

## AGENDA ITEM 5

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 9<sup>th</sup> May 2019

ADDENDUM TO THE AGENDA:

ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

### 1.0 INTRODUCTION

1.1 This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

1.2 Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chair.

### 2.0 ITEM 4 – APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

#### REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against	For
<a href="#"><u>94928</u></a>	Development site adjacent to Chatsworth House, 6 Stanhope Road, Bowdon, WA14 3JY	Bowdon	1	✓	✓
<a href="#"><u>95335</u></a>	Synagogue, 12A Hesketh Road, Sale, M33 5AA	St. Mary's	25		
<a href="#"><u>95910</u></a>	Bowdon Old Hall, 49 Langham Road, Bowdon, WA14 3NS	Bowdon	41	✓	✓
<a href="#"><u>95911</u></a>	Bowdon Old Hall, 49 Langham Road, Bowdon, WA14 3NS	Bowdon	71	✓	✓
<a href="#"><u>97096</u></a>	12 Okehampton Crescent, Sale, M33 5HR	St. Mary's	86		✓

## PART 1

Page 1 94928/FUL/18: Development site adjacent to Chatsworth House, 6 Stanhope Road, Bowdon

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	<b>Dr Z Rab Alvi (Neighbour)</b>
	<b>FOR:</b>	<b>Mr McDonnell (Applicant)</b>

### SITE

The following corrections are made within the Site section:

- Paragraph 2 of the site section is amended to read 'It is a vacant site and once comprised land associated with the **existing** property 9 Bow Green Road'.
- Paragraph 3 of the site section is amended to read 'Adjoining the south-**eastern** boundary is Chatsworth House, 6 Stanhope Road a relatively modern detached house.

### OBSERVATIONS

The following corrections are made within the observation section:

- Paragraph 18 is amended to refer to 'the original **9 Bow Green Road site**'.
- Paragraph 34 is amended to read 'The land to rear to the north **east** boundary is currently within the garden of 9 Bow Green Road...'

For clarification, the observation section has considered all impacts on existing residential properties including 9 Bow Green Road and proposed residential properties on land subject to previous planning approvals.

### RECOMMENDATION

The following corrections are made within the recommendation section:

- Paragraph 73 is amended to state that; 'In order to address discrepancies over the boundary line with the adjoining land owner regarding the red edge boundary line, the applicant has amended their Certificate of Ownership and submitted a Certificate B, and service Notice 1 to 9 Bow Green Road notifying them of the application. The agent served the required Notice 1 on the 30<sup>th</sup> April 2019. Legislation requires that 21 days must pass from this notice being served and the determination of the application. The 21 days expires on the 21<sup>st</sup> May. The recommendation is therefore as follows: -

- Paragraph 74 is amended to state that; ‘Should Members resolve that they would be **MINDED TO APPROVE** planning permission for the development and in the event no further representation be received in relation to Notice 1 by the 21<sup>st</sup> May 2019 that raises any new issues, that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development with the following conditions: - ‘

The recommendation for approval following the expiry of the Notice 1 remains unchanged, however the date when this expires has changed to reflect the correct date of 21<sup>st</sup> May, rather than April as detailed in the original report.

## **Page 25 95335/OUT/18: Synagogue, 12A Hesketh Road, Sale**

### **AMENDMENTS**

The hard and soft landscaping to the front of the property as shown on the proposed site plan has been amended through the repositioning of a footpath to the front of the eastern semi-detached dwelling. This is intended to allow the possibility of retention of the protected tree in the centre of the frontage and will be reflected through an amended approved plans condition, should the scheme be approved. A method statement has also been received in relation to the retention of the tree.

### **REPRESENTATIONS**

Two additional letters of objection have been received which raise the following issues, none of these having been previously raised:

- The proposed properties would have three storeys which would not complement the local area. They should be reduced in height to two storey dwellings;
- The latest amendment brings the proposed dwellings closer to a neighbouring boundary, further exacerbating their amenity and privacy impacts;
- The latest amendment has moved the properties towards the west of the plot and therefore the Committee report is incorrect in stating the development would be located centrally within the site. The development should be moved to the east to be positioned centrally within the plot. Doing so would also result in an improved visual and amenity impact as well as move the development away from the protected beech tree on the common boundary with No. 14 Hesketh Road;
- The synagogue and a neighbouring property share a common drain and the relevant neighbour notes that the report suggests a planning condition requiring the development if approved should be drained via a separate system. This neighbour requests an assurance that their drainage would not be impacted should the development be approved and constructed;
- The applicant has not adhered to previous grants of planning permission.

## **CONSULTATION RESPONSE**

A final consultation response has been received from United Utilities confirming 'no further comment' following receipt of the applicant's confirmation that the proposed drainage will not be put forward for adoption.

The amended site plan has been forwarded to the LHA who have yet to provide a further comment.

## **OBSERVATIONS**

### **Design and Impact on Street Scene**

The scale of the proposed development would be acceptable with reference to the substantial properties on both sides. The development is also considered to be acceptably positioned within the plot.

### **Impact on Residential Amenity**

Notwithstanding the fact that the current assessment is limited to access, layout and scale with appearance and landscaping reserved matters, it is noted from the submitted indicative elevation plans that the proposal could result in the introduction of loft level roof lights angled towards neighbouring properties including No.14 Hesketh Road to the west. As such, should outline planning permission be granted, it is considered reasonable to include an additional condition requiring the bottom edge of all roof lights to be a minimum of 1.7m above internal floor levels to protect against unacceptable overlooking of neighbouring properties.

Responding to the additional neighbour comment on the issue of neighbour amenity it is noted that the Committee report confirms that the proposal would result in an acceptable amenity impact on neighbouring occupants in terms of separation distances, overbearing and overshadowing, with this further protected by the proposed roof light condition as noted above.

### **Drainage**

The proposal has been approved by the Lead Local Flood Authority consultee subject to standard flood risk conditions, with the United Utilities consultee confirming no comment now that they have been informed that the applicant does not intend to put forward the proposed drainage for adoption, if approved.

Should the proposal be approved the applicant would have to ensure the development does not unacceptably impact the drainage of neighbouring plots.

### **Impact on Trees**

It is recognised that, whilst the layout allows the retention of the protected tree at the eastern end of the site frontage, another protected tree in the centre of the

frontage is likely to be lost (although the further amended plan which has now been received amends the position of the pedestrian path to the dwelling on Plot 2 to seek to retain it if possible and a method statement has also been submitted in relation to this). Notwithstanding this, it is considered that any adverse impact resulting from the loss of the tree would be outweighed by the benefits of the redevelopment of a vacant site and the delivery of three new housing units.

### Other Matters

The LPA does not have any information regarding the applicant's failure to comply with previous grants of planning permission.

### **CONDITIONS**

Condition 3 shall be amended to reflect the amended proposed site layout plan:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [9283] 011 Rev F, received 26 April 2019, and 002 Rev P, received 8 May 2019.

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

As a result of the above noted recommended additional condition relating to the minimum height of the bottom edge of proposed roof lights above internal floor levels, the following additional condition No. 11 will be added to the final decision notice, should the proposal be approved:

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the proposed roof lights serving the rear second storey bedrooms in the semi-detached dwellings shall be positioned to ensure their bottom edge is no less than 1.7m above finished floor level and shall be 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.*

**Pages 41 & 71 95910/FUL/18 & 95911/LBC/18: Bowdon Old Hall, 49 Langham Road, Bowdon**

<b>SPEAKER(S)</b>	<b>AGAINST:</b>	<b>Scott Wardle (Neighbour)</b>
	<b>FOR:</b>	<b>David Ryan (Applicant)</b>

## **REPRESENTATIONS**

An additional neighbour letter of objection has been received with reference 95910/FUL/18.

Additional comments received are set out below.

### **Issues Previously Raised**

- The proposal would result in an unacceptable highways impact at a site which currently suffers from restricted access due to the volume of traffic using Langham Road;
- The site is worthy of protection being an important heritage asset with a dwelling in place since approximately 1200, and the plot is also one of the few green spaces left in the area;
- Construction works would unacceptably inconvenience local residents over an extended period of time;
- The proposal would unacceptably impact residential amenity.

### **New Issues**

- Works appear to have commenced on site;
- The proposal would undermine their view.

A neighbour letter in support of the proposal has been received which raises the following issues:

- The proposal will not result in an unacceptable highways impact;
- The proposed dwellings would have an 'exciting' innovative design that would enhance the currently 'rather redundant, ordinary' site;
- The proposal would not unacceptably impact their outlook/views across the site.

## **LETTER RECEIVED FROM APPLICANT'S REPRESENTATIVE**

This letter raises the following issues:

- Having reviewed the published Committee Reports the agent expresses significant concerns that the heritage assessment is misleading and will affect Members' ability to properly determine the application.
- The agent's concerns relate to the assessment of harm and the language used to describe that harm; the agent alleges that the use of the phrase 'very major harm' through both reports and in the putative reasons for refusal is misleading because it is made with reference to the accepted 'less than substantial harm' which the development would cause. Less than substantial harm is a well understood policy test and the agent alleges that it is very misleading to express this level of harm in such strong substantive language, language which has no status or not from any part of the policy test.

- It is very important that the assessment remains within the remit of NPPF paragraph 196 (less than substantial harm) and does not stray into paragraph 195 (i.e. substantial harm).
- The agent believes that describing the less than substantial harm as 'very major harm' is not a clear or accurate description of the harm. Instead the use of this non-specific and emotive language misleads the reader in a way which is very likely to lead them to consider the assessment in a manner which would fall under the remit of paragraph 195, i.e. as substantial harm rather than less than substantial harm.
- For example paragraph 66 of the FUL report reads as though the balancing exercise is being made against very major harm to the designated heritage asset. The approach taken and references to very major harm leads the reader to believe that this is a formal assessment when in fact it is actually a failure to accurately and clearly identify the less than substantial harm.

## **OBSERVATIONS**

### **Response to letter from applicant's representatives:**

- The allegation that the heritage assessment is misleading is strongly disputed. The heritage assessment is clear and correct and has been carried out in full compliance with NPPF requirements.
- Officers have taken leading Counsel advice in preparing the reports for the Planning Committee. That advice was clear: that the Local Planning Authority is required to make an assessment as to the level of harm to heritage assets which would arise from the proposal (in this case 'very major'). Once that level of harm has been identified, a further judgement needs to be made as to whether this equates, in NPPF terms, to 'less than substantial' or 'substantial' harm and then the appropriate balancing exercise undertaken. It is well established that there are degrees of less than substantial harm and that without a clear understanding of what the degree of harm would be it is not possible to properly assess whether any public benefits would be sufficient to outweigh that harm
- The use of the phrase 'very major harm' is simply a reflection of the fact that there are varying degrees of 'less than substantial harm' under NPPF paragraph 196, such harm being on a notional sliding scale ranging from neutral to almost substantial. It is reasonable for the Committee reports to refer to the upper end of this scale as very major harm with reference to the harm to the significance of the impacted heritage assets as clearly outlined in the reports. The description of the harm using this phrase is a clear and accurate description of this harm. The use of this phrase is not emotive. It is clear that the term 'major' sits below the bar of substantial harm albeit at the top end of the notional scale of less than substantial harm. Counsel advice supports this approach.
- The Committee reports explicitly refer to the fact that the harm is considered to be 'less than substantial harm' as per NPPF paragraph 196 and at no point state the harm to be 'substantial harm' with reference to NPPF paragraph 195. Both reports assess the proposals against paragraph 196.

- The allegation that paragraph 66 of the FUL Committee report is flawed is clearly incorrect. This paragraph correctly weighs the scheme's purported public benefits against the established level of harm with reference to the test set down in NPPF paragraph 196.

### **Other Matters**

Responding to the additional issues raised by the latest letter of objection:

The fact that works in preparation for the development appear to have commenced on site is not a material planning consideration with these works commenced at the applicant's risk.

The proposal's impact on views from neighbouring properties is not a material planning consideration.

Responding to the additional issues raised by the latest letter of support:

Officers agree that the proposed would result in an acceptable highways impact.

The Committee reports set out in detail that the design of the proposed dwellings' design is considered to result in an unacceptable heritage/visual impact on the significance of Bowdon Old Hall, its setting and the setting of the wider Bowdon Conservation Area.

As such Officers' stance remains the same despite receipt of this latter of support.

The recommendation for 95911/LBC/18 remains unchanged.

The FUL report's recommendation section is incorrect in referring to the New Residential Development SPG at points 1 and 2 of the reasons for refusal.

Point 3 of this section should also be amended to refer to neighbouring 'occupants', rather than 'occupant'. This section should be amended to read as follows:

### **RECOMMENDATION FOR 95910/FUL/18:**

#### **REFUSE for the following reasons:-**

1. The proposed development would result in less than substantial harm to the setting of Bowdon Old Hall, this harm considered to be at the upper end of the scale of less than substantial harm, as very major harm. The applicant's claimed public benefits arising from the proposed development do not outweigh the established less than substantial harm to the significance of this heritage asset. The development would therefore result in an unacceptable harm to the setting of the listed building with reference to NPPF paragraph

196. As such the proposed development would result in an unacceptable visual and heritage impact contrary to the provisions of Core Strategy Policies L1, L2, L7 and R1, and the NPPF.

2. The proposed development would result in less than substantial harm to the character and appearance of the Bowdon Conservation Area, this harm considered to be at the upper end of the scale of less than substantial harm, as very major harm. The applicant's claimed public benefits arising from the proposed development do not outweigh the established less than substantial harm to the significance of this heritage asset. The development would therefore result in an unacceptable harm to the significance of the Conservation Area with reference to NPPF paragraph 196. As such the proposed development would result in an unacceptable visual and heritage impact contrary to the provisions of Core Strategy Policies L1, L2, L7 and R1, the Bowdon Conservation Area SPDs and the NPPF.
3. The development, through its introduction of a new driveway adjacent to the back gardens of two adjacent dwellings to the west, would also result in an unacceptable amenity impact on these neighbouring properties. As such the proposed development would result in an unacceptable amenity impact on neighbouring occupants which would be contrary to the provisions of Core Strategy Policy L7, the New Residential Development SPG and the NPPF.

**Page 86 97096/HHA/19: 12 Okehampton Crescent, Sale**

**SPEAKER(S)**

**AGAINST:**

**FOR:**

**Ian Robertson  
(Applicant)**

### **REPRESENTATIONS**

1no. letter received by the applicant responding to the objections raised and reiterating that there was no intention of commencing a project without adhering to the required process and as soon as this became apparent, work was put on hold. Other comments include:

- The applicant states that there are a number of extensions on the crescent that have extensions beyond the kitchen rear wall and its designs are of a similar style to newer builds, most notably at 19 Okehampton Crescent.
- The extension as built comes out 1600mm further than the neighbours' extension and would not overshadow or cause loss of sunlight due to where the sun rises and travels through the day. A 6ft fence has been recently erected along the boundary and the extension is only slightly higher than this.
- Prior to the build, there was a conservatory with blinds closed in the same place, yet this never caused a problem in relation to sunlight and outlook.

- Prior to the conservatory being constructed, the outlook from No.12 was onto the neighbouring extension for a length of 2m, a projection further than this by 1600mm was considered to be reasonable.

**RICHARD ROE, CORPORATE DIRECTOR, PLACE**

**FOR FURTHER INFORMATION PLEASE CONTACT:**

**Rebecca Coley, Head of Planning and Development, 1st Floor, Trafford Town Hall, Talbot Road, Stretford, M32 0TH. Telephone 0161 912 3149**