

WARD: Village

93987/FUL/18

DEPARTURE: No

Proposed demolition of existing library building and construction of a ground floor medical practice (D1) and retail unit (A1), a first floor library with community rooms, and 4no flats (C3) on the second floor. To the rear of the site, a reconfiguration of the car park to allow construction of a block of 25 No. apartments with first floor deck parking with hard and soft landscape works.

Library, 405 Stockport Road, Timperley, WA15 7XR

APPLICANT: Mr Paul Westhead, THT and L&Q Developments LLP

AGENT: Mr Graham Bateson, AFL Architects

RECOMMENDATION: GRANT

The application has been reported to the Planning and Development Management Committee due to one or more objections being received contrary to Officer recommendation on a site in which the Council has an interest.

SITE

The application relates to Timperley Library and the Baker Street public car park within Timperley District Centre. The site extends to 0.46ha and is located on the junction of Stockport Road and Baker Street. Vehicle access to the site is taken from Baker Street, to the rear of the existing library.

The library building forms part of a row of commercial properties which front on to Stockport Road. The library is a brick building with a large glazed entrance fronting Stockport Road. Along Stockport Road the library is two storeys in height with a pitch roof. To the rear of this, along Baker Street, the building drops to single storey with a large flat roof.

The Baker Street public car park to the rear of the library provides 125 parking spaces and makes up the remainder of the site. The existing car park is relatively flat and the boundaries are formed by a mix of wooden, palisade and concrete fencing. There is a group of trees at the entrance to the car parking and trees and shrubs within small landscaped areas within the car park itself.

Land to the east and west of the car park is predominantly residential in nature and the Altrincham/Stockport railway line forms the northern boundary of the site. Land outside the application site along the northern and part of the east boundary is heavily wooded.

PROPOSAL

Planning permission is sought for the demolition of the existing library building and the construction of a ground floor medical practice and retail unit (indicated as a pharmacy), a first floor library with community rooms, and 4no C3 (residential) apartments on the second floor. To the rear of the site, the car park will be reconfigured to enable the construction of a building containing 25no apartments with first floor deck parking with hard and soft landscape works.

This is a very similar scheme to that approved under application ref. 88503/FUL/16 with a number of design changes and the addition of the four apartments within the proposed library building. The differences between this scheme and the approved scheme are summarised as follows:

Library building:

- One rear dormer window added and certain dormer window sizes amended
- Roof pitch reduced, building slightly lower in height
- Lift overrun moved south
- Amended location/addition of various doors
- Windows added to north-east elevation
- Various alterations to other windows, including increasing window height to Stockport Rd elevation and window frames to be uPVC
- Level 2 parapets raised by 365mm, level 1 parapet height increased by 300mm
- Materials for plinth and balustrades amended
- Timber AHU (Air Handling Unit) screen added
- Vents added in several locations
- Roofing material amended from natural to artificial slate
- Entrance canopy reduced in size and glass canopy removed
- Four additional residential units added to second floor

The proposed apartment building is of the same height and footprint as that previously approved under application ref. 88503/FUL/16. It is also generally of the same design as the approved building, albeit with a number of relatively minor alterations. The external amendments are summarised as follows:

- Plant rooms added to ground floor
- Chimneys removed
- Various alterations to windows, including amendments to size of panes and window heads
- AOV (Automatic Opening Vent) added to stair core roof
- More brick added to entrance feature
- Materials for plinth amended
- Increase in projection of stair core
- Chamfer to first floor elevation removed

- Roofing material amended from natural to artificial slate

Other amendments:

- Parking layout amended
- Position of car park ramp amended to be further from site boundary
- Addition of substation adjacent to western site boundary
- Cycle hoops relocated from rear to front of library building

Given that the earlier permission remains extant, this provides a realistic fall-back position which is a significant material consideration in the determination of this application. As such, this will be referred to as appropriate throughout the report with the key assessment being whether the proposed scheme would have any greater impact than that already approved.

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

Critical Drainage Area

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 anticipated later in 2018.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the revised National Planning Policy Framework (NPPF) on 24 July 2018. The revised NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The DCLG published revised National Planning Practice Guidance (NPPG) on 24 July 2018. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

88503/FUL/16: Proposed demolition of existing library building and construction of a ground floor medical practice and retail unit, a first floor library with community rooms and D1 (health care) and/or B1 (offices) on the third floor. To the rear of the site a reconfiguration of the car park to allow construction of a block of 25 No. apartments with first floor deck parking with hard and soft landscape works – Approved with conditions 13/09/2016.

H08796: Erection of new Branch Library – Approved with conditions 10/05/1979.

H23630: Construction of enlarged car park and landscaping works – Approved with conditions 08/09/1983.

APPLICANT'S SUBMISSION

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

- Bat Report with Updated Survey Results
- Crime Impact Statement
- Design and Access Statement

- Framework Travel Plan
- Noise and Vibration Report
- Statement of Community Involvement
- Surface Water Management Analysis
- Transport Assessment

CONSULTATIONS

Environment Agency: No response received.

Greater Manchester Ecology Unit: Conditions recommended.

GMP Design for Security: No objection, condition recommended.

Lead Local Flood Authority: Considers that the proposed works will not cause flood risk to the development or the surrounding area, and that the application is therefore satisfactory for approval subject to the drainage scheme being submitted as part of any conditions.

Local Highway Authority: No response received.

Cadent (National Grid): Informative recommended.

Network Rail: Conditions recommended.

Pollution & Licensing (Contaminated Land): Conditions recommended.

Pollution & Licensing (Nuisance): No objection, conditions recommended.

United Utilities: Conditions recommended.

REPRESENTATIONS

Three letters of objection have been received and these raise the following concerns:

- Bin store adjacent to boundaries with residential properties would attract vermin, cause noise and emit unpleasant odours
- Bin stores would be visible from neighbouring properties and would be a deterrent to prospective buyers in the future
- Not clear what the bin stores would look like
- Inadequate maintenance access around bin stores
- Bin stores would be contrary to Trafford's guidelines and NPPF
- Not clear how existing fences could be maintained or upgraded
- Refuse strategy is not clear
- Cars parked on deck would result in overlooking of neighbouring garden

- Four additional flats would increase car park usage and impact on surrounding roads

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The revised NPPF was published on 24 July 2018. This represents a material change in planning circumstances since the previous scheme was approved under ref. 88503/FUL/16 in September 2016. However, in respect of the issues raised by this application the direction of NPPF policy remains broadly similar and has not been revised to a degree which would warrant a different conclusion being reached on any particular issue.

New residential development:

2. Paragraph 11 of the NPPF indicates that planning decisions should apply a presumption in favour of sustainable development. Development plan policies which are most important for determining an application should be considered out of date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
3. Paragraph 11 also indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless: the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
4. The Council does not, at present, have a five year supply of immediately available housing land. The absence of a continuing supply of housing land has significant consequences in terms of the Council's ability to contribute towards the government's aim of boosting significantly the supply of housing. Significant weight should therefore be afforded in the determination of this planning application to the 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.
5. Whilst the Council's housing policies are considered to be out of date in that it cannot demonstrate a five-year supply of deliverable housing sites, the scheme achieves many of the aspirations which the 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 29no new residential units in a sustainable location within the urban area. The site constitutes previously developed land and given that the Council is

currently failing to meet its target of locating 80% of new housing provision on previously developed brownfield land, the scheme is considered to be acceptable in relation to Policies L1.7 and L1.8, in that it helps towards meeting the wider Strategic and Place Objectives of the Core Strategy. The principle of residential development is therefore considered to be acceptable.

6. Furthermore, given that the principle of residential development has previously been accepted under application ref. 88503/FUL/16, this adds further weight in support of the above position.

Housing mix:

7. Policy L2 of the Trafford Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough. In order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market: affordable housing. The Borough is significantly underperforming against the 40% affordable homes target when compared to anticipated delivery at this stage in the plan period. The applicant has offered 14no. affordable housing units (shared ownership) on site, which would they would manage themselves. This equates to over 48% provision. The total policy compliant affordable housing requirement on the site would be 12 units (40%). The provision of affordable housing therefore exceeds the Council's policy requirement in percentage terms.
8. Policy L2.6 of the Core Strategy states that the proposed mix of dwelling type and size for new residential development should contribute to meeting the housing needs of the Borough. It goes on to explain that one-bed general needs accommodation will normally only be acceptable for schemes that support the regeneration of Trafford's town centres and the Regional Centre.
9. The proposal includes 4no units of accommodation of this type, although it is noted that these are intended to constitute affordable units. Given this, together with the low proportion overall of one-bed units proposed, the development is considered to be acceptable in this respect.

Other proposed uses:

10. The principle of the development of a medical practice, library, retail unit and community rooms has been accepted under the previous application (88503/FUL/16). As such, the principle of these remains acceptable under the current application.

DESIGN AND APPEARANCE

11. Paragraph 124 of the NPPF states that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Paragraph 130 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”*.
12. 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”*.
13. Given that the earlier approved application was considered acceptable in terms of design and appearance and remains extant, it is deemed necessary to consider only the changes to the scheme from that approved.

Library building:

14. The differences between the scheme now proposed and that approved are set out in the ‘Proposal’ section above. With regard to the library building, these changes are considered to be relatively minor and overall, do not raise any concerns in respect of their design and appearance.
15. A number of the proposed changes in particular would have a negligible impact on the overall appearance of the building, including the relocation of the lift overrun, the addition of vents and the amendments to doorways. Other differences including the addition of a dormer, alteration of the size of some dormers, reduction of roof pitch and raising of parapet heights would have some impact on the appearance of the building. However, this impact is not considered to be detrimental to the design of the building as a whole and do not affect its general form and design approach.
16. The applicant’s decision not to use natural slate as the roofing material is regrettable, but providing that a good quality artificial slate is used, the change is considered to be acceptable in this context. The site is not in a conservation area. The same is applicable in relation to this amendment to the apartment building.

17. The other differences from the approved scheme now proposed do not raise any concerns from a design perspective and as such, the library building is considered to remain acceptable in this respect.

Apartment building:

18. As noted above, the proposed apartment building is of the same height and footprint as that previously approved. It is also generally of the same design as the approved building, albeit with a number of relatively minor alterations which are set out above.
19. The removal from the scheme of the previously approved chimneys results in a design which impacts upon the original character of the building, but in this context the impact is not considered to be unacceptable. Similarly, the use of additional brickwork to the entrance feature and to the plinth serves to simplify the overall appearance of the building without unacceptably impacting upon its character.
20. The amendments above and all other proposed changes to the previously approved scheme are not considered to affect the acceptability of this element of the development. As such, the proposed apartment building is deemed to be acceptable in terms of its design and appearance.

Other alterations:

21. The position of the access ramp serving the car parking deck has been relocated to be closer to the deck itself and away from the boundary of the site with the railway line. This is considered to be an improvement on the previously approved arrangement, making the ramp less prominent and creating more space for landscaping adjacent to the railway boundary. This is therefore considered acceptable.
22. An electricity substation has been included within the car park adjacent to the western boundary of the site. Whilst this is a relatively prominent location, the side of this is proposed to be screened with hedging and this could be secured through a condition requiring the submission and implementation of a landscaping scheme. It is accepted that this substation is required to serve the development and has to be accommodated within the site. It does not result in the loss of any parking spaces when compared to the approved scheme. As such, this element of the scheme is considered to be acceptable in terms of its appearance.
23. In summary, the scheme as a whole is considered to be acceptable in terms of its design and appearance, having regard to the fall-back position which exists and the proposed amendments to the approved scheme. These changes from the scheme previously approved are, cumulatively, not considered to be so

significant to the appearance of the development as to warrant a refusal of the application on grounds of design or impact on visual amenity. As such, the proposed development is considered to be acceptable in this respect.

RESIDENTIAL AMENITY

24. 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”*.
25. The proposed development would not impact on nearby properties to any greater extent than the scheme approved in 2016 under application ref. 88503/FUL/16. Proposed windows will not be any closer to neighbouring properties and boundaries than the approved development whilst the buildings themselves remain in the same location.
26. Concerns have been raised by local residents that the deck parking layout would result in a greater number of vehicles parked adjacent to the north-eastern boundary of the site than the approved scheme. This deck would be 0.9m away from this boundary. The proposed scheme would provide space for five vehicles to be parked ‘head on’ to this boundary, whilst the approved scheme only provided space for two ‘side on’ disabled spaces. Despite this, there is not considered to be a greater impact on residential amenity as the number of vehicles using the deck as a whole would be unaffected, whilst appropriate boundary treatments to the deck can ensure that any impacts from car headlights is avoided.
27. Representations have also raised concerns regarding the location of the proposed bin stores and their potential impact on the amenity of neighbouring residents. These stores are situated adjacent to boundaries with residential properties, however it is noted that these were approved in almost identical locations under the earlier application. Officers have queried whether these could be relocated within the site, however the agent has advised that this could not be done without reducing the number of parking spaces, severely impacting upon the proposed apartment building, or creating issues with waste collection. Given the fall-back position which exists, it is not considered reasonable to refuse the application for this reason, however a condition will be attached to any consent issued requiring the submission of full details of the design of these stores.

Amenity of future occupiers of proposed development:

28. The siting and design of the proposed apartment building and library building is such that there would not be any undue overlooking, overshadowing or

overbearing impact on future occupiers. The revised scheme is not materially different than the approved scheme in this respect.

Noise and vibration:

29. The application is accompanied by a Noise and Vibration Report. This recommends the use of standard thermal double glazing to windows, together with attenuated passive ventilation to achieve the required internal noise criteria in the proposed residential areas. This also concludes that vibration levels from trains indicate tactile vibration and ground-borne noise are within recommended criteria.
30. The Council's Pollution and Licensing section has not raised any objections to the application on grounds of noise or vibration, subject to the inclusion of a number of conditions. These conditions include the requirement to implement the above recommendations from the submitted report, noise limits for the proposed substation, hours of operation/use and an Environmental Management Plan for the construction phase. These should be attached to any consent issued.
31. Pollution and Licensing also recommend a number of other conditions not included on the earlier consent for the scheme, including the need to assess the noise impact arising from the parking deck, the need for a scheme of sound insulation between the different uses within the library building and the installation of low emission vehicle charging points. Given the inclusion of residential units within the library building, a condition will be attached requiring a scheme of sound insulation between this and other uses within this building. It is not, however considered reasonable to impose the other recommended conditions which were not previously included, given that matters such as noise from the parking deck were previously considered and found to be acceptable without the need for a condition.
32. Given the above, the application is considered to be acceptable in this respect.

Summary:

33. Given the above assessment, the application is deemed to be acceptable with regard to matters of residential amenity.

HIGHWAY MATTERS

34. 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"*.

35. Paragraph 109 of the NPPF notes that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
36. It should be noted that the Local Highway Authority has not provided comments on the application at this stage. Should these comments be received, an update will be provided in the Additional Information Report.

Car parking:

37. The same total number of car parking spaces is to be provided with this development as that approved under the earlier application. The parking requirements of the development differ however, given the inclusion of four additional residential units. As such, it is necessary to consider whether the level of parking provision remains adequate.
38. The Council's adopted SPD3: Parking Standards and Design seeks to achieve a maximum of one car parking space for each one-bed residential unit and two spaces for each two-bed unit in this location (Area B). Based on these standards, the residential element of the proposed development would be expected to provide up to 54no car parking spaces, 50no for the apartment building and 4no for the apartments above the health centre.
39. The proposed plans indicate that 25no designated car parking spaces will be available for use by residents of the proposed apartment building. Given that this level of parking was accepted under the earlier application and the parking requirement of this element of the scheme hasn't changed, the current application is deemed to be acceptable in this respect. Four designated car parking spaces are to be provided for the four residential additional units, thereby complying with the SPD3 standards.
40. In relation to the other proposed uses, the overall SPD3 requirements for car parking are reduced from the earlier application, given the replacement of the originally approved second floor health centre/offices with 4no apartments (a reduction in parking requirements of between 6no and 20no spaces depending upon whether the second floor was to be used as offices or a health centre). Whilst the number of spaces to be designated for health centre staff has reduced from 14no to 10no, and the overall number of public parking spaces remains as it was on the previous approval (77no), the overall provision for the development is considered to be satisfactory given the reduced requirement for parking spaces to serve the second floor of the health centre/library building when assessed against SPD3 standards.

Access and impact on highway network:

41. Access arrangements remain unchanged from the approved scheme and as such, are deemed to be acceptable in relation to the current application. Given the reduced overall requirement for spaces within the site compared to the approved application (as set out above), there is not considered to be any greater impact on the surrounding highway network and the application is therefore acceptable in this respect.
42. The parking layout has been amended from the approved scheme, however this does not raise any concerns from a highway perspective, with amenity issues assessed in the appropriate section above.

Cycle parking:

43. Based on the standards set out within SPD3, the proposed apartment building is expected to provide 25no communal spaces whilst the library building should provide approximately 22no spaces.
44. The previous application provided space for 16no bicycles beneath the deck to the north-east of the proposed apartment building, as well as 2no hoops for 4no bikes to the front of this building. 11no hoops for 22no bicycles were provided to the front of the library building whilst 2no hoops for 4no bicycles were provided to the rear.
45. The current application proposes secure space for 25no bicycles for the apartment building in the same location as that previously approved, along with 2no hoops for 4no bicycles to the front of the building. The same number of spaces associated with the library building is proposed as was previously approved, albeit these are now all situated to the front of this building. Officers consider this to be an appropriate arrangement and overall, in accordance with the number of spaces required by SPD3.
46. The detailed design of cycle parking facilities, including the secure storage facility for the apartment building should be conditioned with any consent issued to ensure that the final design has regard to the detailed requirements of SPD3.
47. Given the above, the application is considered to be acceptable in terms of cycle parking provision.

Servicing:

48. The location of bin stores and servicing arrangements remain largely unchanged from the previous application, the store on the north-eastern boundary being set slightly further away from this boundary. Issues with residential amenity are

assessed in the relevant section above, however this element of the scheme is deemed to be acceptable with regard to highway matters.

FLOODING AND DRAINAGE

49. 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.
50. 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 drainage strategy to accompany the application.
51. The Lead Local Flood Authority has been consulted on the application and has not raised any objections to the development, noting that the proposed works would not cause flood risk to the development or the surrounding area. This is subject to the imposition of conditions requiring the submission and implementation of an appropriate sustainable drainage scheme and materials to be used in any hardstanding. Similarly United Utilities do not object to the application subject to appropriate drainage-related conditions.
52. On this basis, the application is considered to be acceptable in this respect.

TREES, LANDSCAPING AND ECOLOGY

53. 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.
54. As noted in the report relating to the previous application, and which is still the case with the current proposal:

The scheme would result in the loss of trees within the site; there is a tree to the front of the existing library on the Stockport Road frontage, a group of trees at the entrance to the car park and trees within the landscapes areas within the car park. These trees within the application site do provide some amenity value however none of the trees are afforded protection through a TPO. The applicant proposes to fell all the trees within the site. Whilst the loss of trees is regrettable it is considered that a comprehensive landscape scheme can be secured across the site which will be an integral part of the new development and will have a positive impact on the visual amenity of the area. There are trees outside the site

along the boundaries of the scheme which will require protection and therefore the Council's Arborist has recommended that a tree protection scheme compliant with British Standard 5837: 2012 – Trees in relation to design demolition and construction should be conditioned for approval prior to the commencement of development.

55. Appropriate conditions relating to tree protection and a comprehensive landscaping scheme will be attached to any consent issued and on this basis, the application is deemed to be acceptable in this respect.
56. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 175 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*.
57. The application is accompanied by a Bat Report dated June 2016 with accompanying updated survey results dated 06 March 2018. This concludes that demolition of the current building will have no impact upon the status of bats in the area and that no evidence of bat occupation or activity was recorded in either survey.
58. The Greater Manchester Ecology Unit (GMEU) has been consulted and advises that the submitted report has been produced by an experienced ecological consultant whose work is known to the Ecology Unit. A number of precautionary measures have been recommended in section 10 of the report together with suggestions for biodiversity enhancement. The GMEU recommends that these be required by condition should permission be granted. On this basis, the application is considered to be acceptable in respect of ecological matters.

DEVELOPER CONTRIBUTIONS, AFFORDABLE HOUSING AND VIABILITY

59. Paragraph 59 of the NPPF states that, to support the Government's objective of significantly boosting the supply of homes...it is important that the needs of groups with specific housing requirements are addressed.
60. Policy L1 of the Trafford Core Strategy states that the Council will seek to deliver high quality housing affordable by all sectors of the community by releasing sufficient land to accommodate a minimum of 12,210 new dwellings up to 2026.
61. Policy L2 of the Trafford Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough. In order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market:affordable housing. The

Borough is significantly underperforming against the 40% affordable homes target when compared to anticipated delivery at this stage in the plan period.

62. Policy L2 also sets out that the expected delivery method of affordable housing would be on site; at least 50% of the affordable housing provision will be required to be accommodation suitable for families; the affordable housing element should reflect the overall mix of unit types on the site and a split of 50:50 in the affordable housing units to be provided between intermediate and social/affordable rented housing units. Further detail on mechanisms to secure affordable housing delivery and provision are included in the Revised SPD1 – Planning Obligations.
63. The proposed development would be liable to a CIL (Community Infrastructure Levy) rate of £65 per sqm, being situated in a 'hot' CIL charging zone. For the purposes of affordable housing, the site is located within a 'hot' market location, where a 40% affordable housing target will be applied in 'normal' market conditions, as prescribed by Policy L2 of the Core Strategy.
64. The applicant has indicated that 14no. of the proposed residential units would be affordable, comprising shared-ownership apartments. This represents just over 48% of the total number of units proposed, which exceeds the targets set out above. Whilst the shared-ownership approach does not reflect the mix sought by Policy L2, this on-site provision exceeds the policy requirement in terms of the percentage required (48% against a 40% requirement) and is therefore on balance considered to be acceptable, providing much needed affordable homes within the Borough. It also compares favourably to the previous scheme, and fall-back position, which offered no affordable housing of any tenure. A condition should be attached to any consent issued requiring the provision of these units. In such circumstances no examination of the viability of the scheme is necessary.

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 Impact Statement (CIS) has been submitted alongside the application and makes a number of recommendations relating to the security and safety of the scheme. Greater Manchester Police's Design for Security section has been consulted and advises that they have no objections to the proposed development. This is subject to the scheme being constructed to reflect the physical security specification set out in section four of the submitted statement.

Impact on railway line:

67. Given the proximity of the site to a railway line, Network Rail has made a number of comments in relation to the proposed development, although no objections have been raised. Conditions will be attached to any consent issued to address the points raised by Network Rail.

Contaminated land:

68. The Council's Pollution and Licensing section has been consulted and notes that their GIS maps indicate historical industrial use. For this reason, it is recommended that a condition requiring the submission of a site investigation, risk assessment, remediation strategy and verification report is attached to any consent issued. Subject to the imposition of this condition, the application is considered to be acceptable with regard to matters of contaminated land.

External lighting:

69. The application does not include details of any proposed external lighting and as such, a condition will be attached to any consent issued requiring the submission of a lighting scheme. This will ensure there is no harm to residential amenity through excessive light levels and will also ensure that any external lighting does not cause disturbance to bats and other wildlife in the surrounding area. Subject to this condition, the proposed development is deemed to be acceptable in this respect.

PLANNING BALANCE AND CONCLUSION

70. 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. The proposal also offers a significant benefit when compared to the previously approved scheme through the provision of 14 affordable shared ownership units on site. As such, the application is recommended for approval subject to the conditions listed below.

RECOMMENDATION

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

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

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

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

Drawing number:	Title:
AFL-00-00-DR-A-90401 (Rev P1)	New Substation
163220-AFL-Z1-00-DR-A-20103	Building 1 – Ground Floor Plan
163220-AFL-Z1-01-DR-A-20103	Building 1 – First Floor Plan
163220-AFL-Z1-02-DR-A-20104	Building 1 – Second Floor Plan
163220-AFL-Z1-03-DR-A-20103	Building 1 – Roof Plan
163220-AFL-Z1-XX-DR-A-20213	Building 1 – SW and NE Elevations
163220-AFL-Z1-XX-DR-A-20214	Building 1 – SE and NW Elevations
163220-AFL-Z2-00-DR-A-20105 (Rev P1)	Building 2 – Ground Floor Plan
163220-AFL-Z2-01-DR-A-20105 (Rev P1)	Building 2 – First Floor Plan
163220-AFL-Z2-02-DR-A-20105 (Rev P1)	Building 2 – Second Floor Plan
163220-AFL-Z2-03-DR-A-20105 (Rev P1)	Building 2 – Third Floor Plan
163220-AFL-Z2-04-DR-A-20105 (Rev P1)	Building 2 – Roof Plan
163220-AFL-Z2-XX-DR-A-20221 (Rev P1)	Building 2 – Front and Rear Elevations
163220-AFL-Z2-XX-DR-A-20222 (Rev P1)	Building 2 – South and West Elevations
163220-AFL-Z2-XX-DR-A-20223 (Rev P1)	Building 2 – North and East Elevations
163220-AFL-00-00-DR-A-90103 (Rev P5)	Site Plan
M2979.01A	Landscape Proposals

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

- No development hereby approved shall take place unless and until a phasing scheme for the development, which sets out the sequence in which the various elements of the development and its associated car park will be constructed and brought into use, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing scheme.

Reason: To ensure the satisfactory development of the site in a phased manner as phasing details were not submitted as part of the application. These details are required prior to works taking place on site to ensure impacts from the construction process are fully considered before works commences on site, in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. No development shall take place unless and until:
 - (a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site has been submitted to and approved in writing by the Local Planning Authority.
 - (b) Should the Phase I report recommend that further investigations are required, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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.

5. 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.

6. 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.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. No development shall take place, including any works of excavation or demolition, until a Construction Method Statement for that phase of development has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period of that phase. The Statement shall include:

- (i) A phasing scheme for availability of public car park;
- (ii) the times of construction activities on site which, unless agreed otherwise as part of the approved Statement, shall be limited to between 8am-6pm Monday to Friday and 9am-2pm Saturday only (no working on Sundays or Bank Holidays). Quieter activities which are carried out inside buildings such as electrical works, plumbing and plastering may take place outside of agreed working times so long as they do not result in significant disturbance to neighbouring occupiers;
- (iii) the spaces for and management of the parking of site operatives and visitors vehicles;
- (iv) the storage and management of plant and materials (including loading and unloading activities);
- (v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- (vi) measures to prevent the deposition of dirt on the public highway;

- (vii) measures to control the emission of dust and dirt during demolition/construction;
- (viii) a scheme for recycling/disposing of waste resulting from demolition/construction works;
- (ix) measures to minimise disturbance to any neighbouring occupiers from noise and vibration, including from any piling activity;
- (x) measures to prevent the pollution of watercourses; and
- (xi) a community engagement strategy which explains how local neighbours will be kept updated on the construction process, key milestones, and how they can report to the site manager or other appropriate representative of the developer, instances of un-neighbourly behaviour from construction operatives. The statement shall also detail the steps that will be taken when un-neighbourly behaviour has been reported. A log of all reported instances shall be kept on record and made available for inspection by the Local Planning Authority upon request.

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. No development shall take place unless and until a risk assessment and method statement (RAMS) for construction works associated with the development within 10m of the boundary with the Altrincham/Stockport railway line hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To prevent any on site works and vibration from de-stabilising or impacting the adjacent railway in accordance with Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

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

Reason: In order to prevent any habitat disturbance to nesting birds 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. The demolition of the library shall be undertaken in strict accordance with Section 10 of the submitted Bat Report for Timperley Library (dated June 2016 and prepared by Whistling Beetle Ecological Consultants Limited).

Reason: To protect the interests of any protected species that may be present on site in accordance with Policy R2 of the Trafford Core Strategy and guidance contained within the National Planning Policy Framework.

13. The car parking deck shall be constructed at least 0.9m away from the boundary of the site with No 419 Stockport Road as shown on the approved site plan, drawing ref. 163220-AFL-00-00-DR-A-90103 (Rev P5) and retained as such thereafter.

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

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

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

15. The development hereby approved shall not be brought into use unless and until a Biodiversity Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall identify the opportunities for biodiversity enhancement on site including the provision of bat

bricks and bat boxes. The approved scheme shall be implemented in full accordance with the phasing details as provided by condition 3.

Reason: To secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy R2 of the Trafford Core Strategy and guidance contained within the National Planning Policy Framework.

16.(a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be brought into use until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

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

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

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

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

18. The development hereby approved shall not be brought into use until details of the bin stores, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use unless and until the approved bin

stores have been completed and made available for use. The approved bin stores shall be retained thereafter.

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

19. The library building hereby approved shall not be brought into use unless and until a scheme of appropriate sound insulation between the residential units and other uses within this building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the residential units within this building are first occupied.

Reason: To safeguard the amenity of future occupants of the development hereby approved in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

20. The development hereby approved shall not be brought into use unless and until a scheme for noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the details contained within Timperley Library and Residential Development, Planning Noise and Vibration Report ref 18076-R01-B dated 21st February 2018. The noise mitigation measures shall be installed prior to first occupation of the development and retained thereafter.

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. The development hereby approved shall not be 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 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.

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

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

23. The development hereby approved shall not be brought into use unless and until a scheme of crime prevention measures has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include details of the installation of CCTV coverage, including the design, type, mounting, and colour of all equipment. The approved scheme shall be implemented prior to the first occupation of each building and be retained at all times thereafter.

Reason: To ensure that the development is appropriately secured from crime in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

24. No external lighting shall be installed on the building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to first occupation of development or any phase of the development. Thereafter the site shall only be lit in accordance with the approved scheme.

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

25. The car parking, servicing and vehicular access arrangements shown on the approved plans to serve any specific phase of the development hereby permitted shall be provided and made fully available for use prior to that part of the development being first brought into use and shall be retained thereafter for their intended purpose.

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

26. The rating level (LAeq,T) from the proposed substation and any 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 at the quietest time that the equipment would be operating/in use. Noise measurements and assessments

should be compliant with BS 4142:2014 "Rating industrial noise affecting mixed residential and industrial areas".

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

27. Deliveries to and waste collections from the library, health centre, community rooms and retail building hereby approved shall only take place between the hours of:

07.00 to 21.00	Monday to Friday
08.00 to 21.00	Saturdays
10.00 to 21.00	Sundays and Bank Holidays.

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

28. The library, community rooms and retail uses hereby permitted shall not be open to customers other than between 07.00 and 23.00 Monday to Saturday and not at any time on Sundays or Public Holidays.

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

29. The health centre hereby approved shall not be open to customers other than between 08.00 and 20.00 on any day.

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

30. A minimum of 14 of the residential units hereby permitted shall only be used for the purposes of providing affordable (as defined either by the Council's adopted SPD1: Planning Obligations, or such relevant policy of the Council adopted at the time; or the National Planning Policy Framework (July 2018)) or special needs housing accommodation and shall not be offered for sale or rent on the open market. Provided that this planning condition shall not apply to the part of the property over which:-

(i). a tenant has exercised the right to acquire, right to buy or any similar statutory provision and for the avoidance of doubt once such right to acquire or right to buy has been exercised, the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market;

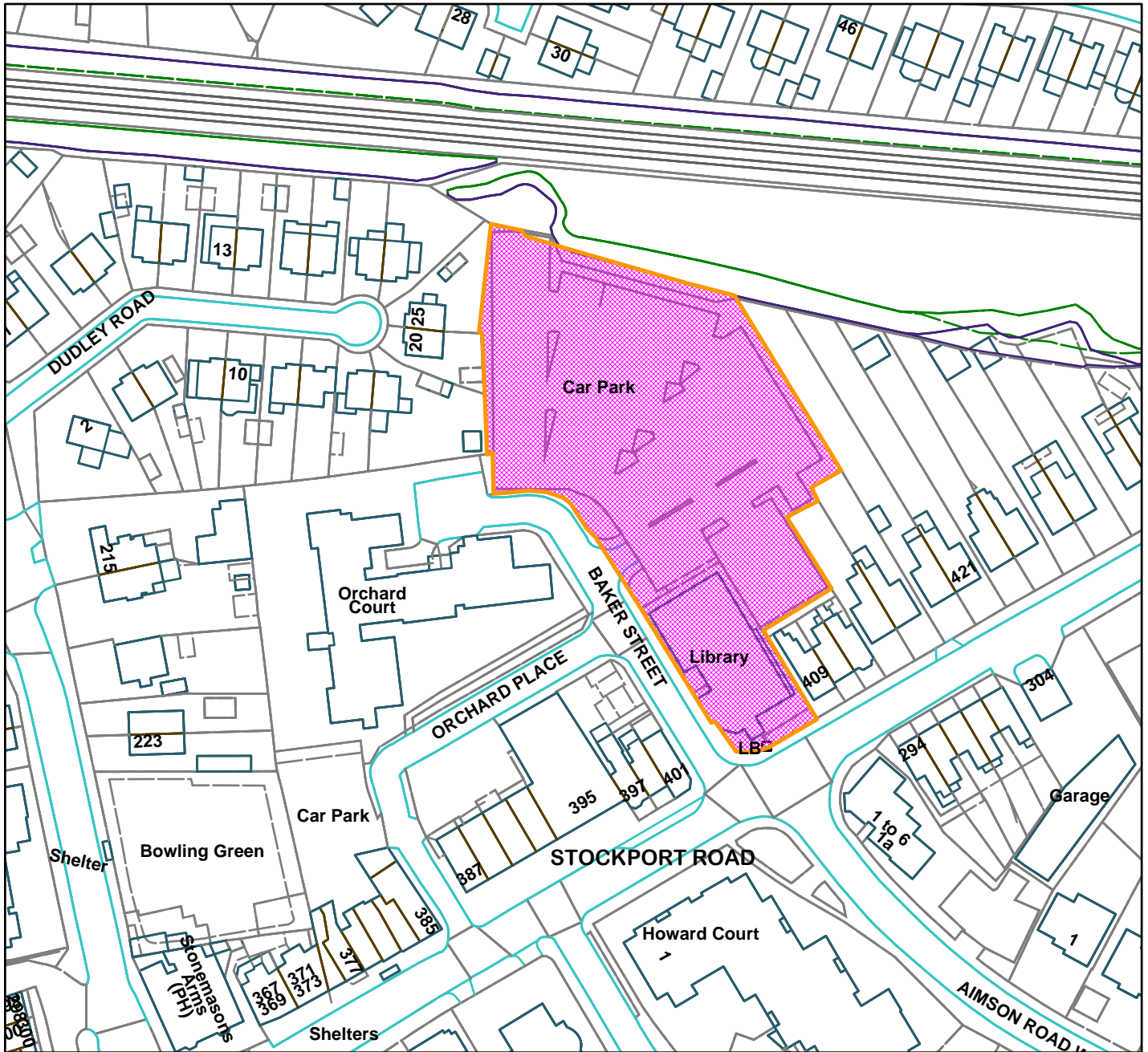
(ii). a leaseholder of a shared ownership property has staircased to 100% and for the avoidance of doubt once such staircasing has taken place the proprietor of the property, mortgagee and subsequent proprietors and their mortgagees shall be permitted to sell or rent the property on the open market.

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

JD



Library, 405 Stockport Road, Timperley (site hatched on plan)



Scale: 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/08/2018
Date	24/07/2018
MSA Number	100023172 (2012)

WARD: Bowdon

93998/FUL/18

DEPARTURE: No

Erection of 17no. floodlighting columns with a maximum height of 7 metres supporting 26no. luminaires with LED lamps to provide lighting to courts 6-9.

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

APPLICANT: Bowdon Lawn Tennis Club

AGENT: CT Planning

RECOMMENDATION: GRANT

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.

This application relates specifically to courts 6-9 which are located to the north west of the clubhouse, adjacent to Green Courts to the north-west of the site.

The application site is located within the Devisdale Conservation Area.

PROPOSAL

Planning permission was granted under application 84338/FUL/14 for the erection of 12 no. floodlighting columns with a maximum height of 8 metres to provide floodlighting to courts 6-9. This application therefore seeks permission for an alternative floodlighting scheme.

The original application description (taken from the application form) was for the erection of 20 no. floodlighting columns with a maximum height of 7 metres supporting 33 no. luminaires with LED lamps to provide lighting to courts 6-9. Consultation was carried out on the basis of this description. Following discussions with the agent, further clarification was provided. Rather than the 20 columns originally applied for, the scheme would result in the provision of 17 no. columns with a total of 26 luminaires. The 3 no. columns shown to the western edge of the courts are columns previously

approved for floodlighting to courts 4 and 5. This permission (91426/VAR/17) also granted consent for 1 no. luminaire on each of these columns. The current proposal seeks permission for a total of 3 no. luminaires on each of these columns to serve the floodlighting for courts 4 and 5 and 6 to 9 (therefore an additional 2 on each column).

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

R2 – Natural 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 anticipated later in 2018.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the Revised National Planning Policy Framework (NPPF) on 24 July 2018. 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/VAR/17 – Application for variation of condition 2 (approved plans) and variation of condition 6 (development to be carried out in accordance with approved lighting scheme) of planning approval 86115/FUL/15.
Approved with conditions 14th December 2017

89582/FUL/16 – 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.
Approved with conditions 14th December 2017

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 planning statement has been submitted with the application. This advises that the floodlighting columns are to be painted dark green (RAL6007) and the floodlights are only to be used during the hours 15.30 to 21.30 on any day. The floodlighting columns will be retracted when not in use.

The floodlighting columns are relatively slender structures having a maximum diameter of some 0.15 metres. The proposed floodlighting columns will have a maximum height of 6.7m (7m with the luminaires fitted, as opposed to 8.3 metres in the scheme approved under application 84338/FUL/14 in March 2015). Overall the increased number of lighting columns is justified on the basis that there is an improvement to the visual impact of the proposed development by a reduction in the overall height of the floodlighting columns.

The submitted Lighting Report demonstrates that the amended floodlighting scheme has no material or greater impact on the living conditions of nearby residential properties than the scheme approved under 84338/FUL/15. This amended scheme incorporates LED lamps that assist in reducing light spillage and provide cheaper operating costs for the Tennis Club.

In the circumstances the proposed floodlighting system would not cause harm to the character or appearance of the Devisdale Conservation Area when considered as a whole and would not adversely impact upon the living conditions of nearby residential properties. The proposed development would therefore comply with Trafford Local Plan: Core Strategy Policy R1, UDP Policy ENV21 and policies contained in the Framework and that in these circumstances planning permission should be granted.

An additional supporting email has been received from the agent. This advises as follows:

“Like the previous approval for courts 4 and 5 it is sought to put LED lights now on courts 6-9. As you are aware we have approval for metal halide (MH) on these courts. In doing that we have changed the number of retractable columns from 12 for MH to

now 14 for LED. This increase in columns will allow the club to illuminate one court at a time rather than two at a time as with the approved MH scheme. This will be better for the neighbours as when only one court is in use only one court of lights will be on. It will also be better for the club in terms of running costs and environmentally this is most sensible.

The LED fittings will give the same overall light level as those approved for courts 4 and 5. We do not wish as some objections state to increase the lux level on the court. The additional columns just allow better flexibility and evenness of light. The lux level on court is the same as previously approved.”

CONSULTATIONS

Pollution and Housing (Nuisance) – No objection. A condition is requested to confirm that the lights have been installed in the correct way.

Pollution and Housing (Contaminated Land) – No contaminated land conditions required for this application.

REPRESENTATIONS

Representations have been received from 7 neighbouring properties and a further letter has been received from Bowdon Conservation Group. The main objections raised are summarised below:

Residential amenity

- Unnecessary increase in the number of lights proposed constitutes “overlighting” as determined by the institute of lighting professionals.
- No cut off for morning use has been set out. The lights should not be used during morning hours particularly during winter months.
- Increase in use of the courts into the evening and night-time will constitute a rise in noise pollution and nuisance to neighbouring properties.
- The application makes reference to a previous application that was “approved” even though the light spillage didn’t fall within acceptable tolerances. For this reason this report cannot be trusted or guaranteed to be judged fairly. Further independent lighting analysis is requested.
- Removal of the hedge has constituted a significant loss of privacy in the neighbouring properties on Green Courts. Increased traffic in the club for extended periods of the day will further diminish privacy in these properties with direct line of sight into the private chambers of 20, 21 and 22 Green Courts.
- The application will result in further reduction in the quality of life for surrounding neighbours and with total disregard for conditions clearly laid down by Trafford.
- Increased light spillage.
- No regard has been given to the impact on neighbouring properties by Council Members.

- With the removal of the trees, the glare on Green Courts side will be far worse than it would have been had they been left in position.

Character of the Conservation Area

- Lighting columns will remain significantly conspicuous even when retracted, thus diminishing the amenity of the area.
- More attractive designs or less conspicuous positioning of the lighting columns should be considered.
- The masts even in their retracted position will be taller than the height of the boundary fence.
- Apart from changing the type of light fitting this application is to increase the illumination levels, which is exactly what the club did with the last application for lights on courts 4 and 5.
- In granting planning permission for the last application on courts 4 and 5 Trafford Council are jointly responsible for having significantly harmed the amenity of the area by allowing 90 mature trees to be cut down.
- Whilst it is acknowledged that the Policy 47 of the Council's Devisdale Conservation Area Management Plan states that LEDs with warm fittings should be used (in any floodlighting schemes at this club) the applicant has chosen to completely ignore the second part of the Council's policy which states that lighting should be lower than the surrounding planting which is clearly not the case.
- Para 3.3 (and the Council in approving previous schemes) appears to be of the opinion that the test for light spill is whether or not the lighting level at windows of adjacent properties is 5 lux or less based on a guide by the Institute of Lighting Professionals. This is not the case.
- Leading Planning Counsel, appointed by the residents to advise on the merits of the applications and the litigation options, has confirmed that if artificial light is visible from the windows of any of the properties as Trafford's own planning policy dictates it is classed as nuisance and is actionable and damages can be claimed.
- The residents request for the provision of mesh net screening around the courts to reduce the glare/spill was ignored by the Council.
- Light spillage diagrams show low levels of light on the ground however the illuminated area (volume) will be highly visible from adjoining property as no screening exists. This is contrary to Council policies and NPPF guidance. To rely on light readings at ground level when assessing impact is an inappropriate measure.
- The current application relates to courts 6 to 9 and proposes an increased number of lighting poles, 20 instead of 12, carrying 33 luminaires and while the proposed poles are supposedly shorter than the poles approved in 2015 under the application 84338/FUL/14, the level of light pollution that will be imposed on neighbouring houses will clearly increase.
- In item 3.5 of the Planning Statement there is an acceptance that in the new scheme the 5 lux and 10 lux contours would be as close as 9 m from the nearest dwelling, whereas in the original scheme they were in excess of 27m from the

nearest property. This is inconsistent with the claim in the report's conclusion in item 3.15 that "the amended floodlighting scheme has no material or greater impact on the living conditions of nearby residential properties than the scheme approved in March 2015 (refer 84338/FUL/14 – Appendix 1).

Inconsistencies and errors in the planning submission

- Para 35 of the planning statement refers to the 5 and 10 lux contour lines on this drawing which allegedly show that most of the light spill is within the boundaries of the court. There are no 10 lux contours on the drawing.
- The application is for 20 masts and 33 light fittings. The drawing shows 6 masts on courts 4 and 5 which are outside of the area of the application and were not approved in any of the previous schemes for these courts and 19 masts on courts 6-9; i.e. a total of 25 masts.
- In para 3.12 the applicant states that in the retracted position the lights would be 3m high and thus hidden by the surrounding fence. The fence around the courts is only 2m high.
- In para 3.14 the applicant seeks to make out that the 7m high columns with lights are vastly better than the 8.3m high masts and lights in the approved scheme. At either height the masts and lights are going to be a totally incongruous eyesore. Seeing 33 light fittings as opposed to 12 approved will be visually more harmful.
- Para 3.5 states that the light spill will be 18m closer to the houses than in the approved scheme, yet at paragraph 3.15 claims that proposed lights reduce light spill.
- At para 3.15 the applicant maintains that the amended scheme has no greater material or greater impact than the approved scheme. With light spill 18 metres (60 feet) closer to the houses, this is nonsense.
- None of the various schemes for floodlights have been independently checked and cannot be without photometric data which the lighting manufacturer refuses to divulge.
- An independent lighting report commissioned by the residents on the last applications concluded that the applicants have at best been underestimating the effects of the glare and overspill. This has been ignored by the Council.
- This application is contrary to the Council's conservation policies that seek to limit development that neither protects nor enhances the local area.
- An increase in lighting columns of over 60% to that previously approved would have a significant impact on the nature of the local area and character of the conservation area. The application suggests this would be mitigated by the retractable nature of the columns yet the existing approval conditions retractable columns.
- Bowdon Lawn Tennis Club is seeking to achieve an almost industrial level of lighting by seeking planning consent incrementally.
- The history of consents granted to the Bowdon Lawn Tennis Club regarding lights suggests that standards of scrutiny have been less stringent than those rightly applied to individual residents seeking to change or extend their homes.

- The application is additional to the application made in 2015 and varied in 2017 relating to courts 4 and 5 which was approved with conditions despite the strenuous objections of neighbouring householders and of the Bowdon Conservation Group.
- Even when retracted, the 20 poles proposed will be clearly visible from neighbouring houses as the 3.3 metre retracted height exceeds the height of the fences surrounding the courts and the surrounding shielding hedge and vegetation has been cut down and removed.
- Policy 47 of the Devisdale Conservation Area Management Plan states that *“Lighting for sports pitches within the Conservation Area should not spill over into surrounding residential areas. Lighting from the Bowdon Lawn Tennis Club or Grammar School should not be visible from The Devisdale or surrounding housing estates. Lighting columns should be lower than surrounding planting and should make use of energy-efficient LEDs with warm bulbs.”* It is clear from the applicant’s Planning Statement that the proposed variation to the previously granted planning permission does not comply with this policy, either on the basis of the visibility of the proposed lighting from the surrounding housing estates, or in respect of the visibility of the lighting poles, either when in use or when retracted.
- In items 3.7 of the Planning Statement there is a claim that the use of LED lamps “offers the advantage of reduced light spillage.” Whilst this may be the case, this is likely to be more than offset by the significant increase of the intensity (brightness) of the LED lamps.

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.
3. Planning permission was granted for floodlighting of courts 6-9 under approval 84338/FUL/14 in March 2015 with metal halide lights on 12 no. floodlighting columns with a maximum height of 8m. Conditions 4 and 5 of the approval are relevant to the consideration of this application:
 4. The floodlights hereby approved 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.
 5. Notwithstanding the details submitted to date, the proposed lighting columns shall be of a retractable design to be agreed in writing

by the Local Planning Authority prior to installation together with a Management Plan and shall be retracted at all times outside of the authorised hours of use. The columns shall be thereafter retained in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

PRINCIPLE OF DEVELOPMENT

4. Paragraph 92 of National Planning Policy Framework (NPPF) advises that planning policies and decisions should plan positively for the provision and use of sports venues. Paragraph 96 continues that *“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.”*
5. 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.
6. 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 on the street scene more generally.
7. 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.
8. Paragraph 193 of NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm or loss should require clear and convincing justification (Paragraph 194).
9. 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 harm. 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 196).

10. 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.”

11. The principle of floodlighting courts 6-9 at Bowdon Lawn Tennis Club was established through the grant of planning permission 84338/FUL/14 in March 2015. The main issues to be considered under this application are therefore the impact of the proposals on heritage asset(s), and whether or not the current proposal would have a greater impact upon the living conditions of nearby residents than the approved scheme.

IMPACT ON THE DESIGNATED HERITAGE ASSET

12. The application is located within the Devisdale Conservation Area.

13. The relevant Conservation Area documents are the Devisdale Conservation Area Appraisal (July 2016) and the Devisdale Conservation Area Management Plan (July 2016).

The significance of the heritage asset

14. 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 and 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 as common land, used extensively today by pedestrians. The area also has high ecological and arboricultural value in particular.

The application site

15. 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.

16. 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

17. 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.”

18. 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.

19. The following policies of the CAMP are relevant.

Policy 5

Ensure those 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 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 47

Lighting for sports pitches within the Conservation Area should not spill over into surrounding residential areas. Lighting from the Bowdon Lawn Tennis Club or Grammar School should not be visible from the Devisdale or surrounding housing estates. Lighting columns should be lower than surrounding planting and should make use of energy-efficient LEDs with warm bulbs.

Consideration of harm

20. The replacement of the approved metal halide lighting with LED lamps is considered to be in accordance with the guidance in the CAMP which has been adopted since the determination of application 84338/FUL/14 and which recommends the use of LED lighting. A condition would be required to ensure that the colour of the bulbs is sufficiently warm to prevent any adverse impact on visual amenity. In respect of CAMP Policy 47 it is recognised that light spillage would occur outside the site to a degree, however this is not considered to have a significant impact on the character or significance of the Conservation Area. Further consideration regarding the impact on the character of the Conservation Area should take into consideration the impact of the physical structures themselves as well as the impact of the light on the character of the area. Whilst the number of columns has increased by 2 from the previous approval on courts 6 to 9 (with 3 of the columns previously approved on courts 4 and 5), the height of the columns is reduced and the height when retracted is the same. It is therefore considered that overall there would be no significant additional impact on the character of the Conservation Area from the presence of the lighting columns themselves.
21. The Devisdale Conservation Area is spacious and characterised by low density development with landscaping dominant, resulting in the darkness of the area surrounding the application site at night time. It is acknowledged that the proposal together with floodlighting on the adjacent courts 4 and 5 would introduce an area of light or 'skyglow' which would be visible from outside of the site. Nevertheless, it should be recognised that this has been accepted under previous approvals for floodlighting on these courts and that this would be restricted by condition to be in operation for no later than 21:30 on any day.
22. When measured against the baseline, i.e. without any floodlighting in place on Courts 6-9, the level of harm arising from light spillage, glare and skyglow on the character and appearance and therefore the significance of the conservation area is considered to be 'less than substantial'. The impact of the floodlighting approved under permission 84338/FUL/14 was also considered to cause less than substantial harm to the Conservation Area. The proposed scheme would result in an additional 2 no. columns over the approved scheme. It should also be noted that the height of the columns and the light spillage outside of the courts is reduced from that previously approved. It is therefore considered that the proposal would not overall result in a greater degree of 'less than substantial harm' to the Conservation Area. It is necessary to have regard to paragraph 134 of the NPPF and weigh the public benefits of the scheme against the less than substantial harm caused. The public benefits of the proposal, namely assisting with the continued provision and enhancement of the leisure facility within this part of the Conservation Area which is characterised by its open space and community use are considered to outweigh the identified 'less than substantial'

harm. The use of LED lights in accordance with CAMP policy, rather than metal halide lighting, is also considered to be a benefit.

23. In accordance with the NPPG, “public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF.” It is considered that the proposal is in line with the social role described in paragraph 8 of NPPF in that it supports the community’s “health, social and cultural well-being.”

24. The NPPG continues to say that public benefits “should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- Reducing or removing risks to a heritage asset;
- Securing the optimum viable use of a heritage asset in support of its long term conservation.

25. The tennis club itself is identified as contributing to the significance of the Conservation Area. It is clear that the provision of a leisure facility for the community (albeit a private member’s club) is a public benefit in supporting health and the contribution of the club to the significance of the Conservation Area. This proposal will enable the club to maximise use of its facilities over an increased period which is considered to be a public benefit.

26. It is therefore considered that the public benefits of the proposals outweigh the limited ‘less than substantial’ harm identified to heritage assets. In arriving at this position, considerable importance and weight has been given to the desirability of preserving this designated heritage asset. The proposal is considered to be in compliance with policies L7 and R1 of Core Strategy and the NPPF.

RESIDENTIAL AMENITY

Noise

27. This application seeks permission for an amended lighting scheme to the same number of courts and for the same hours of use as previous approval 84338/FUL/14. It is considered, having regard to the previous consent, that there would be no increased use or associated noise and disturbance as a result of these changes.

Lighting

28. The National Planning Policy Guidance (NPPG) provides advice on Light Pollution and acknowledged that artificial light provides “valuable benefits to society, including through extending opportunities for sport and recreation and can be essential to a new development.” It recognises however that it can be “obtrusive and cause disturbance and harm through the creation of light pollution.”
29. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development and creates better places in which to live and work and that it can help make development acceptable to communities. Policy L7 of the Trafford Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of adjacent properties. Core Strategy policy L5 also states that development that has the potential to cause adverse pollution of light will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.
30. Guidance Notes for the Reduction of Obtrusive Light GN01:2011 prepared by the Institution of Lighting Professionals identify five different Environmental Zones from E0 (protected) to E4 (urban) based on the individual characteristics of the site. These guidance notes relates to best practice and states that within a suburban location (E3) the maximum spillage into neighbouring windows should not exceed 10 lux and this is reduced to 5 lux for a rural location (defined as a village or a relatively dark outer suburban, E2, location). Whilst the 5 lux levels are shown on the proposed light spillage plan, the 10 lux levels are not. The submitted plan shows the 5 lux levels as being largely contained within the boundaries of the application site and in excess of 9m from the nearest property to Court 6-9, 20 Green Courts. The lighting scheme has been reviewed by Environmental Protection and the Council are satisfied that the proposed floodlighting would not cause a statutory nuisance or significant harm to residential amenity to nearby residents.
31. The cumulative impact of the new LED lamps to courts 4 and 5 and the metal halide approved lights to courts 6 to 9 was considered under application 91426/VAR/17 and 89582/FUL/16 which involved the removal of the hedge to the Green Courts boundary. It was acknowledged that the floodlights would result in some additional light spillage due to the loss of the hedge and change in lighting design, into the rear of neighbouring gardens, namely 31 and 33 Green Courts and Heather Courts. The lighting report at that time showed that both the 5 lux and 10 lux lines remained some distance from the walls/windows of these properties (approximately 5m at the closest point). Whilst there was a small increase into the garden areas, this was not considered to be significant and would not result in any significant harm to the residential amenity of these occupiers.

32. The updated lighting contours provided in the lighting assessment reference 4074C indicates that the impact on sensitive receptors will be minimal and no objection has been raised by Pollution and Licensing. As the most recent lighting assessment prior to the submission of this current application and as a cumulative assessment of the impact of the approved lighting schemes to courts 4 and 5 (91426/VAR/17) and courts 6 to 9 (84338/FUL/14), it is considered that this is the document that the current application should be compared against.
33. The lighting contour plan submitted with this application shows a marginal increase in light spillage towards the rear of properties to the north west of courts 6 to 9 (20 and 21 Green Courts). The 1 lux lines have moved closer to the rear of the properties however the 5 lux lines remain outside of the garden areas. With regard to the impact on 31 and 32 Green Courts, the plan shows an overall reduction in light spillage to the garden area with the 1lux lines and 5 lux lines sited close to the rear garden boundary. The submitted lighting report provides calculations which model the amount of light spill onto neighbouring land and properties. The calculations take into account light shields and baffles on the floodlight columns and other barriers located within the Bowdon Lawn Tennis Club site. The proposed lighting scheme complies with the Institute of Lighting Professionals (ILP) guidance for the reduction of obtrusive light. The scheme proposed controls the lighting level such that the illuminance levels do not exceed 5 Lux at the façade of any nearby residential property, this is in accordance with the limit for light obtrusion contained within the ILP guidance. Lighting as proposed will also not cause excessive glare to neighbouring residential properties as the floodlights are angled downwards with the lamps concealed and not visible to neighbouring properties. Upward light pollution (skyglow) is limited by the design having a zero upward light component.
34. The report again presents a 'worst case scenario' as it provides a cumulative impact assessment where floodlighting is being used on all the proposed available courts (4, 5, 6, 7, 8, 9), the lighting report also does not take into account any natural screening which is located on land outside of the Bowdon Lawn Tennis Club. Previous lighting reports for courts 6-9 had not provided this combination of scenarios. The additional supporting information submitted by the agent advises that the proposed lighting scheme would also allow for lighting of individual courts, rather than having to have all courts lit at any one time. This can be controlled by condition and offers an improvement and benefit over the scheme previously approved.
35. Having regard to the above the proposed lighting scheme is not considered to result in any significant harm to residential amenity, and as such is considered to be in accordance with Policy L7 of the Core Strategy.

ECOLOGY

36. The proposal would not have any additional impact on ecology and wildlife over and above the approved scheme 84338/FUL/14.

HIGHWAYS & PARKING

37. The proposal would not have any additional impact on highways and parking over and above the approved scheme 84339/FUL/14.

DEVELOPER CONTRIBUTIONS

38. 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).

39. No other planning obligations are required.

CONCLUSIONS

40. The proposal has been assessed against the development plan and national guidance and it is considered that the proposed development will not result in undue harm to the amenity of neighbouring residents and would preserve and enhance the character and appearance of the conservation area, subject to the inclusion of conditions.

41. 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 considered to result in less than substantial harm which is outweighed by the public benefit of the development.

42. 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 plan 1425-05 Rev E and plans submitted with the Sports Lighting UK report dated 25/01/2018.

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

3. Notwithstanding the details submitted to date, no development shall be carried out unless and until details (including details of its colour temperature (Kelvin)) of the proposed bulbs for the LED lamps have been submitted to and approved in writing by the Local Planning Authority. The bulbs for the LED lamps shall be retained in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and to ensure a warm bulb is used, having regard to Policies L7 and R1 of the Trafford Core Strategy.

4. The floodlight columns hereby approved 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.

5. The floodlights hereby approved 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.

6. The floodlighting hereby approved shall not be brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority, which confirms that the lighting scheme detailed within the Sports Lighting UK report dated 25/01/2018 and associated plans has been installed in accordance with this approved scheme.

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

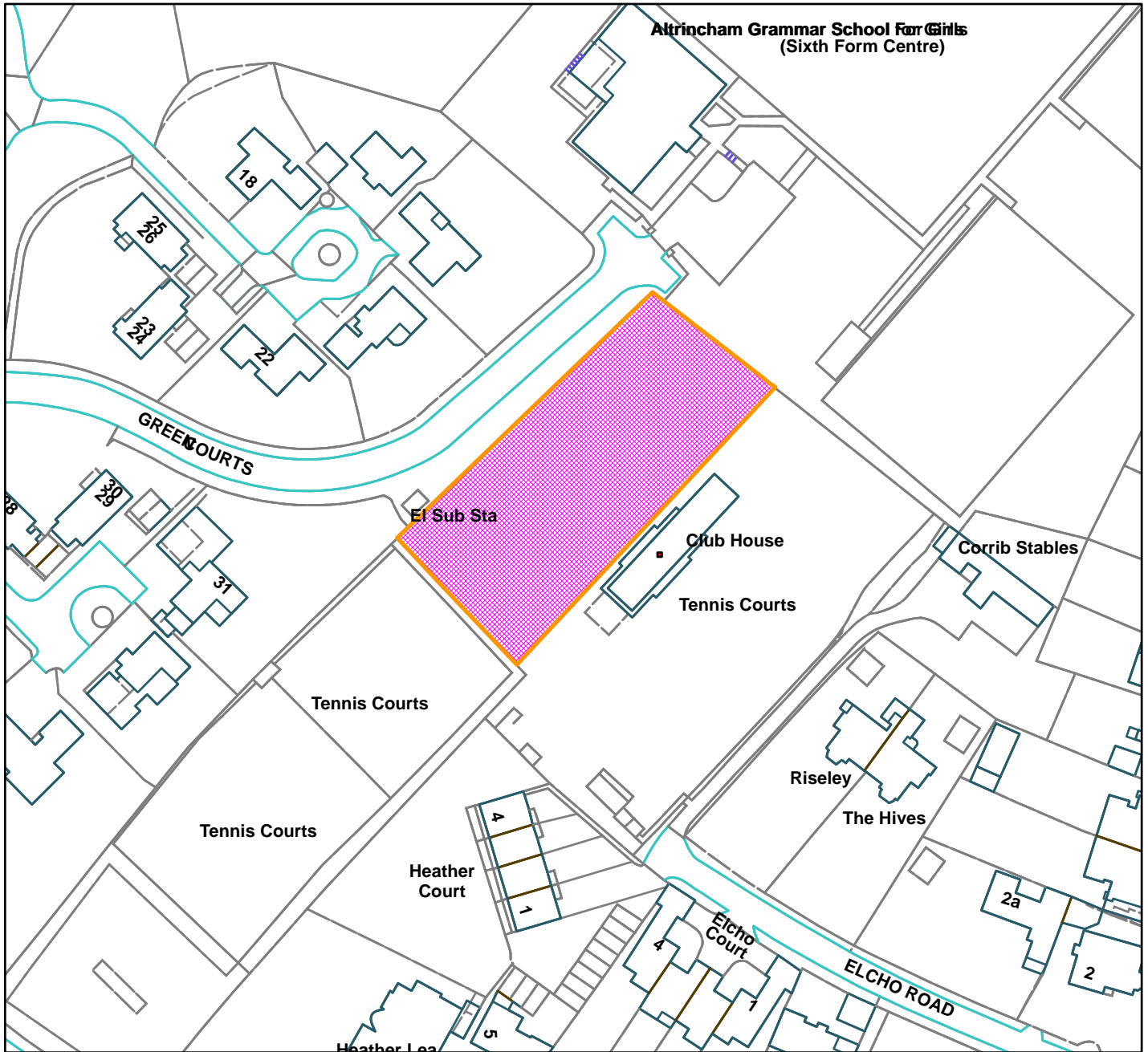
7. The approved lighting columns shall be kept in their retractable position at all times outside of the authorised hours of use.

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

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/08/2018
Date	24/07/2018
MSA Number	100023172 (2012)

WARD: Priory

94257/FUL/18

DEPARTURE: No

Change of use from a residential dwelling (Use Class C3) to a childrens day nursery (Use Class D1) for up to 30 children.

211 Dane Road, Sale, M33 2NA

APPLICANT: Miss Hilton

AGENT:

RECOMMENDATION: REFUSE

The application is reported to the Planning and Development Management Committee as the application has received more than six letters of support contrary to the officer's recommendation.

SITE

The application concerns a detached dwelling of 1.5 stories in height, located on the corner of Dane Road and Arnesby Avenue. At the rear of the property with an access from Arnesby Avenue is a driveway leading to a garage. There is a separate pedestrian entrance to the property from Arnesby Avenue and an additional pedestrian entrance from Dane Road. To the Dane Road and Arnesby Avenue frontage the property is surrounded by a low boundary wall and bushes/hedge. At the rear of the property and to the rear of the garage is a wall with open breeze blocks to a height of approximately 1.2m. Between the application site and No. 209 Dane Road there is also a wall approximately 1.2m in height.

PROPOSAL

The proposal is to change the use of the property from a single dwelling to a day care nursery for up to 30 children. The property will be in use between the hours of 07:30 and 18:00 and will employ the equivalent of 6 full time members of staff. The applicant has indicated that the numbers of staff will however vary depending on the numbers and ages of children. The ground floor will have rooms for messy play, a wet room, a play room/dining room, a baby room and kitchen and the first floor an office/staff room, sensory room and quiet room/3-5 year old class room and bathroom.

The existing garage will be demolished and five parking spaces are proposed in what is currently the rear garden of the property. The front garden and the remainder of the rear garden are to be used for outdoor play. A 1.8m high green mesh fence will be erected along the Dane Road frontage and the Arnesby Avenue frontage with 1.8m high mesh gates to the parking area. A new timber 1.8m high fence will be erected along the boundary with No. 209 Dane Road and along the majority of the boundary with No. 140

Arnesby Avenue with the 3.6m closest to Arnesby Avenue marked by a 1.8m high mesh fence. A further 1.8m timber fence will be erected to separate the rear garden/play areas and the parking area.

The applicant submitted additional information on 23rd July to seek to address issues raised by officer, the LHA, Environmental Protection and third parties. All parties were re-consulted following the receipt of that information. Their views on the additional information will be reported in the Additional Information Report.

The total floorspace of the proposed change of use would be approximately 115 sq.m.

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

PROPOSALS MAP NOTATION

None

OTHER RELEVANT DOCUMENTATION

Planning Guidelines- Day Nurseries and Playgroups (Revised June 1991 and September 1997)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the Revised National Planning Policy Framework (NPPF) on 24 July 2018. 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

H27430 Construction of new vehicular access – Refused 17 June 1988 and dismissed on appeal.

APPLICANT'S SUBMISSION

CIL form
Supporting statement

CONSULTATIONS

LHA – The response dated 22nd May 2018 required details of refuse arrangements, staff and hours of operation. This information is required before a definitive LHA view can be given. This will be reported in the Additional Information Report.

Environmental Protection – Their formal comments are awaited and will be reported in the Additional Information Report.

REPRESENTATIONS

Four letters of representation have been received objecting to the proposal and raising the following issues:

- Traffic on Dane Road B5397 is already heavy and proposal would make the situation worse.
- What allowances have been made for a possible 30 extra cars dropping off children.
- Terrace properties opposite have no off road parking which makes Dane Road very congested.
- Drop off and pick up times likely to coincide with peak traffic flows on Dane Road.
- Limited visibility for motorists due to curvature of the road.
- Traffic queuing to the lights sometimes extends as far as 211 Dane Road.
- Many nurseries in the area already no need for an additional one.
- Noise and disturbance from 30 children and employees.
- Foxes regularly pass through site and this would be a hazard to children.

Six letters of support have been received on the following grounds:

- An additional nursery will improve parental choice.

- Dane Road benefits from wide pavements so getting children in and out of cars is manageable. Many families will walk. Children collected at different times.
- Applicant is qualified and runs a professional, well organised childcare business.
- During rush hours traffic going slowly and not a particular safety issue. School crossing patrol in the vicinity.
- House and garden in poor state of repair would welcome the property being repaired and looked after.
- Loss of employment.
- Existing background noise from local schools.

OBSERVATIONS

POLICY

1. Paragraph 124 of the NPPF states: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
2. Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
3. In relation to matters of amenity protection Policy L7 of the Trafford Core Strategy advises, 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.

PRINCIPLE OF USE

4. The site is unallocated on the Trafford Unitary Development Plan. As such there are no specific policy restrictions relating to the principle of the proposed use.
5. The main issues for consideration concern residential amenity, design and appearance, traffic and parking.

RESIDENTIAL AMENITY

6. 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.
7. The Supplementary Planning Guidance – Day Nurseries and Play Groups: provides advice on the types of properties considered appropriate for Day Nurseries and Playgroups and the issues that will be taken into account. The Planning Guidelines advise that the ideal property for a day nursery would be detached so that noise does not occur through a party wall and set well back from the road so parents are less likely to park on the road. It states that a day nursery or play generates considerably more activity than a family house. The extent will depend on the numbers involved, the location of rooms and the solidity of construction.
8. The Guidelines advise that the site should be sizeable in area, with a long road frontage and large garden (over 10sq m per child), so that comings and goings and outdoor play are not inevitably close to neighbours and parking and manoeuvring space can be provided satisfactory.
9. The Guidelines also state that neighbouring properties should be set well back from the road so they are not unduly affected by the extra activities in the road, with large back gardens so that outdoor play is not unduly close and in non-residential use.
10. The Planning Guidelines note that outdoor play is an essential feature of day nurseries. In fine weather there could be some children outside most of the time. This can be noisy and disturbing to residents in nearby dwellings if they are close and can detract from the enjoyment of nearby gardens if the numbers are large and the area is otherwise quiet. If garden space is restricted the number of children able to be outside at any one time may be limited, but this may expand the period over which the outdoor play occurs and is likely to mean that play will be close to boundaries with adjoining properties. The applicant has advised that there will generally be no more than 7 children using the garden at any one time and this will usually be the front garden to reduce the impact on the garden areas of the adjoining properties.
11. This application site is an existing dwelling with front and rear gardens and located in a residential area. Both the dwelling and garden areas are relatively small. The rear garden is approximately 15.2m wide by 10m as measured from the garage to the existing rear extension. The area to be utilised for play at the rear of the property will be between 2.6m in depth and 10.3m and 14m in width to the

bushes/trees forming the planting area. The useable area will therefore be approximately 90 sq. m. At the front of the property an area up to 160 sq. m will be provided for play. The proposal will provide approximately 210 sq. m in total of useable garden area and would not therefore provide adequate outdoor play space (over 10sq m per child) to meet the Council's guidelines for 30 children.

12. The adjoining properties Nos 209 Dane Road and 140 Arnesby Avenue are in residential use and set back approximately 8.6m and 7.4m from the road frontage respectively. Both adjoining properties have windows serving habitable rooms in the facing elevations. The window in the side of No 140 is 1.8m from the side boundary and that in No. 209 is 2.4m. Both properties are currently separated by boundary walls approximately 1.2m in height from the application site. The applicant has indicated that these will be replaced by timber fences 1.8m in height. This could be done under residential permitted development rights so it is considered that limited weight can be given to the visual impact on neighbouring properties. Notwithstanding this, and subject to comments from Environmental Protection, it is considered that it would have little impact on noise levels emanating from the site.
13. The proposed garden areas will be used for a substantial proportion of the day. The applicant has advised that approximately half the children will go on visits elsewhere in the mornings but half (15 children) will remain at the property. Generally a maximum of 7 will be playing in the garden at any one time. The garden is in close proximity to the adjoining properties which also have relatively small gardens. It is therefore considered that the proposal will unduly impact on neighbouring properties as a result of noise and disturbance from the use of the garden in such close proximity. If play equipment is installed in the garden it is possible that undue overlooking of the neighbouring properties may result.
14. The parking area is located close to the boundary with 140 Arnesby Avenue and 209 Dane Road. This has the potential to be used intensively at peak times for the parking of staff and use by parents picking up and dropping off children. It is considered that the noise and disturbance generated by vehicles, parents and children at these periods is difficult to condition and control and would, in a confined area close to residential properties, lead to a significant impact on the level of amenity enjoyed by those properties. In coming to this view regard has been had to the level of traffic on Dane Road at these times of day.
15. It is considered that the impact of the use of the property by up to 30 children using the garden would result in an unacceptable loss of amenity in respect of noise and disturbance and possible overlooking of neighbouring properties.

DESIGN AND VISUAL AMENITY

16. The application does not show any changes to the building other than the proposal for a car park and green mesh fencing around the site and 1.8m timber fences

between the application site and No. 140 Arnesby Avenue and 209 Dane Road. It is considered that the proposed green mesh fences would not respect the character of this residential area but were the application acceptable in other respects, subject to a condition requiring them to be set behind the existing low boundary wall and with additional planting, they could be adequately screened. In addition the planting would provide adequate screening of the car parking area from the street.

17. The use of mesh gates to serve the parking area would not represent appropriate design but an alternative scheme could be secured through an appropriate condition were the proposals otherwise acceptable. No details have been submitted of the proposed pedestrian gates but this could also be dealt with by way of a condition.

PARKING

18. The proposal has been amended to show 5 parking spaces at the rear of the property with access from Arnesby Avenue. The applicant has advised that the times of children arriving and departing are staggered and that this minimises congestion for traffic, pedestrians and the impact on the parking area. The applicant also operates a proactive parking policy, requiring parents to be mindful of the neighbours. The Council's Planning Guidelines- Day nurseries and playgroup updated in 1997 advise that around 90 per cent of children in private day nurseries are likely to be brought and collected by car. There is no reason to suggest that this figure has changed significantly.
19. The Local Highway Authority has been consulted and their comments will be included in the Additional Information Report.

CONCLUSION

20. It is recognised that the use of this property as a day nursery would provide employment and would increase the range of choice of child care to residents. This must however be balanced against the amenity enjoyed by neighbouring properties, visual appearance and road safety. In this case it is considered that the proposal would result in a loss of amenity to the adjoining properties and would not therefore comply with Policy L7 of the Trafford Core Strategy, the SPG and guidance in the NPPF.
21. When considering planning applications it is necessary to consider whether the imposition of conditions could overcome any issues that arise during consideration of a development proposal. When considering this it is necessary to have regard to the advice within the National Planning Practice Guidance which lists six tests that conditions must meet if they are to be imposed. Any condition should be:

- necessary;

- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.

22. It is considered that in this instance the use of the car park and its impact cannot be mitigated by the use of any planning condition. Whilst opening hours could be controlled, the noise and disturbance identified above would still occur. In terms of the impact caused by use of the play area, it is difficult to impose a condition that would be enforceable and reasonable in terms of the limitations it would have on the business. It is therefore considered that conditions could not resolve the harm identified above. As such it is recommended that planning permission should be refused.

DEVELOPER CONTRIBUTIONS

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

24. No other planning obligations are required.

RECOMMENDATION

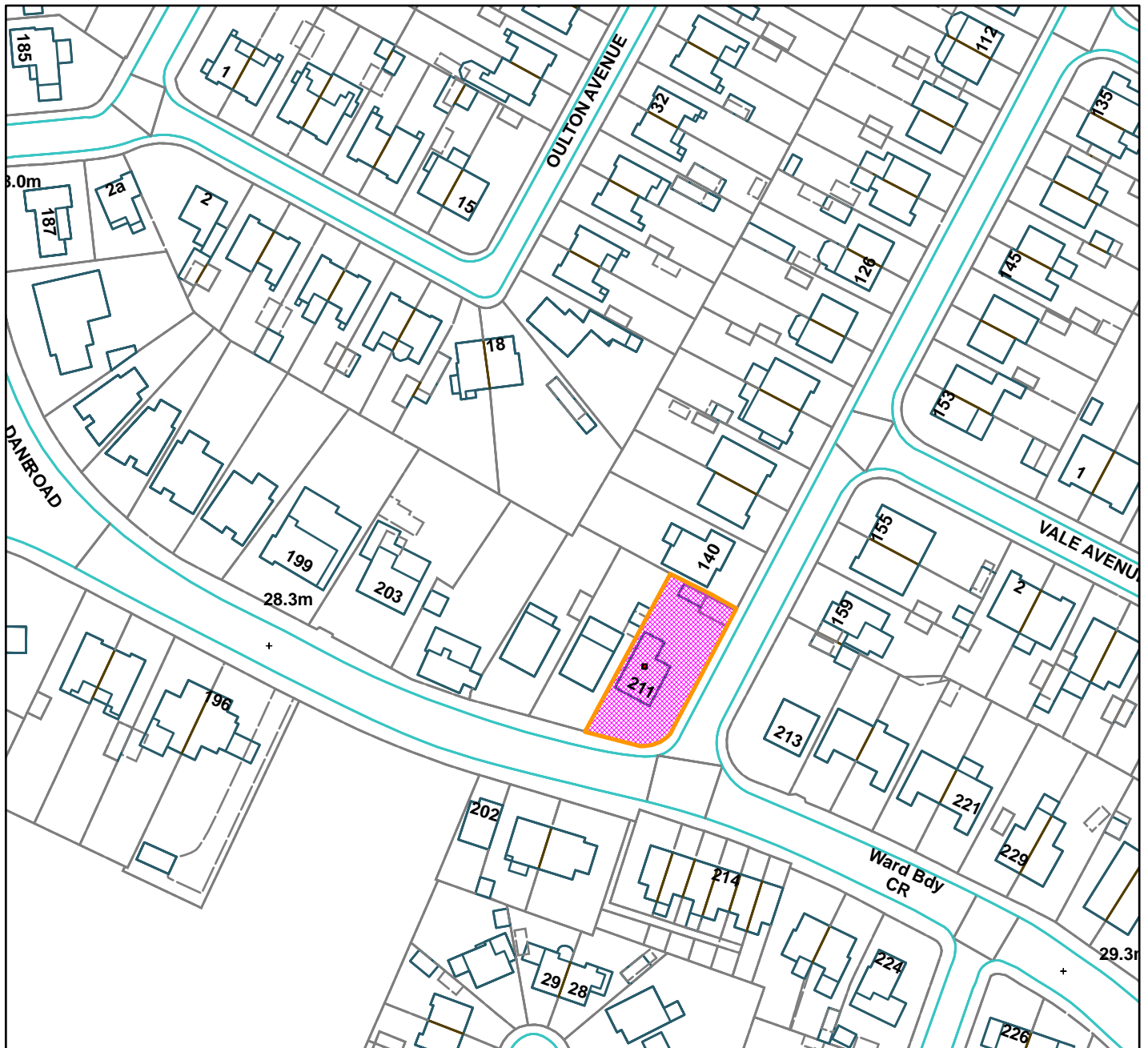
REFUSE for the following reason:-

The proposed development, by reason of the use of the garden for outdoor play and the close proximity of the parking area to residential properties would result in undue noise and disturbance and an undue loss of privacy to the occupants of neighbouring properties and would therefore have an unacceptable impact on the residential amenity that the occupiers of these properties could reasonably expect to enjoy. As such, the proposal would be contrary to Policies L4 and L7 of the Trafford Core Strategy, guidance contained within the Council's Planning Guidelines - Day Nurseries and Play Groups and the National Planning Policy Framework.

CMR



211 Dane Road, Sale (site hatched on plan)



Scale: 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/08/2018
Date	24/07/2018
MSA Number	100023172 (2012)

Change of use from a Bank (Use Class A2) to a Restaurant (Use Class A3). Erection of a part single/part two storey rear extension following demolition of the existing brick store. Creation of an external seating area to the front with planters and awnings. Creation of a first floor front terrace area (with glass balustrade) for staff use only. External alterations to include new windows alongside new ventilation and condenser units.

ADDRESS: 199 Ashley Road, Hale, WA15 9SQ.

APPLICANT: A Squared Eats Ltd.

AGENT: Mrs Alison Freeman.

RECOMMENDATION: GRANT

This application is reported to the Planning and Development Management Committee because it has been called-in by Councillor Mrs. Patricia Young on the grounds that the original proposal would result in an unacceptable amenity and highways impact.

SITE

The application site comprises of a vacant detached Victorian-era bank set within a row of commercial buildings in the centre of Hale, to the south-east of Hale Station. The building fronts Ashley Road to the south-west and has a later single storey flat roofed stone clad 'bank frontage', together with non-original two storey and single storey elements to the rear. An internal alleyway runs along the building's gable (south-east) elevation providing access to a back yard and a detached flat roofed outbuilding. The plot is bound by similar type commercial buildings to the sides (north-west and south-east), with commercial buildings and the Ashley Hotel to the front (south-west), Hale Bowling Green to the south, Hale Library to the east, and residential properties backing onto the rear of the site to the north-east and north. The rear of the site is bound by a combination of brick walls and the brick elevations of surrounding properties. The site is located within Character Zone A 'Central Retail Area' of the Hale Station Conservation Area. The plots to the rear are located outside of the Conservation Area.

The front of the plot (i.e. the original building and its bank frontage) is noted as a 'positive contributor' within the Hale Station Conservation Area SPDs.

PROPOSAL

The applicant proposes the following works:

- Convert the building from its current bank use (A2) into a restaurant (A3);
- Demolish the non-original structures, including the dormer, to the rear and erect a part two storey/part single storey extension. The two storey element would have a dual pitch roof and would introduce two rear facing first floor windows. The

single storey element would have a flat roof containing a single long rooflight behind a screening parapet along the rear boundary. External brick work and roof slates would match those of the original building.

- Amend the ground floor front elevation through the installation of four sets of inward opening floor to ceiling double windows, as well as lighting;
- Install an external seating area enclosed by planters on part of the footpath adjacent to Ashley Road;
- Install a glass balustrade to the first floor front balcony;
- Various other external alterations including the installation of new windows, and ventilation/condenser units, the ventilation elements to be installed at the proposed two storey element, including its roof, a kitchen extract chimney projecting from the main rear roof slope, this latter element to be disguised as a chimney, whilst the condenser units would be affixed to the rear of the two storey rear extension at first floor level.

The proposed internal layout would comprise of a vestibule, restaurant, bar area, service kitchen with dumb waiter lifts, disabled WC and stairwell at ground floor, a kitchen and customer toilets at first floor level, and a staff WC, office, plant/boiler room and secure store room within the roof space.

The originally proposed hours of operation would have been 1100 to 0000 Monday to Friday, 1000 to 0000 Saturday and 1000 to 2200 on Sundays. These have been amended to the following hours in line with the recommendation from the Council's Nuisance section:

Monday to Thursday 1130 to 2300; Friday 1130 to 0000; Saturday 1000 to 0000; Sundays and Bank Holidays 1000 to 2200.

An external bin store area would be located within the retained on the site's alleyway adjacent to the building's side (south-east) elevation.

Value Added

Following officer advice the applicant has amended their proposal through the following changes:

- Reduced the size of the proposed two storey rear extension through setting it further back from the rear boundary and amending its rear wall to ensure it is parallel to the main building's two storey rear elevation;
- Removed the awnings from the proposed street level external dining area;
- Removed the originally proposed first floor external dining area, this area now to be accessed by staff only;
- Amended the proposed external extractor vents including through the removal of a single mushroom cowl extractor and its replacement with a flat vent on the rear elevation of the proposed two storey rear elevation;
- Repositioned the proposed AC units from the side gable elevation to the rear elevation of the proposed two storey rear extension at first floor level;
- Increased the proposed rear parapet wall to screen the repositioned AC units.

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 - Sustainable Transport and Accessibility;
L7 - Design;
L8 - Planning Obligations;
W2 – Town Centres and Retail;
R1- Historic Environment;
R2 – Natural Environment.

OTHER LOCAL POLICY DOCUMENTS

Revised SPD1 - Planning Obligations;
SPD3 - Parking Standards & Design;
SPD5.11 - Hale Station Conservation Area Appraisal;
SPD5.11a - Hale Station Conservation Area Management Plan.
SPG17 – Shop Fronts;
SPG24 – Crime and Security.

PROPOSALS MAP NOTATION

Hale Station Conservation Area;
Critical Drainage Area;
Town and District Shopping Centre.

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the 10 Greater Manchester districts and, once adopted, will be the overarching development plan for all 10 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 MHCLG published the revised National Planning Policy Framework (NPPF) on 24 July 2018. 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. It has been updated regularly since. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

84234/ADV/14: Internally illuminated fascia sign, internally illuminated projecting sign, vinyl and aluminium ATM signs. Approved 14 January 2015.

APPLICANT'S SUBMISSION

The applicant has submitted Design and Access, Planning and Heritage statements in support of their application.

CONSULTATIONS

Local Highways Authority – No objection however the proposed pavement dining area would require a Highways License.

Nuisance – No objection subject to conditions.

Land Contamination – No objection.

LLFA - No objection if no increase in hard standing.

GMEU - No objection.

Cadent Gas – They have apparatus in the vicinity which could be impacted by the proposal. They want to be informed of the LPA's final decision.

GMP Design for Crime – No objection.

REPRESENTATIONS

Multiple letters of objection have been received from five neighbouring addresses, which raise the following issues:

- The proposed development would be too large for the area and would back onto residential properties;
- The development would result in an unacceptable noise impact on neighbouring residential properties;
- The alleyway to the side of the building would channel noise to surrounding properties;

- The submitted noise report is imprecise;
- The proposed hours of operation would be too long;
- The pavement where the proposed street side external dining area would be situated is not part of the property. There have been problems with similar elements elsewhere within Hale;
- The external dining area would undermine the street scene and obstruct the pavement;
- The proposed awnings are not commonly in use on Ashley Road;
- The proposed rear facing first floor windows would result in an unacceptable privacy impact on the dwelling to the rear;
- The proposed first floor rear extension would result in an unacceptable overbearing and overshadowing impact on the dwelling to the rear;
- The applicant is incorrect in their claim that Hale town centre is declining with multiple empty properties;
- Hale does not need another restaurant;
- The proposal would result in an unacceptable parking impact;
- It would result in an overdevelopment of the plot;
- The applicant should consider using one of the currently vacant former restaurants.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. Core Strategy Policy W2.6 classifies Hale as a District Centre. Policy W2.7 states: *Within these centres there will be a focus on convenience retailing of an appropriate scale, plus opportunities for service uses and small-scale independent retailing of a function and character that meets the needs of the local community.*
2. The proposal would result in the reuse of this currently vacant bank building thereby reanimating this part of Hale high street. The proposal would support the vitality and viability of Hale District Centre and is an appropriate use within the centre. The loss of the building's existing lawful use as a bank is not considered to be a sufficient reason to refuse planning permission. The reuse of a currently vacant building is a positive factor.
3. It is therefore considered that the proposed development would be acceptable in principle with reference to Core Strategy policy W2.

DESIGN INCLUDING IMPACT ON THE HALE STATION CONSERVATION AREA

Impact on the Hale Station Conservation Area

4. The application site is located within the Character Zone A (Central Retail Area) of the Hale Station Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of Conservation Areas when determining planning applications.

5. When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Conservation Area), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (NPPF paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. (NPPF paragraph 194).
6. Where a development would 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 (NPPF paragraph 196).
7. 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.
8. Paragraph 124 of the NPPF states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 130 states: *Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*
9. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
10. The Hale Station Conservation Area Management Plan SPD (2016) notes the Conservation Area's special interest as follows:

Hale Station Conservation Area is centred on the attractive Italianate station buildings that epitomise the growth of a rural village into a wealthy suburb and thriving retail centre, all within 30 years at the end of the 19th century. It is one of the best surviving examples in the Borough. The arterial route of Ashley Road bisects the railway line and is significant for its diverse independent shops, cafés and amenities that represent the heart of the Hale economy. The varied textures

of the Arts and Crafts movement can be seen at first floor level while on the ground floor the shop fronts vary considerably from traditional Victorian window displays to modern illuminated fascias. Branching out from Ashley Road are late 19th and early 20th century streets of speculative suburban villas, developed for the growing middle classes. They represent an early element of suburbanisation and illustrate the changes that occurred in the landscape in the 19th century. Their importance cannot be overstated for setting the pattern for English suburban housing, following on a smaller scale into the Edwardian and inter-war periods. The large suburban villa is a key characteristic of Hale Station Conservation Area; one of the wealthiest residential areas in the country. The architecture is both narrow in design and yet widely varied at the same time. The residential properties are designed in the Arts and Crafts style, strongly drawing on the turn-of-the-century Domestic Revival architecture but each building is individual, with fanciful asymmetrical plan forms, decorative timber and plasterwork and contrasting brick colours and patterns. Many original features have survived (1.2).

11. The Hale Station Conservation Area Appraisal SPD (2016) states the following regarding Character Zone A:

The Central Retail Area encompasses Ashley Road as it runs west to south-east through the Conservation Area. The primary use of the buildings lining the street to the west and east of the station is retail, restaurant and commercial use. Further south-east an extension to the boundary of the Conservation Area has been extended, which also encompasses this central retail core of Hale. On the ground floor the majority of the buildings are in use as small independent shops and there is also a large selection of cafés, restaurants and other amenities. There are several public houses. The majority of the shops make use of existing buildings that were originally residential dwellings or purpose-built as shops. Some buildings remain in residential use, more commonly to the west, and some modern infill shop development has been built in places. The majority of the shops make use of the ground floor only, with accommodation, offices and storage above, and some additional shop floor space and possibly some residential units. Historically Ashley Road was well-developed beyond the station to the west, but was largely rural to the south-east, with only a few large villas lining the road (4.7.2-4.7.4).

12. This document goes on to specifically note the application site's original main building as a 'positive contributor' with a key view running past the front of the property.
13. The Conservation Area Appraisal SPD at 6.3 (Problems, Pressures and Capacity for Change) states the following which are relevant to the application site: *the Central Retail Area is subject to constant change as retailers occupying the units apply for permission to alter shop fronts, adverts and canopies. The character of this Character Zone is therefore fairly fluid and could rapidly decline without careful controls on advertising and shop front design (6.3.2); and other planning control issues include a high proportion of applications for flues and ducts being added to the rear of shops, cafés and restaurants (6.3.3).*

14. It is noted that the Hale Station Conservation Area Management Plan SPD includes the following relevant policies:

Policy 6

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 7

Each proposal for change should be informed by an assessment of the existing building and its wider context in line with the requirements of national guidance. Proposals for change will be assessed on a case-by-case basis.

Policy 8

Repair work to historic buildings is to be carried out using like-for-like materials and using the appropriate traditional technique.

Policy 9

Brick walls should not be painted or rendered, unless this was a feature of the original design. Where repairs are needed to the brickwork this should be done with like-for-like replacements.

Policy 11

Established architectural detailing and features are not to be removed or replaced, unless on a like-for-like basis if poor condition requires it. All replacement features to the front of properties should conform to the original design of the property, as described in the design guidance above. Vernacular and Arts & Crafts elements are of particular importance and should be repaired using like-for-like materials and using the appropriate traditional technique. Half-timbered elements should be repainted white with black timber where such features are part of the original design. Decorative plasterwork, tiles, chimney stacks, timber verandas and porches and leaded glazing should all be retained where possible.

Policy 12

Rainwater goods should be painted in dark green, grey or black cast iron or aluminium.

Policy 13

Roofs should be repaired with the original roofing material; this will normally be either Welsh or Westmorland slate or clay tiles.

Policy 15

If the replacement of doors or windows is proposed, whether the existing is of timber or uPVC, any further replacements should be in timber and should represent a significant improvement over the existing. Where windows are replaced, they should respect the size and form of the original opening(s) and glazing bars, and be of an appropriate traditional design. Replacement doors and windows should not detract from the established character of the building.

Policy 16

Where it is necessary to replace original windows, the replacement of single glazing with double glazing is acceptable only if the windows require replacing and there is no material change to appearance i.e. making use of slim line/conservation double glazing. Historic glazing should be retained where possible. UPVC plastic windows and standard double glazing is not considered acceptable.

Policy 17

Established architectural detailing and features such as stained glass, fanlights, chimney pots or decorative terracotta and joinery are not to be removed or replaced, unless on a like-for-like basis. All replacement features to the front of properties should conform to the original design of the property, as set out in the design guidance above.

Policy 18

Ducting, ventilation, satellite dishes, solar panels and other functional features should not be installed on primary elevations of a property. Additions to rear and ancillary street elevations should be unobtrusive to protect the visual amenity of the Conservation Area.

Policy 31

Suitable shop fronts include those with a subtle use of colours and traditional design such as stall risers, thin timber glazing supports, and traditionally glazed window displays. Large display windows should have vertical glazing divisions while architectural features, such as cornices, pilasters, glazing bars and stall-risers should be retained as part of any alterations or repairs. Replacement shop fronts should make use of these traditional features.

Policy 33

Shop fronts within the Conservation Area should be of high quality and their designs should conform to the guidance on style and material set out in the design guidance section above.

Policy 36

Fixed and retractable canopies within the Hale Station Conservation Area will need to be carefully designed using traditional materials (plastics are strongly discouraged) and suitable colour-schemes to be considered appropriate. The most appropriate style is a canvas awning that retracts into a slim line box on the building below the first floor building line.

Policy 38

Security features should not detract from the character and appearance of the Conservation Area. Shatterproof and laminated glass is preferable, followed by internal shutters and grilles. External grilles and roller shutters are visually intrusive and are unlikely to be supported.

Policy 65

Buildings identified as positive contributors are not to be demolished, partially-demolished or substantially altered in any way that dilutes their contribution to the Conservation Area.

Policy 67

The scale of any new development should mirror the existing building and plot sizes. The council reserves the right to refuse applications where any proposed development impedes on the building density of the wider area and/or the characteristics of the Conservation Area.

Policy 69

New extensions to the side of properties are unlikely to be acceptable. Where extensions already exist, any further enlargement of the extension is also unlikely to be permitted. Extensions which alter the form and massing of the existing roof lines of residential dwellings are unlikely to be permitted. Loft conversions may be permitted only if conservation roof lights are used and are restricted to the rear elevations of properties. In some cases dormer windows may be an appropriate treatment on historic properties that have evidence of historic attic dormer windows. Pitched gable dormers may be acceptable while flat roofed or overly large dormers are inappropriate.

15. The proposed restaurant would be bound by a mid-20th century retail/office building to the north-west, Edwardian commercial buildings to the south-east, Edwardian residential properties to the north-east, a mid-20th century library to the east, an early 20th century bowling green to the south and a mid-20th century hotel and commercial row to the south-west/west, the latter on the opposite side of Ashley Road. The site's context is therefore characterised by a variety of buildings in term of their design, type, age and scale, albeit with the row of commercial properties within which the application site sits comprising of two storey Edwardian buildings apart from the 20th-century building to the north-west.
16. There is no objection to the demolition of the single storey, two storey and dormer elements to the rear of the property as these are later additions with a largely utilitarian design. It is noted that whilst the existing building on site is noted as a Positive Contributor, this does not include the structures to the rear of the site comprising of those to be demolished.
17. The proposed extensions and amendments are considered to be sensitively designed in terms of their scale and detail with reference to the original property and its wider conservation context, with the proposals in part incorporating acceptable traditional designs and materials, for example the proposed two storey rear extension. The proposed external dining area is considered to result in an acceptable visual impact on the street scene.
18. The proposed amended principal elevation would be acceptable with reference to its design and materials with the proposal maintaining this elevation's clean lines and simple detailing. The works to the rear of the property in the form of the proposed part two/part single storey rear extensions would result in an improved visual impact compared to the current set up with the existing structures having a

utilitarian and disparate design which do not complement the original building or their surroundings. It is considered that the proposed rear extensions would be acceptably designed with reference to their detail, scale, orientation and materials, with the amended two storey extension being designed to appear as an original feature. Whilst it is accepted that the proposed single storey rear extension would not have an ideal design through its flat roof, this is nevertheless on balance considered to be acceptable especially considering its position to the rear of the property, the fact that the proposed roof lantern would be screened by a brick parapet and the fact that there is already a flat roofed single storey extension at the rear of the property.

19. The amended plant and AC units are considered on balance to be acceptably designed in that they are now all located to the rear of the property with the AC units screened by the increased parapet above the proposed single storey element, whilst the kitchen extract would be designed to appear as a chimney. Whilst it is considered that the proposed ventilation system would not have an ideal visual impact through the proposed air intake and mushroom cowl, these are nevertheless considered to be a marked improvement on the original proposal, they would not be added to an original structure and in any event whilst these specific elements are considered to result in a degree of harm to the building and the wider Conservation Area, applying the NPPF paragraph 134 test this harm is considered to be 'less than substantial' and would be outweighed by the public benefits of bringing this currently vacant building back into use, which would also result in improvements to its external fabric.
20. The development would acceptably comply with the above noted policies from the Hale Station Conservation Area Management Plan.
21. It is noted that the application site is located at the Conservation Area's north-eastern boundary with the proposed rear extensions and extraction plant being visible from the rear of properties to the north, north-east, east and south-east. It is not considered that the proposal would undermine views from this point into the Conservation Area, and indeed the proposals would enhance such views in some regards.
22. Planning permission would be subject to a condition requiring submission of full materials details for the LPA's written approval prior to commencement of above ground development.
23. The proposed development would not result in an overdevelopment of the plot.
24. It is therefore concluded that the proposed development's design and materials would result in an acceptable visual impact on the application site, a positive contributor within the Hale Station Conservation Area, together with its Conservation Area setting. The scheme would result in 'less than substantial' harm to the significance of the heritage assets, with this harm outweighed by the proposed development's public benefits. The proposal would acceptably preserve the character and appearance of the Conservation Area. The proposal is therefore deemed to be acceptable with reference to the Hale Station Conservation Area SPDs, the Shop Fronts SPG, Core Strategy Policies L7 and

R1, and paragraphs 132 and 134 of the NPPF. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the Hale Station Conservation Area.

Design and Crime

25. The proposal would reuse a currently empty building which would go some way to reanimate this area. The GMP Design and Crime consultee has not objected to the proposal. The proposal would be acceptable with reference to the Crime and Security SPG.

IMPACT ON RESIDENTIAL AMENITY

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

Privacy and Overlooking

27. The development would mainly utilise existing windows and outlooks to the front with the exception that the existing main bank frontage windows would be dropped down to ground level to accommodate inward opening glazed double doors. The existing first floor balcony would be opened up to access by members of staff via a 'reactivated' first floor door, with a new glazed balustrade introduced for safety.
28. To the rear the development would introduce three rear facing windows at first floor level, two of these in the rear elevation of the proposed two storey rear elevation, and a single window in the original main building's rear elevation which would essentially be a 'like for like' replacement of a window currently in place. The development would also result in the removal of two ground floor, three first floor windows and a dormer window which currently face towards the rear boundary.
29. It is not considered that the proposed front or rear facing windows or outlooks would result in an unacceptable privacy impact with those to the front simply facing/overlooking the busy Ashley Road in the Hale District Centre with a coffee shop, Britannia Hotel and Marks and Spencers on the opposite side of the road. The proposed rear facing first floor windows in the two storey rear extension would face the angled rear boundary at a distance of 4.77m to 5.72m with both of these windows to be obscurely glazed up to 1.7m above internal floor levels and also fixed shut. As such it is not considered that these windows would result in an unacceptable privacy impact on the residential properties to the rear.
30. It is further noted that as per the Nuisance consultee's comment should planning permission be granted this should be subject to a condition ensuring members of staff do not congregate at outside areas to the rear and side of the property which would ensure members of staff do not access the flat roof to the rear.

Overbearing/Overshadowing

31. The proposed rear extensions would not result in an unacceptable overbearing impact on the adjacent properties to the side with the two storey element not projecting beyond the multi-storey element to the rear of the FCUK offices to the north-west (No. 197 Ashley Road) and projecting approximately 3m beyond the two storey element to the rear of the former bank building to the south-east (No. 201 Ashley Road) with the proposed two storey element being set in by approximately 7m from this neighbouring two storey structure.
32. Whilst it is accepted that the proposed part single storey part two storey rear extension would impact the views from the rear of the properties backing onto the site to the north-east, especially No. 9 Addison Road, it is noted that this neighbouring property's closest ground floor rear facing habitable room windows/outlooks would be a minimum of 17.6m from the rear wall of the proposed single storey element and a minimum of 23.2m from the rear wall of the proposed two storey element, which is considered to be acceptable.
33. It is not considered that the proposed two storey and single storey elements would result in an unacceptable overshadowing impact on the neighbouring properties to the side and rear.

Noise and Disturbance

34. The proposal would result in the introduction of a new restaurant use at this site with the addition of an external dining area and a first floor staff terrace to the front, in addition to external plant and equipment. Whilst it is accepted that the proposal would result in some limited noise impacts, it is also noted that the Nuisance consultee has not objected to the amended scheme subject to the imposition of appropriate planning conditions to ensure the proposal would not result in an unacceptable noise and disturbance impact, including a Construction Management Plan. It is also noted that the Nuisance consultee has proposed a condition controlling the hours of operation with these hours differing from those originally proposed, the applicant agreeing to the same.
35. Subject to appropriate conditions, the development would not have an unacceptable impact on the residential amenity of the neighbouring and surrounding residential properties with reference to Core Strategy policy L7 and the NPPF.

HIGHWAYS, PARKING AND SERVICING

36. Core Strategy Policy L4 states: *[The LPA will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*

37. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
38. The proposal would not have any customer or staff parking spaces however the site is in a highly sustainable location in the centre of Hale District Centre within easy walking distance to Hale station and with multiple bus routes running along Ashley Road. The external dining area would require a highways license. It is noted that the LHA consultee has not objected to the proposal.
39. The development would have an acceptable highways, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD and the NPPF.

ECOLOGY

40. Core Strategy Policy R2 states: *To ensure the protection and enhancement of the natural environment of the Borough, developers will be required to demonstrate through a supporting statement how their proposal will:*
- *Protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets having regard not only to its immediate location but its surroundings; and*
 - *Protect the natural environment throughout the construction process.*
41. The proposal would result in the demolition of single storey and two storey structures to the rear of the property as well as extensive roof works including the removal of the rear facing dormer. The GMEU consultee has confirmed no objection to the proposed development with reference to the submitted bat report.
42. The development would not result in harm to the natural environment with reference to Core Strategy policy R2 and the NPPF.

DEVELOPER CONTRIBUTIONS

43. This proposal is not CIL chargeable.
44. Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) recommends the provision of an element of specific green infrastructure in the form additional trees, however due to the site's limited scope it would not be reasonable for these to be required.

OTHER MATTERS

45. Addressing the further neighbour comments as noted above and which have not been addressed in the Observation section above officers can state as follows:

46. The amended noise report has been reviewed by the Nuisance consultee who has approved its contents and it is considered to be satisfactory for this reason.
47. The amended hours of operation as recommended by the Nuisance consultee are considered to be reasonable.
48. It is acknowledged that the area on which the applicant proposes to install the external dining area is not part of their property however they have served the relevant notice on the landowner (the LHA) and they would have to obtain a license to use this area in the proposed manner.
49. It is not considered that the proposed external dining area would obstruct the pavement with a sufficient width of pavement retained for public use. In any event this use would require a Highways License.
50. It is noted that the originally proposed awnings have been removed following officer advice.
51. The financial viability of the proposed use at this site is not a relevant planning consideration.
52. The applicant is not obliged to use one of Hale's empty restaurants and the LPA must consider the acceptability of the development proposed on the application site.

CONCLUSION

53. Considerable importance and weight has been given to the desirability of preserving the Hale Station Conservation Area and its setting with 'less than substantial harm' identified to the significance of this Conservation Area, which is considered to be outweighed by the public benefits of bringing the vacant building back into use. The proposal is considered to be appropriate in principle as well as being acceptable with reference to its design and its impact on heritage assets, residential amenity, privacy, the local highways network, parking and servicing impacts. It is therefore considered to be acceptable with reference to Core Strategy Policies L4, L7, L8, W2, R1 and R2, the Hale Station Conservation Area SPDs, the Shop Front SPG, the Crime and Security SPG and 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 submitted plans, numbers [205_PL] 002 Rev A, 009 Rev A, 010 Rev A, 011 Rev A, 012 Rev A, 013 Rev B, 014 Rev B, 015 and 016, received 9 July 2018.

Reason: To clarify the permission, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples of all materials to be used externally on the building and the external dining area (including joinery details of windows and doors) 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 Policies L7 and R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the first floor windows in the gable elevation of the proposed two storey rear extension, together with the proposed first floor replacement window on the main building's rear elevation facing Nos. 9 and 11 Addison Road shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

5. The premises shall only be open for trade or business between the hours of:

Monday to Thursday: 1130 to 2300

Friday: 1130 to 0000

Saturday: 1000 to 0000

Sundays and Bank Holidays: 1000 to 2200

And not at any time outside these hours.

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

6. The development shall be implemented in accordance with the Noise Impact Assessment prepared by Hepworth Acoustics Ref: P17-546-RO1v4 dated June 2018. The use hereby permitted shall not take place unless and until a verification report outlining the equipment proposed and mitigation measures implemented has been submitted to and approved in writing by the Local

Planning Authority The approved equipment and mitigation measures shall be retained thereafter.

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

7. No amplified music shall be played at the premises after 2300 hours. Doors and windows of the premises shall be closed when amplified music is played at the premises, accept for access/egress. No amplified music / sound / speakers shall be permitted to any external part of the site.

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

8. There shall be no access by customers to any external areas to the rear or sides of the premises. There shall be no access to the flat roof area above the single storey extension by customers and no access to this area by staff except for maintenance purposes.

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

9. The ground floor external seating area to the front of the premises shall not exceed 16 covers. There shall be no access to the first floor external area to the front of the premises by customers.

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

10. All windows/openings/roof lights at the premises, apart from those serving the ground and first floor external areas, shall remain closed at all times when the premises is open to the public. All external doors at the premises, apart from those serving the ground floor external area shall remain closed at all times when the premises is open to the public except for access/egress.

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

11. There shall be no use of the external seating area on the ground floor by customers outside the hours of 1130 to 2200 on Monday to Friday and 1000 to 2200 on Saturdays, Sundays and Bank Holidays. No food or drink shall be taken into the ground floor external area after 2200 on any day and all tables and chairs shall be removed from this area by 2230 on any day. All external doors/windows/openings serving the ground floor external area shall remain closed after 2200 on any day except for access and egress.

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

12. The use hereby permitted shall not commence unless and until a noise management plan for use of the ground floor and first floor external areas has been submitted to and approved in writing by the Local Planning Authority. The noise management plan shall be implemented at all times that these areas are in use.

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

13. No tipping of glass or deliveries shall take place on Sundays or Bank Holidays or outside the hours of 0900 to 2100 Monday to Saturday.

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

14. The development hereby permitted, including any demolition, shall not take place unless and until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include details of the measures proposed during the refurbishment works to manage and mitigate the main environmental effects. The following matters shall be addressed:

- (i) Hours of construction/refurbishment activity;
- (ii) Measures to control the emission of dust and dirt during refurbishment and procedures to be adopted in response to complaints of fugitive dust emissions
- (iii) Measures to prevent disturbance to adjacent dwellings from noise and vibration.

The development shall be implemented in accordance with the approved Environmental Management Plan for the duration of the construction work.

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

15. The use hereby permitted shall not take place unless and until a ventilation/extraction system serving the cooking and/or food preparation areas (for the type of food to be prepared at the premises) such that there will be no odour or noise nuisance to sensitive premises and has been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not take place unless and until equipment has been installed in accordance with the approved details and the equipment shall be operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.

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

16. No development shall take place until details of the bin stores, 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

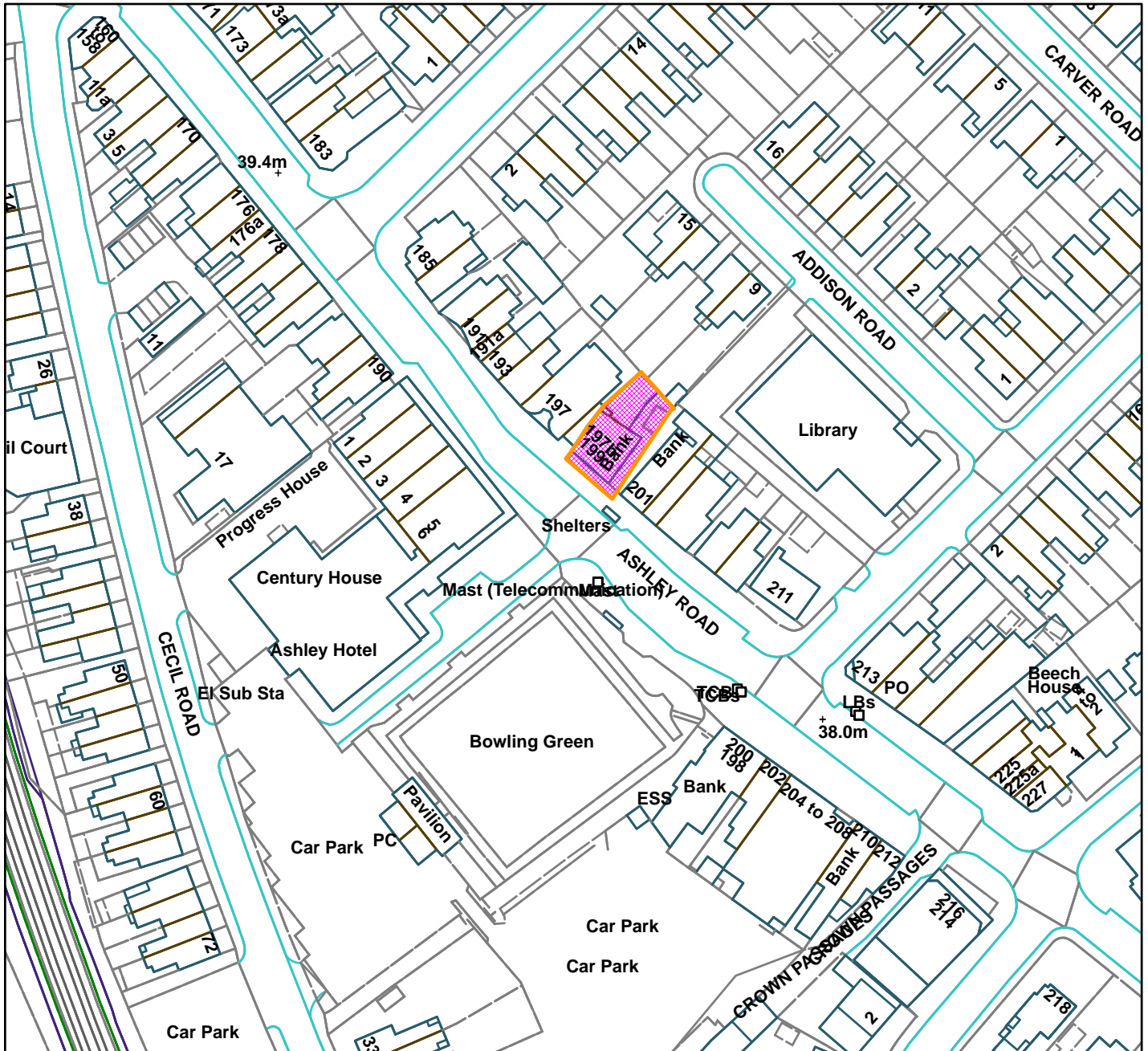
available for use prior to the first operation of the restaurant and shall be retained thereafter.

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

TP



199 Ashley Road, Hale (site hatched on plan)



Scale: 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/08/2018
Date	24/07/2018
MSA Number	100023172 (2012)

Erection of a side extension and roof alterations to include a dormer and new first floor for extra living space.

11 Haydock Drive, Timperley, WA15 7NH

APPLICANT: Ms Croasdale

AGENT:

RECOMMENDATION: GRANT

The application is reported to the Planning and Development Management Committee as the application has received more than six objections contrary to officer's recommendation.

SITE

The application concerns a semi-detached bungalow located on the north side of Haydock Drive, a small residential cul-de-sac of bungalows. At the rear of the site are the playing fields of Cloverlea Primary School. The neighbouring and adjoining bungalow to the west is no. 9 Haydock Drive and to the east is a detached bungalow, no. 13 Haydock Drive. At the front of the property the front garden is open plan with the neighbouring properties.

PROPOSAL

The proposal is to erect a half-hipped roofed extension to the east side to create a staircase to a new first floor bedroom. A dormer window and velux roof light will be formed in the rear roof slope. It is proposed that the extension will be constructed of bricks and tiles to match the existing building.

The increase in floor space of the proposed development would be approximately 32 m².

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

PROPOSALS MAP NOTATION

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the Revised National Planning Policy Framework (NPPF) on 24 July 2018. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

None

APPLICANT'S SUBMISSION

CIL Questionnaire

Applicant's response to representations

CONSULTATIONS

None

REPRESENTATIONS

7 letters of representation have been received from neighbouring properties raising the following issues:-

- Loss of privacy
- Fire risk
- Design and appearance will change the character
- Over development
- Would set a precedent for other extensions

- No justification for extending a bungalow and creating an additional floor
- Gap between the side of the extension and boundary fence should be sufficient for the widest refuse bin.

OBSERVATIONS

POLICY

1. Paragraph 124 of the NPPF states: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
2. 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 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;
3. In relation to matters of amenity protection Policy L7 of the Trafford Core Strategy advises, 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. SPD 4: A Guide for Designing House Extensions and Alterations offers the following relevant guidance in respect of side extensions:

Side extensions can have a prominent visual impact on the appearance of your dwelling and they can remove gaps from the street scene that help define the local character. Side extensions should be appropriately scaled, designed and sited so as to ensure that they do not:

- *Appear unacceptably prominent,*
- *Erode the sense of spaciousness within an area*
- *Detract from a dwelling's character.*

- Adversely affect the amenities of neighbouring properties.

5. Paragraph 3.1.6. of SPD4 states that an existing direct through route to the rear garden should be retained for refuse bins, garden equipment and general storage. The retention of a gap to the side has the following benefits:
 - Ease of maintaining the property
 - General refuse is not transported through the house
 - Garden refuse is not transported through the house
 - It helps the transportation of materials for any potential building works.

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

6. SPD 4 gives the following advice in respect of dormer extensions:-.

Paragraph 3.6.3 advises that dormer windows should be proportionate to the scale of the property and reflect the style and architectural character of the original house. The design of a dormer window should complement the parent roof. Pitched roofs are generally more appropriate, reflect the character of the property more effectively and often improve the appearance of the dormer extension.

Paragraph 3.6.4 advises that:- dormers should match the style and proportions of the windows below and as far as possible be vertically aligned with openings below.

DESIGN AND VISUAL AMENITY

7. The proposal will result in some loss of symmetry between the two semi-detached dwellings. Some semi-detached properties such as No. 17 have single storey side extensions. In this case the extension and alteration to the roof will be set back 4m from the front of the dwelling and a further 3.3m from the road frontage. Whilst the eaves on the side elevation would be higher than the main eaves of the property, the ridge height would be the same as existing and, given the setback and the limited width of the extension, it is considered that it will not be prominent and will not have any significant detrimental impact in the street scene.
8. Access will be retained to the rear of the property for maintenance and access purposes with a minimum separation distance of 750mm between the side extension and the boundary. This will also retain a sense of spaciousness between properties.
9. The proposed dormer will be small, located at the rear of the property with a pitched roof and this is in accordance with the guidance in Paragraph 3.6.3 of SPD4. In any case, the proposed dormer could be constructed under permitted development rights. The proposed design is considered acceptable and the use of tiles and bricks to match the existing will be appropriate.

10. Any issues relating to fire risk will be addressed by Building Regulations.
11. It is therefore considered that the proposed extension is acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy and the SPD4 householder guidelines in this respect.

RESIDENTIAL AMENITY

12. The adjoining property No. 13 has one small obscure glazed window in the side elevation and the proposed extension will not result in a loss of light or general amenity to that property.
13. The proposed dormer will be small and approximately 24m from the playing fields and rear boundary of the site. Any views of neighbour's gardens will be limited by the small size of the dormer and the oblique angle of the views. It is therefore considered that the proposal will not result in significant additional overlooking of adjoining properties.
14. It is therefore considered that the proposal would not have any unacceptable impacts on the residential amenity of neighbouring properties and would comply with Policy L7 of the Core Strategy and the SPD4 householder guidelines in this respect.

PARKING

15. Two parking spaces will be available in front of the proposed extension and this meets the Guidelines for a 3 bedroomed dwelling in this location. The proposal will therefore comply with the Council's SPD3 parking standards and Policy L7 of the Core Strategy in this respect.

DEVELOPER CONTRIBUTIONS

16. The proposal is for less than 100sqm and would not therefore be liable for the Community Infrastructure Levy (CIL).

CONCLUSION

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

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 layout and elevation plans and site locations plan, all uploaded to the Council's website on 1st May 2018.

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

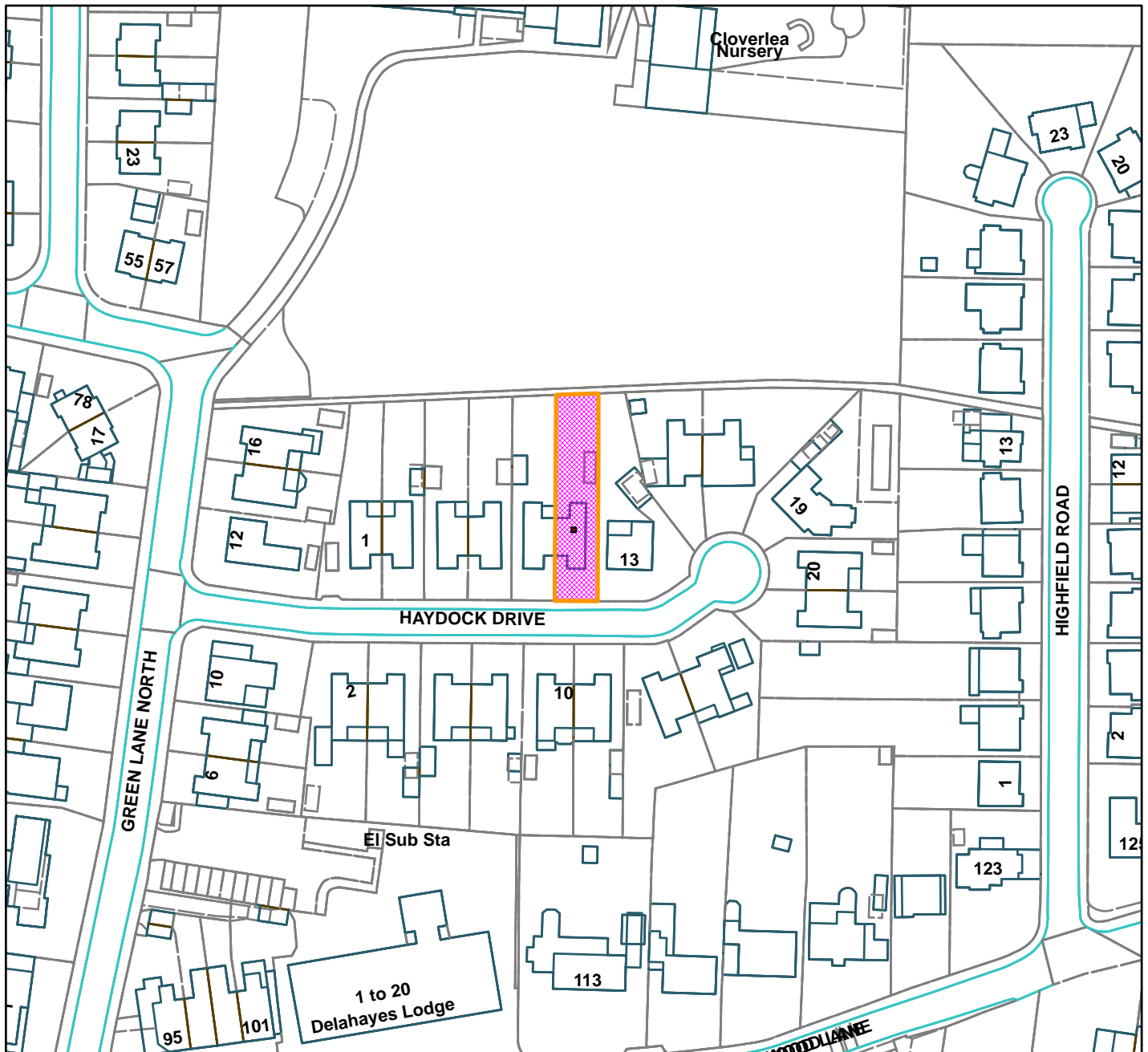
3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

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

CMR



11 Haydock Drive, Timperley (site hatched on plan)



Scale: 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/08/2018
Date	24/07/2018
MSA Number	100023172 (2012)

WARD: Longford

94747/FUL/18

DEPARTURE: No

Full planning permission for change of use to part educational use (Use Class D1) and part office space (Use Class B1), together with ancillary IT demonstration/experience centre (Use Class D1), cafe (Use Class A3) and external alterations including selective demolition to facilitate conversion, landscaping, public realm and other associated works.

Former Kellogg's Building, Talbot Road, Stretford, M16 0PU

APPLICANT: Trafford Bruntwood LLP

AGENT: Mr Conor Vallely, HOW Planning

RECOMMENDATION: GRANT

The application has been reported to the Planning and Development Management Committee due to Trafford Council being landowner of the site and co-applicant, and an objection having been received contrary to Officer recommendation.

SITE

This application relates to the site of the former Kellogg's headquarters, situated to the south-east of the junction of Talbot Road and Brian Statham Way in Stretford. The application site comprises the building itself, a substantial four storey red brick structure, along with the site access from Brian Statham Way and land immediately surrounding the building. The remainder of the site, including the car park falls within the blue-edged boundary (i.e. other land owned by the applicant) and does not therefore form part of the current application.

The site is bounded by black wrought iron railings with substantial soft landscaped areas, most of which are adjacent to the site boundaries. The existing entrance point to the building is on its eastern side, whilst gated pedestrian and vehicular access to the site itself is via Brian Statham Way.

Land to the south-west of Brian Statham Way is the site of Lancashire County Cricket Club, land to the north-east is occupied by a large office building whilst the Altrincham – Manchester Metrolink line and Old Trafford Metrolink stop are situated to the south/south-east of the site. There are several buildings on the opposite side of Talbot Road to the north ranging from four to eleven storeys in height with a mix of office and residential uses. The Grade II listed Trafford Town Hall is situated 110m to the north-west of the site. It is understood that the building is currently unoccupied with Kellogg's having relocated to a site at MediaCity:UK in December 2017, although the car park is in intermittent use as an overflow facility for the Cricket Club.

It is noted that the site is identified within the Refreshed Stretford Masterplan as a 'development site' which is intended to be brought forward as the 'UA92 Campus Quarter'.

PROPOSAL

Planning permission is sought for the change of use of the building from B1 (office) use to a D1 educational use on the ground and first floors and a flexible B1/D1 use on the upper two floors. This is intended to accommodate 'UA92', described as an innovative higher education facility, developed in partnership with Lancaster University.

The supporting Planning Statement notes that it is anticipated that the University will initially occupy the lower two floors of the building, with the upper floors remaining in office use until required by UA92. The current application if approved, would eventually enable the full building to be converted to D1 use for the university.

The building would also accommodate an ancillary café and an ancillary 'IT demonstration/experience centre' to the ground floor (proposed to be operated by Microsoft). The proposal also includes limited external alterations involving the addition of doorways and new entrance arrangements to the south-west elevation of the building.

A hard and soft landscaped area is proposed to the west of the building adjacent to Brian Statham Way. These works also involve the removal of boundary railings to 'open up' this part of the site and create a new pedestrian access point. The car park is proposed to remain as existing however as noted above, this does not fall within the application boundary, only the blue-edged land ownership boundary.

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

SL3 – Lancashire Country Cricket Club Quarter*
L3 – Regeneration and reducing inequalities
L4 – Sustainable Transport and Accessibility
L5 – Climate Change
L7 – Design
W1 – Economy
W2 – Town Centres and Retail
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure

*The site itself does not fall within this Strategic Location but the policy remains relevant to some extent. This is addressed within the body of this report.

SUPPLEMENTARY PLANNING DOCUMENTS

SPD3 – Parking Standards & Design

PROPOSALS MAP NOTATION

Priority Regeneration Area
Critical Drainage Area
Smoke Control Zone
Main Office Development Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

E10 – Main Office Development Areas

GREATER MANCHESTER SPATIAL FRAMEWORK

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DCLG published the revised National Planning Policy Framework (NPPF) on 24 July 2018. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The DCLG published revised National Planning Practice Guidance (NPPG) on 24 July 2018. The NPPG will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

H32585: Formation of extension to existing car parking area to provide additional 90 spaces – Approved with conditions 02/01/1991.

H27529: Erection of 4 storey office building with associated parking service and landscaped areas and new vehicular access – Approved with conditions 26/07/1988.

APPLICANT'S SUBMISSION

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

- Arboricultural Impact Assessment
- Carbon Budget Statement
- Crime Impact Statement
- Design and Access Statement
- Ecological Impact Assessment
- Heritage Impact Assessment
- Interim Travel Plan
- Noise Impact Assessment Report
- Supporting Planning Statement
- Transport Statement

CONSULTATIONS

Greater Manchester Ecology Unit: No objections, conditions recommended.

GMP – Design for Security: No objections, condition recommended.

Lead Local Flood Authority: No objections, conditions recommended.

Local Highway Authority: No response received.

Pollution & Licensing (Air Quality): No objections, Air Quality Assessment not required, condition for electric charging points recommended.

Pollution & Licensing (Contaminated Land): No objections, no condition required.

Pollution & Licensing (Nuisance): No objections, condition regarding fixed plant recommended.

Transport for Greater Manchester: Advisory comments, queries raised on accessibility, Travel Plan condition recommended.

Trafford CCG: No response received.

REPRESENTATIONS

Four letters of objection have been received, as well as an objection from the Trafford Green Party. These raise the following concerns:

- Increased noise pollution, littering, crime and anti-social behaviour
- Lack of Council Tax funds being generated
- Added pressure on police resources and NHS services in the area
- Residents and young families would be priced out due to increased rent and mortgages
- Application is premature – development should not be in isolation from other campus infrastructure. If approved, the application would prejudice consultation on Campus/Civic Quarter
- The whole campus must be masterplanned and not developed incrementally
- Earlier statements from former Chief Executive makes it impossible for LPA to make impartial decision. Should be sent to Secretary of State for determination
- Proposed university varies from the proposals put forward during consultation on Refreshed Stretford Masterplan, including the likely split between local and overseas students
- Pre-application discussions are now out of date
- Planning Statement is misleading, contradictory
- Cycle parking must be a key consideration
- Forecasted level of jobs is poor when compared to other potential uses of the site. New studies should be undertaken to ascertain the likely economic benefits as original Economic Impact Assessment is outdated
- The proposal would be contrary to Core Strategy Policies SL3 and W1
- CIL form is incomplete
- Cycle parking location does not appear to be safe

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

Policy position:

1. The application site falls within the Old Trafford Priority Regeneration Area, whereby Core Strategy Policy L3 is of relevance. The proposed development is considered to be in accordance with the overarching aims of this policy, and in particular provides improved access to education facilities. Specific issues such as design quality and crime are addressed in the appropriate sections of this report.

2. For clarity, the site does not fall within the Lancashire County Cricket Club Quarter Strategic Location, as defined on the Council's Draft Land Allocations Policies Map. As such, the development requirements set out within Policy SL3 of the Core Strategy are not deemed to be of relevance so far as they relate to the type of development which is sought for this Location. This Policy is referred to within this report however, given that Brian Statham Way itself falls within this Strategic Location and the proposed development will have an impact on this 'strategic processional route' to some extent. Where relevant, this policy is addressed in the appropriate sections of this report.

Loss of unallocated employment land:

3. Policy W1.12 of the Core Strategy states that In determining applications for non-employment uses on unallocated employment sites, sites outside of the Strategic Locations and employment places identified in W1.3, developers will be required to provide a statement to the satisfaction of the Local Planning Authority, demonstrating that:
 - There is no need for the site to be retained for employment purposes and it is therefore redundant;
 - There is a clear need for the proposed land use(s) in this locality;
 - There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;
 - The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and
 - The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.
4. Given that the proposed development represents the loss of an unallocated employment site, the applicant has provided an Employment Land Assessment in relation to the above policy within the submitted Planning Statement. This addresses each of the above points in turn, concluding that the scheme is fully compliant with Policy W1.12.
5. The submitted statement notes that half of the existing building will, initially, be retained as B1 office space and will be refurbished to a high standard which is more attractive to the market. The proposed educational use is forecast to generate approximately 120 jobs and the loss of the B1 office space is countered by removing no longer fit for purpose office space and the creation of new jobs.
6. The refreshed Stretford Masterplan identifies the site as providing teaching and learning accommodation alongside other uses and employment space as part of the UA92 Campus Quarter. In terms of alternative sites, the applicant considers that the proposal provides the effective reuse of an existing building and previously developed site which is currently under used and in a highly

sustainable location. In terms of the impact of the proposal on the primary function of the area, the proposal would have a positive impact on bringing a vacant site back into active use.

7. Taking the above points into account it is considered that the proposal satisfies the requirements of Core Strategy Policy W1.12.

Principle of café use:

8. Policy W2.12 of the Core Strategy states that outside of the identified centres, *“there will be a presumption against the development of retail, leisure and other town centre-type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance”*.
9. Paragraph 86 of the NPPF states that *“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 87 goes on to say that “When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale...”*.
10. The application includes an ancillary café and the applicant has submitted a supporting statement to justify the development of a main town centre use in an out-of-centre location. This notes that the proposed café constitutes a small-scale facility which totals 131sqm and is an integral part of the proposal which will serve the local need generated by the student and staff using the building. This goes on to say that it would not act as an attractor for a substantial number of customers who have no association with the building and its primary function. In conclusion, it is stated that there is no requirement for a sequential test as the café would not have an adverse impact on town centre viability or vitality in the surrounding area.
11. Taking into consideration the ancillary, small-scale nature of the proposed café, Officers agree that there should not be a requirement for a full sequential test and there is no requirement to disaggregate the café element of the scheme into a vacant town centre unit. As such, this aspect of the proposed development is acceptable.

Refreshed Stretford Masterplan and other considerations:

12. Whilst not comprising a planning policy document or forming part of the adopted development plan, the Refreshed Stretford Masterplan should be afforded some

limited weight in the decision making process. The former Kellogg's site as a whole is identified as being the 'UA92 Campus Quarter', comprising teaching and learning accommodation alongside other facilities and employment space. The detailed description of this 'development site' notes that further detailed masterplanning work will be completed to identify the preferred uses for the remainder of the former Kellogg's office site and the wider UA92 Campus Quarter area.

13. The proposed change of use of this building is therefore in line with the aspirations of the Refreshed Masterplan. Representations raise concerns regarding the prematurity of the application and that a masterplan for the full site should first be produced. As stated above however, further masterplanning is intended to take place, although this would be for the remainder of the Kellogg's site. For the reasons given in this section, the principle of the proposed development is considered to be acceptable and it is not considered essential that plans for all elements of UA92 (such as student accommodation, student union facilities and other infrastructure) are brought forward concurrently. National Planning Practice Guidance states that *"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account"*. The current scheme is not considered to fall within the circumstances suggested in the NPPG and Officers cannot therefore reasonably conclude that the application is premature.
14. Representations raise concerns that the current scheme differs from the proposals discussed and presented during pre-application consultation in respect of the Refreshed Stretford Masterplan. Specific reference is made for example in terms of the expected number and mix of local/overseas students. This point is noted, however, it is not unusual for the details of a development proposal to change as a scheme progresses. More pertinently this should not prevent the current application being determined or require that further consultation above and beyond that already undertaken should be carried out. The Refreshed Stretford Masterplan itself is considered to be a material consideration of limited weight in the determination of this application whereas elements of the pre-application consultation that preceded it, and which has not found itself becoming any part of the Masterplan document, can only be afforded extremely limited weight in the decision making process. More specifically, in relation to the mix of students, the identity and origins of the students is not considered to be a material consideration to which any weight should be given in determining whether the land use proposed is acceptable in planning terms, albeit it is acknowledged that this may be a relevant consideration for future planning in terms of the extent of student accommodation required.

15. Given the above, the principle of the development proposed is considered to be acceptable.

DESIGN AND APPEARANCE

16. Paragraph 124 of the NPPF states that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Paragraph 130 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”*.
17. 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”*.
18. The proposal involves limited external alterations to the building itself. These relate to the addition of doorways to the south-east and north-west elevations and the creation of a new entrance point to the south-west elevation. Overall, these are considered to be very minor alterations to the building which have little material impact on its character and appearance as a whole. The new entrance will provide a more welcoming and active access point to the building which is considered to be appropriate given the proposed adjacent landscaping works and the prominence of this part of the building.
19. The area to the front of the building, adjacent to Brian Statham Way is identified as forming a new pedestrian access route to the building, with additional hard and soft landscaping proposed. This approach is considered to be acceptable in principle, improving accessibility to the site and creating a more welcoming entrance to the building. This will also ‘open up’ this boundary of the site, helping the building better address the Brian Statham Way frontage and also contribute to the enhancement of this ‘strategic processional route’ as required by Core Strategy Policy SL3. The submitted Design and Access Statement includes a landscaping scheme for this area, however Officers consider it necessary to condition the submission of a final detailed landscaping scheme to ensure the appearance and level of additional planting is appropriate. This should be attached to any consent issued.
20. Given the above, the proposed development is considered to be acceptable in terms of its design, appearance and impact on the character of its surroundings. In reaching this conclusion, Officers have had regard to relevant local and

national planning policies and representations received in response to public consultation.

RESIDENTIAL AMENITY

21. 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”*.
22. The closest residential properties to the application site are apartments within 84 Talbot Road on the northern side of Talbot Road. No 13 Warwick Road is situated approximately 75m to the north-west of the site and has prior approval for its change of use to 7no residential apartments. There are further residential properties on Barlow Road and Hornby Road to the north-west, as well as Bowden Court and the ten-storey Warwickgate House on the eastern side of Warwick Road. The closest residential properties to the south are just beyond the Metrolink line and Old Trafford Metrolink stop, approximately 180m away from the site boundary.
23. It is also noted that Warwick House on the north-eastern side of the junction of Warwick Road and Talbot Road has been given prior approval for its change of use to 80no residential apartments. This building is also the subject of a current application for its extension and conversion to student accommodation (ref. 95078/FUL/18). In addition, Atherton House on the northern side of Talbot Road has consent for a two storey roof extension and its change of use for residential purposes, whilst consent has also been given for a 90no unit residential apartment building to the rear of No 86 Talbot Road.
24. Land and buildings to the north-east, south-east and south-west of the site however are in office, commercial and otherwise non-residential use and other than to the north, there is a considerable distance to any residential properties. As such, much of the area immediately surrounding the site could not reasonably be described as ‘residential’ in character.

Noise and disturbance:

25. With regard to noise impacts on future occupiers of the building, the application is accompanied by a Noise Impact Assessment which concludes that the existing façade will be sufficient to achieve acceptable internal noise levels for teaching. The Council’s Pollution and Licensing section concurs with these conclusions and as such, no conditions will be required in this respect.

26. In terms of noise impacts arising from the proposed development, the submitted Noise Impact Assessment proposes suitable noise limits for fixed plant installations associated with the development. Pollution and Licensing recommend a condition requiring the submission of a further assessment to ensure that the final fixed plant schedule complies with these limits. This will be attached to any consent issued.
27. Whilst there are no residential properties which are likely to be directly affected by the proposed development in terms of overlooking, noise and other specific impacts, it is necessary to consider the potential for general disturbance to the wider area to occur, given the nature of the proposed use.
28. The creation of a university is likely to result in an increased level of activity in the surrounding area. It is noted that the area currently experiences a relatively high level of footfall, given its location on the route between the Old Trafford tram stop and football stadium, as well as being immediately opposite Old Trafford Cricket Ground. Whilst this activity is more noticeable on match days, this route is also extremely well used at other times by visitors to the football ground and more generally by people travelling to and from their place of work, particularly from the wider residential areas of Stretford and Chorlton to the south towards employment areas around the Quays to the north. This activity is not considered to be negative per se, with Core Strategy Policy SL3 specifically seeking to encourage this as a 'strategic processional route'. The additional activity generated by the creation of a university is likely to be focussed in the immediate vicinity of the site and particularly on Brian Statham Way towards the tram stop, areas which are less sensitive to disturbance than primarily residential areas.
29. Whilst no specific student accommodation for UA92 has yet been approved, impacts associated with this form of accommodation will be considered under these applications as appropriate as and when they are submitted. The use of the former Kellogg's building is proposed to be for educational purposes and any disturbance arising from this use is expected to be limited, whilst the café proposed will be ancillary. Any further University-related infrastructure and facilities will be assessed as relevant under their respective applications.
30. Representations have raised concerns regarding the potential impact of the development through litter, crime and anti-social behaviour. Issues associated with crime, security and safety are addressed elsewhere in this report, whilst there is nothing to indicate that litter will be a particular issue directly associated with the development, given the intended use of the building. Notwithstanding this, a condition will be attached should consent be granted requiring the submission of a refuse/recycling strategy for the wider area.
31. Given the above, the proposed development is not considered to result in harm to residential amenity through noise and disturbance. It is therefore deemed to be

in accordance with Core Strategy Policy L7 and the NPPF and is acceptable in this respect.

Air Quality:

32. The Council's Pollution and Licensing section advises that as the existing car parking provision is to be retained, there is not expected to be any significant change in vehicle traffic flows. Furthermore, the transport assessment indicates that overall, the development should reduce impact on roads compared with the previous use. As such, an Air Quality Assessment is not required and the application is considered to be acceptable in this respect.
33. Pollution and Licensing has however requested that the developer confirms a commitment to installing and maintaining Electric Vehicle Charging Points in line with current guidelines. The applicant is agreeable to this and as such, a condition will be attached to any consent issued requiring the submission of a scheme for these charging points.

HIGHWAY MATTERS

34. 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"*.
35. Paragraph 109 of the NPPF notes that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
36. It should be noted that the Local Highway Authority has not provided comments on the application at this stage. Should these comments be received, an update will be given prior to the committee meeting.

Car and motorcycle parking:

37. In relation to higher and further education facilities falling within use class D1 within this area, the Council's adopted SPD3: Parking Standards and Design sets out the following maximum standards:
- 1 car parking space per 2 staff members
 - 1 car parking space per 15 students
 - 1 motorcycle parking space per 12 staff members
 - 1 motorcycle parking space per 10 students

38. As stated in the applicant's supporting highways statement, the number of spaces required by SPD3 will vary depending on the proportion of the building eventually occupied by the university. Based on the full building being occupied by the university however, this would relate to a maximum SPD3 car parking requirement of 376no spaces. The proposed initial occupation of the building (i.e. lower two floors) relates to a requirement of 334no car parking spaces. The existing planning status of the building is as a B1 (office) facility, whereby the maximum car parking requirement is for 456no car parking spaces. The existing car park provides space for 441no vehicles.
39. Given the above, whatever proportion of the building the university eventually occupies, the car parking requirement will be less than that associated with the building in its current lawful B1 (office) use and available in the existing car park.. The submission of a parking management plan will be conditioned with any consent issued to ensure the use of the car park is appropriately managed as more of the building is taken up by the university use. It is also considered that a condition requiring a scheme for motorcycle parking will ensure adequate provision is made in this respect.
40. The supporting information submitted with the application is deemed to provide adequate justification for the level of available on-site parking and this is considered to be sufficient to accommodate the demand generated by the development. As such, there is not considered to be a significant impact through 'overspill' parking on surrounding roads to warrant a refusal of permission on these grounds. It is acknowledged that development may take place in the future on the existing car park area but until definitive proposals are brought forward, it must be assumed that the current car parking provision will remain available. Consideration will be given to any loss of parking provision which may occur as a result of potential future development within the wider site as and when planning applications for such works are submitted and a wider car parking strategy is likely to come forward through future masterplanning work.

Access and impact on highway network:

41. Vehicular access to the site is to remain as existing. Given the anticipated reduction in vehicular journeys to and from the site set out in the submitted Transport Statement, this is considered to be an acceptable arrangement, particularly given that Brian Statham Way is a relatively quiet road in terms of vehicles with no through-access to the south.
42. The submitted Transport Statement also notes that on the basis of TRICS data used to assess the likely trip generation of the development, it is expected that the change of use would result in a significant reduction in vehicles utilising the surrounding highway network. Under the initial Phase 1 proposals, this could

result in a net reduction of 49 vehicles in the AM peak period, and 78 vehicles in the PM peak period.

43. Transport for Greater Manchester (TfGM) has provided a number of queries which largely relate to the accessibility of the site, including the state of surrounding footpaths, location of cycle routes and whether nearby bus stops have shelters. The applicant's transport consultant has provided a further document to address these comments, noting the following:

- The site is accessible by a variety of transport modes.
- The walking routes to the site from key surrounding residential areas and transport interchanges are generally of good quality and maintained well. There is a footway on either side of the carriageway along both Talbot Road and Brian Statham Way in excess of 2.5m.
- The nearest bus stops along Talbot Road comprise a mixture of flagpole only and shelter provision. Those stops along A56 Chester Road include shelter provision and seating.
- The local cycle network detailed within the TS is of good quality and maintained well.

44. TfGM has not raised any concerns in response to this and Officers consider that an appropriate level of information has been provided to demonstrate the highly accessible location of the site, in close proximity to suitable bus stops, cycle routes and the Old Trafford Metrolink stop. TfGM has also recommended that a condition is attached to require the submission of a full Travel Plan in the interests of encouraging sustainable travel to and from the site. Officers are in agreement that this is necessary and a condition to this effect will be attached to any consent issued.

45. Overall, given the conclusions of the Transport Statement and the proposed changes to the use of the building, the application is considered to be acceptable with regard to its impact on the highway network.

Cycle parking:

46. For a D1 (higher and further education) use, SPD3 seeks to achieve 1 cycle parking space per 5 staff members plus 1 cycle parking space per 3 students. This relates to a total requirement of 1,604no spaces, based upon the full building being in D1 use and a requirement of 777no spaces, based upon the proposed initial university occupancy of the building. This compares with the existing requirement of 46no cycle parking spaces.

47. The application indicates that there are 54no existing cycle parking spaces adjacent to the north-west elevation of the building and within part of the car park. These are to be retained following implementation of the development. In addition, 196no additional cycle parking spaces are proposed in the form of 98no

Sheffield stands within the existing car park to the east of the building, resulting in the loss of 20no car parking spaces. This relates to a total provision of 250no cycle parking spaces within the site.

48. Whilst this provision is considerably less than the SPD3 requirement for cycle parking, Officers acknowledge that the full 1,604no spaces would occupy a significant area of the site and it is not considered reasonable or appropriate to require the provision of this number. The proximity of the cycle parking facilities to the building is such that this does not raise any concerns from a safety perspective. A condition will be attached to any consent issued requiring the submission of full details of these facilities to ensure the design requirements of SPD3 are taken into account, along with a management strategy for cycle parking within the site.

49. The loss of 20no car parking spaces is considered to be acceptable given that the existing number of car parking spaces exceeds the SPD3 requirement for the proposed development. Overall, the application is considered to be acceptable with regard to the level of cycle parking provision to be provided.

Servicing:

50. The submitted Transport Statement indicates that the existing servicing and delivery strategy would be retained. This involves vehicles accessing the site from Brian Statham Way, servicing from the designated servicing area at the north-eastern corner of the building, and egressing in a forward gear. This is considered to be an appropriate arrangement and no concerns have been raised by the LHA in this respect.

Summary:

51. Overall, the development is deemed to be in accordance with local and national planning policy with regard to highway matters and the 'residual cumulative impacts' are not considered to be 'severe' (as set out in NPPF paragraph 109). As such, the proposed development is considered to be acceptable in this respect.

SECURITY AND SAFETY

52. 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.

53. A Crime Impact Statement (CIS) has been submitted in support of the application. This concludes that the scheme has been well designed from a crime prevention perspective and will generate greater activity, natural surveillance and

interest in this area at all times of the day and weekend. The CIS is supportive of the development, subject to a number of recommendations which are as follows:

- A 24/7 security contractor should be appointed
- An access control strategy should be created to restrict access to appropriate staff and students only
- Improve the quality of the private and public realm
- Use security rated doors, shutters and glazing where these are required

54. The quality of private/public realm is addressed elsewhere in this report whilst the other recommendations above are not considered to be material planning matters. A condition will be attached however requiring the development to be constructed in accordance with the recommendations of the submitted CIS.

55. Greater Manchester Police's Design for Security section has been consulted and advises that it is supportive of the application, subject to the development being constructed in accordance with the recommendations and physical security specification contained within sections 3.3 and 4.0 of the submitted Crime Impact Statement. A condition will be attached to reflect this.

56. Given the above, the proposed development is considered to be acceptable with regard to matters of security and safety.

TREES, LANDSCAPING AND ECOLOGY

57. 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.

58. The application is accompanied by an Arboricultural Impact Assessment (AIA). This advises that the proposed development necessitates the removal of one group of trees from within the site. The AIA recommends that this tree loss is mitigated for by replacement tree planting and the production of a robust soft landscaping scheme. Other recommendations from the AIA are that the trees to be removed should first be assessed for their suitability for protected species, tree protection fencing and ground protection should be installed and the extended site beyond the redevelopment of the building should be viewed as a Construction Exclusion Zone.

59. A landscaping scheme has been included within the submitted Design and Access Statement, and this proposes various hard and soft landscaping works as part of the creation of the new pedestrian access point to the west of the building, adjacent to Brian Statham Way. The principle of this approach is welcomed as indicated earlier in the report, as with a high quality landscaping scheme it will

open the building up to the street, help the building better integrate into its surroundings and create a stronger sense of place on Brian Statham Way. A condition will be attached to any consent issued requiring the submission of a final detailed landscaping scheme, in order to ensure the level of soft landscaping and the specific species to be used are appropriate.

60. Given the above, the proposed development is considered to be acceptable in this respect and also meets the requirements of Core Strategy Policies R3 and R5.
61. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. In addition, Paragraph 175 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*.
62. The application is accompanied by an Ecological Impact Assessment dated June 2018 which seeks to identify and map habitats occurring within the survey area, identify the presence of (or potential for) wildlife interests, and identify potential impacts and provide recommendations pertaining to the proposal.
63. This Assessment makes a number of recommendations. These relate to works which potentially impact on areas accessible to bats, the use of Reasonable Avoidance Measures (RAMs), new landscaping, impacts on hedgehogs and other mammals and the potential need for further surveys. The use of appropriate conditions and informatives are considered sufficient to ensure that these recommendations are followed.
64. The Greater Manchester Ecology Unit (GMEU) has been consulted and advises that they have no overall objections to the proposed development on nature conservation grounds. This is subject to a condition restricting vegetation clearance within the bird nesting season, which will be attached to any consent issued. The GMEU also note that work must cease if any bats are found during the course of development and an informative will be added to this effect.
65. On this basis, the application is considered to be acceptable with regard to ecological matters.

HERITAGE AND CONSERVATION

66. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

67. NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. 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.
68. Policy R1 of the 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.
69. The Grade II listed Trafford Town Hall is situated approximately 110m to the north-west of the application site, on the north-western side of the junction of Talbot Road and Warwick Road. Given the proximity of this listed building, it is necessary to consider the impact of the proposed development on the setting of this designated heritage asset. The application is accompanied by a Heritage Impact Assessment which considers this impact.
70. The significance of Trafford Town Hall is largely derived from its architectural/aesthetic value, its historical value and communal value associated with its use. There is also value associated with the immediate setting of the building, arising from the mature planting and formal gardens to the west.
71. There is not considered to be a demonstrable detrimental impact on the setting or significance of the listed building identified above due to the very limited physical alterations taking place to the application property. Indeed, the additional landscaping proposed at the application site is likely to enhance the setting of Trafford Town Hall to a limited degree.
72. As such, the proposed development is not considered to result in any harm to the significance of this designated heritage asset and as such, the application is deemed to be acceptable in this respect, having regard to the relevant local and national planning policies set out above. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the nearby listed building.

FLOODING AND DRAINAGE

73. 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 163 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere.

74. 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.

75. 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 an appropriate condition requiring the submission of details of hard surfacing materials. As such, the application is considered to be acceptable in this respect.

OTHER MATTERS

Contaminated land:

76. The Council's Pollution and Licensing section has been consulted and advises that based on the limited scope of proposed works, no further information or conditions are required in respect of Contaminated Land matters. As such, the application is deemed to be acceptable in this respect.

External lighting:

77. The application does not include details of any proposed external lighting and as such, a condition will be attached to any consent issued requiring the submission of a scheme for any external lighting which may be required. This will ensure that the site is appropriately lit from a security perspective and at the same time ensure that there is no harm to residential amenity through excessive light levels, and that any external lighting does not cause disturbance to bats and other wildlife in the surrounding area. Subject to this condition, the proposed development is deemed to be acceptable in this respect.

Other representations:

78. 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.

79. With regard to a lack of Council Tax funds being generated, this is not a material planning consideration and such financial disadvantages or benefits to the Council should not be taken into account in the determination of this application.

80. In terms of potential pressure on police resources, Greater Manchester Police has not raised concerns in this respect within their consultation responses. The proposed development is not deemed to be of a scale or nature to warrant a refusal or permission on these grounds nor the provision of any mitigation. With

regard to pressure on NHS services in the area this would only occur as a result of an additional population of students being resident in the area. This issue would be appropriately dealt with at the time that planning applications come forward for student accommodation or other residential development associated with the UA92 proposals as students would register with health services either local to their accommodation or at their permanent address. This particular proposal is more akin to a development of a school or college which would not generate any requirement for additional health services.

81. There is no evidence before Officers to suggest that existing residents and young families would be priced out of the area due to increased rent and mortgages resulting from the proposed development. It is not clear why this would be the case and there are no planning policy grounds on which to refuse the application on this basis.
82. In relation to the comments in the Representations section of the report about earlier statements made by the former Chief Executive, these cannot fetter the discretion of the Local Planning Authority to determine the application on its own merits, nor do they represent pre-determination of the application. The Local Planning Authority, acting through its elected Members is the decision taker in this case and the eventual decision is not required to accord with the former Chief Executive's comments.
83. It is not considered necessary to refer the application to the Secretary of State. The determination of planning applications ought to be made by the local planning authority, including those applications in which it has an interest. The circumstances in which the Secretary of State will call-in an application are limited and this would be for the Secretary of State to decide. In addition, the application does not fall within a category of development for which the planning authority is required to consult the Secretary of State. As such, it is considered that the Committee is able to make an impartial decision without recourse to the Secretary of State.
84. A number of points have been raised suggesting the submitted Planning Statement is misleading and contradictory. In summary, Officers consider that the application is clear in terms of what is being proposed, and that a sufficient level of information has been provided for Committee to make an informed decision. The scheme has been assessed against relevant local and national planning policies and guidance in reaching the recommendation below. Matters of pre-application consultation associated with the Refreshed Stretford Masterplan are considered under the 'Principle of development' section above.
85. Finally, the submitted CIL form has subsequently been amended and is now considered complete.

PLANNING BALANCE AND CONCLUSION

86. 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 to **GRANT** planning permission for the development, subject to the following conditions: -

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

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

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

Plan Number	Drawing Title
9627/002/1	Lower Ground Floor Plan
9627/002/6	Roof Plan
KB-BDP-01-B1-DR-A-05-P001 (Rev E)	Basement Floor Plan
KB-BDP-01-00-DR-A-05-P001 (Rev I)	Ground Floor Plan
KB-BDP-01-01-DR-A-05-P001 (Rev G)	First Floor Plan
KB-BDP-01-02-DR-A-05-P001 (Rev E)	Second Floor Plan
KB-BDP-01-03-DR-A-05-P001 (Rev E)	Third Floor Plan
KB-BDP-01-04-DR-A-05-P001 (Rev B)	Fourth Floor Plan
KB-BDP-XX-XX-DR-A-SK-X007	Site Perimeter
KB-BDP-01-XX-DR-A-20-E001	Elevations – Sheet 1
KB-BDP-01-XX-DR-A-20-E002	Elevations – Sheet 2
KB-BDP-01-XX-DR-A-21-E001 (Rev P01)	Main Entrance
KB-BDP-XX-XX-DR-A-90-P100	Cycle Parking

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

3. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March-July)

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

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

4. The development hereby approved shall proceed in accordance with the recommendations contained within the submitted 'Ecological Impact Assessment' (ref. BOW17.936 dated June 2018).

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

5. If no works are undertaken on site before June 2019, the development shall not take place until a further ecological survey to consider the impacts of the proposed development on bats and other protected species has been submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures shall be carried out in full as required by the approved survey.

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

6. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and 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.

7. No fixed plant shall be installed on the building unless and until a final fixed plant schedule has been submitted to and approved in writing by the Local Planning Authority. This shall include an assessment to demonstrate that the proposed

plant is in compliance with the recommendations within the submitted 'Noise Impact Assessment Report' (Ref. 24548/NIA1, produced by Hann Tucker Associates, dated 04 June 2018). The development shall be carried out in accordance with the approved schedule.

Reason: To safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with policy L7.3 of the adopted Trafford Core Strategy and the National Planning Policy Framework.

8. (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 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. The scheme shall be designed to ensure that run off from hard surfaced areas is directed to permeable or porous areas or surfaces.
- (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 first 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.

9. Notwithstanding the details submitted with the application, the development hereby approved shall not be occupied unless and 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.

10. Notwithstanding the details shown on the approved Cycle Parking Plan (ref. KB-BDP-XX-XX-DR-A-90-P100), the development hereby approved shall not be brought into use unless and until a Phased Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include details of the location and how car, motorcycle and cycle parking spaces will be provided, allocated and managed at each phase of occupation of the building for educational purposes. The approved strategy shall be implemented in accordance with the approved phasing plan.

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.

11. The development hereby approved shall not be brought into use unless and until a scheme for the installation of electric vehicle charging points within the car park has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location and appearance of the charging points. The scheme shall be implemented prior to the first occupation of the development and retained thereafter.

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

12. The development hereby approved shall not be brought into use unless and until a full Travel Plan, which shall 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 use of the development hereby permitted, the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first use.

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.

13. No external lighting shall be installed on the building or elsewhere on the site unless and until a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall only be lit in accordance with the approved scheme.

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

14. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within section 3.3 and the

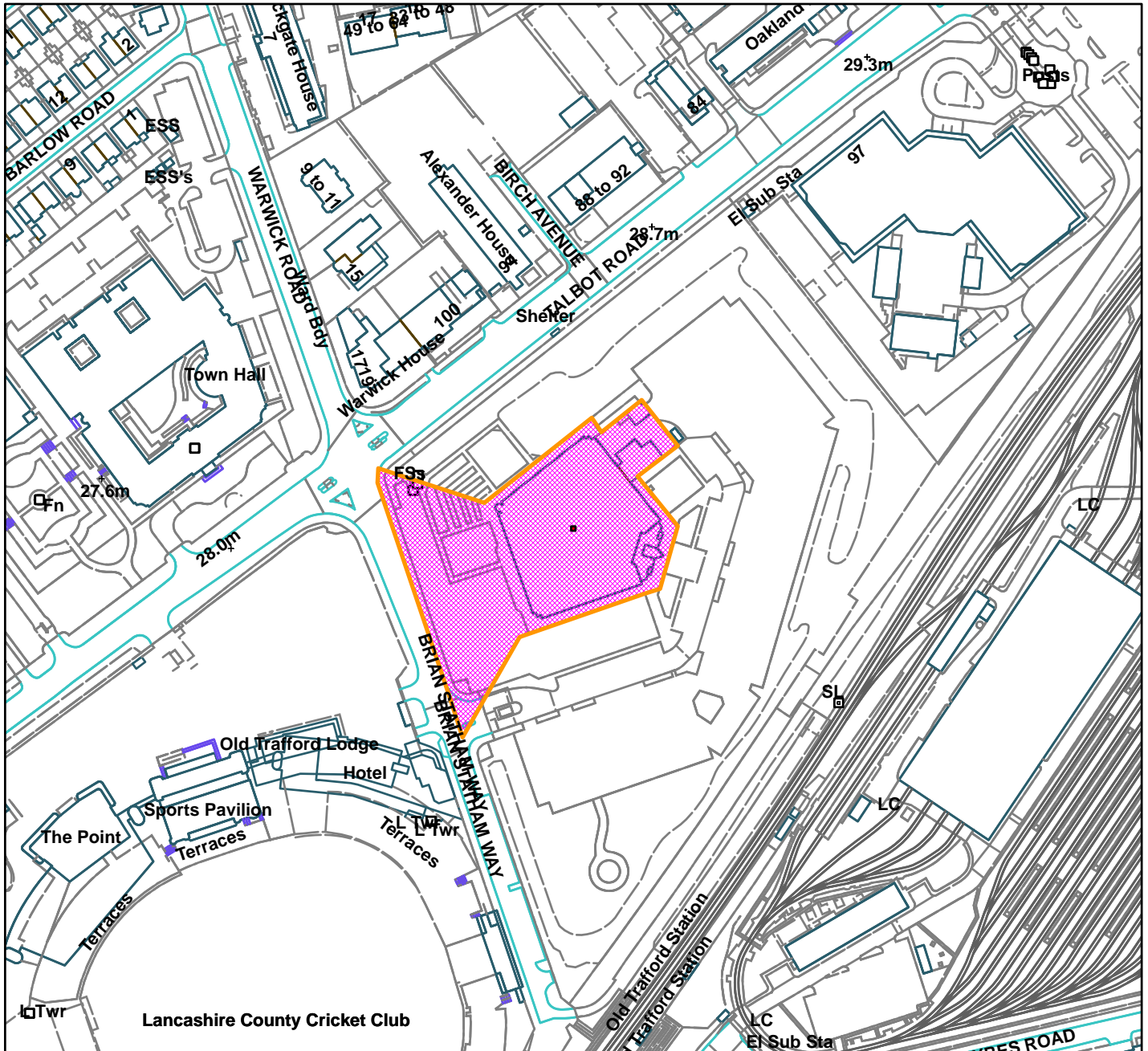
physical security specification within section 4 of the submitted Crime Impact Statement dated 20/07/2018 (URN:2018/0559/CIS/01) and retained thereafter. For the avoidance of doubt, the requirements of this condition do not include aspects of security covered by Part Q of the Building Regulations 2015, which should be brought forward at the relevant time under that legislation.

Reason: In the interests of crime prevention and the enhancement of community safety, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

JD



Former Kelloggs Building, Talbot Road, Stretford (site hatched on plan)



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 09/08/2018
Date	24/07/2018
MSA Number	100023172 (2012)