmston town centre and is therefore in close proximity to services. The site is also within 750m of Urmston Railway Station.
11. The development will comprise a total of 29 apartments - 7 x 1 bed and 22 x 2 bed.
12. In accordance with Policy L2.6 the proposed mix of dwelling type and size should contribute to meeting the housing needs of the Borough. Policy L2.7 states that 1 bed general needs accommodation will normally only be acceptable for schemes

that support the regeneration of Trafford's town centres and the Regional Centre. It is considered given the proximity of Urmston Town Centre that the 1-bed element of the proposal constitutes an acceptable proportion of the development, particularly in the context of Paragraph 49 of the NPPF which is a material consideration which can be given considerable weight.

13. In terms of affordable housing the application site is located within a 'moderate' market location and therefore a 20% contribution would ordinarily be sought. In the Planning Statement the applicant has stated that they can provide a total of 6 affordable units on site, which equates to the policy requirement of 20% of the proposed development. This is in accordance with the requirements of Core Strategy Policy L2. Details of the mix and tenure can be secured via a section 106 agreement.
14. On balance there is no objection to the principle of the proposal subject to compliance with other relevant local and national policies.

IMPACT ON RESIDENTIAL AMENITY

15. Policy L7 states that 'In relation to matters of amenity protection, development must:
 - Be compatible with the surrounding area; and
 - Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
16. SPG1 New Residential Development sets out the guidelines that relate to all forms of new residential development. The Council's adopted SPG for new residential development provides guidance for development up to four storeys. This states that the minimum distance between developments that have major facing windows should be 24m across a public highway and 30m across private gardens.
17. Distances to rear garden boundaries from main windows should be at least 13.5 m for developments of three or more storeys to prevent loss of privacy to gardens. A distance of 15m is normally required to be maintained between a 2 storey wall and a main sole habitable room window in a neighbouring property to prevent development having an overbearing impact.
18. Concerns have been raised that the development will result in loss of privacy to the houses and gardens of nearby residential properties. There are no residential properties opposite the site to the north and the attached buildings on the western side are in commercial use. To the east of the site across Ashfield Road is a Working Men's Social Club and bowling green. The main residential areas in the vicinity of the site are to the south and southeast on Ashfield Road, Dorclyn Avenue

and Central Drive. These dwellings comprise a mix of detached and semi-detached two storey properties.

19. The nearest dwelling house opposite the site is No. 41, Ashfield Road which fronts Ashfield Road to the east. The proposed development would be to the north of the northern side elevation of No. 41 Ashfield Road and its rear garden with the scout group site in between. No. 41, Ashfield Rd has a single storey side / rear extension and 3 no first floor windows in the side elevation which are obscure glazed. The southern boundary of the application site is 23 metres away from the northern side boundary of No. 41 and as there are no main habitable room windows in the northern side elevation of No. 41, would not result in interlooking between windows. The main outlook from No. 41 is from the main front and rear windows which would not look onto the development. The private garden area at No. 41 is partly screened by the outbuilding at the scout group site and the concrete boundary wall. Notwithstanding this, the separation distance of 23 metres is well in excess of the Council's adopted guidelines which would require a distance of 13.5 metres for buildings of 3 storeys or more. The roof terrace at the proposed development would be screened by 1.7 metre high fencing and is set a further 2.6 metres away from the main roof edge resulting in a total distance from the terrace to the boundary with No. 41 Ashfield Road of approximately 30m. It is not therefore considered that the development would result in a material loss of privacy, light or outlook to this property.
20. No's 2-6 (evens) Dorclyn Avenue front Dorclyn Avenue to the south of the site with their rear elevations and private garden areas adjoining the boundary with the Scout Group site. There is a concrete boundary fence along this boundary and the main scout building and a single storey outbuilding within the scout group's grounds are adjacent to the rear garden boundaries of these properties. Concerns have been raised regarding the impact on rear outlook from these properties and that the building would be overbearing due to its height. A distance of approximately 24 metres from the rear garden boundaries and 37 metres away from the rear elevations of the houses would be maintained which is significantly in excess of the required distances set out in the Council's adopted guidelines. It is not therefore considered that the development would be overbearing or result in a material loss of light or outlook from these properties. With regard to privacy, again the distances are significantly in excess of the required distances in the adopted guidelines. In addition to these distances, given the structures already along the boundary with these properties, it is not considered that the proposal would result in a material loss of privacy to these houses.
21. No. 53 Higher Road appears to be at least partly in residential use although it is unclear if it is currently occupied. However this property is not directly opposite the site, being offset to the northeast and across Higher Road. It is not therefore considered that the development would have a material impact on the amenities of the occupiers of that property.

Noise and Disturbance

22. Concerns have been raised by local residents about the impact of construction works on their amenity in terms of noise, air pollution and vehicular movements. In relation to the construction phase a Construction Management Plan condition is recommended to ensure that the construction takes place in a manner that seeks to minimise disruption for local residents. This would cover issues such as hours of working, measures to control the emission of dust and dirt and parking and movement of construction vehicles.
23. Concerns have also been raised over the proximity of the refuse store to residential properties and that this would result in odours and vermin. The proposed refuse store is internal and contained in a store at ground floor level within the building. The refuse would only be taken out on bin collection days and is at least 23 metres away from the nearest residential property. As the refuse would be contained within a store there is no reason to believe that it would result in significant emission of odours or increase in vermin.
24. In conclusion the proposal would not result in material harm to the living conditions of occupiers of neighbouring properties and is considered to be compliant with Core Strategy Policy L7 and the NPPF.

Quality of accommodation

25. The proposed flats would have habitable room windows in the north, east and south elevations. Given the distances to the nearest adjacent properties it is considered that the future occupiers of the flats would have acceptable levels of light, privacy and outlook.

Amenity Space

26. The Council's SPG: New Residential Development expects most new dwellings, including apartments, to provide some private outdoor amenity space. The Council's Guidelines for new residential development indicate 18 sq. m of adequately screened communal area per flat is generally sufficient for the functional requirements. This application includes a main terrace on the roof as well as individual terraces for 3 first floor flats with a total amenity area of approx. 554 m² which is compliant with the required communal area per flat overall.

Noise and Disturbance

27. Concerns have been raised by a local business about the noise impacts of existing businesses on Higher Road on the future occupiers of the flats. The Pollution and Housing section have commented that the noise assessment concludes that suitable internal conditions can be achieved with standard thermal double glazing for all

habitable windows, however an alternative ventilation system is required for a number of habitable rooms to ensure that noise ingress can be controlled whilst avoiding the need to open windows for fresh air flow and background ventilation. On this basis it is considered that the noise impacts would be acceptable subject to a condition requiring the details of a suitable room ventilation system including information to demonstrate the adequacy of the ventilation rates and sound insulation performance of the system.

28. In addition it is noted that the development is to be built onto the existing elevations of adjacent commercial/industrial/leisure uses, and a condition requiring a scheme of sound insulation to ensure that the development can be sufficiently protected against the possibility structural borne sound transmission from these buildings is recommended. As such the proposal is considered to provide a sufficient level of accommodation for future occupiers.

DESIGN, LAYOUT AND STREETSCENE

29. In relation to matters of design, Policy L7 of the Core Strategy states development must:

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

30. The application proposes the erection of a mixed use block of development at the junction of Higher Road and Ashfield Road. The building reflects the existing building lines of the properties on Higher Road with a forecourt area resulting in the building being set back from Higher Road. The main building line on the Ashfield Road frontage would be set back approximately 3.2 metres from the pavement on Ashfield Road with overhanging elements on the upper floors. This would be closer to the road frontage than the nearest adjacent residential property to the south (No. 41 Ashfield Road) but there is no established building line at this point given that the adjacent scout building is set well back on its site.

31. The building would be attached on the western side and southern sides to the existing buildings on the next door sites as is the case at the present time. At four storeys the building would be taller than adjacent buildings; however this is not considered excessive in height at 11.4 metres and would allow for efficient use of the land. The elevations are broken up through recessed areas and the use of materials to provide some relief and visual interest.

32. Amended plans have been submitted to reduce the height and prominence of the lift shaft and stairs on the roof. The fencing around the roof terrace would be set back

between 2.6 and 3.6 metres from the main roof edge and the visual impact from street level would be reduced by this. It is considered that some element of planting should be included to further soften the appearance of the roof terrace and this can be achieved via a landscaping condition.

33. The ground floor level of the building would incorporate facing brickwork with limited timber cladding and incorporates windows and doors to provide active frontages at street level. Render, rain screen tiling and timber cladding is proposed on the upper floors.
34. Concerns have been raised that the building would be out of keeping in scale and design with the wider area. However the character of the area is varied in nature and ranges from 2 storey residential buildings and single storey scout club buildings to the south to substantial functional commercial buildings to the north. Given that this is a prominent corner site on a main road in a mixed use area it is considered that it can accommodate a development of this nature.
35. There are no trees on the site at present and the accompanying statement indicates that the existing hedging and shrubs would be retained on the site. However it is considered that this is unlikely given the scale of the construction required and the siting of the existing landscaping. A landscaping condition is therefore recommended to ensure that the site is appropriately landscaped at both ground and roof level.
36. A Crime Impact Assessment has been submitted in support of the application and the GM Police (Design for Security) consider that the proposals set out in the document are acceptable but recommend a condition requiring that the proposed development is designed and constructed in accordance with the recommendations contained within it.
37. It is therefore considered that the design of the scheme is acceptable and would not result in material harm to the streetscene or character of the area in compliance with Core Strategy Policies L5, L7 and the NPPF.

HIGHWAYS AND PARKING

38. Policy L7 states that 'In relation to matters of functionality, development must:

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

39. A number of objections have been received from local residents in relation to the impact of the proposals on parking and congestion in the area.

Appropriateness of Access

40. The scheme incorporates vehicular access and egress off Higher Road and from Ashfield Road. These are considered satisfactory. However, two vehicular crossings/accesses will be required and the applicant will need to enter into a Section 278 Agreement to carry out these works.
41. Traffic parking on Ashfield Road will need to be restricted through the use of traffic orders as on street parking currently restricts two-way flow along Ashfield Road and may cause problems for the proposed access to the underground parking area. The applicant has been made aware of this requirement and has confirmed agreement to it in principle.

Servicing Arrangements

42. A secure refuse store is provided internally at the rear of the block, allowing ease of access for future residents / occupiers. On collection days, bins can be wheeled to the collection point on Ashfield Road.

Car Parking and Cycle Parking

43. The proposal includes underground basement car parking for 27 car parking spaces including 4no. mobility spaces to serve the residential elements of the proposal. 3no. motorcycle spaces are also provided at basement level. Access to the basement parking area is obtained from Ashfield Road.
44. At ground level, a further 4 car parking spaces (including 2 no. mobility spaces) are provided at the front of the site, to serve the office accommodation.
45. SPD3 requirements are 2 spaces for the 2-bedroom apartments (44) and 1 space for each 1 bedroom apartment (7). There is a requirement of 9 spaces for the office, giving a total requirement of 60 spaces. Thus, SPD3 requirements, which are a maximum standard, are approximately 50% met. There are also 30 cycle parking spaces at ground level (28 for the apartments and 2 for the offices). Due to the sustainable location of the apartments this is considered acceptable. A travel plan has been submitted and a condition requiring such a plan to be implemented and monitored is recommended.
46. The use and potential traffic generation of existing buildings on the site is relevant to consideration of the proposal as even if they are not currently in use, they could be brought back into use at any time for their authorised uses.
47. The submission of a transport assessment is not required in relation to a development of this size but the proposals have been assessed by the LHA and they have no objection in principle on highway grounds. Consequently it is considered that subject to appropriate conditions relating to off-site highways works the

highways impacts of the proposed development are acceptable and compliant with Policies L4 and L7 of the Core Strategy and the NPPF.

ECOLOGY AND TREES

48. The GMEU have not raised an objection to the proposal as the submitted bat survey concludes that the buildings are assessed as having negligible bat rooting potential. An informative relating to bats is recommended.
49. A tree survey plan and schedule has been submitted which indicates an off-site sycamore tree and young re-growth from an adjacent stump. Mixed ornamental shrubs and an overgrown Lawson cypress boundary hedge are indicated on the site. The tree is not protected and is off site on the adjacent site to the south albeit close to the site boundary. The nearest part of the proposed development to the tree would be the southeastern corner of the building which is considered to be largely outside the zone of influence for the sycamore, however a standard tree protection condition is recommended as a precautionary measure.

FLOOD RISK AND DRAINAGE

50. The concerns about flooding in the area are noted. However the Lead Local Flood Authority has not raised any objections to the proposals in principle subject to appropriate drainage conditions which include submission of details of flood resilience measures proposed for the basement and these are recommended accordingly.

LAND CONTAMINATION AND AIR QUALITY

51. The Pollution & Housing section have considered the proposals and recommend a contaminated land condition in view of the previous commercial usage of the site.
52. The Air Quality Assessment concludes that the new receptors of the development will not be exposed to unacceptable air quality nor will the development have a significant impact on existing pollution levels. It is however recommended that a condition be attached requiring a Construction Environmental Management Plan to be submitted prior to work commencing.

OTHER MATTERS

53. The impact of a development on property values is not a material planning consideration.
54. With regard to the impact on television reception, as the building is only 4 storeys high with a flat roof and main roof height of 11.4 metres and is at least 23 metres away from the nearest residential property it is not considered that requiring an assessment in relation to television reception is reasonable.

55. Neighbours have commented that there has been no public consultation carried out by the developer. While such consultation is good practise it is not mandatory and neighbour consultation has been carried out in accordance with the relevant legislation as part of this application.

56. Given the scale of the development it is not considered that the impacts of the development on water pressure and sewerage would be significant. However this would be a matter for the relevant statutory undertakers at the point of adoption.

PLANNING BALANCE

57. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposals comprise an appropriate form of development for the site. The development accords with the Development Plan and relevant supplementary planning documents, and where these are silent or out of date, national planning policy. Any residual harm can be mitigated through the use of suitable planning conditions. As such, the application is recommended for approval subject to the conditions listed below.

DEVELOPER CONTRIBUTIONS

58. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the moderate zone for residential development, consequently apartments will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

59. This proposal is subject to the Community Infrastructure Levy (CIL) and also comes under the category of office development, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

60. Affordable Housing – The Council will seek to secure appropriate levels of affordable housing in accordance with Policy L2 of the Trafford Core Strategy. For the purposes of affordable housing, the proposal site would fall within a 'Moderate Market' location (not to be confused with the CIL charging zones which differ). In these moderate market locations a 20% affordable housing target will be sought. The applicant has proposed the inclusion of 6 affordable units within the scheme which is in accordance with the requirements of Core Strategy Policy L2. Details of the mix and tenure can be secured via a section 106 agreement.

61. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure and an appropriate contribution will be brought forward as part of the landscaping scheme required by condition.

RECOMMENDATION:

MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

That Members resolve that they would be **MINDED TO GRANT** planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

(i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:

- Six affordable housing units within the scheme

(ii) That upon satisfactory completion of the above legal agreement that planning permission be **GRANTED** subject to the following conditions:

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:-

Proposed Front and Rear Elevations – 105 Rev C
Proposed Side Elevations – 106 Rev C
Proposed Sections – 108 Rev B
Proposed Site Plan – 100 Rev C
Proposed Basement Floor Plan – 101 Rev B
Proposed Ground Floor Plan – 102 Rev B
Proposed First and Second Floor Plans – 103 Rev A
Proposed Third Floor and Roof Terrace Plans – 104 Rev A

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

3. Notwithstanding the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 in its entirety or any equivalent Order following the amendment, revocation and re-enactment thereof, the floorspace indicated on drawing no. 102 Revision B as office floorspace and associated ancillary areas shall be used for the purposes falling under Class B1 (a) Office of the

Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

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

4. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the buildings, including 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 L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

5. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works at ground and roof level 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, boundary treatments, planting plans to include additional native trees and shrubs, 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.

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

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

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

8. No above ground development shall take place unless and until detailed plans and a schedule of necessary highway works (including a timetable for the works) have been submitted to and approved by the Local Planning Authority. The works shall include:
 - the provision and extent of TROs
 - vehicular crossings / accesses to adoptable standards
 - reinstatement of any redundant vehicular crossovers to adoptable standard

Details shall be submitted only following the necessary consultation with the Local Highway Authority. Development shall be carried out in accordance with the approved details and timetable and retained thereafter.

Reason: In the interests of highway safety and to ensure a satisfactory relationship between existing and proposed development and having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. 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 motor vehicles and bicycles have been provided, constructed and surfaced in complete accordance with the plans hereby approved and shall be retained for the approved purposes thereafter.

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

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

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

11.No development shall take place unless and until full details of a Sustainable Drainage Scheme, which shall include maintenance and management plan for the site, have been submitted to and approved in writing by the Local Planning Authority. Details to be submitted shall include evidence of third party agreement to connection and discharge to their network if such agreement is required. The approved scheme shall be implemented during the course of the development, and thereafter managed and maintained in accordance with the approved details.

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12.No development shall take place until a scheme of flood resilience measures for the basement areas of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the scheme retained and maintained thereafter.

Reason: Such details need to be incorporated into the design of the development to prevent the risk of flooding by ensuring that surface water can be satisfactorily stored or disposed from the site having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

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

14. The proposed development shall be designed and constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement ref 2017/0311/CIS/01 Version A dated 8th June 2017 and specifically in accordance with the physical security specification listed within section 4 of the appendices within the submitted Crime Impact Statement and these measures shall be retained and maintained thereafter.

Reason. To ensure a safe and secure environment for users in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

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

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

16.No above ground construction works shall take place until a full external lighting scheme and a Obtrusive Light Impact Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of exterior lighting installations in order to demonstrate compliance with the Obtrusive Light Limitations of The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including details of any necessary mitigation measures. Any mitigation measures shall be implemented in full before the development hereby permitted is first occupied and shall be retained thereafter.

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

17.No above ground construction works shall take place until a scheme of sound insulation to demonstrate that the development can be sufficiently protected against the possibility of structural borne sound transmission from the attached buildings outside the site to the south and west has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved scheme maintained and retained thereafter.

Reason: In the interests of the residential amenity of future occupiers of the development having regard to Policy L7 of the Trafford Council and the National Planning Policy Framework.

18.No above ground construction works shall take place until details of a room ventilation system to protect against external noise, including information to demonstrate the adequacy of the ventilation rates and sound insulation performance of the system have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of the residential amenity of future occupiers of the development having regard to Policy L7 of the Trafford Council and the National Planning Policy Framework.

19.The development hereby approved shall not be occupied or brought into use unless and until a full Travel Plan, which should include measurable targets for reducing car travel, has been submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development hereby permitted the Travel Plan shall be implemented and thereafter shall continue to be implemented and monitored 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 and the National Planning Policy Framework.

20. No development works above ground level shall take place until detailed drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details listed below have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details.

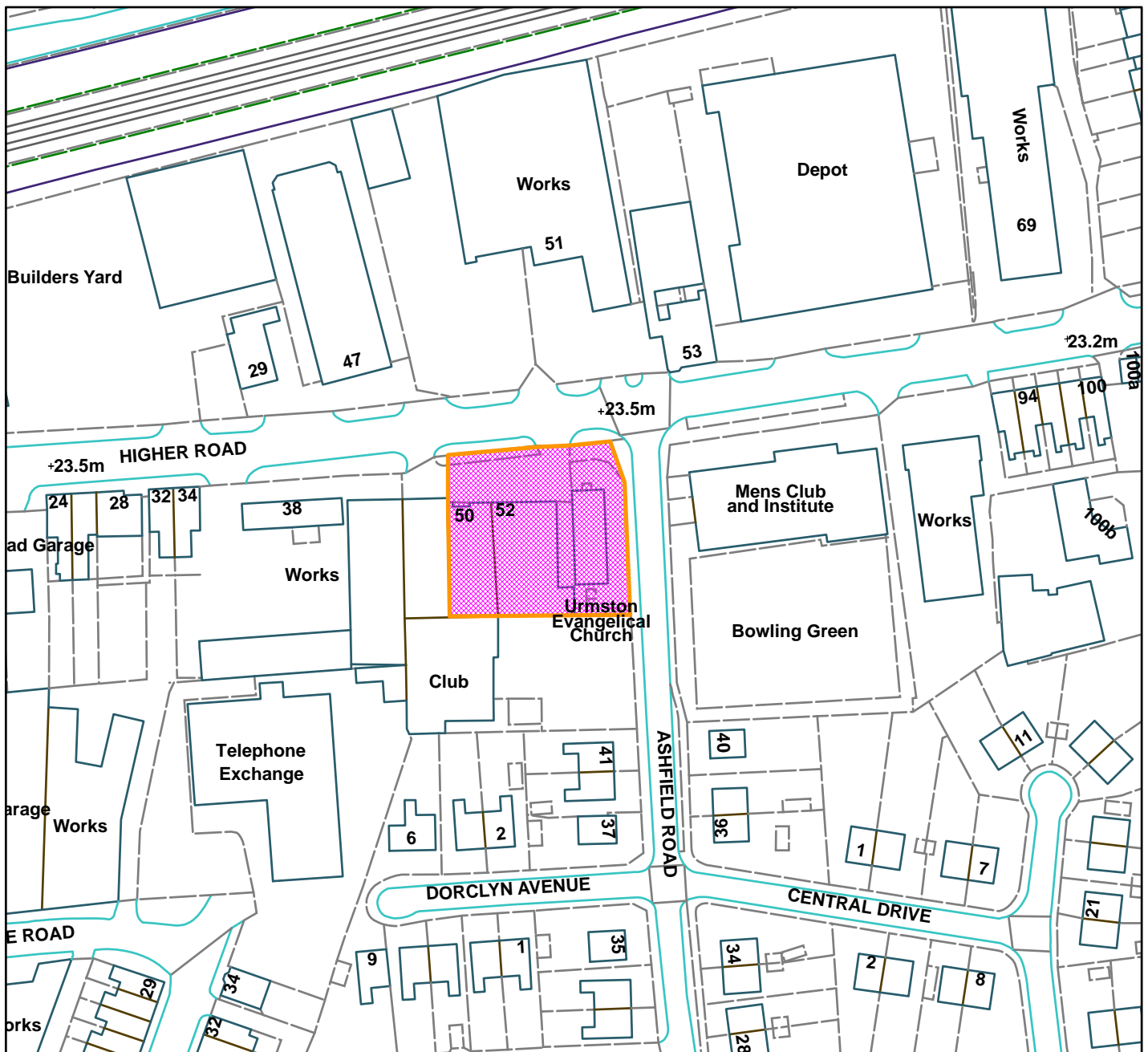
- i) All external window and door systems (including technical details (mullions and transoms, method of openings), elevations, plans and cross sections showing cills and reveal depths/colour) at scale 1:10;
- ii) Design and material of all main entrances including surrounds;
- iii) Rain water goods (including locations, fixings, material and colour) and;
- iv) Boundary treatment, including gates
- v) privacy screen (first floor and roof terrace)
- vi) Refuse and Cycle storage areas

Reason: To ensure a high quality standard of development and to safeguard the visual amenity of the locality in general in accordance Policy L7 of the Trafford Core Strategy.

JJ



50 - 78 Higher Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date - 09/11/17
Date	30/10/2017
MSA Number	100023172 (2012)

WARD: Brooklands

92210/VAR/17

DEPARTURE: No

Application for variation of condition 3 on planning permission 82837/FULL/2014 (Change of use of ground floor of premises from Use Class A3 (Restaurants and Cafes) to Use Class A5 (Hot Food Take-away). Alterations to shop front and installation of flue to rear of premises.). To extend the opening hours.

1 Marsland Road, Sale, M33 3HP

APPLICANT: Mr Hashimi

AGENT: HSH Engineering Design Service

RECOMMENDATION: GRANT

Councillors Dixon, Boyes, Hopps, Freeman and Bennett have requested that this application be determined by the Planning and Development Management Committee for reasons set out within the report.

SITE

The application site relates to a two storey end terrace property at the junction of Conway Road and Marsland Road. The ground floor of the premises is currently occupied by a hot food takeaway (Allen's Fried Chicken) and has frontages onto Conway Road and Marsland Road. The first floor is in use as an office. There is a garden / yard area enclosed by a wall to the southeast of the premises within which is a recently constructed single storey side / rear cold room extension. There is also an open paved area to the northeast of the premises. There are three garages within a detached garage block to the rear of the yard, which are set back from the pavement on Conway Road. Beyond these is an access road which runs to the rear of the premises on the terrace.

The attached premises (No. 3) are occupied by 'Mella Pizza' a hot food takeaway. The premises are located within a terrace of commercial premises including a restaurant, three other takeaways, a convenience store, a commercial vehicle delivery business, a funeral directors, dental practice and a charity shop. It appears that the first floor of the premises on the row are used for a mix of storage and residential accommodation. There are commercial premises to the north across Marsland Road and to the northeast across Conway Road. To the east, southeast and south (beyond the garage block) are residential properties fronting Conway Road. The site is located within Sale Moor District Shopping Centre.

PROPOSAL

Application for variation of condition 3 on planning permission 82837/FULL/2014 (Change of use of ground floor of premises from Use Class A3 (Restaurants and Cafes) to Use Class A5 (Hot Food Take-away). Alterations to shop front and installation of flue to rear of premises.) to extend the opening hours so they are as follows:

11.00 to 23.00 Monday to Wednesday
11.00 to 01.00 on Thursday to Saturday
11.00 to 23.00 on Sundays and Bank Holidays

The original permission 82837/FULL/2014 permitted opening hours of 11am-11pm 7 days a week so this application relates to extending the hours on 3 days – Thursday, Friday and Saturday.

There would be no floorspace increase.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility
L7 - Design
W2 – Town Centres & Retail

PROPOSALS MAP NOTATION

Town and District Shopping Centre

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S5 – Development in Town and District Shopping Centres
S13 – Non Shop Service uses within Town and District Shopping Centres

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

85879/VAR/15 – Application to vary condition 3 on planning permission 82837/FULL/2014 (Change of use of ground floor of premises from Use Class A3 (Restaurants and Cafes) to Use Class A5 (Hot Food Take-away). Alterations to shop front and installation of flue to rear of premises) to vary hours of opening to be between 11.00 and 24:00 (midnight) – Refused October 2015

84383/FUL/14 - Erection of single storey side/rear extension to form cold rooms – Approved Feb 2015

82837/FULL/2014 - Change of use of ground floor of premises from Use Class A3 (Restaurants and Cafes) to Use Class A5 (Hot Food Take-away). Alterations to shop front and installation of flue to rear of premises - Approved August 2014

H/69949 – Change of use of part of ground floor from shop (Class A1 Use) to café (Class A3 Use) - Approved 2008

APPLICANT'S SUBMISSION

The application is supported by a Design and Access Statement and this document will be referred to as appropriate in the report.

CONSULTATIONS

Pollution and Licensing (Nuisance) – No objection subject to compliance with the noise management plan and permission only being granted for one year in the first instance in order that the impact of the extended hours can be assessed.

G M Police (Design for Security) – No objection

LHA – No objection

REPRESENTATIONS

Cllrs Dixon, Boyes and Hopps have called the application in for the following reasons:

The extended hours till 1am is unacceptable in a residential area plus Elderly accommodation close by. The extracts from cooking aromas are unacceptable in a residential area particularly in the summer months when local houses have and need their windows open. The disturbance caused by extended hours is completely unacceptable in a residential area and general behaviour is of concern in the early hours up to midnight and 1am. It was refused before; nothing has changed so it should be refused again.

Cllrs Freeman and Bennett have called the application in for the following reasons:

This is the second time that Allen's Fried Chicken have made application for extended hours of operation and our objections to this application are based like last time around noise pollution, light pollution general disturbance caused by extended hours and loss of amenity for residents that live close by. It is important that resident's views receive serious consideration and a hearing in front of the Planning and Development Committee.

The report states that the business is having viability problems. However SIA approved Doorpersons cost between £20 and £30 per hour so the business is going to absorb in the region of an additional £150 per week (£600 per month) costs and have to make this from additional food sales before it starts making additional money. The need to employ 'bouncers' indicates that they anticipate that there will be disturbances late at night. This unit is in close proximity to many families with very young children.

A visit to the site to at relevant times and the amount of litter left by customers to the detriment of the area and local residents also paints a very different picture. The bin provided by the company for shop generated litter is now on the Council schedule for emptying.

Neighbours: Objections have been received from the occupiers of 4 separate addresses. Grounds of objection summarised below:

- The premises cause unpleasant smells – longer hours will result in an increase in this problem
- The takeaway generates litter- the operator has failed to demonstrate they can be a responsible business with the litter problem getting worse – the added bin does not help.
- There is already noise from groups of people congregating outside the takeaway – later hours will mean more noise and loss of amenities

- Customers dump their cars blocking pavements. Even though there is a no stopping zone during the day this does not deter them.
- Request from 3, Marsland Road that the extended licence is not granted as the business at No. 3 only profits from the extra hours that other businesses close and this will cause damage to their business.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT AND BACKGROUND

1. The principle of the use of the premises as a hot food takeaway was established by planning permission 82837/FULL/2014. In relation to this application to extend the hours of operation it is necessary to consider whether the proposal would be compliant with Policies L4 and L7 of the Trafford Core Strategy in relation to residential amenity, visual impact, crime and security and parking and highways issues.
2. The application site relates to the ground floor area of the premises. At first floor the premises are in use as an accountant's office. In 2014 permission was granted for change of use from café to hot food takeaway with a condition restricting the hours of operation to 11am-11pm 7 days a week.
3. It was noted at that time of the original approval that the proposed takeaway would be located within the commercial parade. It was however also acknowledged at that time that this particular premises differs to some extent from the others on the row due to the presence of an open area to the eastern side of the building, which opens onto both Marsland Road and Conway Road. Although this is the closest commercial premises in the parade of shops the publicly accessible parts of the premises are approximately 28 metres away from the nearest residential property to the rear (6 Conway Road) with intervening enclosed yard area, garage block and an access road. No. 1 Conway Road, the nearest dwelling to the southeast is approximately 26 metres away from the main eastern elevation of the premises across a road and with an intervening walled yard.
4. It was also noted at that time of the original approval that the takeaway at No. 3 is open until midnight Monday to Thursday, 1am Friday and Saturday and 12.30am on Sunday. However it was considered that No. 1, in view of the open area to the side and the closer relationship with the residential properties on Conway Road, should be restricted to 11pm closing due to the different relationship to nearby residential properties. On balance, it was considered that, the proposed use could operate from the premises without causing an undue adverse impact on nearby residents provided that a closing time of 11pm was adhered to.
5. A subsequent application was submitted in 2015 to extend the hours of operation until midnight 7 days a week. This was refused for the following reason:

'The proposed extension of opening hours would have a detrimental impact on the residential amenity of the occupiers of nearby residential properties in particular by reason of an increase in noise and disturbance from customers attracted to the premises and vehicular and pedestrian comings and goings at unsociable hours. As such, the proposal would be contrary to Policy L7 of the Trafford Council Core Strategy.'

6. The current application proposes that the opening hours are varied from the approved_11am-11pm 7 days a week to the following:

11.00 to 23.00 Monday to Wednesday
11.00 to 01.00 on Thursday to Saturday
11.00 to 23.00 on Sundays and Bank Holidays

The application is therefore seeking an increase for only Thursday, Friday and Saturday rather than the full 7 days a week as per the previous application.

7. In the supporting statement the applicant's agent has acknowledge the previous refusal and stated that:

'Whilst every effort is made to run the business smoothly and efficiently, regrettably the business, due to the competition with other similar businesses in the shopping parade and the adjacent area and the restricted opening hours, is in decline and becoming financially unviable and unsustainable. The applicant believes that if the decline in the business continues, the business would soon become a financial liability and that he would have no option except to close down the business resulting in the loss of jobs and affecting the economic strength of the area. To avoid the closure of the business, the applicant feels necessary that another planning application is submitted to the Council for the extension of the opening hours whilst offering a management scheme comprising a number of mitigation measures ensuring the safeguard and protection of the amenities of the residents in the area.'

RESIDENTIAL AMENITY

8. Policy L7 states that 'In relation to matters of amenity protection, development must:
 - Be compatible with the surrounding area; and
 - Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
9. The attached premises within the row (No. 3, Marsland Road) is already in use as a Hot Food Takeaway at ground floor level and Council Tax records do not show any residential accommodation above, with all of the property in commercial use.

10. There are commercial properties to the north across Marsland Road and to the northeast across Conway Road. However to the east, southeast and south (beyond the garage block) are residential properties fronting Conway Road the nearest being approximately 26 metres away with intervening roads.
11. The site is located within Sale Moor District Shopping Centre. Other commercial uses within the parade include a restaurant, three takeaways, a newsagent, a commercial vehicle delivery business, funeral directors, dental practice and a charity shop.
12. The takeaways, cafes and restaurants in the row have the following opening hours:-
 - 3, Marsland Road– Permission as a hot food takeaway – open until midnight Monday to Thursday, 1am Friday and Saturday and 12.30am on Sunday.
 - 5, Marsland Road – Permission as a hot food takeaway – open 8am – 11pm any day
 - 13, Marsland Road – Permission as a hot food takeaway – open 8am – 11pm any day
 - 19, Marsland Road – Permission as a café/restaurant – Open 7.30am-11pm Mon-Sat and 9am – 11pm on Sunday.
13. The objectors and local Councillors have commented that the existing operation of the premises has caused loss of amenity through noise, smells, litter and inconsiderate parking and that the current application to extend the hours would exacerbate these issues and that nothing has changed since the previous refusal of an application to extend the hours of operation in 2015. These comments are set out in more detail under the 'Representations' section above.
14. When planning permission was originally granted for the change of use to a takeaway the impact of the premises on the amenity of neighbours was carefully considered. A closing time of 11pm was considered appropriate to prevent loss of amenity to nearby residential properties from the newly created takeaway and a subsequent application to extend the hours to midnight 7 days a week was refused for the reasons set out above. However the premises have now been operating for at least 2 years and the impacts of that operation are now understood to a greater extent.
15. The current application proposes that three days a week (Thursday, Friday and Saturday) the hours are extended until 1am and the applicant has stated that this is necessary to enable it to compete with other similar businesses in the shopping parade. The supporting information suggests that it is difficult to assess how much of the comings and goings in the area are directly as a result of this particular premises given the proximity of several food and drink establishments in the area. It has also been suggested that the applicant would be willing to accept temporary 1 year

permission in order that the impact of the increased hours could be assessed. A noise management plan has also been suggested, however this would not be reasonably enforceable through a planning condition and is not considered necessary to make the development acceptable in planning terms.

16. Widespread neighbour notification was carried out in relation to the current proposed (62 properties in the vicinity of the site) and four neighbour objections were received in addition to the 5 Councillor objections. It is noted that the Environmental Protection section have stated that they do not have any record of recent complaints relating to the operation of the premises and consider that the noise management plan, if subject to a condition, would be acceptable. On this basis they have supported a temporary permission for 1 year so that the situation can be monitored.
17. The proposed extension of hours would not impact on the current flue arrangements for dealing with smells from the premises.
18. The Police (Design for Security) have assessed the proposals and the existing operation of the business and have not raised any objections to the current proposals.
19. The current application proposes changes to the hours of operation on three days of the week rather than 7 days. No consultees have objected to the application subject to the suggested conditions. In addition this application also differs from the previously refused proposal in that the operator is prepared to accept temporary 1 year permission in the first instance in order that the impacts can be monitored. On balance it is therefore considered that granting temporary 1 year permission with the suggested condition relating to noise would enable the impact of the extended hours to be assessed and the application is recommended for approval on this basis.

OTHER MATTERS

20. It is not considered that this extension of hours application would result in additional highway safety issues or increased vehicular congestion and the LHA have raised no objections to the proposals.
21. With regard to litter the owner has provided a litter bin as required by a condition on the original permission.
22. The impact on other fast food businesses in the vicinity is not a planning matter.

CONCLUSION

23. On balance, given the existing operation of the business, it is considered that an additional 2 hours of operation (between 2300 and 0100) for three days of the week, is unlikely to result in significant impacts on the amenity of neighbouring residential properties. A temporary 1 year permission will allow the operation of the premises to

be monitored and is considered to allow to the impacts on local residents to be minimised. On this basis the proposal is considered to be in accordance with policy W2 and L7 of the Core Strategy and would contribute to the night time economy of the Sale Moor district centre.

DEVELOPER CONTRIBUTIONS

24. Not required.

RECOMMENDATION:

GRANT subject to the following conditions:-

1. This permission shall expire on 10 November 2018 and the premises shall only be open for trade or business between the following hours until that date:
11.00 to 23.00 Monday to Wednesday
11.00 to 01.00 on Thursday to Saturday
11.00 to 23.00 on Sundays and Bank Holidays

No later than 10 November 2018 the operation of the premises shall revert to the hours of trade or business permitted under Condition 3 of planning permission 82837/FULL/2014 unless a further planning permission for alternative opening hours has been granted on application to the Local Planning Authority.

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

2. There shall be no tables or chairs or any other type of seating placed outside the building in association with the operation of the use hereby permitted.

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

3. The litter bin external to the premises shall be retained at the site in perpetuity.

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

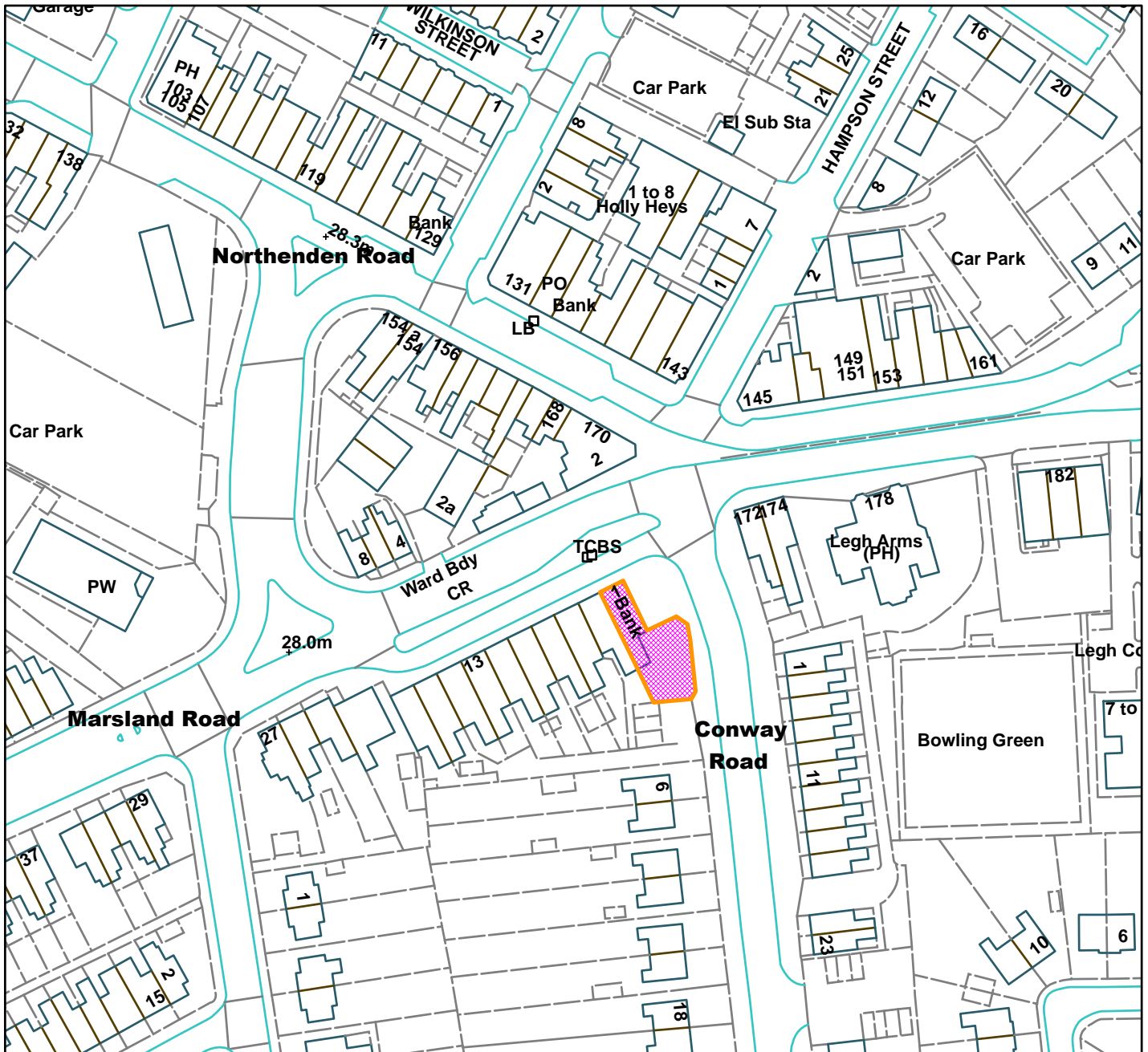
4. The existing systems for extraction and ventilation of fumes and odours operating at the premises shall be retained and maintained as such in full working order in perpetuity.

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

JJ



1 Marsland Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date - 09/11/17
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MSA Number	100023172 (2012)