

**WARD: Bowdon**

**96397/FUL/18**

**DEPARTURE: No**

**The erection of a pair of new semi-detached dwellings with new vehicle entrances onto Stanhope Road together with hard and soft landscaping and demolition of the existing dwelling.**

9 Bow Green Road, Bowdon, WA14 3LX

**APPLICANT:** Dr Z. Rab Alvi

**AGENT:** Mr Saghir Hussain

**RECOMMENDATION: Refuse**

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**This application is reported to the Planning and Development Management Committee as the application has received letters of support from seven different properties contrary to the officer recommendation of refusal.**

### **SITE**

The application site comprises of an 'L' shaped plot of land comprising of a detached dwelling and ancillary outbuildings to the north and an overgrown vegetated area to the south, both of these elements fronting Bow Green Road to the west, and the southern element also fronting Stanhope Road to the south. The site is on the side of Bowdon Hill such that the ground levels fall moving north to south along Bow Green Road. Boundaries are marked by stone walls topped by vegetation to the west and north, whilst the remainder of the plot is open sided. The applicant previously owned the remainder of the original plot to the south-east, forming a rectangular site; however this land is no longer in the applicant's possession.

The plot is bound by large residential properties to all sides, with the area to the east having recently been sold by the applicant and having planning permission for a pair of semi-detached dwellings as per planning permission reference 90644/FUL/17.

### **PROPOSAL**

The applicant proposes to erect a pair of 2.5 storey semi-detached dwellings with loft level living space on the southern portion of the plot adjacent to the junction of Bow Green Road and Stanhope road, and following this demolish the existing dwelling to the north, with the latter to be replaced by a pair of semi-detached dwellings approved through planning permission reference 93111/FUL/17.

The dwellings would have a largely contemporary styling with a main mono-pitched roof slope set around an central flat roof, large glazed gable elements in their front (south) and side (west) facing elevations, front and rear (north) facing dormers, front and rear facing first floor balconies, a side (west) facing loft level balcony and three roof lights in the east facing roof slope. A single chimney stack would be set within the building's east facing gable elevation.

External materials would comprise of buff facing brickwork, roof slates, timber doors, timber/aluminium window frames and aluminium rainwater goods.

Plot 1 would occupy the western end of the site with Plot 2 to the east. Their internal layouts would comprise of a reception room, open plan kitchen-diner-lounge, WC and cloakroom at ground floor; two bedrooms (one en-suite) with a walk-in dressing room, office, boiler room, bathroom, gym and laundry room at first floor; and a further third loft level bedroom.

The southern portion of the current 'L' shaped plot would be divided from that to the north, the latter accommodating the existing detached dwelling, with the separated southern element in turn divided in two with a new shared access point and hard standing to the south and west, and hard and soft landscaping to the west and north. 1.8m high boundary fencing would separate the plot from the remainder of the plot to the north, and the neighbouring plot to the east. A paved access would run past Unit 2's side (east) elevation.

### **Value Added**

Following advice from planning officers, the applicant has amended their proposal through a general redesign to include the following changes:

- Removed a west projecting two storey side element;
- Repositioned vehicle entrances and amended hard standing.

Planning officers also requested that the applicant amended their proposal to:

- Ensure the new building is built no closer to the west and south boundaries than the previously approved single detached dwelling at this point, most recently approved through outline planning permission reference 96461/OUT/18;
- Redesign the proposed dormers and remove the side (west) facing loft level balcony.

The applicant has not amended the proposal to reflect these requests.

### **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **OTHER LOCAL POLICY DOCUMENTS**

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

## **PROPOSALS MAP NOTATION**

Critical Drainage Area.

## **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 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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) in February 2019. The NPPF will be referred to as appropriate in the report.

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

MHCLG 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**

The application site, together with the wider original application site which also includes land to the east, has been the subject of multiple planning applications for residential development submitted for residential development since 2010.

97076/RES/19: Application for approval of reserved matters for the landscaping for plot 3 approved under outline planning permission 86978/OUT/15. Pending.

96461/OUT/18: Outline application for the erection of one house following the demolition of the existing house (consent for access, appearance, layout and scale with all other matter reserved). Approved 21 August 2019. [N.B. this application relates to the current application site and proposes a single detached dwelling of the same design and location for this part of the originally wider rectangular plot as per approved outline consent 86978/OUT/15].

93111/FUL/17: This application related to the northern part of the retained 'L' shaped plot. Erection of a pair of new semi-detached dwellings following the demolition of the existing dwelling. Approved 16 March 2018.

90644/FUL/17: This application related to the plot to the east of the application site. The erection of a pair of new semi-detached dwellings and the demolition of the existing dwelling. Approved 11 April 2017.

87549/FUL/16: This application related to the south-east of the original rectangular plot: Erection of a dwelling with accommodation over three floors above ground level. Approved 18 May 2016.

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

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

75480/O/2010: Outline application (including details of access, layout and scale) for demolition of existing dwelling and erection of three detached dwellings. Approved 23 April 2012.

The applicant has also submitted several applications for similar residential redevelopment of the plot during this period, all of which were subsequently withdrawn.

## **APPLICANT'S SUBMISSION**

The applicant has submitted a Design and Access statement and specific arguments justifying the proposed impact on the building line formed by the properties to the east of Bow Green Road in support of their proposal.

## **CONSULTATIONS**

**Local Highways Authority** – No objection.

**Lead Local Flood Authority** – No objection.

**United Utilities** – No objection subject to conditions.

**Greater Manchester Ecology Unit** - No objection subject to conditions.

**Pollution and Licensing (Contaminated Land)** - No objection.

**Pollution and Licensing (Nuisance)** – No objection subject to condition.

**Arborist** – No objection.

## **REPRESENTATIONS**

Multiple letters of objection have been received from 25 neighbouring addresses which raise the following issues:

- The applicant has repeatedly submitted multiple planning applications for the site causing exasperation amongst local residents at their having to constantly assess and object to these;
- This proposed development of the site for a pair of semi-detached properties is far in excess of that which was granted outline approval (86978/OUT/15) at this point (a single detached dwelling) in terms of their scale, footprint, parking provision and hard standing;
- They would result in an overdevelopment of the plot which would be against the character of the local area;
- The LPA had previously agreed that eight dwellings on the original wider plot would result in an overdevelopment of the site. Allowing the current proposal, together with the other previously consented scheme would in effect be allowing a similar level of development, which would be unacceptable;
- The proposal would result in an unacceptable impact on the building line formed by properties to the east of Bow Green Road;
- The application is misleading in that the applicant claims both of the proposed dwellings would have three bedrooms however the submitted layout provides ample scope for additional first floor and loft level bedrooms;
- The applicant is incorrect in claiming the CIL self-build exemption as he would not be able to occupy this property and original property at the same time;
- The proposed dwellings would result in an unacceptable amenity impact in terms of its privacy, overbearing and overshadowing effects.

- The proposed large feature windows would result in an unacceptable light pollution impact;
- The proposal would result in the introduction of an additional driveway onto Stanhope Road which would result in an unacceptable highways impact;
- The proposal would have insufficient on-site parking spaces;
- The scheme would result in too much of the plot being either occupied by the dwellings or their surrounding hard standing with insufficient scope for sustainable surface drainage;
- The proposal would undermine local house prices;
- Trees on site, including a TPO tree, have been removed without permission;
- The application has not been correctly advertised;
- A telecommunications substation would be located close to the driveways and would possibly need to be removed;
- Should the current proposal be approved it would set an unwelcome precedent for other developers.

In addition seven letters of support have been received, which raise the following:

- The proposal would result in the provision of much needed well designed properties at a sustainable residential location in line with national and local policy requirements;
- The new dwellings would acceptably complement the character of the local area;
- The proposal would not unacceptably undermine any building line formed by properties located to the east of Bow Green Road.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date planning permission should be granted unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
2. Development plan policies controlling the supply of housing and those relating to the proposal's visual impact are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
3. The Council does not, at present, have a five year supply of immediately available housing land and thus development plan policies are 'out of date' in NPPF terms. Paragraph 11(d) of the NPPF is therefore engaged.

4. The relevant Core Strategy Policy for assessing the proposal's design/visual impact is Policy L7.
5. The application proposes the erection of a pair of semi-detached dwellings on an area of land to the south of the plot, followed by the demolition of the original dwelling, the latter to be replaced by a pair of semi-detached houses as per planning permission reference 93111/FUL/17.
6. Policy L1 of the Trafford Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. Regular monitoring has revealed that the rate of building is failing to meet the housing land target as expressed in Table L1 of the Core Strategy. Therefore, there exists a significant need to not only meet the level of housing land supply identified within Policy L1 of the Core Strategy, but also to make up for a recent shortfall in housing completions.
7. The site is occupied by a residential dwelling and its retained wider domestic curtilage.
8. The new dwellings would be built over part of the existing dwelling's retained garden area. As such the site which would accommodate the proposal is considered to be greenfield land, as identified by the NPPF.
9. The proposal would therefore need to be considered in light of Core Strategy Policies L1.7-L1.8, specifically Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority. It is noted that the first priority of Core Strategy Policy L1.7, which details the release of land within regional centres and inner areas for new development of housing, does not apply in this case due to the location of the site. Therefore the application must be considered against the second and third points of Policy L1.7.
10. In this instance it is noted that the application site is located within an established residential area and is considered to be within a sustainable location sited relatively close to public transport links, local schools and other community facilities. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
11. In terms of Policy L2 the application is for family housing and therefore is compliant with L2.4. It is noted that the proposed site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). Paragraph 11 of the NPPF indicates that plans and decisions should be considered in the context of the 'presumption in favour of sustainable development'. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of

deliverable housing sites. The proposal would likely result in a small economic benefit during its construction phase.

12. 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. The proposal would result in the erection of two new dwellings and it is noted that the area currently occupied by the dwelling has planning permission for its replacement with a pair of semi-detached dwellings.
13. Considering these positive factors, although the application site is classed as greenfield land, the proposal nevertheless satisfies the tests of Policy L1.7 and relevant policies within the NPPF. The application site is situated within a sustainable location and would also provide a family home within the area, in accordance with Core Strategy Policy L2. The proposal would also comply with paragraph 68 of the NPPF in that it would result in the provision of additional housing on a small site; thereby making an important contribution towards meeting the Borough's housing requirements.

#### Demolition of Current Buildings

14. The current dwelling and ancillary buildings appear to have been constructed at some point in the early/mid-20<sup>th</sup> Century however they do not have any special architectural or historic interest which would be a sufficient reason to merit their retention.
15. The proposal is therefore considered to be acceptable in principle with reference to Core Strategy Policies L1 and L2, the New Residential Development SPG and the NPPF, although the scheme needs to be assessed against paragraph 11 d) ii) in terms of its design, impact on residential amenity and highway safety.

#### **DESIGN**

16. Paragraph 122 of the NPPF seeks to ensure development which achieves appropriate densities, subject to several important caveats: *Planning policies and decisions should support development that makes efficient use of land, taking into account:*
  - a) *The identified need for different types of housing and other forms of development, and the availability of land suitable to accommodate it;*
  - b) *Local market conditions and viability;*
  - c) *The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
  - d) *The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
  - e) *The importance of securing well-designed, attractive and healthy places.*



17. 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.*
18. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
19. The proposed houses would be bound by mid-20<sup>th</sup> Century to contemporary dwellings of varied design albeit all of the properties in the local area are detached houses on relatively spacious and well screened plots.

### Siting and Footprint

20. It is noted that a pair of semi-detached properties has been approved on the plot of land to the east (through planning permission reference 90644/FUL/17) and that the NPPF seeks to ensure increased densities of development for a more efficient use of land as outlined in paragraph 122, subject to several caveats.
21. The location of the proposed dwellings would be highly prominent within the street scene being on a corner plot with the ground level noticeably falling in height moving south-west along Bow Green Road. It is also noted that the applicant has recently removed a large number of trees and vegetation from the plot. All of these factors would ensure that the proposed dwellings would be especially prominent.
22. The recent outline planning permission for a single detached dwelling at this point (reference 96461/OUT/18) complies with the LPA's previous stance in terms of its minimum distances to the plot's west boundary fronting Bow Green Road with the approved building 8.8m-9.6m from the west boundary, whereas the current proposal would fail to comply with this requirement being 6.3m-6.8m from this boundary. The applicant has been asked to amend the current scheme to reflect this requirement however this has not taken place.
23. The recent outline planning permission also complies with the LPA's previous stance in terms of its minimum distance from the plot's southern boundary fronting Stanhope Road with the previously approved development being 6.7m-6.9m from the southern boundary, whereas the current proposal would fail to comply with this requirement being 6.3m-6.5m from this boundary. The applicant has been asked to amend the current scheme to reflect this requirement however this has not taken place.

24. As such, it is considered that the proposal would be too close to the western and southern boundaries at this point. This, together with the lack of space around the proposed development, would result in it creating an impression of overdevelopment which would be at odds with its context thereby resulting in an unacceptable visual impact on the street scene. Whilst it is accepted that the recently constructed properties to the north-west on the opposite side of Bow Green Road have elements that are relatively close to the front boundaries, the closest elements are single storey (as opposed to two storey) and therefore have much less of a visual impact at this point.
25. In addition the approved pair of semi-detached dwellings immediately to the east (90644/FUL/17) are in a much less prominent and visually sensitive location, therefore this previous approval cannot be used to justify the current unacceptable proposal.
26. The proposal would therefore fail to comply with the requirements of NPPF paragraph 122 in that it would not result in an appropriate level of well-designed development which would maintain the local area's prevailing character and setting.

#### Bulk, Scale, Massing and Height

27. The proposed dwellings would be higher (11.4m as opposed to 10.6m), wider (14.1m as opposed to 10.6m) and longer (18.5m as opposed to 17.1m) compared to the previously approved single detached dwelling for this part of the applicant's plot. It is considered that the proposal would have an over-dominant impact on this prominent corner site and, as such, would result in an unacceptable visual impact in terms of its bulk, scale, massing and height with reference to the size of the plot and the surrounding context.

#### External Appearance/Materials

28. The dwellings would have a contemporary design with dual pitched roofs, gable elements, large amounts of glazing, large front and rear facing dormers, and the western unit having a side (west) facing balcony. The proposal's west facing balcony and overly large dormer windows would be incongruous, poorly designed features which would result in an unacceptable visual impact on the street scene. The dormer fronting Stanhope Road would also be large and over-dominant and the overall elevational design would not be of the quality that would be required on this prominent site. The proposed external elements are considered to have an unacceptably poor and utilitarian design resulting in a lack of articulation, for example compared to the approved design for the as yet unbuilt pair of semi-detached properties on the plot to the east. The proposed external materials could be acceptable and any grant of planning permission would be subject to a condition requiring the submission of full details in this regard prior to the commencement of above ground works. It is noted that the applicant has failed to provide amended plans to address the above issues together with a

note that the bottom edge of all roof lights would be a minimum of 1.7m above internal floor levels.

29. The development would result in an unacceptable visual impact with reference to its position within the plot, lack of surrounding space, overly large size and poor design and therefore would fail to comply with Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

## **IMPACT ON RESIDENTIAL AMENITY**

30. 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.*

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

### Privacy and Overlooking

32. The development would introduce front, side and rear facing ground floor windows however views from these to the front, side (west) and rear would be acceptably screened by intervening boundary treatments including a new 1.8m high boundary fence separating the plot from the remainder of the site to the north.

33. Plot 2 (to the east) would introduce ground floor habitable room windows including a sole dining room window which would be approximately 1.8m from the common boundary with the adjacent plot to the east, this boundary to be marked by a new 1.8m high wooden fence at this point, which would provide for acceptable privacy screening.

34. Plot 1 would introduce west facing first floor and loft level habitable room windows/balconies which would face the front of the property on the opposite side of Bow Green Road. These windows/outlooks would face this neighbouring property's windows at a distance of approximately 31m, which would comply with the Council's New Residential Development guidelines and would not result in unacceptable overlooking or loss of privacy, the overlooked area comprising of a hard standing/front garden.

35. The development would introduce south facing first floor bedroom windows and balconies, together with potentially loft level bedroom/habitable room windows (although it is noted that the loft level windows at this point are marked as a roof void the applicant could convert these rooms into habitable rooms without the need for planning permission). The proposed first floor

windows would face windows in the front elevations of the property on the opposite side of Stanhope Road at a distance of approximately 26.8m, which would comply with the Council's New Residential Development guidelines and would not result in unacceptable overlooking or loss of privacy, the overlooked area comprising of a hard standing and front garden.

36. The development would introduce north facing first floor bedroom windows and balconies together with potentially loft level bedroom/habitable room windows (although it is noted that the loft level windows at this point are marked as a roof void the applicant could convert these rooms into habitable rooms without the need for planning permission) which would be approximately 12.5m from the new common boundary with the proposed adjacent dwellings to the north. The Council's New Residential Development guidelines state that distances of 10.5m and 13.5m are normally required to a common boundary from a first storey window and second storey window respectively. These windows would overlook the hard and soft landscaping to the front (west) of both the existing dwelling and the approved pair of semi-detached dwellings as per planning permission reference 93111/FUL/17. The overlooked area comprises of front gardens and driveways and is not considered by the LPA to be a sensitive private external amenity space.
37. The proposed north facing ground and especially first floor and loft level windows would have the potential to afford angled views towards windows in the side elevation of the applicant's current property; however should planning permission be granted this would be subject to a condition requiring the demolition of the existing building prior to first occupation of the new dwellings.
38. Plot 2 would introduce two side (east) facing first floor gym and bathroom windows which would be 1.8m from the common boundary shared with the adjacent plot to the east. Should the approved scheme to the east (90644/FUL/17) be built out the proposed windows would face gym and WC windows at a distance of approximately 3.8m. If permission were to be granted, a condition would need to be attached requiring that these windows must be obscurely glazed to ensure an acceptable privacy impact on the neighbouring plot.
39. The proposed privacy/overlooking impacts are considered to be acceptable.

#### Overbearing/Overshadowing

40. The proposed dwelling would be approximately 12.5m from the boundary with the existing dwelling to the north and the approved pair of semi-detached dwellings as per planning permission reference 93111/FUL/17 and therefore, whilst it is recognised they would be directly to the south of this plot, it is considered that there would be no undue overbearing or overshadowing impact on these properties.
41. The proposed dwellings are also considered to be set a sufficient distance to the south of both the existing and the proposed dwellings to the north to

ensure they would not result in an unacceptable overbearing impact on their front (west) facing windows.

42. It is noted that the plot immediately to the east has received planning permission for a pair of semi-detached dwellings through planning permission reference 90644/FUL/17. Whilst there is no guarantee that these dwellings will be constructed it is noted that should they be built they would result in a large two storey gable elevation which would be directly faced by Plot 2's side facing ground floor windows at a distance of approximately 3.8m; however this would be acceptable considering the impacted windows would not be sole habitable room outlooks, the dining room forming part of a wider open plan kitchen-diner-living room. The adjacent development would also introduce ground and first floor windows which would directly face Plot 2's two storey side elevation at a distance of approximately 3.8m; however this would be acceptable because none of the impacted neighbouring windows would be sole habitable room outlooks and it is recommended that the proposed windows are conditioned to be obscure glazed.
43. The proposed internal layout would be acceptable and would provide a good standard of accommodation for future occupants. Whilst the fact that the proposed loft level bedroom at Plot 2 would not be ideal in that its sole outlook would be a roof light, this is nevertheless acceptable considering it is a secondary bedroom.
44. The proposed dwellings would be relatively closely bound by surrounding residential properties and were the scheme otherwise acceptable it would be considered reasonable to include a condition removing future occupant permitted development rights to install side extensions, dormer windows and roof lights.
45. Were the development acceptable in all other respects, appropriate conditions could mitigate any harm to the residential amenity of the neighbouring and surrounding residential properties with reference to Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

## **HIGHWAYS, PARKING AND SERVICING**

46. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
47. 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.*

48. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's parking standards indicate that the provision of two off road car parking spaces is appropriate for three bedroom dwellings in this location, albeit these are maximum standards.
49. The new dwellings would be accessed by new separate vehicle entrances and would each have an area of hard standing capable of accommodating three car parking spaces for Plot 1 and two spaces for Plot 2. It is noted that the LHA has confirmed no objection to the proposal in terms of its highways, parking and servicing impacts subject to a condition securing required cycle parking. The LHA has also confirmed no objection to the required dropped crossings.
50. The applicant has submitted a revised highways access plan showing the amended vehicle entrances however this plan does not cover the entirety of the plot as it does not include its northern element currently accommodating the applicant's existing property. Nevertheless the highways access plan is considered to acceptably address the amended vehicle access arrangements, notwithstanding this discrepancy, with the LHA consultee confirming no objection with reference to this amended plan.
51. Addressing one of the grounds of neighbour objection the LPA and LHA consultee are aware that some/all of the rooms currently noted as gym rooms or as loft space could be converted into additional bedrooms without the need for a further grant of planning permission. It is noted that there is sufficient hard standing to accommodate an additional third car parking space for Plot 1, whilst there is insufficient space for additional car parking for Plot 2. Nevertheless the LHA are satisfied that should additional on-road parking be required any overspill parking which would take place within the vicinity of the dwellings would not have an adverse impact on the surrounding highway network.
52. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

## **TREES AND ECOLOGY**

53. The proposal would result in the demolition of the current dwelling and detached garage in addition to the removal of several trees and extensive hard and soft landscaping works. The arborist and GMEU consultees have confirmed no objection subject to standard conditions.

54. The development would not result in unacceptable harm to the natural environment with reference to Core Strategy policy R2, PG1 New Residential Development and the NPPF.

## **DEVELOPER CONTRIBUTIONS**

55. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

56. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of three additional trees per property. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide six additional trees net of clearance on site as part of the landscaping proposals. No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

## **OTHER MATTERS**

57. In response to the neighbour objections the LPA would confirm as follows:

58. The Nuisance consultee has confirmed no objection including with reference to the proposal's potential artificial light impacts.

59. The applicant would have to satisfy CIL requirements to claim full relief for both properties.

60. Addressing neighbour drainage concerns it is noted that the LLFA consultees have confirmed no objection.

61. The proposal's possible impact on house prices is not a valid planning consideration.

62. There are no TPO trees on site.

63. The LPA is unaware of telecommunication apparatus in the vicinity which could be impacted by the proposal.

## **CONCLUSION**

64. The proposed development, by reason of its height, scale, massing, design and proximity to the site boundaries would result in an over-dominant and incongruous form of development on this prominent corner plot that would be out of keeping with the character and spaciousness of the surrounding area.

As such, the proposal would have an unacceptable detrimental impact on the visual appearance and character of the street scene and the surrounding area. The proposal would therefore be contrary to Core Strategy Policy L7, the New Residential Development SPG and the NPPF.

65. The application fails to comply with Policy L7 of the adopted Core Strategy and therefore development plan policy. It also fails to comply with policy in the NPPF relating to good design and in increasing density, respecting the prevailing character of the area. This would in itself point to a refusal of planning permission. However, an important material consideration is the fact that the 'tilted balance' is engaged as a result of the Borough's shortfall in housing land supply.

66. It is acknowledged that an additional dwelling on the site in an existing settlement and a sustainable location would contribute to the Borough's housing land supply and substantial weight has been given to this benefit of the development. It is also acknowledged that there would be a small economic benefit during the construction phase. Nevertheless, this is not considered to be a 'suitable' site in an existing settlement as the harm to the character and spaciousness of the surrounding area that would result from the proposals is considered to be significant. The original plot has already been subdivided and the density significantly increased and this further proposal crosses the line between intensification and overdevelopment. Applying the tilted balance the adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits.

## **RECOMMENDATION**

### **Refuse**

The proposed development, by reason of its height, scale, massing, design and proximity to the site boundaries would result in an over-dominant and incongruous form of development on this prominent corner plot that would be out of keeping with and cause significant harm to the street scene and the character and spaciousness of the surrounding area. The proposal would therefore be contrary to Core Strategy Policy L7, the New Residential Development SPG and the NPPF.

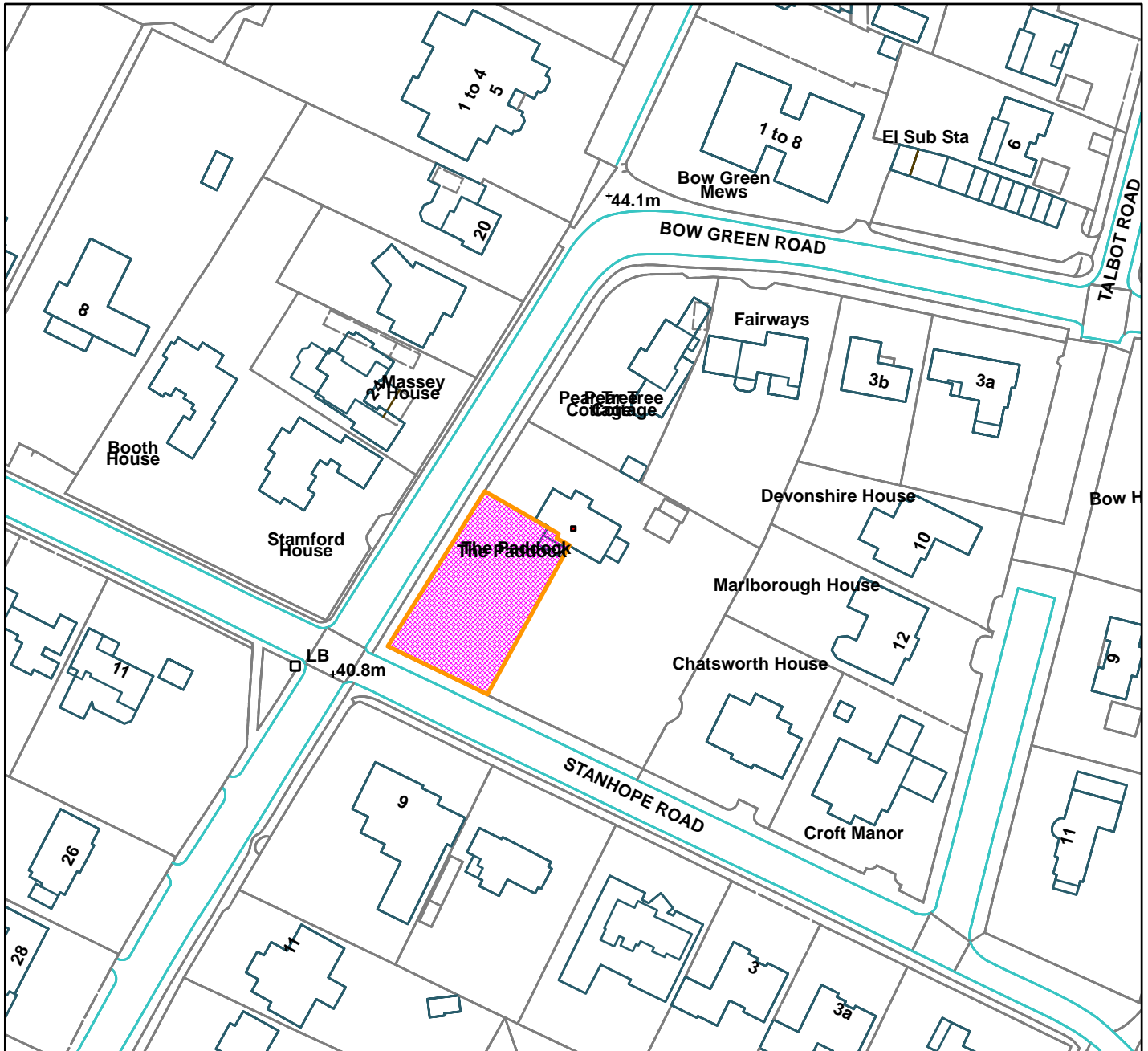
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TP





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



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -10/10/2019
Date	30/09/2019
MSA Number	100023172 (2012)

**WARD: Clifford**

**97114/FUL/19**

**DEPARTURE: No**

**Application for the change of use of the existing building to a community centre/place of worship (Use Class D1).**

Employment Unit Adjacent To Empress Street , Empress Street, Old Trafford, M16 9EN

**APPLICANT:** Vinelife Church Manchester

**AGENT:** Turley

**RECOMMENDATION: REFUSE**

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**SITE**

The application site comprises a brick and metal clad two storey building located on the north side of Empress Street with a metal corrugated roof. The building is currently occupied and in B8 (storage or distribution) use and is used for vehicle storage. The site includes an area of hardstanding to the front of the building. The surrounding area is predominantly B1 office use.

On the opposite site of Empress Street is a car park owned by Trafford Council which appears to be used on an informal basis by the neighbouring businesses. This car park is not operated by the Council's Parking Services but is a land asset managed by the One Trafford Partnership on behalf of the Council.

The Metrolink runs to the west of the site and the Empress Conservation Area bounds the site to the north.

**PROPOSAL**

The application proposes the change of use from B8 Storage or distribution to D1 Community Centre/Place of Worship. The proposed development is for a church to be run by Vinelife and would allow them to host services and community activities. The business is currently located in a hired space in Moss Side.

At ground floor, the building would provide a large auditorium and stage which could accommodate up to 450 people. In addition, two children's rooms, a seminar room and WCs together with a large open meeting space are proposed. At first floor, an open mezzanine is proposed providing additional seating for the auditorium together with an office and two areas which are identified for 'proposed future development.'

The current secure car parking arrangement for the premises will be reconfigured to include 2 disabled parking spaces and 58 cycle spaces. The application proposes the use of the adjacent Council owned car park on Empress Street to provide additional parking spaces.

A new main entrance is proposed on the front elevation of the main building, a new glazed frontage installed inside the existing roller shutter protected opening.

## **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**

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility

L7 – Design

W1 – Economy

R1 – Historic Environment

## **PROPOSALS MAP NOTATION**

Old Trafford Priority Regeneration Area

Adjacent to Empress Conservation Area

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

ENV21 – Conservation Areas

H10 – Priority Regeneration Area - Old Trafford (partly replaced with L3)

## **EMERGING LAND ALLOCATIONS PLAN**

EM3 – Local Employment Areas. The plan proposed an extension to the Hadfield Street Industrial Area, originally identified in UDP Policy TP3. The Hadfield Street Industrial Area is identified as Local Employment Area EM3.5 in the Land Allocations Plan.

## **SUPPLEMENTARY PLANNING GUIDANCE**

SPD3: Parking Standards and Design

SPD5.17: Empress Conservation Area Appraisal

SPD5.17a: Empress Conservation Area Management Plan

## **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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

The DCLG published the National Planning Policy Framework (NPPF) in 19 February 2019. 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 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

## **OTHER LEGISLATION**

**Planning (Listed Buildings and Conservation Areas) Act 1990**

## **RELEVANT PLANNING HISTORY**

H/46276 – Display of one 96 sheet advertisement hoarding.  
Approved 1 October 1998

H/35013 – Change of use from a warehouse to a retail garden centre for a temporary period of one year.  
Approved with conditions 16 April 1992

H/33559 – Cladding of three elevations of an existing building  
Approved with conditions 14 June 1991

H/31673 – Alterations to the existing elevation at Empress Street and the creation of a new service yard  
Approved with conditions 8 June 1990

H/30968 – Installation of new roller shutter door to form new vehicular access  
Approved with conditions 19 February 1990

## **APPLICANT'S SUBMISSION**

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

- Crime Impact Statement;
- Ecological and Biodiversity Survey;
- Employment Land Statement;
- Transport Statement;
- Highways Technical Note;
- Planning Statement;
- Noise Impact Assessment;

A supporting statement has been submitted responding to LHA consultation comments and feedback from Amey regarding enquiries to secure a lease of the car park. The comments are summarised below:

- Comprehensive regeneration of the area is most likely to be for residential led uses, which will require associated community facilities, including a place of worship. Vinelife are a compatible and essential component of any future regeneration plans;
- The church can continue to make a life-changing difference to the existing community whilst comprehensive development comes to fruition;
- Comprehensive development cannot be achieved by constructing new development on the car park alone; the car park will not cease to be available to the users of buildings on Empress Street until those buildings themselves cease occupation. There is no realistic prospect of the church being left without a car park;
- Vinelife understands that by purchasing the building, at some point they may have to move if and when regeneration plans come forward. Having the building in active use remains a better option than the building remaining empty or in low employment generating storage use;
- The church wish to play a positive role in facilitating the regeneration of Empress Street;
- The Council will be in no worse a position to realise future regeneration of the area with a church occupying the building than the building having a lawful employment use/value;
- The submitted auditorium layout indicates that the venue could accommodate up to 450 people. Notwithstanding this, Vinelife's regular average attendance at its Sunday services is typically only around 200 people per week. Vinelife therefore request a suitably worded condition to limit the typical capacity of the auditorium to a maximum of 250 people. Parking for this number could comfortably met by a combination of unrestricted on-street parking and the Empress Street car park;
- A flexible condition is requested to enable Vinelife to apply for approval to host special annual events and conferences with an increased capacity. This would involve a Special Event Parking Management Plan;
- Empress Street car park is not widely used on a Sunday and there is sufficient residual capacity to meet the needs of the proposed community facility;

- Empress Street car park has been in situ for many years and has been used by the existing employment unit and neighbouring occupiers to support their day-to-day operation. The closure or removal of this car park would harm local businesses and therefore it is considered unlikely and improbable that the Council would take action that would sever the car park from the surrounding land and uses and undermine the health of these local businesses;
- The car park suffers from fly tipping and attracts drug users, despite being lit and covered by CCTV. Using the car park in mid-week evenings and on Sundays when it is currently largely empty would act as a deterrent;
- Vinelife are prepared to make a small maintenance payment to the Council of £3,000 to cover maintenance of the car park for 5 years as it is recognised that the church would increase the maintenance burden for the Council;
- Vinelife proposed a Grampian condition requiring the submission and agreement of a car park maintenance plan for the Empress Street car park. The Council will need to maintain the car park until such time as the land is required for comprehensive regeneration. In turn the 'car park management plan' for Empress Street car park can include the payment of a sum by the church to the Council to discharge the requirement for it to be maintained. The CIL122 test is satisfied as the need for enhanced maintenance of the facility is a direct consequence of the evening and Sunday use by the church and is a proportionate payment;

The following comments have been received in response to the consultation comments from Strategic Planning and Economic Growth:

- The proposed change of use will offer substantial benefits brought about by the provision of a new community facility. These benefits align with Core Strategy Policy L3, the NPPF and the Council's corporate strategies, which support the provision and investment in new community facilities;
- The application site is not located within one of Trafford's portfolio of high-quality strategic employment locations (such as Trafford Park, Carrington and Broadheath) that are key to attracting growth to the borough;
- The submitted Employment Land Statement demonstrates that there is vacant land in those strategic employment locations that is capable of accommodating new employment development within Trafford's key growth sectors. This indicates that there is no need, nor a requirement, to retain further employment land, especially sub-prime employment land, which is outwith the strategic employment locations to achieve the aforementioned strategic economic objective;
- In relation to locations that are outwith strategic employment areas, the supporting text to Core Strategy Policy W1 describes how a pragmatic approach will be taken where 'development and redevelopment for economic purposes will be supported in a measured way commensurate with the need for the development, the availability or otherwise of suitable alternative development locations and their effect on environment and amenity of surrounding land uses;

- The proposed community use is clearly an economic use which will sustain the application site's 'economic purpose' and will generate a level of employment that is comparable than the existing;
- The following is provided to demonstrate compliance with the requisite policy considerations under Policy W1.12:
  - Vinelife has a clear need for a new permanent home and this can be met via the proposed use in this locality;
  - There are no suitable alternative sites for Vinelife's permanent home within the locality which can meet their identified need; and
  - The proposed change of use will complement the primary employment function of the locality and will not undermine its operation.

## **CONSULTATIONS**

**Greater Manchester Police** – recommendation that a condition to reflect the physical security specifications set out in the Crime Impact Statement should be added, if the application is to be approved.

**Pollution and Licensing (Nuisance)** – The proposal is unlikely to have any significant detrimental impact on the amenity of neighbouring residential properties subject to conditions relating to building enhancement works, noise mitigation measures as identified in the submitted Noise Impact Assessment, hours of use and lighting assessments. Further details are provided in the amenity section of the report.

**Local Highway Authority** – There is a significant under provision of parking within the applicants control and the information submitted with the application is insufficient to address these concerns.

**Strategic Growth and Strategic Planning** – Object to the loss of employment space and do not consider that the information provided fully justifies the loss of the existing employment space for the specific use proposed in this location. Their full comments are imbedded within with the observations section as set out below.

## **REPRESENTATIONS**

A total of 33 letters of support have been received. The letters have been submitted mostly by members of the existing Vinelife congregation and come from addresses across Greater Manchester.

Councillors Taylor and Akinola have written a letter of support to the proposals.

A letter of support has also been submitted by Barnabus, Christian Homeless Charity.

The main points raised are summarised below:

- Hired premises result in long set up and set down times for the church each week;
- Having its own building would allow the church to put more energy and time into engaging with the local community and be more effective in outreach work across the city and local community;
- The church would act as a great neighbour in the local area and look to play its part in making it flourish;
- More traditional churches today are looking at adapting their internal space to make it much more than a space used for worship a few hours a week. The application site would provide a flexible space which can be used for a number of practical purposes, relevant to local needs;
- Being in an area with good public transport connections close to the city centre will be a great help to the community, especially the large student community;
- Vinelife have a strong social and community heart which has resulted in the provision of a number of significant services (including homeless charities, baby and toddler groups, adult education classes, working with the student community and organising Christian conferences);
- The proposal would have a positive contribution to the wellbeing of the area: environmentally, economically and educationally;
- The proposal would bring some badly needed regeneration and resource to the neighbourhood. As it stands the Empress Street car park is riddled with fly tipping and gas canisters and is a target for anti-social and illegal behaviour;

## **OBSERVATIONS**

### **BACKGROUND**

1. Vinelife is an independent church in Manchester which has been operating for almost three decades. The church currently operates from a hired space in Moss Side, holding two Sunday morning services a week. The application submission advises that they currently have a combined congregation of approximately 400 regular adults and over 150 children from households across Greater Manchester and the wider North West region. It is noted however that different figures have been provided in the supporting information and the highways technical note as can be seen in this report and as such there is no definitive number provided.
2. As well as running weekly church services, Vinelife also runs a broad range of community outreach programmes including working with homeless charities, baby and toddler groups, adult education classes, working with the student community, youth work, community coffee house and Christian conferences.

### **PRINCIPLE OF THE DEVELOPMENT**

3. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47



reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.

4. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
5. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
6. Paragraph 11 d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
7. In this particular case the most important policies for the determination of this application are considered to be W1 'Economy', L3 'Regeneration and reducing inequalities' and L4 'Sustainable transport and accessibility'
8. Policy W1 'Economy' of the Core Strategy seeks to encourage the development of clusters of economic activity through identifying a range of sites for a variety of employment uses, with the appropriate infrastructure to attract key economic growth sectors to Trafford. Employment uses within this policy refers to B1 business/office, B2 general industry and B8 storage or distribution.
9. Policy W1 is considered to be compliant with the NPPF by supporting economic growth and is therefore up to date.
10. Policy L3 'Regeneration and Reducing Inequalities' of the Core Strategy states in L3.1 that in Regeneration Areas the Council will secure improved access to and/or the provision of community (including cultural) facilities for communities. Policy L3.3 states that redevelopment will be promoted which will ... provide further commercial, cultural and community facilities. Policy L3 is considered to be up to date and compliant with NPPF for the purposes of this application.

11. The aim of Policy L4 'Sustainable Transport and Accessibility' to deliver sustainable transport is considered to be consistent with the NPPF.
12. Section L4.8 of the policy 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."* Paragraph 109 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, this part of the policy is not consistent with the NPPF and should be afforded less weight in the assessment of the impact on the highway network.
13. The setting of maximum parking standards as set out in section L4.15 and appendix 3 is inconsistent with the NPPF and in that regard is considered out of date and less weight should be afforded to this part of the policy. In all other aspects this policy is consistent with the NPPF and weight should be afforded to this.
14. Therefore as L4 is out of date Paragraph 11 d) ii is engaged and the NPPF states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### LOSS OF EMPLOYMENT USE

15. The proposed development would involve the change of use of the existing building from B8 storage or distribution to D1 Community Centre/Place of Worship (Vinelife Church). The site is an unallocated employment site which remains in use and this proposal would lead to the loss of that employment use. The Council's Strategic Planning and Strategic Growth teams have objected to the proposal on this basis. Their comments are incorporated into the analysis below.
16. Vinelife Church is currently located in a hired space in Moss Side. The applicant has undertaken a search for alternative sites for their operation and has determined that there are no other suitable locations as they look for a permanent location.
17. Policy L3 of the Core Strategy states that at the heart of the Council's objectives [for Regeneration Areas] is the provision of accessible employment opportunities.
18. Policy W1.2 of the Core Strategy applies to applications for non-employment uses on unallocated employment sites. The policy states that such applications should

provide a statement to the satisfaction of the Local Planning Authority, demonstrating that:

1. There is no need for the site to be retained for employment purposes and it is therefore redundant;
2. There is a clear need for the proposed land use(s) in this locality;
3. There are no suitable alternative sites within the locality, to meet the identified need for the proposed development;
4. The proposed development would not compromise the primary function of the locality or the operations of the neighbouring users; and
5. The proposed redevelopment is in accordance with the other policies in the Development Plan for Trafford.

19. The statement provided by the application has addressed the criteria of the Employment Land Statement as follows:

**1. There is no need for the site to be retained for employment purposes and it is therefore redundant.**

20. Paragraph 3.6 of the Employment Land Statement and 6.8(a) of the Planning Statement states that the building is still in use and employs between 5 and 8 people. It is acknowledged that the building has been on the market since October 2018 but is not currently vacant. In addition, the applicant states that the building would not be attractive to meet the needs of employment uses and that a wider range of occupants had expressed an interest. It is agreed that the building would not lend itself to B1 Uses, and that focus of the marketing assessment is on B2 and B8 uses. Whilst there appears to be an argument that there is a low demand for industrial floorspace in the area, there is not enough evidence to suggest that employment use occupants had shown no interest since it had been on the market. In addition, as the property had only been on the market since October 2018 with the planning application submitted in March 2019, this is not considered as a length of time that would constitute the building as not being attractive to the employment market.

21. The fact that the building is occupied and in an appropriate employment use weighs strongly in favour of the fact that it remains attractive to the employment market. A wider range of users may have expressed an interest in the site, but this does not automatically follow that the land should be released from its employment use. Any higher value use would be attractive to the landowner, but it is in part the purpose of the planning system to regulate the market to ensure a sufficient supply of land for lower value uses. It is acknowledged that Trafford, as a whole, has sufficient employment land, but this is predominantly in locations like Trafford Park where values are very high. It is important for the Borough to maintain a diversity of employment sites to cater for all sectors of the market and for local employment to be accessible to communities. It is considered that information provided by the applicant is not sufficient enough to ascertain that there is no need for the site to be retained for employment purposes.

## **2. There is a clear need for the proposed land use in this locality**

22. There is sufficient information provided in regards to the reasons that Vinelife needs to relocate to more suitable premises and it is accepted that the location of the proposal suits the accessibility needs of the current congregation i.e. the majority live within a 30 minute drive time. However, there is not enough detail provided on why there is a need for such a proposal in this specific location over and above others in Greater Manchester and the church would not specifically be serving the Old Trafford community. It is accepted that the applicant has considered other alternative sites and dismissed them as not being suitable to their requirements, however it is not considered that there is sufficient evidence to justify the loss of an employment site in this location for this reason. As the majority of the congregation lives within a 30 minute drive time of the church's current location, this covers the majority of Greater Manchester and therefore does not justify the loss of an employment use in this location.
23. The applicant demonstrates clearly the regeneration and community benefits associated with this proposal that would mean the facility is accessible to those outside of the organisation. This complies with Policy L3 of the Trafford Core Strategy.

## **3. There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development**

24. It is agreed that the applicant has carried out an extensive site search and there appears to be no suitable sites available for the proposed use at the time of the search according to their statement. However, the church does not require a location within Old Trafford as their planning statement confirms that they are seeking a site within the M60.

## **4. The proposed redevelopment will not compromise the primary function of the locality or the operations of neighbouring users**

25. The applicant argues that there will be no net loss of employment on the application site however D1 is not considered an "employment use" and therefore, in line with the Trafford Development Plan, this is considered to be the loss of an employment use in this location. It is considered that the loss of an employment use in this area could compromise the primary function of this locality as an employment area and piecemeal loss of employment land in this location could set a precedent for future development in the area.

## **REGENERATION**

26. The application is located within the Old Trafford Priority Regeneration Area as defined by Policy H10 of the Unitary Development Plan (2006). Policy L3 'Regeneration and Reducing Inequalities' of the Core Strategy partially replaces this

policy. It seeks to “improve access to and/or the provision of community facilities for the communities within the Regeneration Areas” and specifically for Old Trafford that “further commercial, cultural and community facilities” will be promoted in the eastern section of the Regeneration Area. It is agreed that the church will provide community facilities for the area in line with policy L3. However the church comes to the area with an established congregation from across Greater Manchester and whilst they seek to support and function as part of the local community the proposal is not location specific or seeking to exclusively serve the Old Trafford community.

### IMPACT ON DESIGNATED HERITAGE ASSET

27. 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.
28. Policy R1 of the Core Strategy requires that developers demonstrate how a development will complement and enhance existing features of historic significance including wider settings in particular in relation to conservation areas, listed buildings and other identified heritage assets.
29. National guidance in the NPPF requires that local planning authorities take into account the particular significance of the heritage asset when considering the impact of a proposal to avoid or minimise conflict between the heritage asset and its conservation (para. 129).
30. National Planning Policy Framework (NPPF) is also a significant material consideration, and in this particular case, paragraph 132 of the NPPF advises that “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. 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.*”
31. The special interest and heritage values of the Empress Conservation Area stem from the ability of the surviving historic sections of the Conservation Area to convey the story of its industrial development: workers’ terraces intermingled with the industrial buildings that sprang up to take advantage of the growing canal network and docks.
32. Architecturally, the Conservation Area displays three distinct building types, reflective of their use and purpose: residential, industrial and office use, the last of these presenting the public front to the street with grand decorative facades. The Conservation Area revolves around the impressive landmark feature of the Essence Factory, which is Grade II listed. There is group value within the area due to the

distinctive zones of the building types which predominantly feature red brick and slate as their principal building materials.

33. Whilst the application site is located outside of the Conservation Area, it is located immediately adjacent to the boundary with Character Zone C (the adjacent unit) and in close proximity to Character Zone B.

#### The proposal and assessment of harm

34. The proposed development is for change of use and alterations to the front of the building are minimal. The existing building is of little architectural merit and does not contribute positively to the setting of the Empress Conservation Area. It has no particular visual or physical relationship with the former Essence Factory.
35. It is therefore considered that the proposed development would not impact on the character or setting of the adjacent Empress Conservation Area or the former Essence Factory and would not result in any harm to heritage assets.

#### PARKING AND HIGHWAYS

36. Policy L7 states that in relation to matters of functionality, development must:
- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;
  - Provide sufficient off-street car and cycle parking, manoeuvring and operation space.
37. The Local Highway Authority has been consulted and comments received are incorporated into this section.
38. The existing use on the site is 2101sqm of B8 floorspace and it is proposed to change this to 2101 sqm of D1 floorspace. SPD3 requires a maximum 420 car parking spaces for the proposed use in this location.
39. The Vinelife Church currently operates across two sites in Moss Side and have Sunday services at 9.30am and 11.30am.
40. The proposals include a 450 seat auditorium, three crèche rooms, large conference events facilities and rooms for future expansion.
41. The submission states that Vinelife have conferences every year and that for those that exceed 175 attendees they would prepare a bespoke event management plan to ensure that sufficient car parking is provided for the event. This could include the provision of additional on-site car parking or a shuttle bus service. However the current combined congregation exceeds this, with the application documents stating that 400 adults regularly attend services. Whilst the proposal is to continue operating two services on a Sunday to spread the demand, as the proposal is for a

450 capacity venue the potential for much greater attendance than 175 adults on a regular basis is possible.

42. Average attendance numbers have been provided by Vinelife for both services held of Sundays. This suggests that for both Sunday services the average combined attendance for the two services is 261 adults.
43. The technical note submitted states that 41% of the 261 visitors of the site will be accessing the site by car, on this basis there would be a demand for 115 car parking spaces. Just 2 car parking spaces are proposed on site as part of the proposals. No details or survey data have been provided to clarify the figures quoted and no information has been provided as to the catchment area of the existing site and users and other travel options/methods for existing visitors to the existing site compared to the proposed site. They therefore cannot be relied upon as technical evidence.
44. A survey has been undertaken in regards to the availability of parking in the neighbouring car park and on-street with the vicinity of the site. The survey indicates that there are twenty car parking spaces on-street and approximately ninety available within the neighbouring car park. The submitted information also makes reference to marshals operating on private land that isn't in the applicants control and on the public highway.
45. However, that proposed car parking is not within the control of the applicant and it may be removed from public use in future. The Council's Estates Team have not been willing to grant a lease to Vinelife for the use of the car park. Regular use on Sundays would require such a lease as the car park is not controlled by the Council's Parking Services. As such the number of spaces available within the car park cannot be relied upon to provide parking for the church. The fact the Council owns and controls that car park is not relevant to the consideration of this application. It should properly be considered in the same way as if an applicant was relying on land in private ownership over which they had no control. The consequence of this, and of a potential scenario where 450 people or more were visiting the premises at any one time, would be that significant on street parking would result.
46. A site nearby for a Scientology Church has been under consideration for planning for quite some time and there was much more detail provided within their Transport Assessment, a larger level of parking was proposed and they were also proposing mini bus operation and a parking layout to accommodate mini buses in addition to a car parking management plan which detailed booking of parking spaces. There are also significant benefits associated with those proposals in bringing a Grade II listed building, at risk, back into active use.
47. The area of hardstanding currently detailed as used by the existing owner is public highway.

48. The applicant states that they would be prepared to have a condition attached to an approval restricting the number of attendees at any service to 250. Such a condition would not meet the tests for the imposition of planning conditions as it would not be enforceable, particularly given the overall capacity of the auditorium is 450 people. Limits on the number of people attending premises can generally only be imposed where there is a relatively small number of attendees limited by registration (e.g. day nurseries). It is also unlikely that a church would be willing to turn people away and when looking at the congregation figures set out in the background section of this report that they are already exceeding this capacity during services.
49. SPD3 states that 42 cycle parking spaces should be provided for the proposed use. The proposals state that 58 cycle parking spaces are included within the secure area with a 24 space double tier rack with a canopy over and 10 cycle lockers. This provision is acceptable for the proposals.

### Conclusion

50. The proposals are not acceptable on highways grounds. The proposals fall substantially short of the car parking standards set out in SPD3 for a place of worship.

### **RESIDENTIAL AMENITY**

51. Policy L7 of the Core Strategy requires new development to be compatible with the surrounding area and not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties.
52. Empress Mill, a converted residential building is situated in the near vicinity of the site and potentially, habitable rooms may be exposed to unacceptable levels of noise impact from the proposed activities such as worship events and entertainment. For example, a penthouse apartment is located on the roof of Empress Mill that could overlook the lightweight roof to the application premises; a potential weak spot for noise breakout.
53. Whilst residential amenity is a key concern, the impact on any offices within neighbouring or structurally attached commercial premises should also be considered including the impact of any new fixed mechanical plant in addition.
54. A Noise Impact Assessment (NIA) has therefore been undertaken at the request of Pollution and Licensing to establish whether the building is capable of satisfactorily containing sound levels from the worship functions, concerts and entertainment, gym/fitness classes and any other activities/fixed plant where noise is likely to be audible externally.



55. Subject to a scheme of enhancements to the building envelope construction, it is considered that noise breakout can be controlled to an acceptable level.
56. The NIA has predicted the noise breakout that would be received by the closest residential receptor (Empress Mill) over a range of frequency bands. Unmitigated, this noise could be well in excess of agreed noise criteria designed to ensure that the audibility of such noise would not be significantly adverse to residents. Acoustically weak elements of the building (principally the roof and the south facing roller shutter) are likely to require the application of significant sound insulation works to ensure that any noise breakout would not exceed the aforementioned criteria.
57. The Council's EHO has recommended a number of conditions relating to noise mitigation, lighting impact assessments and Construction Method Statement to protect the amenity of nearby residents. Were the application being recommended for approval, these would have been reasonable to impose.

### Conclusion

58. Subject to conditions for mitigation, it is considered that the proposal would not adversely impact on neighbouring residential properties to an extent that would warrant a refusal.

### ECOLOGY

59. A daytime bat survey and ecological scoping survey has been submitted with the application.
60. No evidence of bat activity was found. The building is well-sealed and whilst the exterior of the building has small signs of wear, no access points for bats exist. The building is therefore considered to offer negligible bat roost suitability. It is recommended however that if development works are delayed by longer than two years from the date of this survey, a further bat survey will be required to update the findings.

### OTHER MATTERS

61. The site is not within or near an AQMA (Air Quality Management Area) therefore no screening assessment is considered necessary to evaluate impacts of the development on local air quality.

### **DEVELOPER CONTRIBUTIONS**

62. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of '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).

63. No other planning obligations are required.

### **PLANNING BALANCE AND CONCLUSION**

64. The proposal complies with Policy L3 of the Core Strategy in terms of providing community facilities for the area. However the proposal conflicts with W1, L4 and L7 through the loss of employment space and impact on the highway network. In accordance with Paragraph 11 d) ii of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
65. The proposal constitutes the loss of an existing employment use on an unallocated site. Whilst the proposed church would employ a number of staff associated with the running of the church and other services they provide, this is not considered as an employment use under the requirements of Core Strategy Policy W1. The application fails to justify the loss of an employment use in this area and at the same time justify the need for the church in this particular location when it serves a congregation from areas across Greater Manchester. Loss of the existing employment unit could compromise the primary function of this locality as an employment area and set an unacceptable precedent without full justification.
66. The proposals are not acceptable on highways grounds. The proposals fall substantially short of the car parking standards set out in SPD3 for a place of worship to the detriment of residents, neighbouring businesses and other road users. The proposal relies on parking provided in the adjacent Empress Street car park which is outside of the control of the applicant may therefore be removed from public use in the future. Whilst a condition is proposed by the applicant it is not considered that this would be enforceable.
67. Whilst Officers do give weight to the community benefits of the proposal use and role this would play within the wider regeneration of the area, as detailed within the report the proposed use is not specifically proposed to serve the Old Trafford local community, but residents throughout Greater Manchester. The impacts and harm arising from the unjustified loss of employment space and impact on the highway network due to a substantial shortfall in parking in the control of the applicant are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The application is therefore recommended for refusal on these grounds.

**RECOMMENDATION:** REFUSE for the following reasons:

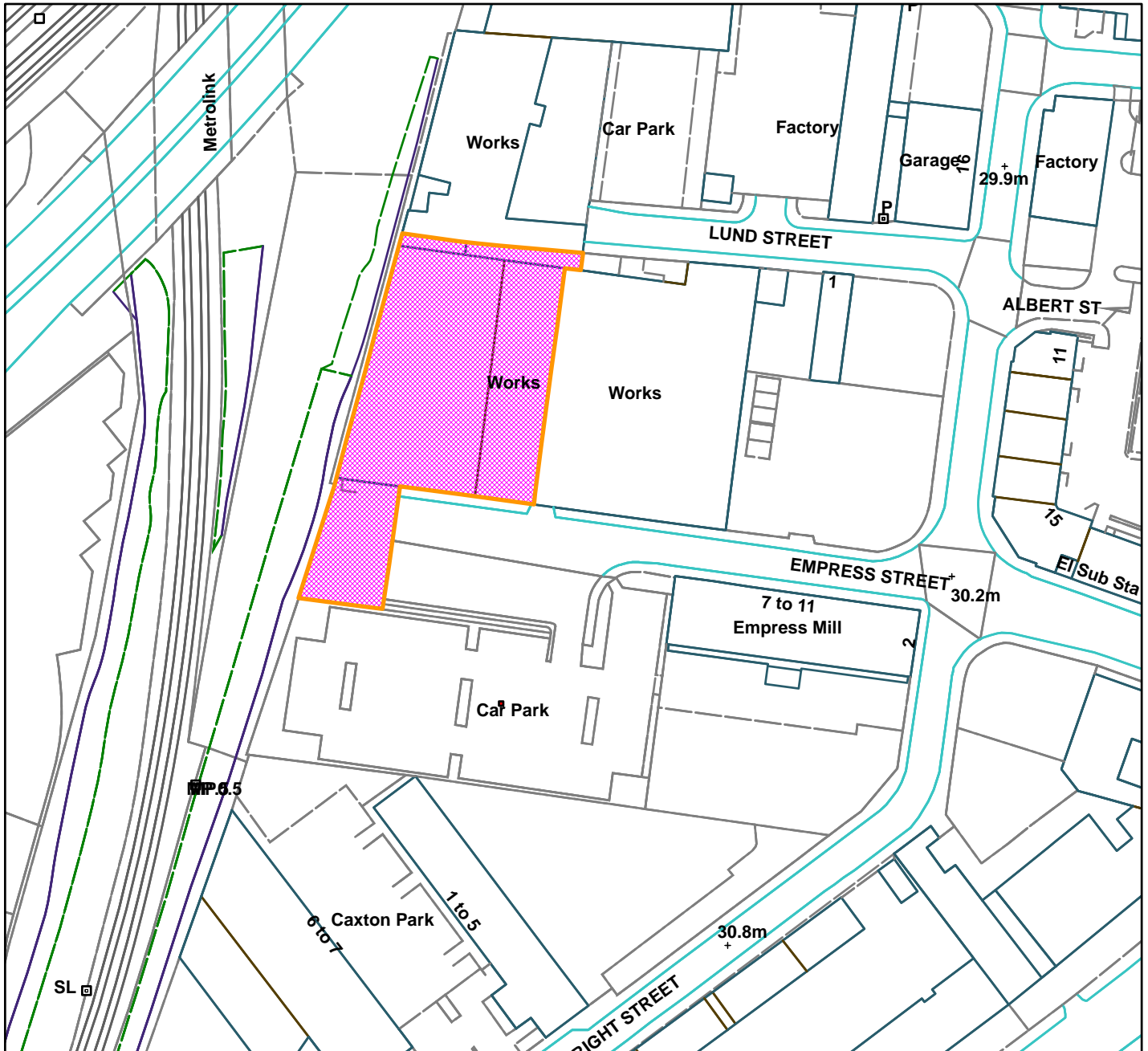
1. The proposals would lead to the loss of employment land within the Old Trafford Regeneration Area and fails to meet the requirements of Trafford Core Strategy Policy W1 with regard to a justification for the loss of an existing employment use in an unallocated employment area. This would be to the detriment of the primary function of this employment area and the Council's requirement to provide a diverse range of land for employment use and to provide accessible employment opportunities. As such the proposal is contrary to Policies W1 and L3 of the adopted Trafford Core Strategy and advice contained within the National Planning Policy Framework.
2. There is a significant under provision for off-street parking provided for the proposed development to the detriment of neighbouring businesses and other road users and the proposal would therefore be contrary to Policies L4 and L7 of the Trafford Core Strategy, Supplementary Planning Document 3 Parking Standards and Design and advice contained within the National Planning Policy Framework.

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JE



Employment Unit Adjacent To Empress Street, Empress Street, Old Trafford (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -10/10/2019
Date	30/09/2019
MSA Number	100023172 (2012)

**WARD: Hale Central**

**97515/VAR/19**

**DEPARTURE: No**

**Application for variation of condition 3 (approved plans) on planning permission 93174/FUL/17 (Application for the refurbishment of the property to include: erection of a single storey rear extension: single storey front extension with an external rooftop terrace dining area with balustrading: new wall around ground floor external dining area with new boundary fencing: new and replacement windows and doors throughout: two storey front entrance extension and new awnings.). To allow for various alterations to the approved plans to include: single and two storey extensions, increase in height of the northern element, new stairs to the front elevation to access the reduced external first floor terrace area, replacement of the central hipped roof with a gable, new canopies to the front, various alterations to the colours and materials to be used on the elevations, enlarged and altered openings and new planting to the front.**

Hogans Of Hale, Crown Passages, Hale, WA15 9SP

**APPLICANT:** Forward Property Group

**AGENT:** Groves Town Planning

**RECOMMENDATION: GRANT**

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## **SITE**

The application site comprises a mainly two storey restaurant building with side and rear single storey elements which is located abutting the Crown Passages local authority car park serving Hale District Centre.

The premises are bound by the public car park to the north and east; residential properties lie to the south and west; the rear elevation of some retail/commercial properties lie to the perimeter of the car park. The main entrance to the premises is via the public car park.

There is an unkempt area adjacent to the single storey rear extension in addition to a number of extract flues for the services in the building.

On the front roof slopes are three large kitchen extraction units and further service equipment on the ridge of the gabled entrance.

The site lies adjacent to Hale District Centre and the Hale Station Conservation Area.

## **PROPOSAL**

This application seeks a variation of condition 3 on planning permission 93174/FUL/17

(Application for the refurbishment of the property to include: erection of a single storey rear extension: single storey front extension with an external rooftop terrace dining area with balustrading: new wall around ground floor external dining area with new boundary fencing: new and replacement windows and doors throughout: two storey front entrance extension and new awnings.). To allow for alterations to the approved plans including:

- Single and two storey extensions;
- Increase in height of the northern element;
- New stairs to the front elevation to access the reduced external first floor terrace area;
- Replacement of the central hipped roof with a gable;
- New canopies to the front;
- Various alterations to the colours and materials to be used on the elevations;
- Enlarged and altered openings and new planting to the front.

The proposal would increase the height of the existing single storey addition to the northern end of the building to provide additional floorspace for customers at first floor. The overall height of this part of the building would increase from 4.4m to 5.9m retaining a pitched roof with a contemporary dormer feature in the front elevation facing the car park. The end gable would be replaced, from a solid elevation with a large glazed feature at ground and first floor.

The southernmost part of the building is also to be increased in height from 4.7m to 5.1m. This is to remain in timber cladding as per the original approval to reflect the timber clad plant area.

A modest increase in height is proposed to the main building entrance facing the car park with the pitch of the roof projecting marginally higher than the roof to the main building.

An external staircase is proposed to the south east elevation with a bin store area provided under the staircase at ground floor.

Other alterations relate to changes to the size and configuration of the external seating areas (including reductions of some areas and extensions of others) and amendments to the overall fenestration and amendments to proposed materials.

This is an application under S73 of the Town and Country Planning Act and it is noted that when considering such applications the LPA should normally limit its appraisal to the relevant conditions, albeit it does result in the grant of a new permission. Should this S73 application be approved the other conditions attached to the original grant of planning permission will continue to be attached to the new permission.

## **DEVELOPMENT PLAN**

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

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

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

L4 – Sustainable Transport and Accessibility  
 L5 – Climate Change  
 L7 – Design  
 L8 – Planning Obligations  
 R1 – Historic Environment

### **PROPOSALS MAP NOTATION**

None

### **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 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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

The DCLG published the National Planning Policy Framework (NPPF) in 19 February 2019. 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 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

## **OTHER LEGISLATION**

Planning (Listed Buildings and Conservation Areas) Act 1990

## **RELEVANT PLANNING HISTORY**

There is a detailed history relating to Crown Passages. The most recent is set out below:

93174/FUL/17 - Application for the refurbishment of the property to include: erection of a single storey rear extension: single storey front extension with an external rooftop terrace dining area with balustrading: new wall around ground floor external dining area with new boundary fencing: new and replacement windows and doors throughout: two storey front entrance extension and new awnings.  
Approved with conditions 12<sup>th</sup> October 2018

H/62568 – Installation of flue  
Refused 6 September 2005

H/ADV/62070 – Erection of two internally illuminated signs  
Approved with conditions 26 July 2005

H/ADV/58734 – Display of 2 internally illuminated fascia signs  
Approved with conditions 22 April 2004

H/56468 – Erection of first floor extension to provide additional dining floorspace.  
Approved with conditions 12 September 2003

H/51990 – Retention of ground floor extensions on side and rear elevations. Retention of various extraction, ventilation and condenser devices and 2 satellite dishes on the front, rear and side elevations; erection of fencing and trellising.  
Approved with conditions 21 December 2001

H/50115 – Erection of ground floor extension to bar/restaurant with decorative balcony over, ground floor extension to form storeroom and 2.3m high fencing with piers to enclose refuse compound.  
Approved with conditions 28 November 2000

## **APPLICANT'S SUBMISSION**

An updated Heritage Statement has been submitted as part of the application.



## **CONSULTATIONS**

Local Highway Authority – There are no objections on highways grounds to the proposals as they relate to material amendments.

Pollution and Licensing – No objections raised subject to attaching conditions as per 93174/FUL/17 and a condition requiring glazing to be of an appropriate specification to prevent impact from noise associated with the development.

## **REPRESENTATIONS**

Letters of objection have been received from 8 different addresses. The main points raised are summarised below:

- Lack of adequate noise protection;
- Increased traffic;
- Noise and disturbance due to late night openings, taxis, coming and goings;
- Add to existing drug problem near Marks and Spencers;
- Residential area that needs shops, not bars;
- Concern that proper provision must be made to ensure that noise and smells from catering or other activities do not blight the lives of nearby residents;
- Raised outdoor terrace would be directly level with front bedroom window at neighbouring property on Cecil Road;
- Support the redevelopment of the building but object to the outdoor dining/drinking area and late night licence;
- Raised roof height will block light from habitable living areas;
- Loss of light and outlook to neighbouring dwellings as a result of a significantly extended brick wall height;
- Exacerbation of existing parking problems in Hale;
- Concern over increased number of businesses operating from the site and the resulting traffic increase;
- Should look to increase occupancy of existing commercial properties in Hale first;
- Object to openings and vents on the rear elevation or rear roof slopes which would impact on the amenity of the neighbouring residents;
- Overlooking of properties and rear gardens on Cecil Road facing Crown Passages, especially following the cutting down of conifers and mature trees within with site;
- Noise and loss of privacy from rooftop terrace dining area;

## **OBSERVATIONS**

### **BACKGROUND**

1. The site comprises 'Hogan's of Hale' a two-storey building which is currently vacant but has, up until earlier this year, been in use as a food, drink and entertainment establishment. There are no conditions attached to the current use

of the premises as a restaurant/bar. The proposed use is to remain as a food and drink establishment (without any entertainment).

2. Planning permission was granted under application 93174/FUL/17 for the refurbishment of the property to include: erection of a single storey rear extension: single storey front extension with an external rooftop terrace dining area with balustrading: new wall around ground floor external dining area with new boundary fencing: new and replacement windows and doors throughout: two storey front entrance extension and new awnings.
3. Condition 3 attached to the decision is as follows:

*“The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 201 E, JBR/18002/M/001 Revision P1, JBR/18002/M/002 Revision P1, JBR18002/M/006 Revision P1 and the site location plan.*

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

#### PRINCIPLE OF THE DEVELOPMENT

4. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
5. The Council’s Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
6. The NPPF is a material consideration in planning decisions, and as the Government’s expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
7. Paragraph 11 c) of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay.

8. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission reference 93174/FUL/17 (the refurbishment of the property to include: erection of a single storey rear extension: single storey front extension with an external rooftop terrace dining area with balustrading: new wall around ground floor external dining area with new boundary fencing: new and replacement windows and doors throughout: two storey front entrance extension and new awnings.). The proposal seeks to vary condition 3 of approval 93174/FUL/17 to allow for amendments to the approved plans as outlined in the proposal section of this report.
9. The development remains as approved in other regards. The principle of the proposed development for extensions to the building together with remodelling and the creation of outdoor seating areas has been established through the original grant of planning permission and will not be considered further.
10. The main issues to consider in this s73 application therefore relate to design, functionality, amenity, security and accessibility. Consideration is also given to the siting of the building in relation to Hale Station Conservation Area, but it is concluded elsewhere in this report that the site has no direct relationship with the conservation area and as such the proposed development would result in no harm to the significance of this designated heritage asset.

## HIGHWAYS

11. Paragraph 109 of Policy L4 'Sustainable Transport and Accessibility' states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out of date for the purposes of decision making.
12. Policy L4.14 to L4.16 sets out the requirement to comply with the adopted car and cycle parking standards as set out in Appendix 3 to the Core Strategy and within adopted SPD3. These are considered to be consistent with NPPF.
13. The proposal would not impact on parking and highways. Means of access, servicing arrangements and car parking are all as existing. Any increase in floor area is modest and no objections are raised by the LHA.

## IMPACT ON DESIGNATED HERITAGE ASSET

14. 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.*

15. National guidance in the NPPF requires that local planning authorities take into account the particular significance of the heritage asset when considering the impact of a proposal to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal. (para. 190).
16. Policy R1 of the Core Strategy, relating to historic environment, does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date.
17. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms
18. The application site sits to the south, but not immediately adjacent to extension area B to the Hale Station Conservation Area as adopted in July 2016. This is incorporated into Character Zone A: Central Retail Area. Regard has been paid to the Hale Station Conservation Area Appraisal (July 2016) and the Hale Station Conservation Area Management Plan (July 2016). Policy 53 of the HSCAMP is considered to be relevant, and says that key views within the conservation area should be preserved, particularly those along Ashley Road and across the Bowling Green.
19. With regard to its siting, it is considered that the site has no direct relationship with Hale Station Conservation Area and as such the proposed development would result in no harm to the significance of this designated heritage asset. The proposal would not adversely affect any of the key views into the Conservation Area, nor would it affect its setting. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving the Hale Station Conservation Area.

## DESIGN

20. Policy L7 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.”*

21. Policy L7 ‘Design’ is considered to be compliant with the NPPF and therefore up to date for the purposes of determining this application as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code.

22. It is considered that the proposed extensions to and remodelling of the existing building would provide a welcome update to the existing property which currently fails to contribute positively to the character of the surrounding area. The existing building has a uniform, monolithic appearance with a light grey painted exterior that is currently out of keeping with the adjacent buildings and there are no key features that are considered to be worthy of retention.

23. The proposed additions are contemporary in style when compared to the more traditional form of the existing building and the approved application. Notwithstanding this, it is considered that the elements of the design together with the proposed materials would create a much improved scheme. The proposed building would comprise of exposed brickwork, off-white render and timber cladding providing a warm palette that is appropriate to its setting. To ensure that the development delivers on the high quality contemporary scheme as proposed a materials condition is proposed ensuring all external materials to be used are approved in advance by Officers.

24. The overall scale, massing and fenestration of the proposed extensions are considered to appropriate to the existing building and the character of the surrounding area more generally.

## RESIDENTIAL AMENITY

25. Policy L7 states that *“In relation to matters of amenity protection, development must:*

- *Be compatible with the surrounding area; and*
- *Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.”*

26. It is considered that Policy L7 Policy is considered to be compliant with the NPPF and therefore up to date for the purposes of determining this application as it seeks to avoid harm to residential amenity and to noise giving rise to significant adverse impacts on health and the quality of life.

27. The application and supporting documentation relating to this application has been reviewed by Pollution and Licensing and their comments are incorporated into this section of the report.
28. Whilst the application premises are in Hale District Centre and have operated as a restaurant for some time, it is recognised that the site is surrounded by a number of noise sensitive residential premises.

### Noise

29. There are a number of residents to the rear of the restaurant on Crescent Road. There are also residents on Cecil Road and above the shops on Ashley Road, many of which overlook the site and have been impacted by the premises' activities in the past. Due to the nature of this mixed area with noise sensitive receptors in close proximity to commercial businesses, the Pollution Team has historically been in receipt of noise complaints relating to this and other similar premises. Such complaints have generally been resolved and prevented by ensuring noise is contained within the premises and relevant conditions relating to deliveries, hours of use, plant and equipment and other noise related matters are complied with.
30. Although the premises have been closed for some time, it is recognised that the premises has an established use as a restaurant/bar with no conditions restricting general opening hours and there exists a ground floor external seating area which has historically operated until 22:00 hours. The proposal represents a small increase in floorspace that would not justify the imposition of hours of opening conditions where these have previously not existed as there is no change of use.
31. Noise sensitive receptors in close proximity to such ground floor external seating areas generally have the benefit of being screened from noisy activities associated with such areas by various intervening structures and buildings as well as mitigation, distance and hours restrictions.
32. A number of conditions to control noise were attached to the original planning permission, ref 93174/FUL/17 in 2017. It is recommended that all noise conditions which were attached to 93174/FUL/17 remain in place for the current application. In particular, condition 2 will need to be amended to limit the use of the first floor external seating/terrace area for a period of 12 months to enable an assessment to be made of the effect of the proposed raised external seating area on the amenities of the surrounding area.
33. It is noted that the applicant will be installing new glazing throughout the premises and it is therefore recommended that the glazing is of a suitable specification so as to control breakout noise from the premises and a condition is recommended to this effect.

34. It is therefore considered that the proposed development would not result in an increased impact on residential amenity than the approved scheme and would comply with Policy L7 of the Core Strategy in this respect.

### Privacy

35. There are no windows and no areas of outdoor seating to the rear of the building and as such there would be no adverse impact on the amenity of the adjacent dwellings on Crescent Road by virtue of overlooking or loss of privacy.

36. No new windows are proposed on the southern end of the building and the proposed extension to this end serves to screen some of the existing windows facing Cecil Road.

37. The proposed new glazed elevation to the northern end of the building would face the rear of neighbouring buildings on Ashley Road with oblique views towards the rear gardens of 2 and 4 Crescent Road. The boundary screening to the rear gardens of these neighbouring properties comprises a high brick wall. Also taking into account the limited height of the first floor accommodation, it is considered that there would be no significant or harmful overlooking of neighbouring properties.

### Light and Outlook

38. The rear of the building forms the boundary with properties to the south east of the site on Crescent Road. Nos. 4, 6, 8 and 10 abut the application property. The rear gardens of these properties measure between 10m from the rear of the house at 4 Crescent Road, increasing to approximately 18m from the rear of the house at 8 Crescent Road. The main differences from the approved scheme relate to the increase in height of the single storey elements at the northern and southern end of the building. The proposed two storey extension to the north of the site would have a maximum ridge height of approximately 5.5m which is considered to be significantly lower than an average two storey building. The ridge of the roof would be set away from the rear boundary with the height to the eaves measuring approximately 3.5m. The extension is substantially lower than the existing building and therefore has no greater impact than the existing, established relationship between the building and neighbouring residential properties. An extension of this height would not therefore result in any significant loss of light or outlook to warrant a refusal of the scheme.

39. The proposed extension to the south of the site would have a maximum height of 5.6m. Being sited approximately 18m from the rear of 10 Crescent Road, it is considered that there would be no significant loss of light or outlook over and above the existing situation. The extension would also be adjacent to the boundary with rear gardens on Cecil Road (nos. 43 and 45). The distance of the

building would be approximately 22.5m from the rear of these neighbouring dwellings and there would therefore be no unacceptable impact.

40. Neighbouring properties to the north of the site on Ashley Road are separated from the application site by Crown Passages and the car park. These properties comprise of apartments over ground floor commercial premises. The buildings are sited in excess of 20m from the closest point of the proposed building as amended.

### Light Pollution

41. The amount of increased glazing to the building is not considered to be significant compared to the existing and any light spillage from inside the building is not considered to be sufficiently harmful to warrant a refusal of planning permission given the established use of the site and the urban setting.

### Conclusion

42. It is considered that the proposed amendments would not adversely impact on the amenity enjoyed by neighbouring residential properties to an extent that would warrant a refusal of planning permission.

## **DEVELOPER CONTRIBUTIONS**

43. 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).

44. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

45. Considerable importance and weight has been given to the desirability of preserving the adjacent designated heritage asset and it is concluded that the proposal would result in no harm.

46. The proposed extensions and alterations are considered to be appropriate in terms of design, scale and siting in relation to the existing building and the character of the surrounding area more generally.

47. There would be no adverse impact on highways and parking and subject to a temporary 1 year permission in relation to the first floor external terrace to allow the Council to assess any complaints/issues arising from the development, and other conditions, it is considered that there would be no significant impact on the amenity of neighbouring residents to warrant refusal on these grounds.



48. The proposal is therefore considered to be in accordance with the Development Plan and NPPF and is accordingly recommended for approval.

**RECOMMENDATION: GRANT subject to the following conditions**

1. The development must be begun not later than three years from the 12<sup>th</sup> October 2021, being the date of the original 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 first floor external seating/terrace area hereby approved (as shown on drawing number 103 REV N) shall be used for a limited period expiring one year after being brought into use when its use shall be discontinued in accordance with a scheme of work which shall have been submitted to and approved in writing by the Local Planning Authority before the expiration of the period specified in this condition. There shall be no use of this area as an external seating/terrace area and no access to this area by customers at any time after this one year period unless a further planning permission has been granted for the use of this area as a seating/terrace area upon application to the Local Planning Authority. The applicant shall provide the Local Planning Authority with written confirmation of the date that the external seating/terrace area is to be brought into use prior to that use taking place.

Reason: To enable the Local Planning Authority to assess the effect of the proposed raised external seating area on the amenities of the surrounding area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001, 100 REV P and 103 REV N.

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

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

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 and R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

5. There shall be no use of the external seating area on the first floor by customers outside the hours of 07:00 hours to 21:00 hours on any day and no use of the ground floor external seating area by customers outside the hours of 07:00 to 22:00 hours on any day.

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

6. a) All windows at the premises, apart from those serving the ground floor external seating area, shall remain closed at all times when the premises are open to the public.  
  
b) All doors and windows serving the first floor external terrace shall be closed outside the hours of 07:00 hours to 21:00 hours.  
  
c) All external doors at the premises shall remain closed at all times when the premises are open to the public except for access/egress.  
  
d) All windows and openings serving the ground floor external seating area shall be closed outside of the hours of 07:00 hours to 22:00 hours.  
  
e) The door leading to the contained plant room to the roof of the ground floor rear kitchen extension shall remain closed at all times apart from access to and from the fenced plant area for maintenance purposes.

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

7. The ground and first floor terrace areas shall not be brought into use unless and until a noise management plan for these areas has been submitted to and approved in writing by the Local Planning Authority. The use of these areas shall be operated in accordance with the approved management plan at all times.

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

8. No fixed plant and machinery shall be brought into use unless and until a noise assessment has been submitted to and approved in writing by the Local Planning Authority demonstrating compliance with the following:-

The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background

noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be compliant with BS4142:2014 "Rating industrial noise affecting mixed residential and industrial areas."

Within one month of the fixed plant and machinery being brought into use, a verification report demonstrating compliance with the above criteria shall be submitted to and approved in writing by the Local Planning Authority.

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

9. The use of the kitchen area and plant hereby permitted shall not commence 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 has been submitted to and approved in writing by the Local Planning Authority. The use of the kitchen area and plant 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.

10. No external lighting shall be installed, unless and until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved details and retained as such thereafter.

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

11. No amplified music/sound shall be permitted to any external part of the site. Background music played within the ground floor restaurant area leading to the ground floor terrace shall be set at a level so as not to be audible at the nearest noise sensitive receptors.

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

12. Vehicle deliveries including waste collections to and from the development hereby approved shall not take place between the hours of 20:00 – 09:00 hours on any day.

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

13. There shall be no tipping of glass between the hours of 21:00 – 09:00 hours on any day.

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

14. No above ground development in relation to the construction of the extensions hereby permitted shall take place unless and until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during demolition/construction/refurbishment to manage and mitigate the main environmental effects. The following matters shall be addressed:

- (i) hours of construction/refurbishment activity;
- (ii) the parking of vehicles of site operatives and visitors (all within the site);
- (iii) loading and unloading of plant and materials (all within the site), times of access/egress (arriving early/not parking within the site);
- (iv) storage of plant and materials;
- (v) the erection and maintenance of securing hoardings;
- (vi) wheel washing facilities;
- (vii) measures to control the emission of dust and dirt during demolition/refurbishment/construction and procedures to be adopted in response to complaints of fugitive dust emissions;
- (viii) a scheme for recycling/disposing of waste resulting from refurbishment and construction works;
- (ix) measures to prevent disturbance to adjacent dwellings from noise and vibration.

The development shall be implemented in accordance with the approved details of the Construction Environmental Management Plan.

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

15. No works shall take place in relation to the construction of the extensions hereby permitted 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 extensions hereby permitted 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

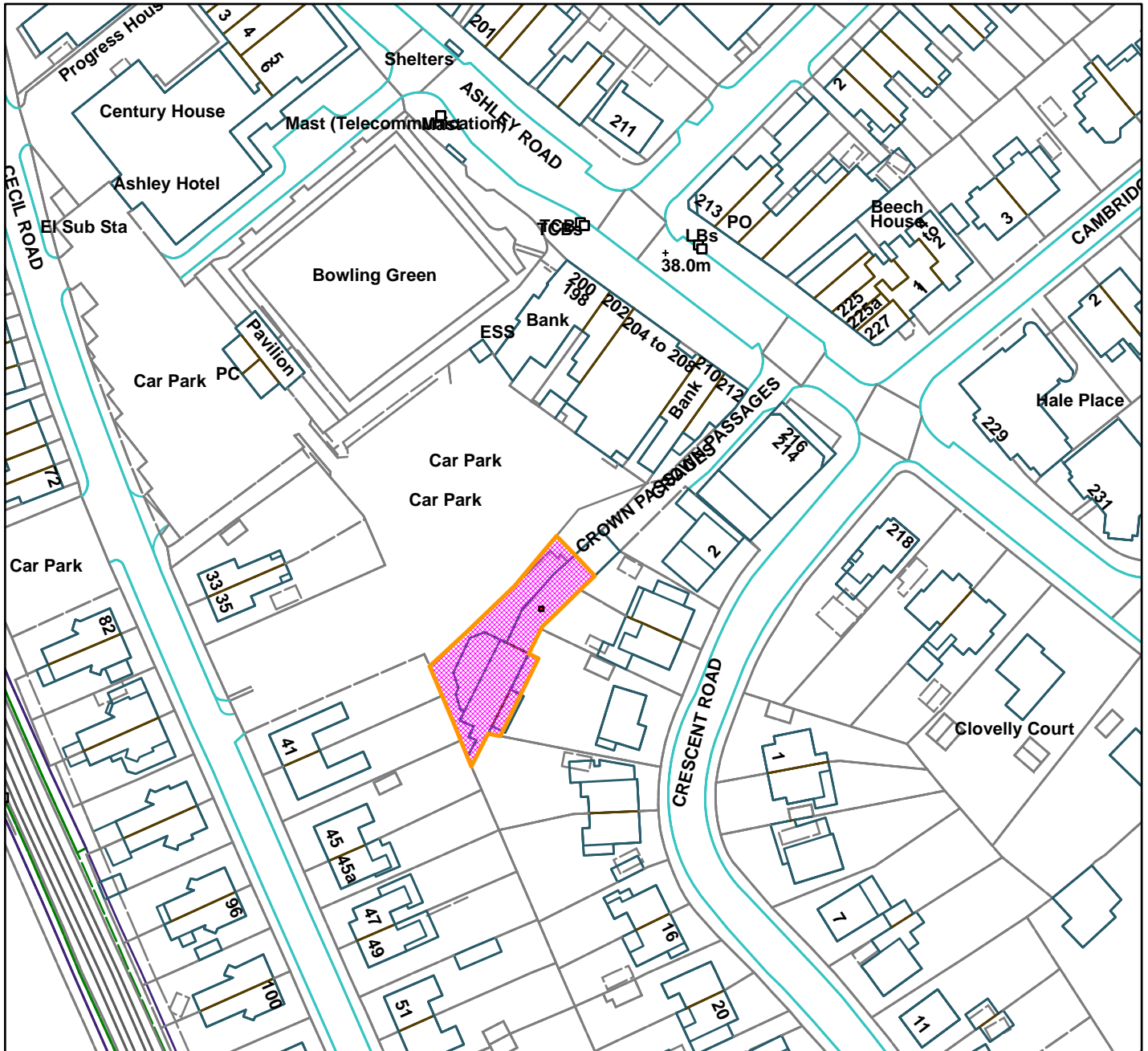
stored or disposed from the site having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JE



Hogans Of Hale, Crown Passages, Hale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -10/10/2019
Date	30/09/2019
MSA Number	100023172 (2012)

**WARD: Bowdon**

**98058/FUL/19**

**DEPARTURE: No**

**Demolition of existing dwelling house and erection of a pair of semi-detached dwellings with associated drive and landscaping.**

19 Blueberry Road, Bowdon, WA14 3LS

**APPLICANT:** Mrs Tavakol

**AGENT:** Create It Studio Architects

**RECOMMENDATION: REFUSE**

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**The application has been reported to the Planning and Development Management Committee since six or more representations of support contrary to the Officers' recommendation have been received.**

**It is also noted more than six objections have been received and the application was requested by Cllr Churchill to be considered at Planning Committee should the proposal be recommended for approval.**

### **SITE**

The application relates to No.19 Blueberry Road which is a detached four bedroomed dwellinghouse. The existing property is mid-20<sup>th</sup> century. It is a hipped bungalow with flat roof two storey gable sections to the front elevation and rear elevation. The property has a single storey rear extension.

The site has a rear garden and to the front a driveway and landscaping with two accesses off Blueberry Road. There is low brick boundary wall to the front, and the side and rear boundaries consist of approx. 1.8/2 metres high wooden fencing.

There are a number of trees and mature vegetation on site to the front boundary and within the rear garden.

The application site is located within a residential area, being surrounded on all sides by two storey residential properties in a variety of styles. There are no other designations affecting the site.

The site is 0.1Ha (0.25 acre). The existing dwelling's gross internal floorspace is 215.85sqm.

A definitive right of way, footpath no 16, Bowdon, runs along the western side of the application site.

## **PROPOSAL**

The proposal comprises the erection of a pair of new semi-detached dwellings. The houses would have accommodation over two floors. Three off street parking spaces are proposed per dwelling.

The dwelling's main roof design would be hipped with a flat roof with roof lights with prominent gable sections to each dwelling. The main hipped/flat roof would be 8.4m approx. in height and the gable features would be 9m approx. in height. The overall footprint of the proposed semi-detached properties (including the ground floor) would be approx. 19.4m in width and 18m in depth.

The front elevations would be symmetrical including gable features projecting higher than the main roof ridge, pitch roof dormers and flat roof single storey porches. The glazing emphasis would be vertical with glazing stretching across the ground and first floor and for sections to the height of the gable roofs. The rear elevation would include symmetrical first /second floor gables projecting higher than the main roof and a flat roof single storey section with a rear balcony. The gables and single storey section would have strong glazing emphasis.

Facing brick work is proposed to be in red/buff coloured, the roof is to be grey slate, porch is to consist of vertical stone, the front doors are to consist of glass and timber (English oak). Windows and screens are to be timber/aluminium composite. Rainwater goods will be of black/dark grey box section aluminium.

The front boundary would be approximately 1.5m in height and would consist of 800mm brick wall and brick pillars (1.7m approx) with timber fencing infilled between the pillars. An access would be provided for each of the properties and consist of 1.5m high sliding timber gates.

The dwelling's ground floor would accommodate living, study/office, kitchen, cloakroom, w/c and utility space. Bedrooms and bathrooms/en-suites are proposed within the first floor. Plot 1 and Plot 2 would accommodate three bedrooms. Despite the height of the properties, the applicant has confirmed that there will only be two storeys of accommodation without a loft space. The application has been considered on this basis.

The total floorspace of the proposed new dwellings would be 505.21 m<sup>2</sup>. The net additional gross internal floorspace would be 289.36.

### **Amended Plans and additional information**

Amended plans were received on the 30 September 2019. The amendments include:

- alterations to the proposed vehicle access points
- reduction of the width of the first floor by a total of 1.6m (0.8m reduced from each side elevation).



A shadow study was submitted.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **OTHER LOCAL POLICY DOCUMENTS**

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

## **PROPOSALS MAP NOTATION**

None.

## **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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. The weight to be

given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

The MHCLG published the National Planning Policy Framework (NPPF) on 19 February 2019. 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 and it is regularly updated, most recently on 22 July 2019 . The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

H30777 - Erection of two-storey side extension to provide additional garage and bedroom over, and alterations to rear dormers. Granted 1990.

### **APPLICANT'S SUBMISSION**

The applicant has submitted the following information in support of the application which will be referred to as necessary within this report:-

Design and Access  
Existing and Proposed plans.  
Bat Survey  
Shadow Study received 30 September 2019

### **CONSULTATIONS**

**Local Highway Authority** – No objection in principle. Awaiting comments further to amended plans detailing alterations to the access and parking arrangements.

**Lead Local Flood Authority** – No objection. The site is not within the flood map for surface water 1 in 100-year outline and there are no records of flooding within 20m or Ordinary Watercourses within 5m. There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site.

**Greater Manchester Ecology Unit** – No objection. Recommend biodiversity enhancement measures in accordance with the NPPF.

**Environmental Health (Pollution)** – No objection.

**Arborist (Trees)** – No objections in principle. Recommend tree protection measures

for the retained trees and a landscape plan for the front garden.

**United Utilities** – No objection. Recommend an informative that permeable surfaces should be considered and no surface water should discharge on to the highway.

## **REPRESENTATIONS**

As part of the call in request Councillor Churchill stated in objection, the application constitutes over-development, the impact on residential amenity, overlooking, massing and detrimental effect on the character of the local area/impact on the street scene.

Letters of objection have been received from 22no. residential addresses. These raise the following concerns:

- There are no other semi-detached houses on Blueberry Road.
- Consent for the proposed semi-detached properties will lead to further semi-detached dwellings and over-development of the area.
- Other similar developments are limited within the estate (on Stanhope Road/Eyebrook Road). However, Blueberry Road is narrower, so parked cars would be more severe, the frontage proposed is much larger and the overall plot sizes on previous schemes were larger.
- Higher internal ceilings will consume more energy at a time when energy conservation is important.
- Will affect the pricing of properties of Blueberry Road.

## **Process**

- Trafford Council has already given permission for similar style of dwelling (semi-detached) on Eyebrook Road and Stanhope Road. If there is intent of radically changing the appearance and density of the area, it would not be unreasonable to carry out some structured wider level of consultation with the local residents to explain this policy before allowing this process to develop further.
- Concerned when applying for permission only adjacent neighbours are being informed and given the opportunity to object.

## **Housing Need**

- The expensive, luxury properties would not improve housing need in any significant or useful way.
- Any perceived benefits are outweighed by the significant adverse impacts to existing residents of Blueberry Road. The adverse impacts can't be dealt with satisfactorily by using conditions or obligations.
- The developers claim that the increased density of the plot will assist in reducing the nation's housing shortage is spurious to the point of risibility.

## **Size**

- The size is immense, 75% increase in footing and 25% increase in height and 135% increase in volume.
- Too large and disproportionate for the plot size, imposing and detrimental to neighbouring properties.

## **Design**

- Adverse impact on visual amenity
- Cramped and incongruous
- Out of character and appearance to Blueberry Road.
- Proposed roof is significantly higher than the adjacent properties (and most other houses in the road). Aesthetically un-desirable.
- The proposed development by reason of its size, depth, width, excessive height and massing represents gross over-development of the plot, over-dominating the surrounding properties.
- The front elevation is 4m forward of the current building line.
- Since 1950's Blueberry Road has consisted of individually designed detached properties. Other properties have been remodelled but remain detached.
- Semi-detached properties will destroy uniformity of the road.
- The feel and look of the façade stands out as glaringly odd and unfitting to the road.
- Does not respect local context and pattern of streets and driveways, garden layouts and scale and proportions of neighbouring buildings.
- Blueberry Road consists of medium to low-rise dwellings with garages and ample parking.

## **Residential Amenity**

- The proposed development by reason of its size, depth, width, excessive height and massing would have an unacceptable adverse impact on residential amenity by reason:
  - over-looking and loss of privacy – direct over-looking from first floor balconies.
  - overshadowing and loss of light – protrudes past building line of neighbouring properties
  - visually over-bearing impact.
- Reduced play/garden area.
- Detrimental to peacefulness of the road.

## **Clarification of plan**

- No floor plan has been submitted for the top floor. Additional rooms would result in further detriment to privacy, increase in number of people within the property and there would not be sufficient off road parking as per local guidelines.

## **Landscaping**

- Loss of existing mature trees, hedges and the interventions caused by the proposal would impact on garden to rear.
- There appears to be no compensation for net loss of greenery.
- Garden grabbing.  
Taking front garden borders out.

## **Drainage**

- The development and loss of greenery will exacerbate existing drainage problems which followed the development of 20 Blueberry Road.
- No development should commence until the issue of inadequate storm drainage has been investigated and repaired on this section of Blueberry road

## **Highways and Parking**

- Increase in traffic.
- Increase in street-parking on a relatively narrow road. Will result in cars parking on kerbs and a detriment to pedestrian safety.
- Will result in hazard to existing road users.
- Parking is for two cars only per proposed dwelling.
- Plot size, orientation and layout would not easily accommodate cars proposed.
- No garaging.
- In reality vehicle would be parked on Blueberry Road creating hazards for existing pedestrian, cyclists and motorists.

Letters of support have been received from 6no. residential addresses and provide the following comments:

- There are numerous examples of recently redeveloped sites in the vicinity which are invariably much larger than the original dwellings replaced.
- There is a 6600sq.ft semi-detached dwelling under construction on adjoining Stanhope.
- Disquiet in terms of property values is not a material consideration when determining a planning application.
- The proposal adheres to the updated version of the National Planning Policy Framework (NPPF) published by DCLG on 19 February 2019.
- The NPPF revision is fundamental to delivering the homes that we need locally on Blueberry Road, achieving high-quality residences and protecting our environment.

- The proposal would comply with the requirements of Local Plan Core Strategy Policy L2 (meeting housing needs) through its making a contribution towards meeting housing needs within Trafford, through the development being located on a sufficiently sized plot, appropriately located to access existing community facilities, not harmful to the local area character to amenity and in accordance with Policy L7 (deign) and the properties could be used for family housing.
- Where development would lead to less than substantial harm to the significance of the sub-division of the plot of land, this harm should be weighed against the benefits of the proposal.
- The proposal would likely result in a small economic benefit during its construction phase.
- Visually attractive 3 bedroomed dwellings.
- It is great architecture and layout and high quality.
- Will function well and add to the overall quality of this Bowdon neighbourhood.
- Appropriate innovation and change should be welcomed.
- There is the provision of adequate soft landscaping to the front.
- It is noted that Blueberry is very lighted trafficked as compared to adjoining Stanhope and Eyebrook Roads.
- The existing dwelling is supported by two separate vehicle entrances and could accommodate three vehicles.
- The proposed plans illustrate 2 vehicles parked within the curtilage, it is plain that there is capacity for additional vehicles within the layout, Currently there is little on street parking and in any case, visitors do park in a manner not to obstruct the footway.
- The cited loss of privacy to a neighbour's conservatory, it is not considered a principal habitable room and sited at a significant distance.

## **OBSERVATIONS**

### THE DECISION TAKING FRAMEWORK

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but was drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2018 NPPF, particularly where that policy is not substantially changed from the 2012 version. Nevertheless, without a five year housing land supply, where applications include

housing development, the NPPF advises in Paragraph 11 and the associated footnotes that all relevant development plan policies should be deemed to be out of date. This means that unless NPPF policy that protects areas or assets of particular importance provides a clear reason for refusing the development proposed the tilted balance is engaged i.e. any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The report will identify the extent to which Core Strategy policies are consistent with the NPPF, and appropriate weight will be given to them in this context.

3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.

## PRINCIPLE OF DEVELOPMENT

### Housing Land

4. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK, and local planning authorities (LPAs) are required to support the Government's objective of significantly boosting the supply of homes. The responsibility of LPAs in supporting the Government's ambitions include identifying and updating annually a supply of specific deliverable sites to provide five years' worth of housing against their housing requirement. However, latest housing land monitoring for Trafford indicates a supply of only some 2.5 years.
5. The site is occupied by a residential dwelling and its retained wider domestic curtilage. The new dwellings would be built over part of the existing dwelling's retained garden area. As such the site which would accommodate the proposal is considered to be partly brownfield land and partly greenfield land, as identified by the NPPF. Notwithstanding this, in this instance it is noted that the application site is considered to be sustainable greenfield land as it sits within an established residential area, within a reasonably sustainable location, close to public transport links, local schools and other community facilities.
6. Policy L2, albeit out of date, is clear that all residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. It is considered that the proposal will make a positive, albeit minor, contribution towards meeting family housing needs and would also be likely to result in a small economic benefit during its construction phase. The fact that the development would support housing targets in an appropriate location weighs in its favour. In acknowledging that the presumption in favour of sustainable development applies to this application, the significance of this benefit will be returned to in due course as part of the planning balance.

## Demolition of Current Buildings

7. The current dwelling and ancillary buildings appear to have been constructed at some point in the early/mid-20<sup>th</sup> Century however they do not have any special architectural or historic interest which would be a sufficient reason to merit its retention.

## DESIGN AND IMPACT ON CHARACTER AND APPEARANCE

8. The NPPF states within paragraphs 124 and 130 that: *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. 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. Paragraph 127 of NPPF advises that “planning policies and decisions should ensure that developments:
  - a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c. 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);
  - d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
10. 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”.*

11. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code.
12. Relevant to the redevelopment of the site to provide a replacement and an additional dwelling, Trafford Planning Guidance 1: New Residential Development, in relation to small vacant sites states:
13. *“Development of small vacant sites or the construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene. Both the new property and the retained dwelling should comply with the standards set out in these guidelines.”*
14. Paragraph 2.2 of the New Residential Development PG further indicates that development will not be accepted at the expense of the character of the surrounding area.
15. The proposed pair of semi-detached properties whilst being similar in width the existing dwelling overall, would have a significantly greater footprint and massing. The proposed dwellings would protrude to the rear and front. The resulting roof height would be significantly higher than the neighbouring properties and would include overly prominent gable features and include front dormers increasing the dominance of the roof.
16. The front elevation of the semi-detached dwellings would each consist of a three storey glazed atrium/gable feature, a flat roof porch, prominent glazing with vertical emphasis and roof dormers. The front elevation overall would appear incongruous and over-dominant as viewed in the streetscene.
17. The proportions, height, scale and massing of the new dwelling and overall design of the elevations in particular would not reflect the existing character of or the surrounding area and the proposal would appear as an over-dominant and incongruous addition within the streetscene.
18. Whilst the buildings’ side elevations would be set a similar distance from the side boundaries as the existing dwelling, but given their greater height, scale, massing

and design, it is considered that the proposal would have a detrimental impact on the spaciousness and character of the streetscene.

19. The proposed depth, height and massing of the proposal would appear excessive and over-dominant for the setting as viewed from the streetscene, neighbouring properties and the public right of way. Furthermore, the prominent design and scale of the rear gable features and projection of the single storey section add to the excessive over-dominance of the proposal as viewed from the neighbouring properties and the public right of way.
20. Blueberry Road properties are generally characterised by front gardens, low boundary walls and soft landscaping including established trees. It is considered that the dominance of hardstanding to the frontage of the properties would leave insufficient room for the introduction of an appropriate planting scheme, whilst the proposed boundary treatment of 1.7m high brick pillars, brick wall with fence infill panels to 1.5m in height with a close boarded fence would detract from the existing streetscene.
21. To the rear the site plan indicates a patio and steps to the rear garden, however a cross section and landscaping plan is required, although it is considered that this element of the proposal could be managed through conditions.
22. To conclude, the proposed dwelling, by reason of its scale, height, form, massing, siting, design and alterations to boundary treatment would appear over-dominant and incongruous result in a detrimental impact on the visual appearance and character of the street scene and the surrounding area. Furthermore, the proportions and the overall design would have an unsatisfactory relationship to the surrounding area, detrimental to the character and appearance of the street scene. For this reason, the application conflicts with the guidance for new residential development contained in the Council's adopted PG1 and would fail to comply with Trafford Core Strategy Policy L7 and the Framework (notably paragraphs 124 and 130).
23. To conclude, it is considered that the proposal would appear over-dominant and incongruous and would cause harm to the character and appearance of the surrounding area. The proposed dwelling, by reason of its scale, form, massing, height and design would result in a detriment to visual amenity within the streetscene. The proportions and the overall design of the front elevation would have an unsatisfactory relationship to the surrounding area, detrimental to the character and appearance of the street scene. For this reason, the application conflicts with the guidance for new residential development contained in the Council's adopted PG1 and would fail to comply with Trafford Core Strategy Policy L7 and Section 12 of the Framework which seeks to ensure a high-quality design, achieve well-designed places and enhance the street scene and character of an area.

## RESIDENTIAL AMENITY

24. 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.*
25. It is considered that Policy L7 Policy is considered to be compliant with the NPPF as comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It also seeks to avoid harm to residential amenity and to noise giving rise to significant adverse impacts on health and the quality of life.
26. PG1 New Residential Development furthermore sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines require, for new two storey dwellings, that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. This would also apply to views from balconies and would need to be increased by 3 metres for any second floor windows / balconies. With regard to overshadowing PG1 states that 'In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15 m should normally be provided. A distance of 10.5 metres is usually required between first floor windows and rear garden boundaries. An additional 3 metres is added for each additional floor.
27. Objections have been received on the basis that the dwellings would result in loss of privacy, would have an intrusive and overbearing impact on neighbours and would be detrimental to visual amenity.
28. The primary affected properties are the neighbouring properties 17 Blueberry Road – and 21 Blueberry Road which are both two storey dwellinghouses.
29. The siting, scale, massing and design of the proposed dwelling would result in a detriment to level of amenity and privacy of the neighbouring properties and future occupiers as discussed below.

### **17 Blueberry Road**

30. The two storey dwelling at 17 Blueberry Road is set parallel with the application site boundary and set between 0.8m - 1.6m (approx.) from the application site boundary. There is a public right of way between the properties' boundaries.

31. 17 Blueberry Road has a conservatory and garden to the rear. The side elevation facing the application side has a shallow gable section which has four corner windows of which the side section of the corner windows face the application site. The two ground floor corner windows serve a living room which is also served by windows on the rear and front elevation. The two first floor corner windows serve a bedroom which is also has windows on the front and rear elevation.

### Privacy and inter-looking

32. The proposal contains two first floor windows serving bathrooms on the side elevation of plot 1, which through conditions could be managed to be obscured glazed and fixed shut.
33. Roof terraces/balconies with a glazed 1m balustrade are proposed to project 0.8m from the first floor gable sections of plots 1 and 2 above the single storey section.
34. Plot 1's balcony would be 5.7m approx. from the shared boundary with 17 Blueberry Road and would result in overlooking the neighbouring properties garden and rear conservatory. The level of privacy afforded to the occupiers of 17 Blueberry Road would be unacceptable.

### Overbearing/Visual intrusion

35. The proposed dwelling at plot 1 ground floor would be set a distance of more than 2.4m-3m and the first floor section would be approximately 3.75m-4m from the boundary of 17 Blueberry Road.
36. The first floor section with a height of 8.4m would project 3.3m further than the main rear elevation of 17 Blueberry Road and would be set more than 3.75m from the boundary with 17 Blueberry Road. The single storey section would project a further 2m (approx.), resulting in a 5.3m projection further from the main rear elevation of 21 Blueberry Road and set approximately 2.4m from the boundary.
37. Whilst not strictly applicable to new residential development, the Council's SPD4 householder guidelines are a useful guide as to the acceptability of the scheme in terms of impact on residential amenity. The rear projection would comply with SPD4, which would normally allow a single storey projection of 4m plus the gap to the boundary and allow a two storey projection of 1.5m plus the gap to the boundary.
38. As such, it is considered that the proposal would not result in so significant an impact on number 17 in terms of overbearing, overshadowing or visual intrusion as to justify the refusal of the application on these grounds.

39. The impact on the side windows of 17 Blueberry Road is not considered detrimental as the side windows only provide a secondary outlook to the habitable rooms. The ground and first floor habitable rooms will retain the majority of outlook and light through the primary windows to the front and rear elevation.
40. Overall, given the separation distances between the properties and the layout of 17 Blueberry Road, the proposal is not considered to have an unacceptable over-bearing or overshadowing impact on this neighbouring property.

## **21 Blueberry Road**

41. The existing two storey dwelling at 21 Blueberry Road is slightly splayed towards the application site and at its closest point set just 1.2m (approx.) from the shared boundary with 19 Blueberry Road. There is a rear conservatory and rear garden.
42. The side elevation facing the application site contains one window serving a garage.

### Privacy and inter-looking

43. The proposal contains two first floor windows serving bathrooms on the side elevation of plot 2, which through conditions could be managed to be obscured glazed.
44. Roof terraces/balconies with a glazed 1m balustrade are proposed to project 0.8m from the first floor gable sections of plot 1 and 2 above the single storey section.
45. Plot 2's balcony would be 5.8m approx. from the shared boundary with 21 Blueberry Road and would result in directly overlooking of the neighbouring property's garden. The level of privacy afforded to the occupiers of 21 Blueberry Road would be unacceptable.

### Overbearing impact and visual intrusion

46. The proposed development as viewed from 21 Blueberry Road which is splayed towards the application site would result in an overbearing impact and visual intrusion. The first floor section with a height of 8.4m would project 6m approx. further than the main rear elevation of 21 Blueberry road and would be set just 2.2m approx. from the shared boundary. The single storey section would project a further 2m, resulting in an 8m projection further from the main rear elevation 21 Blueberry Road. Furthermore, the shadow survey demonstrates the proposal would result in some overshadowing to the neighbouring property. The result

would not comply with the SPD4 guidelines and is significantly overbearing. The first floor rear gables (9m in height) as viewed from the garden of 21 Blueberry Road would add to the overall visual intrusion of the proposal.

#### Future occupiers' amenity

47. It is noted privacy screens are proposed between the proposed semi-detached properties, which would prevent inter-looking.
48. The proposed property would be in excess of the national space standards for dwellings and provide adequate outdoor amenity space.

#### Residential properties to the front and rear

49. To the front and rear the required privacy distances will be adhered to, protecting existing and future residents from harmful overlooking.

#### Residential Amenity Conclusion

50. In summary, the proposed development by reason of its scale, form, height, massing and design would have an over-bearing impact and result in visual intrusion to the neighbouring property, 21 Blueberry Road. Furthermore, by reason of the siting of roof terraces/balconies the proposal would result in unacceptable overlooking and an unacceptable loss of privacy to 17 and 21 Blueberry Road.
51. For these reasons, the proposal would have a detrimental impact on the residential amenity of neighbouring dwellings. The application conflicts with the guidance for new residential development contained in the Council's adopted PG1 and would fail to comply with Trafford Core Strategy Policy L7, and guidance within the NPPF.

#### TREES AND ECOLOGY

52. Core Strategy Policy R2 advises that *"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."*

53. Core Strategy Policy R3 advises that The Council working with local communities, developer and partners will develop an integrated network of high quality and multi-functional green infrastructure (GI) that will:
- protect and connect existing and potential sites of nature conservation value
  - Protect and provide appropriate natural space to connect landscapes
54. Policies R2 and R3 of the Core Strategy are considered to be compliant with the NPPF in terms of their requirement to ensure development conserves and enhances green infrastructure and the natural environment.
55. There is specific information on trees and tree protection submitted with this application. From the 'Proposed Site Plan' and the 'Existing Location and Site Plans' within the submitted Design & Access Statement' it appears the majority of the trees within the rear garden are being retained. The Council's Arborist has no objection in principle and recommends tree protection measures for the retained trees and a landscape plan for the front gardens, albeit there is very little room to accommodate planting to the front gardens given the extent of hardsurfacing proposed to accommodate car parking.
56. It is also noted a rear patio and steps are proposed to the rear garden, and it is considered that these alterations could be managed through the provision of conditions regarding landscaping.
57. The development would not result in harm to the natural environment with reference to Core Strategy policy R2, PG1 New Residential Development and the NPPF.
58. It is noted trees, landscaping and boundary treatment provide an important element to the character and appearance of the streetscene. Concerns of the alterations to the front of the dwellings and boundary treatment are discussed within the 'Design and impact on character and appearance' section.

## PARKING AND HIGHWAY SAFETY

59. Paragraph 109 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
60. Policy L7 of the Core Strategy is considered to be compliant with the NPPF as it comprises the local expression of the NPPF's emphasis on good design. It states that 'In relation to matters of functionality, development must:
- Incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety;

- Provide sufficient off-street car and cycle parking, manoeuvring and operational space
61. It is noted that objectors have raised concerns regarding the creation of a new access and on street parking and an increase in congestion with potential detriment to highway safety.
62. The Local Highway Authority has been consulted on the plans and raises an objection to the proposal on the grounds that there is insufficient pedestrian and vehicular visibility from the proposed driveways and the boundary treatments would restrict visibility and the proposed driveway and parking arrangements are substandard and do not meet the standards set out in SPD3
63. As detailed on the amended plans the proposed highway access to proposed plots 1 & 2 are located in a similar location as the existing access locations. Whilst Local Highway Authority comments are yet to be provided on the amended scheme, the amended access appears to avoid a detriment to highway safety and it is considered that in light of the revisions, this element – (access and boundary treatment) of the proposal could be managed through conditions.
64. SPD3 states that a four bedroom dwellinghouse in this location would require three car parking spaces. The revised parking plan indicates the provision of three parking spaces and confirms the access gate is to be sliding. Whilst the Local Highway Authority has not commented yet on the revised site layout received on the 30 September 2019, the parking spaces appear to meet the provisions of SPD3, the layout of parking and form of gates is generally considered acceptable and could be managed through the provision of suitable conditions.
65. The application plans do not make clear that there is a right of way at this location and the boundary treatment plan does not show what boundary treatment is proposed. However, through conditions the type and location of boundary treatment adjacent to the PRow could be managed to ensure the PRow is not narrowed or otherwise adversely affected.
66. It is noted cycle parking is provided for 2 bicycles per dwelling, however this should be more. Notwithstanding this, if permission were to be granted, suitable cycle provision could be managed through conditions.

## OTHER MATTERS

67. Addressing neighbour drainage concerns, the Lead Local Flood Authority has advised there will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site and has therefore raised no objections.



68. The proposal's possible impact on house prices is not a valid planning consideration.

## DEVELOPER CONTRIBUTIONS

69. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

70. In accordance with Policy L8 of the Trafford Core Strategy and Revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of three additional trees per property. No affordable housing provision is required as the development falls below the thresholds set within the Core Strategy and the NPPF.

## PLANNING BALANCE AND CONCLUSION

71. Paragraph 11 d) of the NPPF indicates where policies which are most important for determining the application are out of date, planning permission should be granted unless: (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

72. The proposed development, by reason of its height, scale, massing, design and proximity to the site boundaries would result in an over-dominant and incongruous form of development, out of keeping with the character and spaciousness of the surrounding area. As such, the proposal would have an unacceptable detrimental impact on the visual appearance and character of the street scene and the surrounding area. The scheme would also result in an overbearing impact and undue visual intrusion on 21 Blueberry Road, and serious overlooking and an unacceptable loss of privacy to the occupants of 17 and 21 Blueberry Road, to the detriment of the amenity of the occupiers of those properties. The proposal would therefore be contrary to Core Strategy Policy L7, the New Residential Development PG1 and the NPPF.

73. The application fails to comply with Policy L7 of the adopted Core Strategy and therefore development plan policy. It also fails to comply with policy in the NPPF relating to good design and in increasing density, respecting the prevailing character of the area. This would in itself point to a refusal of planning permission. However, an important material consideration is the fact that the 'tilted balance' is engaged as a result of the Borough's shortfall in housing land supply.

74. It is acknowledged that an additional dwelling on the site in an existing settlement and a sustainable location would contribute to the Borough's housing land supply and substantial weight has been given to this benefit of the development. It is also acknowledged that there would be a small economic benefit during the construction phase. Nevertheless, this is not considered to be a 'suitable' site in an existing settlement as the harm to the character and spaciousness of the surrounding area that would result from the proposals is considered to be significant, as is the harm to amenity to the occupiers of 17 and 21 Blueberry Road. Applying the tilted balance the adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits. The application should therefore be refused.

### **RECOMMENDATION: REFUSE**

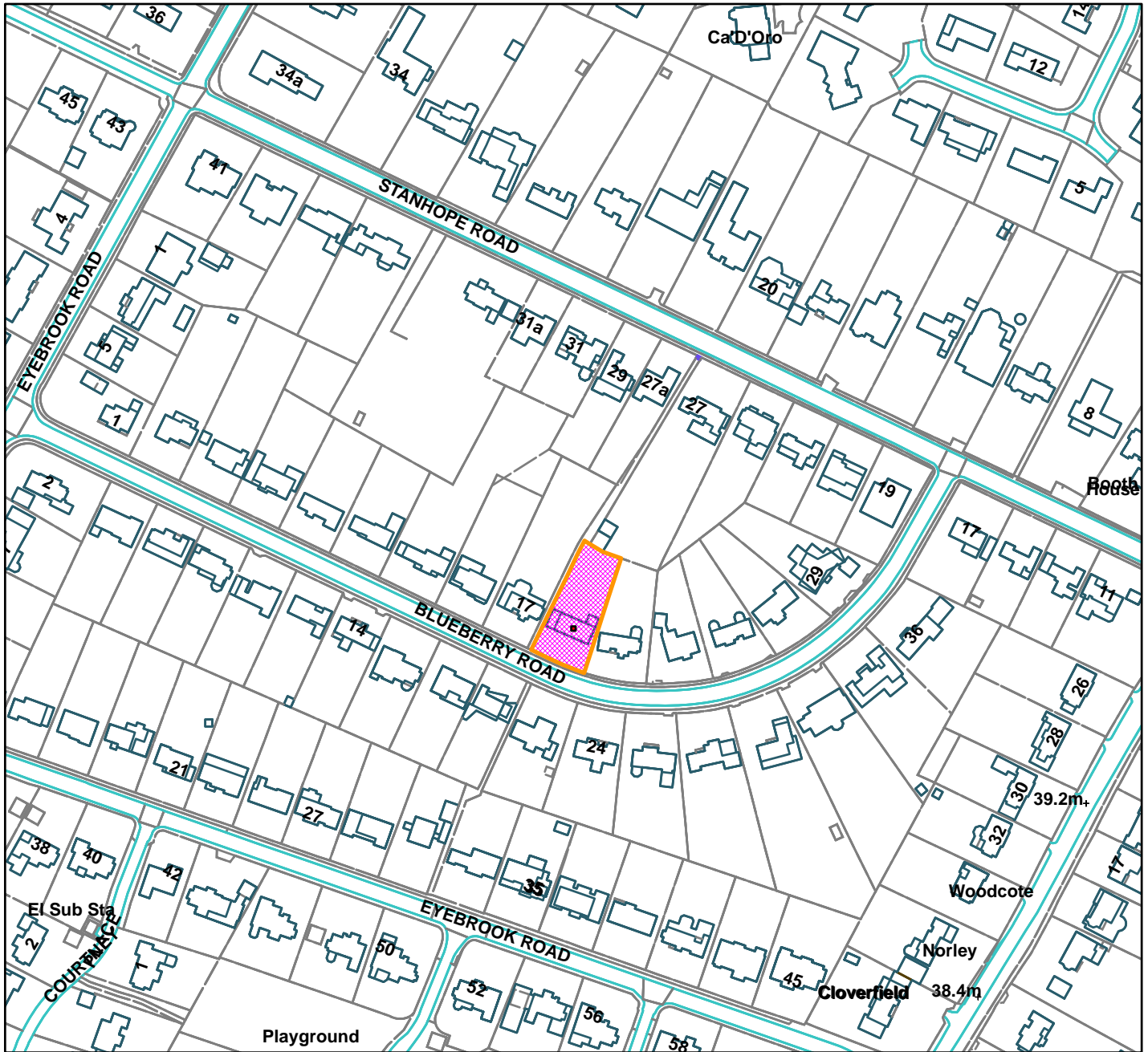
1. The proposed dwellings, by reason of their design, siting, scale, height, massing, front boundary treatment and relationship to the street frontage and surrounding properties, would result in an over-dominant, obtrusive and incongruous form of development that would be out of keeping with the character of the area. The proposal would therefore have a detrimental impact on the visual appearance and character of the street scene and the surrounding area. As such the proposal would be contrary to Policies L1, L2 and L7 of the Trafford Core Strategy, the Council's adopted Planning guidelines 'New Residential Development' and advice contained within the National Planning Policy Framework.
2. The proposed dwellings, by reason of their height, scale, massing and siting in close proximity to the common boundary with the adjoining property at number 21 Blueberry Road, would have an unduly overbearing effect and result in undue visual intrusion to 21 Blueberry Road to the detriment of the amenity that the occupants of that residential property could reasonably expect to enjoy. As such the proposal would be contrary to Policy L7 of the Trafford Core Strategy and guidance contained within the National Planning Policy Framework.
3. The proposal dwellings, by reason of the position of roof terraces/balconies (in proximity to 17 and 21 Blueberry Road) would result in unacceptable overlooking and an unacceptable loss of privacy to the neighbouring occupants of 17 and 21 Blueberry Road. As such the proposed development would have a detrimental impact on the residential amenity that the occupants of the neighbouring dwellings could reasonably expect to enjoy. The proposed development would therefore be contrary to the provisions to Policy L7 of the Trafford Core Strategy, the Council's adopted Planning Guidelines, PG 1 New Residential Development, and guidance in the National Planning Policy Framework.

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TM



19 Blueberry Road, Bowdon (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -10/10/2019
Date	30/09/2019
MSA Number	100023172 (2012)

**Application for variation of condition 4 on planning permission 90945/FUL/17 (as amended by 96326/NMA/18) It is proposed that Condition 4 is amended to read as follows: "The development hereby approved shall only be used between the hours of 09:00 to 22:00 Monday to Friday, 09:00 to 18:00 Saturday and 09:00 to 17:00 Sunday".**

Altrincham Boys Grammar School, Marlborough Road, Bowdon, WA14 2RW

**APPLICANT:** Altrincham Grammar School for Boys & Trafford Leisure Community Interest Company (TLCIC)

**AGENT:** Ove Arup & Partners

**RECOMMENDATION: REFUSE**

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

### **SITE**

The school is situated on Marlborough Road in Altrincham with a range of buildings fronting Marlborough Road and extensive playing fields to the rear running up to the railway line that runs along the eastern boundary of the site.

The school is in a predominantly residential area and is bounded by residential properties on Marlborough Road along the western frontage; Blenheim Close, Pheasant Rise, South Downs Road and Greenside Drive to the south; Cecil Road to the east on the opposite side of the railway; and Heath Road, Seddon Road, Spring Road and Peel Avenue to the north. The school is adjacent to the Hale Station (north-west) and Bowdon (north-east) Conservation Area but no part of the grounds are within any of these areas.

A modern sports hall was erected at the site following approval in 2006 together with the creation of artificial sports pitches and new car parking. This building is located to the southern end of the buildings fronting Marlborough Road, set back approximately 80 metres from the boundary with Marlborough Road with car parking to the front.

The site for the proposed new pitch is on part of the existing grassed playing fields which is currently marked with existing sports pitches to the north of the site adjacent to the end of Seddon Road and Heath Road.

## **PROPOSAL**

This application seeks to vary condition 4 of planning permission 90945/FUL/17 (as amended by 96326/NMA/18) for “*Creation of Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union and football activities with new artificial grass pitch surface, new perimeter ball-stop fencing, new hard standing areas for pedestrian access, goals storage and maintenance access; new floodlights,*” to allow for increased hours of use namely between the hours of 09:00 to 22:00 Monday to Friday, 09:00 to 18:00 Saturday and 09:00 to 17:00 Sunday.

This is an application under S73 of the Town and Country Planning Act and it is noted that when deciding such applications the LPA should normally limit its appraisal to the relevant conditions, albeit it does result in the grant of a new permission. Should this S73 application be approved the other conditions attached to the original grant of planning permission will continue to be attached to the new permission.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

R1 – Historic Environment

R2 – Natural Environment

R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Protected Open Space

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

OSR5 – Protected Open Space

### **GREATER MANCHESTER SPATIAL FRAMEWORK**

The Greater Manchester Spatial Framework is a joint Development Plan Document being produced by each of the ten Greater Manchester districts and, once adopted, will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

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

The DCLG published the National Planning Policy Framework (NPPF) in 19 February 2019. 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 and it is regularly updated. The NPPG will be referred to as appropriate in the report.

### **OTHER LEGISLATION**

Planning (Listed Buildings and Conservation Areas) Act 1990

### **SUPPLEMENTARY PLANNING DOCUMENTS**

Revised SPD1: Planning Obligations (adopted July 2014)

SPD3: Parking Standards and Design (adopted February 2012)

SPD5.11: Hale Station Conservation Area Appraisal (adopted July 2016)

SPD5.11a: Hale Station Conservation Area Management Plan (July 2016)

### **RELEVANT PLANNING HISTORY**

96326/NMA/18 – Application for non-material amendment to 90945/FUL/17 for removal of reference to operational hours within the original description.

Approved 21 December 2018.

As a result of this non-material amendment the description of development for 90945/FUL/17 now reads:

*“Creation of Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union and football activities with new artificial grass pitch surface, new perimeter ball-stop fencing, new hard standing areas for pedestrian access, goals storage and maintenance access; new floodlights.”*

90945/FUL/17 – Creation of Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union and football activities between the hours of 09:00 to 19:00 Monday to Friday, 10:00 to 17:00 on Saturdays and at no time on Sundays and Bank Holidays. Works to include new artificial grass pitch surface, new perimeter ball-stop fencing, new hard standing areas for pedestrian access, goals storage and maintenance access; new floodlights.

Approved with conditions 18 December 2017

79919/FULL/2013 – Erection of sub-station and enclosure.

Approved with conditions 21 March 2013

78566/FULL/2012 – Erection of two storey building to form Physics Department including air source heat pump and associated fencing and landscaping.

Approved with conditions 16 August 2012

74381/FULL/2009 – Erection of two storey extension to form technology department following partial demolition of existing building.

Approved with conditions 9 February 2010

H/64924 – Erection of sports hall building with associated car parking with new access onto Marlborough Road, and landscaping. Construction of artificial surface sports pitch and tennis courts with associated fencing. Extension to hardsurfaced playground area. Extension to playing field area incorporating land reclamation/raising.

Approved with conditions 2 November 2006

H/64378 – Erection of two-storey extension to form 6 classrooms, office and store.

Approved with conditions 1 June 2006

H/42964 – Retention of four temporary portable buildings to provide classrooms.

Approved with conditions 4 December 1996

H/35814 – Erection of three temporary double classroom units and temporary changing accommodation.

Approved with conditions 7 October 1992

H/35813 – Erection of a first floor extension to form two new class rooms and provision of pitched roof over southern-most classroom and changing block.

Deemed consent 7 October 1992

H/35811 – Demolition of existing kitchen, dining room, language lab; woodwork, metalwork, art and music rooms and erect kitchen and dining room, sports hall and changing facilities.

Approved with conditions 23 September 1992

### **APPLICANT'S SUBMISSION**

A Planning Statement and Noise Assessment have been submitted in support of the application. These are summarised below:

#### **PLANNING STATEMENT**

Trafford Leisure is a community interest company dedicated to giving the people of Trafford access to a broad range of sports and recreation facilities to improve physical fitness and general health and wellbeing for all residents.

Over the last two years Trafford Leisure has invested in a physical activity referral product and infrastructure, targeting those members of the Trafford community who are currently inactive with referrals from GPs and health and community connectors. With the addition of a further pitch to the existing community sporting facilities at AGSB, this programme of activities available for the community will be extended to include outdoor physical activity sessions (Yoga and Tai Chi) and walking football.

The Grammar sport, fitness and leisure facility is the existing sports facility which opened in 2008 providing sports and leisure facilities for the school and community, managed by Trafford Leisure. The facility is open to the community during the following hours:

#### **The Grammar**

	Mon-Fri	Weekends
School Term	07:00 – 08:45 17:00 – 22:00	09:00 – 17:00
School Holidays	07:00 – 22:00	09:00 – 17:00

The existing 3G pitch received planning permission in 2009 to operate (including with floodlighting) within the following hours during term time:

#### **Existing 3G Pitch**

	Mon-Fri	Saturday	Sunday
School Use	09:00 – 17:00	09:00 – 13:00	N/A
Community Use	17:00 – 21:00	13:00 – 18:00	09:00 – 17:00

The existing 3G pitch is therefore available for school use 44 hours per week and for community use 33 hours per week during term time.



The following tables demonstrate that during term time, the approved AGP pitch will be available for school use for 43 hours a week, with 14 hours available for community use:

### **Approved AGP**

	Mon-Fri	Saturday	Sunday
School Use	09:00 – 17:00	10:00 – 13:00	N/A
Community Use	17:00 – 19:00	13:00 – 17:00	N/A

It is envisaged that, through the proposed extension of operating hours, there would be an opportunity to increase the hours available for community use to 38 hours per week during term time.

### Demand for new pitch

The application for an extension of operational hours at AGSB reflects the high level of demand for access to football pitches for Altrincham sports teams.

Demand is demonstrated in both quantitative terms by the number of pitches available, participation growth statistics within football and the length of waiting lists. Evidence of demand is also demonstrated in qualitative terms, through factors such as the quality and location of pitches available, access to supporting infrastructure at facilities (such as parking and changing rooms), and the availability of age-appropriate slots for training and matches.

### Summary

- The proposed development represents a significant benefit to the local community by increasing the number of hours per week that community sports clubs can access the pitch from 14 to 38 which will more closely align with the existing 3G pitch;
- The proposed extension of hours is linked to the funding position for the new pitch. Should the funding for community access not be secured, AGSB is unlikely to be able to afford to implement the extant permission, to the detriment of the school and local community;
- The proposal will make an important contribution to accommodating demand for playing pitches in the context of significant demand for access to high-quality pitches;
- The proposal is supported by evidence of existing and growing demand for community access to football pitches;
- The proposal accords with the recommendations of the Trafford Playing Pitch Strategy and Action Plan, which supports improving access to unused pitches at school sites to assist in alleviating shortfalls in pitch provision and Policy R5 of the Trafford Core Strategy which seeks to address key areas of deficiency in the quality and quantity of outdoor leisure provision, including making the best use of schools and other suitable assets to promote participation in a range of leisure activities;

- The proposal is supported by a new noise assessment;
- The operational hours are considered to be appropriate in the context of the existing school site which includes an operational 3G pitch and established grass playing field;

## NOISE ASSESSMENT

Automated noise monitoring has been undertaken over a 7 day period to determine the existing baseline noise conditions at the site. It is presumed that the existing hours have been restricted on the basis that there would be a greater noise impact outside of these hours. As the extended/proposed hours all occur during standard daytime periods sleep disturbance is not a concern.

It is therefore assumed that the hours have been restricted on the basis that noise levels would be expected to drop to a lower level during evening hours and Sundays, which could result in a greater noise impact to nearby residents.

The assessment carried out has indicated that there is no significant drop in baseline noise levels during the extended hours on weekdays or Saturdays, suggesting that the noise impact during the proposed extension of operational hours would be no greater than already permitted. On this basis, there should be no grounds for refusal of the extension of the operational hours on Saturdays with regard to noise impact.

Baseline noise levels during the proposed hours of operation on a Sunday are up to 5dB lower than during the permitted hours on a Saturday (the only permitted weekend period). This would suggest that noise emissions from the pitch may need to be reduced by at least 5dB at the nearest receptor to ensure that the impact of noise from the pitch during Sunday use is no greater than already permitted for weekend periods.

The impact of pitch use on a Sunday could be minimised through the installation of an acoustic screening continuously along the perimeter of the proposed pitch with sufficient height (approx. 2.5m) to ensure that the pitch is not visible from the ground floor of the neighbouring properties.

## CONSULTATIONS

Local Highway Authority – There are no objections on highways grounds to the proposals.

Pollution and Licensing – Object to the proposal on the grounds of impact on residential amenity and recommend refusal.

## REPRESENTATIONS

Letters of objection have been received from 34 addresses. The main points raised are summarised below:

- Significant noise and disruption from proposed increased hours;
- Seeks assurance that neither vehicular nor pedestrian access will be via Heath Road entrance to the school field;
- Beyond 7pm (i.e. children's bedtime) is not acceptable during the week;
- Concerns regarding increase in traffic volume;
- Existing noise and foul-language from the current opening times is anti-social and not in keeping with the local area or needs of its residents;
- Light pollution from the floodlights has a significant negative effect;
- Disturbance from increased foot-fall and exacerbation of vehicular traffic/parking issues;
- The noise impact assessment provides no statistical analysis to support the assertion that there will be no significant impact during extended hours Mon-Sat;
- Any additional noise above the ambient noise level has an impact;
- Light pollution due to extended use of flood lights;
- Adverse impact on the activities of the Scout group due to proximity of the hut, noise levels and swearing;
- Application should be rejected until such time as adequate proposals for acoustic treatment are provided for assessment by the Council;
- Impact on wildlife, the environment and the Conservation Area have been disregarded;
- Request that deadline for comments is extended to end of September to allow for holiday period;
- No respite period for neighbours from noise during the weekend;
- Flies in the face of all that was said at the time of the original application;
- Site is already overdeveloped;
- Noise and disturbance from construction traffic;
- Noise associated with traffic, comings and goings, not just play on the pitch;
- If Trafford sees a need for such a facility in the borough it should be co-located with an existing rugby club or in the development plans for Altrincham Leisure Centre;
- The school already has a new library being built over a 12 month period which will cause parking issues;
- No amendments should be considered until after the facility has been operated under the original terms;
- The Head Master of AGSB has issued a letter to parents urging them to support the application. This is misleading and does not provide context around the approved hours or the proposed siting of the second pitch. The letter provides a bias and as such the letters of support should be removed or discounted;

Letters of support have been received from 158 addresses. The main points raised are summarised below:

- No problem with extended times except the increased traffic and speed of traffic. There is a need for traffic calming measures on the north side of the centre;
- A great opportunity to boost local sports participation;

- Much needed facility;
- Great for the community and getting youths off the street;
- Currently some people have to travel out of the borough as there are limited facilities of this nature in Trafford;
- Better opportunities for sports clubs;
- Important facility for the continuing development of the school;
- Will allow the school to continue to play interschool matches when the current pitches are waterlogged;
- Would be a landmark facility for the school and wider community;
- There is an identified need for more 4G facilities for the use of Altrincham JFC;
- Other facilities in the area are heavily oversubscribed;
- Help tackle nationwide problem with obesity;
- Help increase pitch availability for ladies teams;
- Usage limits should be in line with the existing facilities, as it would be ridiculous to make the 4G pitches off-limits after a certain time, whilst the inferior 3G pitches can continue to be used;
- Cut travel time and take traffic off the roads;
- Provide safe training surfaces in all weather;

## **OBSERVATIONS**

### **BACKGROUND**

1. Planning permission was granted under application 90945/FUL/17 for the *“Creation of Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union and football activities between the hours of 09:00 to 19:00 Monday to Friday, 10:00 to 17:00 on Saturdays and at no time on Sundays and Bank Holidays. Works to include new artificial grass pitch surface, new perimeter ball-stop fencing, new hard standing areas for pedestrian access, goals storage and maintenance access; new floodlights.”*
2. In order to enable a S73 application to be submitted, non-material application 96326/NMA/18 sought to remove the reference to operational hours within the original description and was approved on 21<sup>st</sup> December 2018. As a result of this non-material amendment the description of development for 90945/FUL/17 now reads:
 

*“Creation of Artificial Grass Pitch (AGP) to form a full sized playing enclosure for rugby union and football activities with new artificial grass pitch surface, new perimeter ball-stop fencing, new hard standing areas for pedestrian access, goals storage and maintenance access; new floodlights.”*
3. This application seeks to vary condition 4 of application 90945/FUL/17 (as amended by 96326/NMA/18) to extend the hours of use across the week.
4. Condition 4 attached to the above decision is as follows:

*“The development hereby approved shall only be used between the hours of 09:00 to 19:00 hours Monday to Friday and 10:00 hours to 17:00 hours Saturday with no usage on Sundays and Bank/Public Holidays and the floodlights hereby approved shall not be illuminated outside of these times.*

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

- The current proposal seeks to amend this condition to allow for extended hours as set out in the following table:

	Mon-Fri	Saturday	Sunday
Approved Hours	09:00 – 19:00	10:00 – 17:00	No time Sun/BH
Proposed Variation	09:00 – 22:00	09:00 – 18:00	09:00 – 17:00

### PRINCIPLE OF THE DEVELOPMENT

- S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
- The Council’s Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version. Whether a Core Strategy policy is considered to be up to date or out of date is identified in each of the relevant sections of this report and appropriate weight given to it.
- The NPPF is a material consideration in planning decisions, and as the Government’s expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
- This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission reference 90945/FUL/17 (as amended by 96326/NMA/18) to allow increase the hours of use as set out in condition 4. The main issues relate to the impact of the extended hours of operation on residential amenity, the adjacent designated heritage asset and highways together with an assessment against Sport England policy. In this particular case the most important policies for the determination of the application are R5 ‘Open Space, Sport and Recreation’ L5

'Climate Change' and L7 – Design as they underpin the assessment of the planning balance. These policies are considered to be up to date in NPPF terms.

## PROTECTED OPEN SPACE

10. The site is allocated as Protected Open Space. Policy R5 of the Trafford Core Strategy advises that green spaces are important to local communities. The availability of open space, sport and recreation facilities are key factors to the quality of life and physical well-being of people. Paragraph 25.17 advises that *“an unacceptable loss of open space, sport or recreation facilities is deemed to be that which leads to a loss in quantity which could not be replaced with an area of equivalent or better quality in a suitable location to meet present and predicted future demand.”*
11. R5.1 advises that *“In order to remedy deficiencies in the provision of facilities identified in parts of the Borough and ensure that appropriate facilities are available to meet the needs of its residents across the whole of Trafford, the Council will secure the provision and maintenance of a range of sizes of good quality, accessible, play, sport, leisure, informal recreation and open space facilities.”*
12. R5.2 continues to state that the Council will address key areas of deficiency in quality and quantity of open space and indoor/outdoor leisure provision by adopting actions and standards including *“Making the best use of community buildings, schools and other suitable assets to provide facilities and promote participation in a range of leisure activities.”*
13. Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.
14. In line with Sport England policy, proposals to replace the natural turf playing field with an AGP were identified as a local need and would secure sport related benefits for the local community. A reduction in the hours of use was considered necessary in the consideration of the original application having regard to the potential impact on the amenity of neighbouring residents. Nevertheless it was considered that the development could still provide sport related benefits for the local community, particularly on a Saturday and during school holidays. The proposal was considered to be in accordance with Policy R5 of the Core Strategy and the NPPF in that it would continue to provide outdoor sport facilities in conjunction with the educational use of the site.
15. The current proposal to extend the proposed hours of use of the AGP would increase the potential for use of the pitch by the community.

## IMPACT ON ADJACENT DESIGNATED HERITAGE ASSETS

16. The boundary for Hale Station Conservation Area runs along the northern boundary of the site, encompassing most of the neighbouring residents of Seddon Road and some on Heath Road.
17. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, *“special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area”* in the determination of planning applications.
18. National Planning Policy Framework (NPPF) is also a significant material consideration, and in this particular case, paragraph 132 of the NPPF advises that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. 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.”*

### The significance of the designated heritage asset

19. The adoption of the Hale Station Conservation Area Appraisal and Management Plan in July 2016 saw changes to the boundary of the Conservation Area through two extension areas. The application site adjoins Extension Area A: Seddon Road and Heath Road (Character Zone E). Paragraph 7.1.4 of the CAA provides the following description:

*“These leafy suburban streets of detached and semi-detached houses date between the 1880s and 1910s and are well-preserved examples of the late 19<sup>th</sup> century vernacular style seen across South Trafford. These streets fit in well with the wider narrative seen in other Character Zones of the Conservation Area. These streets should be included within the boundary in order to strengthen the special architectural and historic interest of the Conservation Area and to afford them an additional level of protection from inappropriate development.”*
20. Paragraph 2.3.18 of the CAMP advises that *“Character Zone E incorporates two streets of Arts & Crafts style houses from the early to mid-20<sup>th</sup> century. Seddon Road and Heath Road are high quality, well-preserved examples of Arts & Crafts architecture, with strong Domestic Revival and vernacular elements.”*
21. Paragraph 4.7.64 of the CAA states that *“The houses on Heath Road are included within the boundary extension due to their high-quality and illustrative value of the Arts & Crafts style seen across the Conservation Area.”*

## The Proposal and Consideration of Harm

22. As identified above the significance of the Hale Station Conservation Area derives primarily from the architecture of the buildings and the examples of early suburbanisation. It was considered under application 90945/FUL/17 that the installation of the new pitch and associated fencing and hardstanding would not detract from this and would cause no harm to the character and setting of the adjacent Conservation Area. No changes are proposed to this under the current S73 application.
23. The application seeks extended hours of use to those conditioned under approval 90945/FUL/17 and as a result, associated floodlighting would be on later into the evenings and for an increased amount of time at the weekends, particularly during the winter months.
24. Whilst it is identified that the proposal would result in some light spillage into the Conservation Area, this is very limited in its intensity, scope and extent and although this would be over an extended period when compared to the previous approval, this is not considered to result in any harm to the significance of the Conservation Area.

## Conclusion

25. It is considered that the proposed development would result in no harm to the character and setting of the adjacent designated heritage asset. In arriving at this recommendation, considerable importance and weight has been given to the desirability of preserving the Hale Station Conservation Area.

## RESIDENTIAL AMENITY

26. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.
27. Policy L5.13 states that development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put into place.
28. The surrounding area is predominantly residential with dwellings sited to the north and east of the proposed development.



## Noise

29. The application and supporting documentation has been reviewed by the Council's Pollution and Licensing Section and their comments are incorporated into this report.
30. Application 90945/FUL/17 was submitted in 2017. Acoustic consultants for Altrincham Grammar School for Boys, Hann Tucker previously produced a noise impact assessment in March 2016 and a subsequent report in June 2016 in support of this application. At the same time, a report and further technical memorandum was produced by Echo Acoustics on behalf of local residents/objectors to 90945/FUL/17. The conclusions made in the acoustic report linked to 90945/FUL/17 were noted at the time.
31. Whilst considering application 90945/FUL/17, the Pollution Section noted that the application site has been used by the school for many years for various sports activities with no recorded incidents of complaint. It was noted that the existing floodlit pitch on the site has operated without any record of complaint (apart from those that were received around the time that application 90945/FUL/17 was submitted).
32. It was however stressed that the existing pitch on site at the time of the application is further away from residential premises on Seddon Road and Heath Road than the pitch proposed as part of 90945/FUL/17. Therefore, the creation of a new AGP closer to the residential premises in the vicinity (for example Seddon Road and Heath Road) of the site may potentially increase the likely risk of increased noise levels in the area thus resulting in a noticeable change in the noise climate at more sensitive times.
33. As a result of such concerns and with the principal aim of protecting the residential amenity of nearest dwellings, a number of conditions were attached to planning permission 90945/FUL/17. In particular, Condition 4 of planning permission 90945/FUL/17 required:

*“The development hereby approved shall only be used between the hours of 09:00 to 19:00 hours Monday to Friday and 10:00 hours to 17:00 hours Saturday with no usage on Sundays and Bank/Public Holidays and the floodlights hereby approved shall not be illuminated outside of these times.*

*Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core strategy and the National Planning Policy Framework.”*
34. This condition followed an original proposal for greater hours of use, but during the previous application Officers concluded that the conditioned hours, as set above, provided the appropriate balance between the community benefit that would arise

from the proposals and any harm that may arise to the amenity of nearby residential properties.

35. With regard to the current variation application, the applicant has re-appointed Hann Tucker Associates to produce a Project Technical Memorandum which presents a review of the potential impact of the proposed artificial grass pitch at Altrincham Boys Grammar School on the nearest residential premises. No changes have taken place since their original submission in 2017.
36. Hann Tucker contacted the Council's Pollution Section in February 2019 to advise that they had been re-appointed by Altrincham Boys Grammar School to undertake a noise impact assessment for the pitch hours granted under 90945/FUL/17 to be extended and whether there will be any change in impact from doing so. The consultant was advised that the Pollution Section did not agree with a quantitative assessment for such noise and that it was likely that they would object to the extended hours since there had been no material changes since the 2017 submission. The report which has been submitted as part of the variation application has been reviewed and noted. The report does not however sufficiently address the true impact of the proposals.
37. Echo Acoustics, who have been re-appointed by the residents neighbouring the school, have produced a Technical Memorandum in response to the report submitted by Hann Tucker and conclude the following:

*"It has been stated previously, and cannot be reiterated strongly enough, that the prime concern is associated with the character of the noise from the pitch and the intrusion associated with short, elevated noise events, not the broad, averaged noise level over an extended period of time. Yet this appears to be entirely disregarded in all the Applicant's noise submissions. In summary, the Applicant's noise submissions consistently fail to adequately address the true impact of the proposed use and extended hours of use on local residents and, in light of this, to permit the extension of hours would be likely to give rise to an intolerable intrusion on the peaceful enjoyment of their properties by the local residents and should not be permitted."*

38. The Pollution Section are also of the view that the unpredictable and sporadic nature of the noise is likely to increase the nuisance impact, since it would be more intrusive than a steady state and predictable level of noise. It is not possible to acoustically treat the proposed AGP to mitigate against this type of sporadic noise event. The only means of mitigating this impact is to restrict the hours of use of the facility. However, the historical use of the school grounds during normal school hours cannot be disputed. It would also be reasonable to expect a certain number of after school activities to take place on the proposed AGP up until 19:00.
39. The Pollution Section previously advised that problems could arise if the AGP is hired out to other organisations, including adult teams engaged in competitive

contact sports who may wish to use the facilities beyond 1800hrs. Certainly noise between the hours of 19:00 and 21:00 has the potential to disturb children going to sleep, and may impact upon residents' enjoyment of their homes both indoors and outdoors. Previous investigations involving complaints about similar facilities have revealed that adult voices are more intrusive and may be exacerbated by the use of foul language. The number and proximity of spectators due to vocal support may also potentially impact upon the overall noise in the area.

40. The objections to and letters of support for this variation application have been reviewed and fully noted. Less weight should be given to the letters of support however as they are not from immediate neighbours who would be affected by the development. The financial considerations of the leisure trust have also been noted. It is however clear that the situation remains as it was in 2017 with residents living in close proximity to a site, which if not strictly controlled by the restriction in hours as stipulated in condition 4 of 90945/FUL/19 has the real potential to result in a deterioration of noise levels. This would not only be noise associated with pitch use at a later time on Mondays to Saturdays and on Sundays but also from spectators, people leaving the site beyond the curfew times and a cumulative impact of noise from various other activities on site.
41. Whilst it is acknowledged that the proposal would provide community benefit through the provision of improved sports facilities for use outside of school hours, it is considered that use of the facility beyond the hours which were previously approved would be harmful to the amenity of residents in the vicinity of the application site to an extent which would outweigh the community benefit of the proposals. The appropriate balance between community benefit and the protection of amenity is considered to be in the hours of use previously approved.
42. The Council's Pollution and Licensing section do not support this application and are of the view that the hours imposed via condition 4 of 90945/FUL/17 should remain in place. The hours already permitted are considered to be the most suitable way of preventing serious detrimental loss of amenity to local residents due to noise and disturbance, both from the new AGP pitch as well as the potential cumulative impact from the use of this alongside the existing 3G pitch at the site.

#### PARKING AND HIGHWAYS

43. No amendments are proposed to the access, servicing, parking and cycle parking arrangements and the LHA raise no objection to the proposal on highways grounds.
44. The proposal is therefore considered to be acceptable on the grounds of highway safety and parking in accordance with guidance set out in the Council's SPD3: Parking Standards and Design and Core Strategy Policy L4.

## **DEVELOPER CONTRIBUTIONS**

45. 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 £10 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
46. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

47. The proposal complies with Policy R5 of the Core Strategy in terms of providing community benefits through improved sports facilities and promoting participation. However the proposal conflicts with Policies L5 and L7 of the Core Strategy in relation to the impact on neighbouring residents and these two competing aims need to be balanced. The only reasonable means of mitigating the impact of the proposal is through restricting hours of use of the pitch as the particular sporadic and intrusive noise events which are associated with sporting activity for example shouting, the use of whistles and ballstop fencing cannot be mitigated through acoustic treatment. Residents should reasonably be granted some relief from this activity during evening and weekend hours.
48. The hours already granted were considered carefully by EHOs and officers at the time of the previous application and were considered to strike an appropriate balance between community benefit and the protection of amenity. They are already a compromise position. There are no material changes in planning circumstances/material considerations which would warrant a different view being taken. The application is therefore recommended for refusal on these grounds.

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

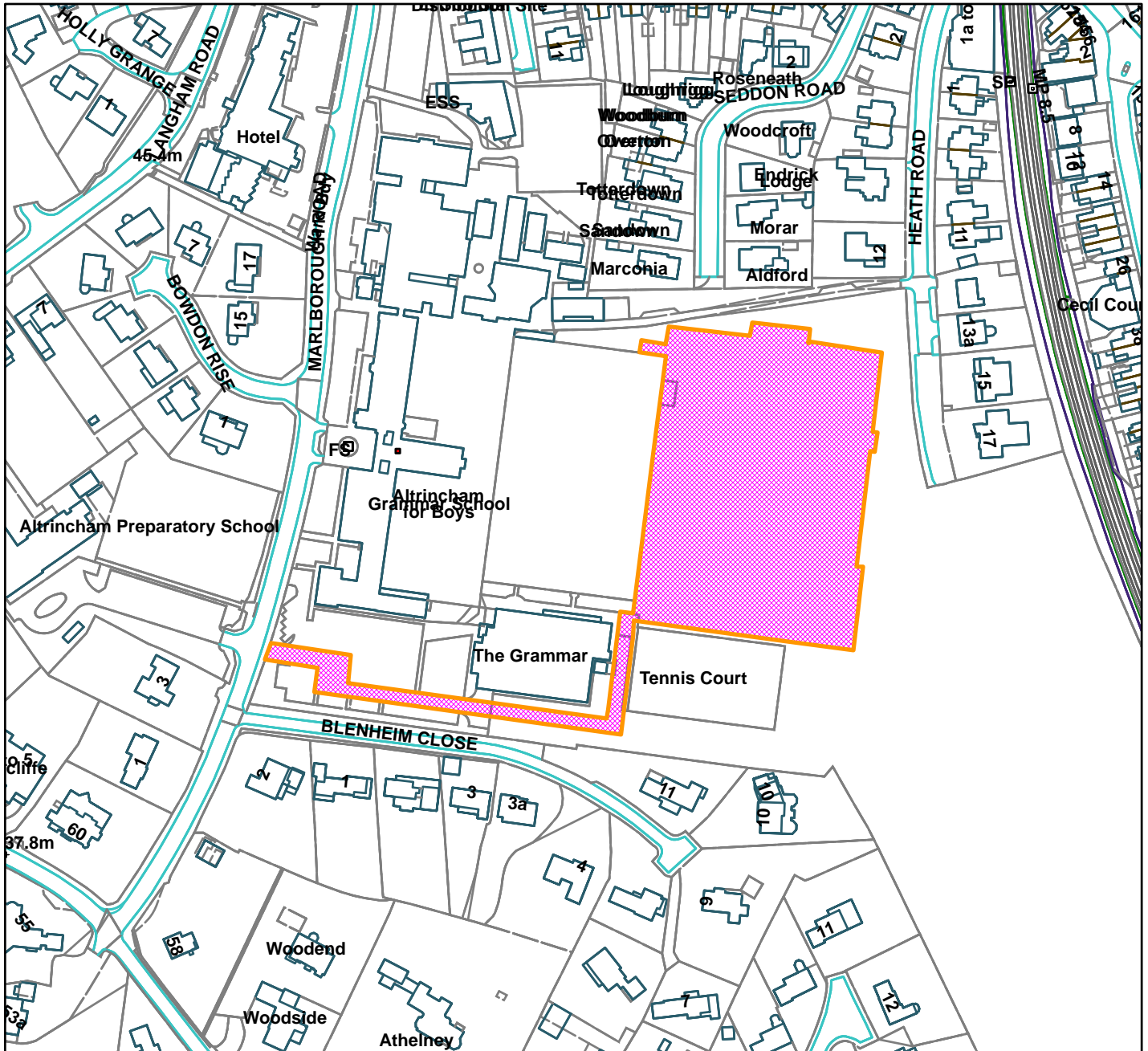
1. The noise and disturbance associated with the proposed use of the pitch at a later time on Mondays to Saturdays and also on Sundays would result in harm to the residential amenity of occupiers to properties on Seddon Road and Heath Road contrary to Trafford Core Strategy Policy L7 and relevant sections of the NPPF.

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JE



Altrincham Boys Grammar School, Marlborough Road, Bowdon (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -10/10/2019
Date	30/09/2019
MSA Number	100023172 (2012)

**WARD: Village**

**98467/HHA/19**

**DEPARTURE: No**

**Alterations to the boundary treatments including relocation of the pedestrian and vehicular access gates. Erection of a rear first floor extension and associated external alterations.**

122 Framingham Road, Sale, M33 3RN

**APPLICANT:** Mr Islam

**AGENT:** Richmond Consultants

**RECOMMENDATION: GRANT subject to conditions**

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## **SITE**

The application property is located to the west of Framingham Road and to the north of Wood Road, on a corner plot in a residential area of Brooklands. The property is a two-storey, semi-detached dwelling, which would originally had a hipped roof, but has been previously been extended along with the adjoining property, 2 Wood Road, with a hip-to-gable extension, with the ridge raised and rear dormers across both properties. The frontage of the semi-detached pair faces the point of the junction (south-east facing).

The property has relatively large front and side garden with driveway and a small rear garden. The properties along Framingham Road and Wood Road are all of a similar type: 1930's, semis with front driveways and bay window features to the front elevations.

## **PROPOSAL**

The proposal is for alterations to the boundary treatment, including relocation of the pedestrian and vehicular access gates and the erection of a rear, first floor extensions and associated external alterations.

The alterations to the boundary treatment include extending the vehicle entrance to the south-east corner of the site and infilling the existing gate opening with matching brickwork and coping stone. The new vehicle entrance would measure 3.4m wide with 1.4m high access gates, similar to the existing. There is also to be a small pedestrian gate next to the proposed vehicle access.

The existing trees along the front boundary are to be retained and new planting proposed includes a mixed hedge and two new trees.

The proposed first floor extensions to the rear would sit above the existing single storey extension, the footprint of which would not increase. The first floor extension would be L-shaped. The extension on the south side of the rear elevation, closest to the adjoining

property of no. 2 Wood Road, would be sited 0.4m from the shared boundary and would project by 1.5m, being 2.6m wide. The part on the northern side of the property, closest no. 120 Framingham Road, would measure 3.7m wide, would project by 4.2m to the rear and would retain a gap of 3m to the shared boundary with no 2 Wood Road and a gap of 1.6 - 2.2m to the shared boundary with 120 Framingham Road.

The first floor extensions would have windows in the rear elevation, with the window adjacent to the boundary with 120 Framingham Road fixed shut and obscure-glazed to prevent overlooking into the neighbouring garden. The main outlook for the proposed bedroom in this section of the extension would be on the side elevation, which would face the side elevation and front garden of no. 120 Framingham Road.

#### **Value Added:**

The original plans showed two full-length, clear-glazed windows on the rear elevation of the proposed first floor extensions. The window on the rear extension closest to no. 120 also included a Juliette balcony. It was considered that the bedroom window on this section would result in unacceptable overlooking into the rear garden of no. 120; especially with a Juliette balcony window and that the size and siting of both windows in the rear elevation were too large and unbalanced. The design of these windows was therefore amended to be better aligned and more in keeping with the original property and the rear bedroom window closest no. 120 has been changed to a fixed, obscure-glazed window to allow light in while not adversely affecting neighbour privacy.

### **DEVELOPMENT PLAN**

The Development Plan in Trafford Comprises:

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

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

L7 – Design.

L4 – Parking.

For the purpose of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms.

### **OTHER LOCAL POLICY DOCUMENTS**

SPD3 – Parking Standards and Design  
SPD4 – A Guide for Designing House Extensions & Alterations

## **PROPOSALS MAP NOTATION**

None

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

The DCLG published the National Planning Policy Framework (NPPF) in 19 February 2019. 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.

## **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, and a further period of consultation on the revised draft ended on 18 March 2019. A Draft Plan will be published for consultation in Autumn 2019 before it is submitted to the Secretary of State for independent examination. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

## **RELEVANT PLANNING HISTORY**

91218/PAH/17 - Erection of a single storey rear extension with a maximum projection of 5 metres beyond the original rear wall, a maximum height of 4 metres and eaves height of 3 metres. Application for prior approval under part 1 of schedule 2 class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Prior Approval Not Required 26 May 2017

90800/PAH/17 - Erection of a single storey rear extension with a maximum projection of 5 metres beyond the original rear wall, a maximum height of 4 metres and eaves height of 3 metres. Application for prior approval under part 1 of schedule 2 class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Prior Approval Refused 21 April 2017



## **APPLICANT'S SUBMISSION**

N/A

## **CONSULTATIONS**

Highways – No objection

## **REPRESENTATIONS**

Councillor Thomas Carey, has called in the application in support of the concerns of the residents of no. 2 Wood Road. The objections of the adjoining resident of 2 Wood Road, and of Councillor Carey are summarised below:

- *The first floor rear extension does not comply with SPD4 in terms of its rear projection.*
- *If the 45 degree line shown on the drawings is taken into consideration it intersects with the rear extension anyway.*
- *The design of the rear extension is clearly functional to achieve roof pitches under the existing rear dormer. Therefore little consideration had been given to the actual aesthetic in association with the existing building character.*
- *This proposed addition becomes over development of a single family dwellinghouse.*
- *We believe this proposal is actually due to a further proposal of HMO which has not been made clear up front.*
- *The proposed garden and access plans will require the felling of 2 protected trees at the front of the property.*
- *The materials used already on the property are not in-keeping with the original structure and the works are not aesthetically pleasing in any way.*
- *Concerns that the construction work may disturb neighbours as past construction work at the property has resulted in disturbance, including on weekends.*

### **Officer's notes / clarification:**

Officers have received no information which would indicate that the application is for conversion of the property to a HMO. With regard to the trees it is noted that the two mature trees at the front of the property are not protected by a Tree Preservation Order, however it is proposed to retain the mature trees as part of the scheme.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The proposal is for alterations and extensions to an existing residential property, within a predominantly residential area. Therefore, the proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy.

### **DESIGN**

2. With regard to design and appearance, the proposal should meet with the requirements of the NPPF and Policy L7 of the Core Strategy and with SPD 4.
3. The proposed changes to the boundary treatment would be in keeping with the character of the area. The front wall and gates would remain at a similar height to the previous treatment. Currently on site there are gates in excess of 1.6m high (no planning history) and through the application process the height of the proposed gate has been reduced to 1.4m. The existing entrance adjacent to no. 120 would be blocked up and filled with brick and coping stone to match the existing wall. In addition the proposed new planting would soften the boundaries and introduce attractive greenery to the streetscene.
4. The application plot has an unusual shape, with most of its garden space sited to the side and front of the property. The proposed first floor extension would have a smaller footprint than the existing single storey extension and therefore does not take up any additional garden space. Whilst the extensions would be in close proximity to the rear and side boundaries, they are considered to be of a scale and massing that is proportionate to the host property.
5. The fenestration and roof pitch on the extensions seeks to complement that character of the existing dwelling, whilst being sensitive to the neighbouring properties. The pitched roofs over the first floor extension align with the main roof eaves and their ridges are set significantly lower than the main roof ridge, in line with SPD4 guidance. The window design was improved in the amended plans to be better aligned and more in keeping with the host property.
6. With the above points in mind it is considered that the proposed extensions and alterations would be in keeping with the scale and character of the property and would have no detrimental impact on the streetscene in line with SPD4 and Policy L7.

## RESIDENTIAL AMENITY

7. With regard to impacts on residential amenity, the proposal should meet with the requirements Policy L7 of the Core Strategy and with SPD 4 and be acceptable in terms of its impacts on privacy, light and outlook of neighbours.

### 2 Wood Road (adjoining property to the south)

8. The rear extension adjacent to no. 2 Wood Road would project by 1.5m from the original rear elevation, with a gap of 0.4m to the shared boundary. The deeper element of the extension, which is sited 3m from the shared boundary with no. 2, projects by 4.2m.
9. With regard to two storey/ first floor rear extensions SPD4 states: *3.4.3. For two storey rear extensions, normally extensions should not normally project more than 1.5m close to a shared boundary. If the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g, if an extension is 1m from the side boundary, the projection may be increased to 2.5m).* As such, both parts of the proposed first floor extension are in line with SPD4 guidance and it is considered that the proposed extension would not have a detrimental impact on the light or outlook of the residents of number 2 Wood Road, or appear as overbearing.
10. With regard to impacts on privacy, no windows are proposed facing number 2 Wood Road and as such the proposal would not have a detrimental impact on the privacy of residents.

### 120 Framingham Road (adjacent property to the north).

11. The rear extension adjacent to no. 120 Framingham Road would have a projection of 4.2m from the rear elevation, retaining a gap of between 1.6m – 2.2m to the shared boundary with no. 120. Although when viewed in isolation this element of the proposal would appear not to comply with SPD4 guidance, it is necessary to take into account the position of no. 120 in relation to the application property. Given the angle of no. 122 in relation to no. 120 the proposed first floor extension would not extend beyond the rear elevation of no. 120. Therefore the impact of the extension would be limited. It is not considered that the first floor extension would appear overbearing or result in a detrimental impact on the light or outlook of no. 120.
12. From the rear of the extensions to the rear of the site a distance of approximately 11m would be retained from the window in the shorter part of extension and between 3-6m from the deeper section of the extension. SPD 4 recommends a distance of 10.5m should be retained between rear habitable room windows and a site boundary overlooking a private garden. However, the application site has

an unusual shape in that its rear boundary is formed by the two side boundary fences coming to a point at the north-west corner of the site. The gardens of the properties either side come to a point also at the north-west end of the site. This means that whilst the proposed rear windows would not directly face into the garden of number 2 Wood Road, they would face the end part of the rear garden of number 122 Framingham Road.

13. It was therefore considered necessary to have the proposed rear window in the extension adjacent to no. 120 as fixed shut and obscure glazed (which is to be conditioned). This is to avoid overlooking into the garden of no. 120 Framingham Road, given the close proximity to the boundary. However to provide outlook to the bedroom within the rear extension a window is proposed on the side elevation looking towards the side elevation and front garden of no. 120. Whilst windows at first floor in side elevations are usually restricted, or conditioned to be obscure glazed, given the siting of the properties in relation to each other, the proposed side window would face away from the rear garden and look towards the front of the property. Furthermore, the window would be set off the side boundary by 5m and replaces an existing clear glazed window on the side elevation at first floor, although the proposed would be sited 1.2m further back along the side elevation. Taking in to considerations the factors above, the proposed window on the side elevation of the extension would not harm the privacy of the adjacent neighbours.

#### Properties opposite (east)

14. The proposed boundary treatments are considered to be acceptable and would enhance the streetscene. No changes are proposed to the front or side elevation and as such there would be no impact on the privacy or light of the properties opposite
15. Overall the proposal is considered to comply with policy L7 of the Core Strategy and SPD4 guidance and not result in harm to the residential amenity of surrounding properties.

#### PARKING AND HIGHWAY SAFETY

16. The proposed works will not result in any change in the number of bedrooms, however notwithstanding this, given the large front garden the site is considered to more than adequate off road car parking, with space for 3 cars shown on the proposed layout.
17. The proposed changes to the vehicle entrances are not considered to result in any change to highway safety and no objection is raised by the LHA.

## **DEVELOPER CONTRIBUTIONS**

18. The proposed development would increase the floorspace of the property by less than 100m<sup>2</sup> and as such would not be liable for CIL charging.

## **PLANNING BALANCE AND CONCLUSION**

19. The proposed development is considered, on balance, not to cause harm to the character and appearance of the dwelling and street scene by reason of its design, scale and materials, and therefore it is considered appropriate within its context. As such it is considered that the proposed development would be in accordance with policy L7 of the Trafford Core Strategy, SPD4 and government guidance contained within the NPPF requiring good design. In addition, the proposed development will have no significant impact in terms of any overbearing, overshadowing or overlooking impact and meets the aims of SPD4, the Core Strategy and the NPPF in this respect.

## **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: 05-19 FR103 Rev C; 05-19 FR102 Rev C; 05-19 FR104 Rev B and associated site location plan.

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

3. 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.

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

window in the first floor on the rear elevation (on the north side closest to 120 Framingham Road) facing west shall be fitted with 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.

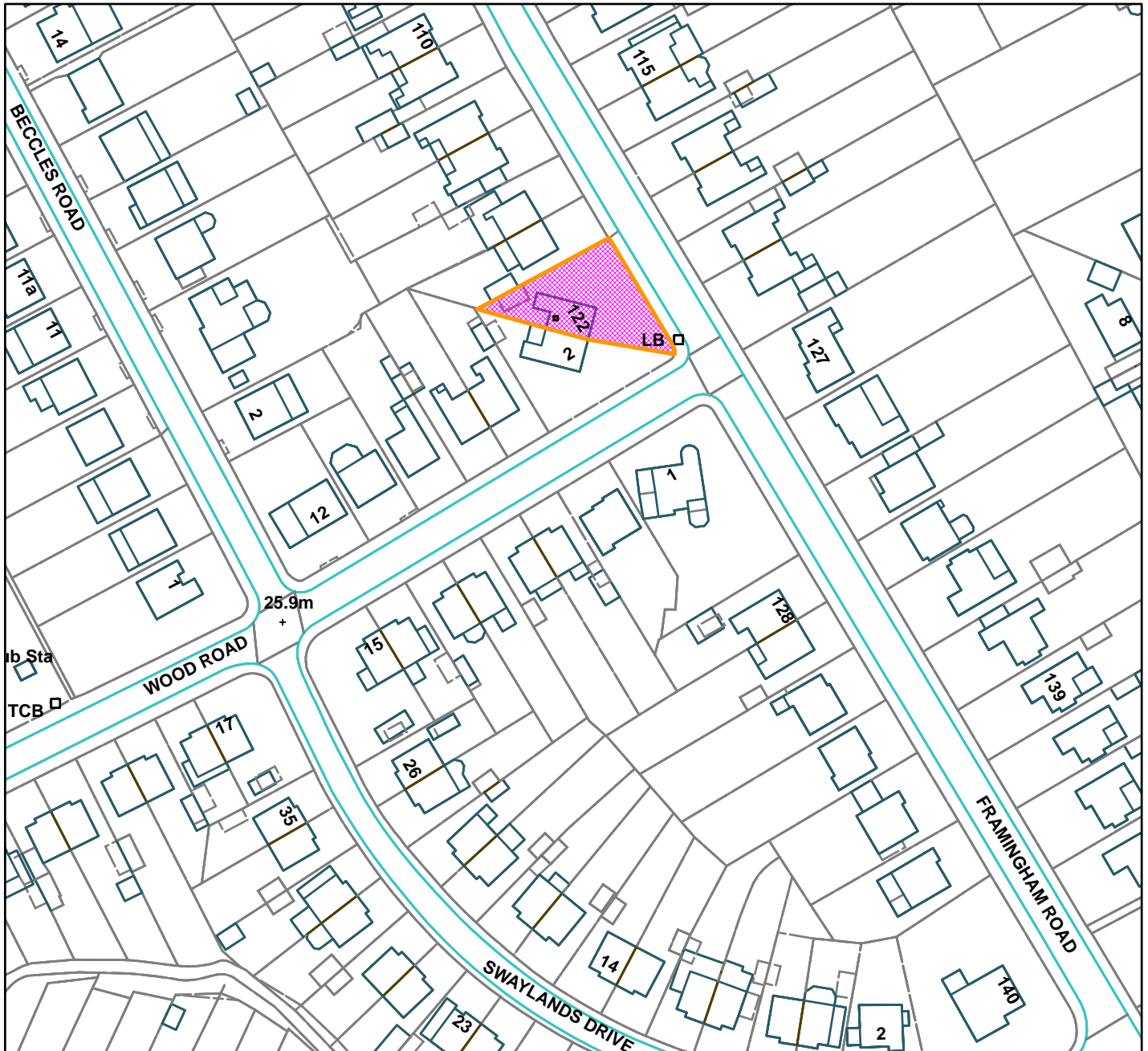
Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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TP



122 Framingham Road, Sale (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -10/10/2019
Date	30/09/2019
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