

**WARD:** Bowdon

**103905/HHA/21**

**DEPARTURE: No**

**Erection of a two storey front, part single storey part two storey side, and a single storey rear extension with the creation of a roof terrace to the rear. External alterations to include new windows and alterations to the rear roof shape.**

24 Bonville Chase, Altrincham, WA14 4QA

**APPLICANT:** Dr Chipang

**AGENT:** Mr Richards

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee as more than six objections have been received contrary to officer recommendation.**

### **SITE**

The site relates to a detached property on Bonville Chase in Altrincham, a cul-de-sac of relatively modern / late twentieth century dwellings. The property is located at the end of the cul-de-sac and the rear of the site is shared with Dunham Forest Golf and Country Club. The cul de sac is characterised by large, detached, two storey residential properties set well back from the streetscene with large gardens.

The application property has an existing two storey side / rear extension. The entire site is included within Tree Protection Order 076/ Bradgate Road/ Bonville Road.

### **PROPOSAL**

This application relates to a proposed two storey front extension, part two storey part single storey side extension, and single storey rear extension. A rear roof terrace would be formed on top of the central area of the flat roof rear extension, with a 1.8m high opaque screen to the eastern side. New windows are to be added to the property, and as a result of the works, the roof shape would be altered.

One tree would be removed as part of the works.

The increase in floor space of the proposed development would be 184m<sup>2</sup>.  
The total floorspace of the proposed development would be 544m<sup>2</sup>.

### **Value Added**

Amendments were made to the scheme following LPA Officer advice, regarding the roof terrace and the design of the side extension.

## **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**

L7 – Design

For the purpose of the determination of this planning application, this policy is considered 'up to date' in NPPF Paragraph 11 terms

## **PROPOSALS MAP NOTATION**

CDZ – Critical Drainage Zone

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

Community Forest / Tree Planting - ENV15/ENV16

## **PLACES FOR EVERYONE (PfE) (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9 August 2021 to 3 October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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) on 20 July 2021. 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 was updated on 1<sup>st</sup> October 2019. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

H/49659 - Erection of two storey side extension and associated alterations to form additional living accommodation. – Refused 09.03.2001

Reasons for refusal: -

1. The window within the first floor of the north elevation of the proposed extension would result in the significant risk of the overlooking of habitable room windows and the private garden area of 22 Bonville Chase, to the detriment of the reasonable amenity and privacy of the occupiers of 22 Bonville Chase. As such the proposal is contrary to Proposals D1 and D7 of the Trafford Unitary Development Plan, and the Council's Planning Guidelines 'House Extensions'.
2. The proposed extension, by virtue of its design, position, massing and impact on existing landscaping, would have a significantly detrimental impact on the street scene, the spacious character of the area, and on the visual amenities of the adjoining property. As such the proposal is contrary to Proposals D1 and D7 of the Trafford Unitary Development Plan.

86637/TCA/15 - Works to protected trees, specifically the felling and replacement of one Red Oak tree, one Beech tree, sundry Holly trees and sundry Cypress trees, together with the minor weight reduction of the longer limbs of one Oak tree. - 30.10.2015 - Consented

## **APPLICANT'S SUBMISSION**

Amended plans  
Amended site plan  
Arb report and method statement

## **CONSULTATIONS**

### **Arboriculturist -**

The mature trees within the proposal site are protected within area A1 of TPO076.

The tree T1 has a number of decay points in old pruning wounds and has a rather unbalanced crown, I therefore could not object to the removal of this tree. However, the tree currently provides significant screening between the dwellings and proposals

for planting to replace this screening should be submitted. Regardless of the Council's position, the tree cannot be removed without the tree owner's permission.

I have no other objections to the proposals providing the recommendations in the submitted Arboricultural Impact Assessment & Method Statement are followed and that the tree protection fencing, shown in the Tree Protection Plan No. 22/AIA/TRAFF/26, 03, is in place following the proposed tree works but prior to construction starting on site.

A replacement tree has been suggested by the Arboriculturist;

*'A single, medium sized, broadleaf tree would be acceptable, planted as close to the location of the oak as is reasonably possible. A young tree can be formatively pruned to reduce future problems with any overhanging of the canopy.'*

## **REPRESENTATIONS**

Seven objections have been received, with concerns detailed as below:

- The proposed design is not in keeping with the streetscene
- The proposal would be over dominant in mass, size and scale
- Disproportionate extension over and above the original property
- Windows would not be reflective of the main dwelling
- Alterations to the roof would incur significant loss of light
- Concerns regarding drainage
- The roof terrace would be overbearing and incur loss of privacy to No 9
- The Juliet balcony would not provide sufficient mitigation to prevent the flat roof area being used as a roof terrace
- Front elevation windows are much deeper and vertical than others
- The site plan does not correlate with the validation checklist
- Location of the side extension bedroom windows will result in overlooking of habitable room windows at No 22, less than 21m away
- The single storey elements do not resolve the concerns in relation to massing
- The tree protection plan does not show tree T1's canopy correctly and lacks information
- Loss of spaciousness within the plot
- Insufficient information relating to the relocation and management of the existing manhole.
- There may be a restrictive covenant relating to a Holy Shrine in the rear garden of No 24, built by the Franciscans, which must be maintained at all times. Further development on the site by the rear extension and excavation works may further damage the shrine.

*Concerns regarding design, residential amenity and trees will be considered in the observations section of this report.*

*Concerns regarding drainage would be a matter for Building Regulations.*

*The application was submitted prior to the adoption of the 2021 Validation Checklist, and a subsequent amended site plan has been submitted.*

*Matters relating to a restrictive covenant would not be a material planning consideration.*

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. The proposal is for an extension to an existing residential property within an established built up area and therefore extensions and alterations are acceptable in principle subject to there being no harm to the character and appearance of the property through unsympathetic design or harm to the amenity of neighbouring properties. The proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy

### DESIGN AND APPEARANCE

2. Paragraph 126 of the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
3. Paragraph 136 states: *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes*
4. 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.*
5. SPD4 'A Guide to Designing House Extensions and Alterations' sets out specific requirements that all householder developments should strive to achieve in terms of how an extension relates and responds to the character of the existing dwelling house.
6. The proposed two storey front extension would project 1.7m forward of the front elevation and would be 7.6m away from the shared boundary with No 9, 8.5m away from the shared boundary with No 22, and 21m set back from the front

boundary. The proposed extension would form a main gable central to the front elevation of the property with the height of this gable and the adjacent gable to the east being increased by 700mm in comparison with the existing front gable together with a slight increase in the roof pitch.

7. The proposed part two, part single storey side extension would project 6.8m from the side of the main dwelling, and would not be any wider than the existing two storey side extension on the property. The proposed ground floor would have a minimum 4.5m distance to the shared side boundary with No 22. The side extension would not project further to the rear than the existing two storey side extension.
8. To the front elevation, the proposed side extension would have a single storey element with a lean to roof housing a garage. The lean to roof would be considered appropriate within the streetscene, and acceptable in design terms. The two storey element of the side extension would have a front gable, reflecting the design of the two gables on the main front elevation but with the eaves and ridge set slightly lower to allow this to appear subservient to the main frontage.
9. The proposed front windows would be of a Georgian style design, with headers and sills consistent across the front elevation. It is noted that the design of the front elevation would vary significantly from the neighbouring properties and from the other proposed elevations of the application property. However there is significant variation within the streetscene. Furthermore, the front elevation would have a coherent and consistent design approach. As such, it is considered that the proposed design including the alterations to the fenestration and the gables would be acceptable, and would not have a detrimental impact on the visual appearance of the street scene.
10. The proposed rear windows are of a modern design, which would not be visible from the streetscene. The proposed materials are to match the main dwellinghouse, however, it is recommended that samples/details of materials would be secured by condition.
11. The proposed single storey rear extension would project 5.1m from the rear of the main dwelling, and would be 12.1m in width, replacing the existing single storey rear extension. A roof terrace would be sited on top of the flat roof of the single storey extension, positioned 7m away from the shared boundary with No 9. A 1.8m high obscurely glazed screen of 4.8m in depth, would be provided on the eastern side of the terrace. Additionally, the 1.1m high balustrade on the south side of the terrace facing onto the rear garden, would be set back 750mm from the edge of the roof terrace.
12. The proposed flat roof extension would be single storey and subordinate to the existing dwelling and the flat roof extension, privacy screen, balustrade and Juliet balcony would be sited to the rear of the dwelling, facing Dunham Forest Golf

and Country Club, and as such would have no unacceptable amenity impact on the streetscene.

13. Whilst it is recognised that the extensions are relatively large, it is considered that they are not disproportionate in relation to the size of the existing dwelling or the plot. The side extension would not project any further to the side compared with the existing side extension and would retain a minimum of 4.5m at ground floor. It is therefore considered that there would be no unacceptable impact on the spaciousness of the area.
14. It is noted that permission H/49659 was refused for a two storey extension in 2001, partly on the grounds that it would have had a detrimental impact on the street scene and the spaciousness of the surrounding area. However, in that case, the extension would have projected significantly further to the side, approximately doubling the width of the original property, and it is therefore considered that the current proposal would not be comparable with this previous scheme.
15. As such, it is considered the proposed extensions would result in no harm to the character, design or appearance of the host dwelling or the character and appearance of the surrounding area, complying with all guidance as laid out within SPD4; and achieving the overall aims of Policy L7 of the Trafford Core Strategy and the NPPF.

## RESIDENTIAL AMENITY

16. In relation to householder extensions, both the NPPF and Policy L7 of the Trafford Core Strategy strive to ensure that development has no unacceptable negative impacts upon neighbouring or future occupiers.
17. Guidance contained within SPD4 states that it is important that extensions or alterations do not impact adversely upon neighbour amenity and sets out specific tests that should be applied to a variety of types of householder extensions to assess their impacts.
18. The relationship between the proposed development and adjacent Nos. 9 and 22 Bonville Chase, as well as properties further north on Bonville Chase, shall be assessed.

### Impact on No. 9 Bonville Chase

19. The proposed single storey rear extension would project 5.1m from the rear of the main dwelling, and would be 12.1m in width. The extension would be sited 2.2m away from the shared side boundary with No 9 and would therefore comply with the SPD4 guidelines in terms of projection. Given the gap to the boundary and the flat roof height of 3m, it is not considered the proposed single storey rear

extension would incur any unacceptable impact on No. 9 as a result of overbearing or overshadowing.

20. A roof terrace would be sited on top of the flat roof single storey extension, positioned 7m away from the shared boundary with No 9. A 1.8m high obscurely glazed screen of 4.8m in depth, would be provided on the eastern side of the terrace, to prevent any undue overlooking of the neighbouring dwelling. Additionally, the 1.1m high balustrade facing south onto the rear garden, would be set back 750mm from the edge of the roof terrace, to further restrict any views into the rear garden area of No 9.
21. It is recommended that a condition is attached preventing the use of the part of the flat roof immediately adjacent to No 9 as a balcony in order to protect the amenity of this neighbouring property. Subject to this condition, it is considered that there would be no unacceptable overlooking impacts from the roof terrace on this neighbouring property.
22. A Juliet balcony is proposed on the rear bedroom window adjacent to the area of flat roof that would not be used as a balcony. It is recognised that a Juliet balcony can normally be provided on an existing window under permitted development rights and, as such, it is considered that this would be comparable to the impact of a normal window and would not result in any unacceptable overlooking impacts on No. 9.
23. Proposed windows to the ground floor would be screened by the existing mature hedging located between the two properties.
24. The proposed increase in height of the front gable is not considered to have any unacceptable overbearing or overshadowing impact in relation to the front windows of No 9.

#### Impact on No. 22 Bonville Chase

25. The proposed front gable extension would maintain 8.5m to the side boundary to No 22, and would not have any unacceptable overbearing or overshadowing impact on that property.
26. The proposed part two storey, part single storey side extension would project 6.8m from the side of the main dwelling, and would not be any wider than the existing two storey side extension on the property. The proposed ground floor element would have a minimum 4.5m distance to the shared side boundary with No 22. The side extension would not project further to the rear than the existing two storey side extension. The proposed first floor windows in the front elevation of the extension, serving a bedroom, would be set back 1m from the ground floor element, and would retain a 10.8m minimum distance to the south eastern corner of the dwelling at No 22. While the proposed extension does step forward



significantly when compared to the existing side extension, it is not considered to have any unacceptable overbearing or overshadowing impact on No 22, given the orientation of the two properties, which are at right angles to one another.

27. The plans have been amended to remove any habitable room windows at first floor level on the side elevation of No 22 and the remaining windows, serving an ensuite and dressing room would be conditioned to be obscure glazed and fixed shut up to 1.7m above floor level. On the front elevation of the extension, there would be two bedroom windows at first floor level. It is recognised that there are main habitable room windows in the side elevation of No. 22 and that it is proposed to remove the tree on the boundary that currently provides some screening. Whilst it is recognised that the proposed windows would be at right angles to those in the side of No. 22, it is considered that there could be some views from the proposed bedroom window closest to the boundary towards the garden and windows of No. 22. It is therefore recommended that this westernmost window be conditioned to be obscure glazed and fixed shut up to 1.7m above floor level with outlook being provided from the other window serving this room, which is positioned further from the boundary. The proposed rear terrace area would be over 10.5m from the boundary with No. 22 and would not result in any undue overlooking of that property.

#### Impact on other neighbouring properties

28. The proposed front extension would maintain a 21m distance to the highway, and as such it is not considered the proposals would have any unacceptable amenity impact upon properties to the north on Bonville Chase.
29. Given the golf course to the rear of the site and the extensive mature planting, there would not be any unacceptable amenity impact to the rear.
30. It is therefore considered that there would be no unacceptable impacts on the residential amenity of any neighbouring properties and that the proposed extensions would comply with Policy L7 of the Core Strategy in this respect.

#### Trees

31. It is noted that a protected tree sited between No 22 and No 24, identified as T1 on the accompanying arboricultural statement and plans, is to be removed as part of the works. Having regard to the tree officer's comments, given the current condition of the tree, there are no objections to its removal. Species to be replanted have been recommended to the applicant by the tree officer, and appropriate conditions will be secured to ensure appropriate replanting.

#### Parking

32. The proposed extensions would increase the number of bedrooms on the property to five. Given the 21m distance to the front boundary, there is sufficient space for parking available on the plot and, as such, the proposals would have no unacceptable parking impact.

## DEVELOPER CONTRIBUTIONS

33. 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).

## PLANNING BALANCE AND CONCLUSION

34. The proposed development would be acceptable in terms of design and impact on visual amenity and would not have any unacceptable impact on the residential amenity of neighbouring properties. The proposal would also be acceptable in terms of impact on trees and parking impacts. As such, the proposed development would comply with Policy L7 of the Trafford Core Strategy and guidance in the NPPF and it is recommended that planning permission is granted, subject to conditions.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 30321/1 Rev E, 2 REV C, 3 REV C, 4 REV C, 5 REV A, 6 REV D, received by the local planning authority on 19<sup>th</sup> April 2022, and the 1:1250 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. Notwithstanding any description of materials in the application no works involving the use of any materials to be used externally on the building shall take place until samples and / or full specification of all such materials (including windows, doors, garage doors, roof tiles, brick, guttering, pillars, plinths, balustrade and opaque screen), have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order), the flat roof area of the extension above the proposed gym and adjacent to the juliet balcony hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area, and no railings, walls, parapets or other means of enclosure shall be provided on that roof unless planning permission has previously been granted for such works.

Reason: To protect the privacy and amenity of the occupants of the adjacent dwellinghouses, 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 National Planning Policy Framework.

5. 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), the first floor balcony / roof terrace above the kitchen / family room shall not be brought into use unless and until a 1.8m high obscure glazed privacy screen (which obscuration level is no less than Level 3 of the Pilkington Glass scale or equivalent) and a 1.1m high balustrade have been provided in accordance with the details shown on the approved plans, numbers, 30321/2 Rev. C, 30321/3 Rev. C and 30321/6 Rev. D. The privacy screen and balustrade shall be retained at all times thereafter.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the first floor on the side (west) elevation and the westernmost window in the first floor on the front (north) elevation, both facing 22 Bonville Chase, shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

7. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with the Tree Protection Plan No.

22/AIA/TRAFF/26, 03 and BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

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

8. The development shall be implemented in accordance with the submitted Arboricultural Impact Assessment and Method Statement, 22/AIA/TRAFF/26 – January 2022.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

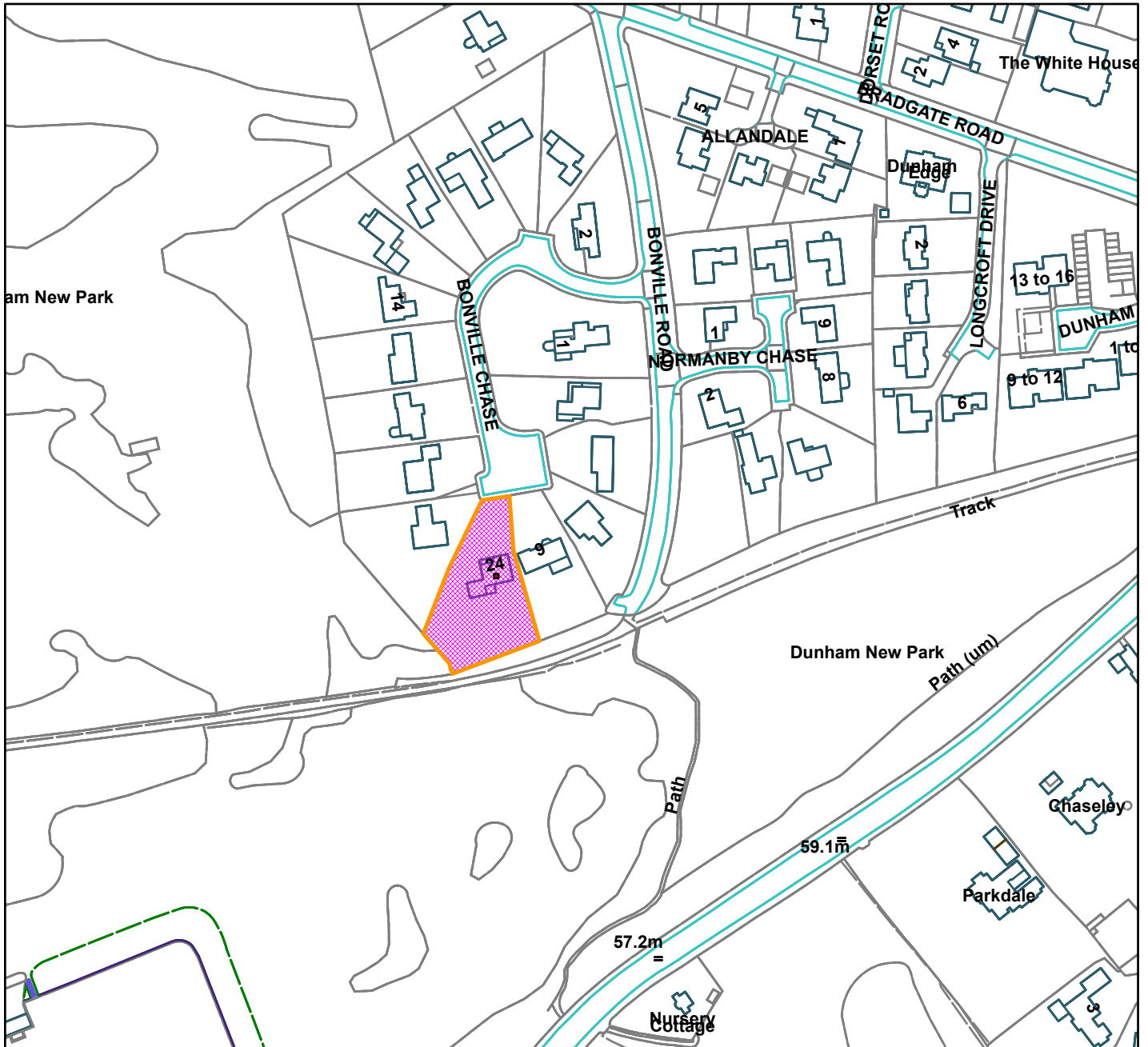
Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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RGR



24 Bonville Chase, Altrincham (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/05/2022
Date	29/04/2022
MSA Number	100023172 (2012)

**WARD:** Davyhulme West

**105482/HHA/21**

**DEPARTURE: NO**

**Erection of single storey rear extension and new rear dormer to accommodate loft conversion.**

5 Knowsley Avenue, Davyhulme, M41 7BT

**APPLICANT:** Mr James Nichols, JMKN LLP

**AGENT:** Mr Richard Floyd, RJF Design

**RECOMMENDATION: REFUSE**

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**The application has been reported to the Planning and Development Management Committee as an officer of the Council could be deemed to have an interest in the application.**

### **SITE**

This application relates to 5 Knowsley Avenue, a two storey mid-terrace property to the east side of Knowsley Avenue, Davyhulme. The property is built in red brick with a grey slate roof. It has a two storey outrigger to the rear. The site has a small garden to its front and a larger area of private garden space to the rear. Parking is provided on street. The application site is in a residential area.

### **PROPOSAL**

Planning permission is sought for the erection of a single storey rear extension and a rear dormer.

The single storey rear extension would wrap around the original two storey rear outrigger without attaching to the main rear elevation of the dwelling. The extension would project 3m to the rear of the outrigger and 700mm to its side. It would retain a 1m gap to the main rear elevation of the property allowing for the retention of the rear ground floor main habitable room window. There would be a gap of 900mm to the side boundary shared with no. 7.

The rear dormer would have a height of 1.7m, a width of 3.3m and a depth of 3.2m. It would have a flat roof.

### **Value Added**

Officers requested revisions to the scheme in order to reduce the scale of the single storey rear extension to comply with the SPD4 guidelines but the applicant did not wish to amend the plans.

### **DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF)

development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES AND OBJECTIVES**

L7 – Design

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPD4- A Guide for Designing House Extensions and Alterations

## **POLICIES MAP NOTATION**

None

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

None

## **GREATER MANCHESTER SPATIAL FRAMEWORK/PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The MHCLG published revised National Planning Practice Guidance (NPPG) on 29 November 2016, which was last updated on 01 October 2019. The NPPG will be referred to as appropriate in the report.

## **NATIONAL DESIGN GUIDE**

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

100105/HHA/20- Erection of single storey rear extensions and a rear dormer.  
Approved with Conditions - 14 August 2020

## **APPLICANT'S SUBMISSION**

The applicant's agent has submitted emails in support of the application which include 3D images of the scheme. The key points are summarised as follows:

- The extension is to the north of no. 7 so there is no possibility of overshadowing.
- The proposal extends no further than the extension to no. 7.
- To reduce the extension to comply with SPD4 would not allow sufficient space for the room to function.
- The residents of no. 7 raise no objection to the scheme.
- The eaves face no. 7 which reduces impact.
- The current proposal would be more respectful to, and less imposing on, no. 7 than the approved scheme.
- The extension is similar in footprint to an extension at no. 1.
- The dormer has been reduced in width.
- The rear extension is designed to be subservient to the main house. Removing part of the extension would cause design issues.

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

Two letters of objection have been received which raise the following concerns:

- The development will increase demand for car parking which already causes issues on the street.
- The extension will obstruct views from neighbouring properties.
- The gutter will hang over the building line.
- There is nowhere for the water from the gutter to drain.
- The unorthodox roof is unsuitable - all other properties have mono-pitched extensions.
- Works to a shared boundary wall are queried.
- A hipped roof should be used instead of a gable to reduce impact on neighbours.

*The proposed drawings show the development entirely within the curtilage of the application site. The agent has signed Certificate A to certify that the land to which the*



*application relates is wholly within the applicant's ownership. The issue of overhanging gutters is therefore not considered further.*

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. Householder extensions and alterations are acceptable in principle subject to there being no undue harm to the character and appearance of the property through unsympathetic design or unacceptable harm to the amenity of neighbouring properties and residential areas. Further to this, issues relating to parking provision are also to be considered. There are no additional constraints in this instance.
2. The proposal has been assessed against Core Strategy Policy L7 and guidance contained in SPD4.

### DESIGN AND VISUAL AMENITY

3. Paragraph 126 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 134 states that "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design..."
4. Policy L7 of the Core Strategy states that, in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
5. The Council's guidance on designing house extensions is set out in SPD4. In relation to rear extensions, it states, "The detailed design of a rear extension, including proportions and dimensions, should be reflective of the main building and respect important elevation features such as decorative bays. Pitched roofs are often more visually appropriate, relating better to the main dwelling and generally requiring less maintenance. An extension should also be proportionate to the dwelling in size and should not appear too bulky in relation to the host dwelling. It should not occupy a disproportionate amount of the garden to appear out of character with the surrounding residential area."
6. In relation to dormers, SPD4 states: "Dormers should match the style and proportions of the windows below and as far as possible be vertically aligned with openings below. The openings in dormer windows should be smaller than those in the original elevation otherwise they can appear top-heavy. Large dormers

with large expanses of glazing should be avoided as these can dominate the roof line. It is better to have two smaller dormers rather than one large dormer.”

7. The rear extension would not appear dis-proportionate to the main dwelling or overly bulky. Its use of a dual-pitched roof relates acceptably to the design of the dwelling and sufficient garden space would be retained. It is considered to be acceptable in visual amenity terms.
8. The proposed dormer does not meet SPD4 guidance. It is excessively bulky and its flat-roof design does not complement the character of the host dwelling. The dormer would be set in from the eaves and from the sides of the roof but would still occupy a large proportion of the rear roof plane. Nevertheless, the extant planning permission 100105/HHA/20 permitted a wider rear dormer and it is considered that the current proposal would not have any more detrimental impact than this in visual amenity terms. It is recognised that this permission could still be implemented if the current application were to be refused and that this represents a realistic fallback position. This fallback position is a material consideration which should be given significant weight and it is considered that this would outweigh the identified harm in design terms.
9. Having regard to the fallback position, the application is therefore considered to be acceptable on visual amenity grounds with regard to Policy L7 of the Core Strategy, SPD4 and NPPF guidance.

#### RESIDENTIAL AMENITY

10. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
11. SPD4 states the following of particular relevance to the current planning application:
  - All rear extensions should avoid overshadowing, physically dominating or overlooking neighbouring dwellings. Large extensions which restrict light to a large part of a neighbouring garden for sitting out and/or which block light to the habitable rooms of a neighbouring dwelling will not be considered acceptable.
  - Normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of semi-detached and terraced properties... 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 4m for a semi-detached or terraced extension).
  - Dormer windows should not adversely overlook neighbouring properties. The relationship between a proposed dormer window and surrounding private garden areas and habitable room windows will be carefully assessed. A separation distance of 13.5m should be retained between any

dormer at second floor or above and any boundary adjacent to private garden space.

### Impact on 7 Knowsley Avenue

12. The rear extension would project 5.7m to the rear of a ground floor main habitable room opening in the rear elevation of no. 7 Knowsley Avenue. It would have a separation distance of 900mm to the side boundary. The SPD4 guidance on the projection of single storey rear extensions would therefore be exceeded by 1.8m.
13. There is a fence on the boundary with No. 7 that varies in height between approximately 1.7m to 1.8m. The proposed extension would have an eaves height of approximately 2.7m and a ridge height of approximately 3.5m with the roof pitched away from the boundary. The extension would be to the north of No. 7 and would therefore not result in undue overshadowing of that property. However, whilst it is recognised that there is already some overbearing impact from the existing two storey outrigger, the proposed extension would project to the side and significantly to the rear of this and it is considered that the expanse of brickwork and associated roof structure, due to its excessive rear projection, would introduce undue visual intrusion and overbearing impact to the occupiers of no. 7. This would be to the detriment of the residential amenity that they could reasonably expect to enjoy.
14. The rear extension would similarly impact on the area of rear amenity space at no. 7 immediately adjacent to the proposed extension. It is recognised that no. 7 has a long rear garden but it is nevertheless considered that the proposed extension would cause unacceptable visual intrusion and an undue sense of enclosure to the area of private amenity space immediately to the rear of the dwelling.
15. The applicant's agent has submitted comments in support of the proposals including 3D images. The images appear to represent a view from a point well within the neighbour's main habitable room and at an angle which reduces the visibility of the proposed rear extension. An occupant positioned closer to the rear-facing door, or further away from the side boundary, would have a significantly greater view of the extension than the 3D images suggest. The impact of the extension on the adjacent area of private amenity space to the rear of no. 7 also has to be considered.
16. The agent has compared the submitted scheme with the existing extensions at No. 7 and No. 1 Knowsley Avenue as well as the previous permission at the application property. It is likely that the extension at No. 7 was built under permitted development rights and, unlike the current proposal, it does not project to the side of the outrigger. There is no planning history at No. 1 but the extension is likely to pre-date the adoption of SPD4 in 2012. Moreover, No. 3 also has a rear extension, meaning that the impact of that extension on No. 3 does not appear to be harmful and is not comparable with the relationship proposed in the current scheme.

17. In relation to the extant permission at the applicant property, this includes a 2.7m long rear extension with a 300mm gap to the side boundary with no. 7 and a further 3m long rear extension to the rear of the two storey outrigger. These extensions could have been erected under permitted development rights whilst the current proposal cannot be. Moreover, the element closest to the boundary with no. 7 would have a significantly lower eaves height than that proposed in the current application and would comply with SPD4 in that its rear projection would not exceed 3m in addition to the gap to the boundary. The current scheme is not considered to be an improvement over the extant scheme in residential amenity terms.
18. No representations have been received either in support or in objection to the application from the residents of no. 7. The impact of the proposal on the residential amenity of current and future occupiers of no. 7 nevertheless has to be considered and the extension is considered to be harmful in this regard.
19. The justification submitted by the applicant's agent and the comparisons with the extensions at neighbouring properties have been taken into account in the assessment of the application. However, it is considered that the proposed development would have an unacceptable overbearing impact and result in undue visual intrusion and an unacceptable sense of enclosure for the occupants of 7 Knowsley Avenue.

#### Impact on 3 Knowsley Avenue

20. The extension would project less than 3m beyond the rear elevation of no. 3 Knowsley Avenue and would not be expected to cause undue visual intrusion or overbearing impacts in this respect. The single storey nature of the extension also ensures there are no privacy concerns. There are no further concerns in relation to the proposed single storey rear extension.

#### Impact of Dormer Extension

21. The proposed rear dormer is set in further from the side boundaries compared with the dormer approved under the extant permission. Its position within the roof and its scale and massing would ensure that it would not cause harm to neighbours by way of visual intrusion, overbearing impacts or overshadowing. Rear gardens are in excess of 25m long and so there are no privacy concerns.

#### Conclusion

22. The proposed single storey extension would cause harm to the residential amenity of the occupiers of no. 7 Knowsley Avenue by way of introducing undue visual intrusion and an unacceptable overbearing impact and sense of enclosure. This is contrary to Policy L7 of the Core Strategy, SPD4 and relevant NPPF guidance. It is recommended that planning permission is refused for this reason.

#### **PARKING**

23. The proposed loft conversion and erection of a rear dormer would increase the number of bedrooms at the property from two to three. There is no additional SPD3 parking requirement for three bed dwellings over two bed dwellings. The applicant would also be able to erect a rear dormer under the extant permission and would not need planning permission for a loft conversion. It is therefore considered that the proposed development is acceptable in terms of parking impacts.

## PLANNING BALANCE AND CONCLUSION

24. Having regard to the fallback position in relation to the extant consent for a rear dormer extension, the proposal is considered to be acceptable in terms of visual amenity. The proposal would also be acceptable in terms of parking and highway safety impacts.

25. However, the single storey rear extension would introduce unacceptable visual intrusion, sense of enclosure and overbearing impacts to the occupiers of no. 7 Knowsley Avenue. This would have a detrimental impact on the amenity that the occupiers of that dwelling could reasonably expect to enjoy. As such, the proposal would be contrary to Policy L7 of the Core Strategy, SPD4 and relevant national guidance on residential amenity grounds.

26. It is therefore recommended that planning permission is refused.

## **RECOMMENDATION:**

### **REFUSE**

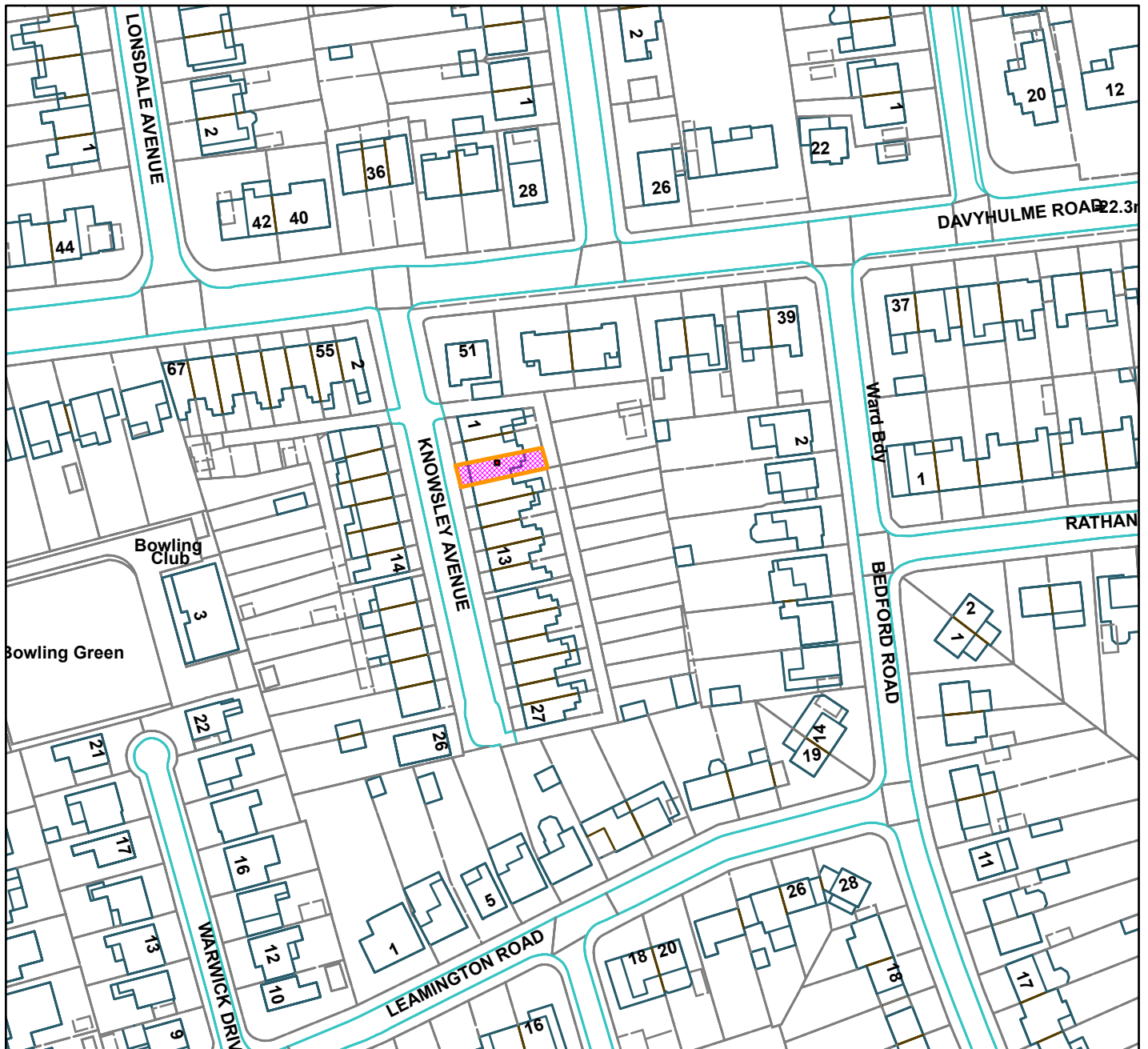
1. The proposed rear extension, by reason of its size, scale, height, massing, siting, projection and proximity to the common boundary with No. 7 Knowsley Avenue, would have an unacceptable overbearing impact and result in undue visual intrusion and an undue sense of enclosure when viewed from the rear main habitable room opening of that property, and from its adjacent rear amenity space. The proposed development would therefore have a detrimental impact on the amenity that the occupiers of that dwelling could reasonably expect to enjoy. As such, the proposal would be contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document, SPD4: A Guide for Designing House Extensions and Alterations, and guidance contained within the National Planning Policy Framework.

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JW



5 Knowsley Avenue, Davyhulme (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/05/2022
Date	29/04/2022
MSA Number	100023172 (2012)

**Change of Use of part of the building from C3(a) to E(f) use to form a Montessori school (day nursery) with associated parking, maintaining a self-contained residential dwelling, along with a single storey extension following demolition of existing outbuilding.**

Inglewood House, Hall Lane, Partington, M31 4PY

**APPLICANT:** Mrs Roberts Class Ecole Montessori

**AGENT:** Calderpeel Architects

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as more than six objections have been received contrary to officer recommendation**

### **SITE**

The application site is approximately 510 sq. m in area and comprises of a two / three storey residential dwelling. A smaller two storey cottage style building is attached to a larger two/three storey dwelling. It appears that the site was previously built and historically used as two separate dwellinghouses - Inglewood Cottage and Inglewood House. Council Tax records show that from around 1993 the site became one dwellinghouse/unit. According to the submitted plans, these buildings have remained standalone (i.e. no doorways have been punctured through adjoining walls).

The external walls of the building (both elements) are rendered in white, windows mainly consist of white uPVC frame double glazing with black painted stone cills, and the gabled roof is clad in slate. An open porch is sited on both the front elevation of the House and the Cottage. The boundary treatment comprises of a part stone wall (rear part of side boundary) and brick wall with piers and timber infill panels. A driveway leading to a detached garage is accessed from Inglewood Close.

The surrounding area is predominantly residential in nature. Manchester Ship Canal is located to the north of the site and the land between has permission for 151 dwellings. Preliminary works on this residential development have commenced. A public right of way is located 18m northeast of the application site.

### **PROPOSAL**

Planning permission is sought for the change of use of part of the existing single dwellinghouse to a nursery (Inglewood House) and the retention of a self-contained residential dwelling (Inglewood Cottage and outbuilding). The nursery (located within the House) would include 4 classrooms across two floors with storage allocated on the

second floor. A kitchen would be located in the single storey side extension and a toilet would be formed in a new small extension, following demolition of the lean-to. The proposed extension would measure circa 1.3m (D) x 1.8m (W) and the existing roof slope would extend over the new extension.

The existing driveway would be extended to allow for 5 no. staff/drop-off parking spaces. The submission explains the modes of travel to work for the current 4 no. members of staff would be as follows: two via private car; one via public transport and the other would cycle.

An Acoustic Planning Report was submitted in support of the application and produced on the following understandings:

- The proposed nursery would operate between 08:00 & 18:00 Monday to Friday.
- Maximum of 4 no. classrooms
- Maximum of 8 no. children per class with a teacher
- Each class would have 1 no. 30 minutes of outdoor play session per day with a minimum of 30 minutes between sessions
- Typically parents would drop off children between 08:00 and 10:00 hours and pick up between 16:00 and 18:00 hours

It is noted that the proposed retained self-contained dwelling was not assessed as a nearby sensitive noise receptor within the report. The applicant has confirmed the dwelling would be occupied by a member of staff once refurbished. This is also a requirement of Ofsted.

During the course of the application, the applicant submitted a Noise Management Plan and Daily Routine schedule. These documents include minor changes to the operation, including the outdoor play sessions, as set out within the Acoustic Planning Report. The findings of the report are therefore relevant in terms of the noise impacts from the proposed maximum number of children both indoors and outdoors at any one time, as well as the hours of use and drop off and pick up. The routine indicates that outdoor activities would operate between the hours of 11:00 & 12:30, and 13:30 & 16:00 each day (and would not necessarily include 30 minute breaks between each outdoor session). It is further noted that the morning is dedicated to play, whilst the afternoon is focused on education and could consist of quiet gardening, a forest walk, and environmental education indoors or outdoors.

The applicant has also confirmed:

- The site is registered for 30 children (24 toddlers and 6 babies)
- The children's age range is from 0 – 5 years
- Some of the toddlers would be sleeping after lunch (1pm – 3.00pm) for an hour or two depending on their natural needs
- The parents can currently pick-up their children from 2pm onwards depending on the hours booked



The Noise Management Plan and updated Site Plan shows the areas of Outdoor Play and the intention of installing rubber surfacing for areas used for noisier activities. It also details measures to keep noise and disturbance to a minimum.

As set out in the supporting information, the applicant has been running an 'Ofsted Outstanding' rated Montessori nursery school for over 12 years within Trafford and has now come to a stage where they need to relocate for personal reasons. The applicant proposes to convert the existing dwelling – Inglewood House – into a four classroom Montessori Nursery/School and retain the smaller adjoined building (Cottage) in residential use. The dwelling would be occupied by the applicant or other staff member.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes

L2 – Meeting Housing Needs

L3 – Regeneration and Reducing Inequalities

L4 – Sustainable Transport and Accessibility

L7 – Design

## **PROPOSALS MAP NOTATION**

Priority Regeneration Area (Partington)

## **OTHER LOCAL POLICY DOCUMENTS**

SPD3 – Parking Standards and Design (February 2012)

SPD4 – A Guide for Designing House Extensions and Alterations (February 2012)

PG5 – Day Nurseries and Playgroups (Revised 1991 and 1997)

## **GREATER MANCHESTER SPATIAL FRAMEWORK/PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford,

Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is now at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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) on 20<sup>TH</sup> July 2021. 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 was updated in June 2021. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

**76718/HHA/2011** - Erection of single storey side and rear extension to provide garage and workshop associated with dwellinghouse. Refused 01 June 2011 for the following reason:

*The proposed extension by reason of its length, height and scale in close proximity to the common boundary with the adjoining property, no. 2 Inglewood Close would give rise to undue overshadowing and loss of light and would have an unduly overbearing effect and create an unacceptable sense of enclosure to the detriment of the amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to Proposals D1 and D6 of the Revised Trafford Unitary Development Plan and the Council's approved Planning Guidelines: House Extensions.*

### **APPLICANT'S SUBMISSION**

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

- Business Case
- Noise Assessment (Lighthouse Acoustics)

The following additional information was provided on 14<sup>th</sup> February 2022:

- Complaint Policy
- Complaint Record Template
- Daily Routine and Class Timetable
- Noise and Traffic Statement
- Staff Members Method of Travel to Work

- Inclusion and Equal Opportunity Policy
- SEN and Disability (SEND) Policy 2022

The following additional information was provided week commencing 28<sup>th</sup> March 2022:

- Noise Management Plan
- Updated Site Plan
- Updated Daily Routine

## **CONSULTATIONS**

**Trafford Council Education** – No objection in relation to school admissions and no developer contributions required.

**Trafford Council Pollution & Licensing– Nuisance** – No objection subject to conditions in relation to the revised Noise Management Plan (in conjunction with the site plan and 'Daily Routine'); acoustic fencing; fixed plant and machinery; deliveries and waste collections; and one year permission.

**Local Highway Authority** – No objections subject to conditions in relation to cycle parking (a minimum of two secured and covered), and the number of classrooms limited to a maximum of four.

**Cadent Gas** – No objection to the proposed development, however provided an informative note.

**Partington Town Council** – Asked for confirmation of the age ranges (17<sup>th</sup> December 2021). Age range provided 4<sup>th</sup> January 2022. No further comments received.

## **REPRESENTATIONS**

The application has received a total of 15 objections and 9 letters of support.

The **objections** are summarised as follows:

### *Highway concerns*

- Inadequate parking provision on-site
- Additional traffic and congestion from proposed use
- Health and safety concerns (for drivers and pedestrians, including children) in relation to increased traffic and potential hazardous parking on the existing road network (young children play out on local, quiet roads)
- Existing construction traffic resulting in congestion, then once complete hundreds of extra vehicles on Hall Lane – nursery would exacerbate issue

### *Noise and disturbance*

- Noise from children would be heard from neighbouring gardens
- The additional noise of the outdoor play area and will have a detrimental impact on myself and other residents due to its close proximity to our properties

### *Other matters*

- Proposed use would lower the house values in the close vicinity
- Letters of support are from outside of the area
- Existing parents will be travelling from outside the area, therefore no more places for local residents
- This establishment could impact other childcare services within the area and could cause job cuts if the new school opens so close to other sites.
- Already a number of schools and nursery's in the area

The letters of **support** have been summarised as follows:

- Nursery would be a great benefit / asset to the community
- Former parent of a child attending the nursery praising high quality service and safety and care of children
- Fantastic resource for children from all backgrounds
- Noise levels are not an issue, children generally well-behaved and the volume is always kept to a reasonable level as per the classroom rules
- Mrs Roberts has always been considerate to local residents – encouraged parking sensibly
- Generate local jobs and investment into Partington
- It would support the new houses being built nearby
- The proposed site is ideally located, embedded within the residential area it aims to serve and within walking distance of green space, enabling a Forest Curriculum
- Person agrees with Acoustic findings

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. 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 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
2. 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.
3. 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.
4. The application site is unallocated in the Composite Local Plan Policies Map. As set out within Supplementary Planning Guidance (PG5): Day Nurseries and Playgroups (1991) the main effects to be considered are noise and disturbance: from comings and goings, particularly of cars, from within the building, especially if it is not detached, and from outdoor play; highway safety and convenience from additional traffic, manoeuvring and on-street parking; and appearance from any alterations to access or parking, areas or any new buildings.
5. Policies relating to the protection of residential amenity are considered most important in the determination of this planning application, which are contained within Policy L7 of the Core Strategy. Policy L7 is considered up to date in NPPF terms. Paragraph 11 d) of the NPPF is therefore not engaged.
6. The site is also identified under Policy L3 as a Priority Regeneration Area within which new development should seek to improve access to education, training and advice centres to/from the Regeneration Areas and reduce inequalities, secure regeneration benefits; create truly sustainable communities; and make a positive contribution(s) to achieving the Plan's Strategic Objectives.
7. The application proposes a Montessori school (day nursery) within the House, whilst retaining the attached Cottage as a self-contained dwelling. The proposed development would therefore not result in a loss of a dwelling, albeit it would be considerably reduced in size.
8. The principle of the proposed Montessori School use is therefore considered acceptable with regard to Policies L1, L2 and L3 of the Core Strategy, subject to its impact on visual and residential amenity as well as highway safety.

## **RESIDENTIAL AMENITY**

9. In addition to ensuring that developments are designed to be visually attractive paragraph 127 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
10. Policy L7 of the Trafford Core Strategy advises 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.
11. Council guidance in relation to Day Nurseries and Playgroups (PG5, Adopted 1990 & Last Revised September 1997) highlights the main effects to be considered from

a noise and disturbance perspective are from comings and goings, particularly of cars; from within the building, especially if it is not detached; and from outdoor play.

12. PG5 further advises that the building should be detached (so that nuisance through a party wall does not occur) and set well back from the road (so that parents are less likely to park on the road). The site should be sizeable in area, with a long road frontage (so that access activities and any on-street parking are not close to or in front of adjoining properties; a corner property usually scores well on this criterion, and provides extra separation from neighbours on one side); with large garden (e.g. over 10 sq. m. per child) so that outdoor play need not be unduly close to neighbours. Neighbouring properties should also be set well back from the road, with large back gardens, in non-residential use.

*Impact on neighbouring dwellings – Noise & Disturbance*

13. Inglewood House is located on the corner of Inglewood Close and Hall Lane. The nearest residential dwellings to the application site are located to the east, west and south, including: 1 & 2 Derwent Close, 2 & 4 Scroggins Lane, 24 Hall Lane, and 2 & 4 Inglewood Close; respectively. A new residential development of 151 dwellings (permission ref: 100109/FUL/20) is in the early stages of construction to the north.
14. The outdoor play area would be located approximately 9m from the garden at No.1 Derwent Close, 9.6m from the garden at 2 Scroggins Lane, and 9m from the side boundary of No. 2 Inglewood Close. The closest neighbour (No. 2 Inglewood Close) has recently constructed a side and rear extension (ref: 104789/HHA/21). The extension is positioned towards the rear of the side elevation and retains a gap of 900mm from the shared boundary. Additionally an outbuilding is currently located within the northwest corner of the application site, adjacent to No. 2 Inglewood Close.
15. The proposed day nursery would have 4 classrooms across two floors with storage in the roof space. The nursery proposes to operate between the hours of 08:00 and 18:00 Monday to Friday with a maximum of 30 children between the ages of 0 to 5 years. The outdoor play area wraps around the southern, eastern and northern sides of the building. The total outdoor space (excluding the parking area) covers circa 205 sq. m. The area to the rear of the property would be surfaced with rubber matting and the front extent would be grass.
16. An Acoustic Planning Report was submitted in December but was partially superseded when the applicant provided further information in February and March, which included a different timetable in relation to outdoor play. Although the report was not updated, it provides an assessment of outdoor play for a maximum of 8 no. children and therefore is still considered relevant in this respect. Furthermore the report was carried out on the basis of a maximum of 32 children, which is greater than the proposal.

17. The Daily Routine document sets out the timetabling for activities and shows the split for three rooms - A, B and C - all accommodating 8 children. In addition, the applicant confirms there would also be provision for up to 6 babies, totalling 30 children. Focussing on outdoor play, this document states that a maximum of 8 children (at any one time) would be outdoors, either within the outdoor area at the rear of the nursery (indicated on the plan as rubber matting) or in the front garden (indicated on the plan as grassed area), between the hours of 11am and 12.30pm (1.5 hrs) before lunch (12:30-13:00) and between 1.30pm and 4pm (2.5 hours) after lunch, Monday to Friday. The Daily Routine timetable focussing on outdoor play is presented as follows:

<b>Time</b>	<b>Activity</b>	<b>Room</b>	<b>No. of children</b>
11:00 – 11:30	Outdoor play	Room A	8 children
11:30 – 12:00		Room B	8 children
12:00 - 12:30		Room C	8 children
13:30 – 14:00	Quiet gardening, back garden, forest walk, or environmental education indoors or outdoors.	Room B	8 children
14:00 – 15:00		Room A	8 children
15:00 – 16:00		Room C	8 children

18. The timetable shows that in the afternoon 8 children at a time may be outdoors within the grounds undertaking quiet gardening/environmental education. It also states that the children might be taken off site, such as for a forest walk. It is acknowledged that there would be times when inclement weather prevents outdoor play, and so we can assume that the hours above represent a worst case scenario.
19. The Pollution and Licensing (P&L) team were consulted on this application and have reviewed the submission and additional information. They have acknowledged that the Acoustic Planning Report submitted in support of this application (prepared by Lighthouse Acoustics, dated 8<sup>th</sup> December 2021, Ref 0884/APR1) precedes the subsequent iterations of timetabling and class arrangements, which means that it refers to 4 classes of 8 equating to 32 children rather than the current proposal of 3 classes of 8 plus 6 babies.
20. The acoustic report contains a background survey which was undertaken to characterise and measure existing sound levels within the neighbourhood. The report has modelled the noise levels likely to emanate from the site including the building itself, the outdoor play areas and the development generated traffic. Details of fixed plant/building services were not known at the time.
21. The noise from outdoor play activity has been modelled based on a class of 8 children outdoors, whereby it has been assumed that half of the class (4 of the 8) would be talking at any one time; and half of these (2 of the 4) would have normal

voices and the other half would have raised voices. The distance to the nearest residential receptors has been measured and the resultant noise impact calculated.

22. It is noted that the arrangement included within the assessment has been superseded by the revised 'Daily Routine', however the report makes reference to proposals to restrict outdoor play to 4 classes (each of 8 children) having a 30 minute outdoor play session every day with a minimum of 30 minutes between each session, equating to a cumulative total of 2 hours of outdoor play spread over a 3.5 hour period (at least), Monday to Friday. These 4 periods of play could be distributed throughout the day and could impact on both mornings and afternoons.
23. As part of their response, the P&L team, have noted that noise generated by human voices is wildly variable and does not ideally lend itself to acoustic assessment. Time-averaged noise levels (one hour for example) do not adequately represent the impact of sudden loud events such as shouts or screams which are clearly distinguishable; however, noise from children playing outdoors is common in a residential neighbourhood, and thus not 'out of character' for the setting and would be part of the natural soundscape.
24. The P&L team advise that in practical terms, the impact of noise from children playing outdoors can be controlled by supervision, careful choice of play equipment and surfacing, and considerate timetabling to reduce the overall degree and extent of exposure.
25. The P&L team consider the detailed revised arrangements presented by the applicant are sufficiently robust to suggest that the noise impact can be minimised to an acceptable level. They would recommend attachment of a condition to require the implementation of the revised NMP, in conjunction with the Proposed Surface Materials plan (Dwg. no. 21122 (PL) 003) and 'Daily Routine' document.
26. The acoustic report recommends the installation of a suitable acoustic grade perimeter fence to minimise noise spillage from outdoor play areas. The P&L team consider this would benefit receptors at ground level and thus it is recommended that a condition to require its installation on the western boundaries of the proposed front and rear play areas is attached.
27. The acoustic report explains that the proposals do not specify anything in respect of building services/fixed plant at present; however lowest background sound levels have been identified for day, evening and night time. Any future installation of fixed plant should be subject to a BS4142 assessment and should not exceed Council criteria. A suitably worded condition is recommended to control this. It is also recommended that a condition to minimise the potential for adverse noise impact from deliveries or waste collections is attached to any permission.



28. In addition and as a safeguard, the P&L team recommend the grant of a one year permission to test the efficacy of the NMP in relation to minimising the impact of noise disturbance from outdoor play. Although the comments of P&L in relation to this point have been considered, Officers consider that a temporary condition would be unreasonable given the investment that the applicant would need to make in order to set up the business at the application site and thus would not meet the tests of paragraph 56 of the NPPF.
29. In summary, the P&L team would have no objection to this application on the grounds of nuisance provided that suitable controls are implemented as required by condition. Having regard to these comments and subject to appropriate conditions, it is considered that the proposal would not result in an unacceptable impact on the amenity of nearby properties as a result of noise from outdoor play.

#### Impact on neighbouring properties – Parking / Drop Off and Pick Up

30. The proposed development includes 5no. off-street staff and drop off/pick up car parking spaces. The applicant has advised that only 2 members of staff would be travelling by car; 1no. would travel by public transport and 1 no. by bicycle. One parking space may also be used for the retained dwelling, therefore it is assumed two spaces would be available for drop off/ pick up.
31. The applicant has confirmed within their supporting information (NMP and Statement, 14/02/22) that they offer flexible childcare and thus the pick-up and drop off times are staggered throughout the day. The Montessori school also encourages parents, where possible, to walk or cycle with their children to and from nursery - promoting a healthier lifestyle and improved mental health.
32. Notwithstanding the above aspirations, it is acknowledged that on-street parking would likely increase as a result of the proposed use, however it is considered that the staggered drop offs and pick-ups as well as the availability of off-street car parking spaces and the encouragement of non-car modes of travel, would minimise the noise and disturbance caused by parents dropping off or picking up their children. Furthermore, the acoustic report concludes that noise breakout from the interior of the building and the impact from vehicle drop-offs and collections is within acceptable limits. The P&L team have no evidence to dispute this conclusion. It is therefore considered that the proposal would not result in an unacceptable impact on the amenity of nearby properties as result of noise breakout from the interior of the building or noise from drop-offs and collections.
33. The impact upon highway safety is considered further within the next section below.

#### *Impact on future occupier(s) of retained dwelling*

34. The retained dwelling (Cottage) is attached to the larger House and thus indoor noise would inevitably travel through the party wall. As such an occupier with no connection to the Montessori school could be unacceptably affected by the proposed use, by reason of noise and disturbance. It is therefore recommended that a condition restricts the occupation of this dwelling to be for a staff member of the business/use hereby permitted (which the applicant has agreed to).

#### *Extension*

35. The proposed extension due to its scale and location would not adversely harm nearby residential properties by virtue of loss of light, overshadowing or overbearing impact.

#### *Conclusion*

36. The P&L team has not objected to the proposed use, having reviewed the additional and revised submission, subject to a number of conditions in relation to its operation and a temporary condition. Whilst it is considered that a temporary condition would not be reasonable in this case, it is considered that appropriately worded conditions would satisfactorily mitigate any potential noise and disturbance generated from the proposed Montessori School (Day Nursery). As such, it is considered the proposal subject to conditions would not result in an undue impact on the amenity of occupiers of nearby residential dwellings or future occupiers of Inglewood Cottage and would be in accordance with Policy L7 of the Core Strategy, PG5 and NPPF.

### **HIGHWAY SAFETY**

37. Paragraph 111 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*”.
38. 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.”
39. Supplementary Planning Guidance (PG5): Day Nurseries and Playgroups (1991) in relation to staffing and travel states the average staff requirement for day nurseries is one to every 5 children, and 50% can be expected to come by car. The staff requirements for playgroups are a little less. PG5 also states that the type of road should not be: a principal road, quiet, very congested or a cul-de-sac.

#### *Access & Service Arrangements*

40. The service and access arrangements are not proposed to be amended as part of the proposals. Vehicular access is to remain as existing, with access off Inglewood Close. The access width measurement on the proposed site plan is approximately 7.8m wide. It is proposed to provide adequate and suitably located refuse / recycling storage facilities for the proposed development to the rear of the development as indicated on the proposed plans.

#### *Parking Arrangements*

41. The car parking standards as detailed within Supplementary Planning Document 3 'Parking Standards and Design' (SPD3) state that for this location a one-bedroom dwelling unit requires one car parking space, and a day nursery /day centre requires 1 no. car parking space per member of staff. From submitted information it appears that there are four classrooms in the building and four employees at the establishment. It is proposed to provide 5 no. car parking spaces as indicated on the amended proposed site plan which meets the requirements of SPD3 for the proposed use.
42. It is noted that SPD3: Parking Standards and Design recommends that drop-off spaces should be determined on a case-by-case basis, however the total amount of parking on site including staff and drop off will usually be assessed in the following way: 10 children - 2 spaces, 20 children - 3 spaces, 30 children- 5 spaces. The LHA has confirmed that off-street drop-off spaces are not required in this location.
43. The LHA recommended that, if an accessible space could be provided without a reduction in overall spaces, this would be beneficial. However, the constraints of the site would not allow a space of sufficient length to be provided to meet the Council's standard for the design of an accessibility space, whilst retaining five parking spaces. It is nevertheless considered that two of the spaces can be provided with the required 3.6m width, which would also be of benefit in terms of the pregnancy and maternity protected characteristic (which is referred to further in the Equality Section below). An amended site plan has been submitted showing these wider spaces.
44. A minimum of two covered and secure cycle storage spaces is recommended to be secured by condition.
45. Whilst the proposed use would result in an intensification of comings and goings to the site, it is considered that, given the staggered drop offs and pick-ups as well as the availability of off-street car parking spaces and the encouragement of non-car modes of travel as well as the fact that the site is a corner plot located at the entrance to the cul-de-sac rather than within it, the proposed use would not result in an unacceptable impact upon highway safety.

#### *Public Right of Way*

46. A definitive right of way lies approximately 18m to the north-east of the boundary of this development. The proposed development does not appear to affect the definitive right of way. The LHA requests a condition for approval of the type and location of boundary treatment adjacent to the PRow to ensure the PRow is not narrowed or adversely affected. The LHA has also stated that the developer should put measures in place to ensure the surface of the right of way is not damaged by the development and should damage occur carry out repairs to the satisfaction of the LHA.
47. It is considered that, given the distance to the PRow, this footpath would not be affected by any change in boundary treatment. Notwithstanding this, the applicant has confirmed that no works are proposed on the boundary adjacent to Hall Lane/PRow and a condition is attached that would control any proposed changes to boundary treatment at the site.

### *Conclusion*

48. The proposed development is considered acceptable with regard to highway safety and parking impacts, subject to a condition requiring implementation of the car parking area and secure storage for 2 no. bicycles. It is therefore in accordance with Policies L4 and L7 of the Core Strategy, guidance contained within SPD3, and the NPPF.

## **DESIGN AND APPEARANCE**

49. In relation to design, Policy L7 states development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, and boundary treatment.
50. Council guidance in relation to Day Nurseries and Playgroups (PG5, Adopted 1990 & Last Revised September 1997) highlights the main effects to be considered from an appearance viewpoint are from any alterations to access or parking areas or any new buildings, or signs.
51. The proposed development would involve a small extension to the existing side extension following demolition of an outbuilding to provide a disabled WC, the installation of a 2.1m high close boarded fence adjacent to the parking area/driveway and the proposed outdoor play area, a new pedestrian gate on the front boundary (adjacent Inglewood Close) and alternative surface treatment. The existing boundary treatment comprises of a brick wall and fence.
52. The Noise Assessment states: *The outdoor play area should feature imperforate perimeter fencing to the maximum height permissible.* The principle of this type of

fencing to a height of 2.1m is considered acceptable, internally within the site, adjacent to the car parking area. A condition is recommended in relation to fencing for reasons of visual amenity as well as acoustic purposes.

53. The proposed extension is small scale and would match the existing building. It is therefore considered proportionate and in-keeping with the character and appearance of the existing building. The proposed parking arrangements as well as the proposed boundary treatment would be in-keeping with the domestic character and appearance of the residential area.
54. The proposed development is considered acceptable and in accordance with Policy L7 of the Core Strategy in terms of design.

## **EQUALITIES**

55. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
56. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
  - i. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - ii. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - iii. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
57. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
58. The provision of the facility itself would provide benefits to those with pregnancy and maternity as a protected characteristic by providing opportunities to access appropriate child care.
59. The applicant has submitted an Inclusion and Equal Opportunity Policy and an SEN and Disability (SEND) Policy 2022. The applicant has confirmed that level access will be provided for the non-residential part of the property and wider

parking spaces would also be provided. It is considered that other reasonable measures could be implemented by the applicant in order to provide appropriate access for any disabled users of the premises. The proposals would require a Building Regulations application as it is a full change of use and therefore compliance is required for the whole building. In relation to the nursery building, access arrangements required by Building Regulations would cover level access with no trip hazards and wheelchair accessibility. In addition, a full design and access statement for access and facilities for disabled persons would be required for each floor level. Measures to improve accessibility for disabled persons would also generally benefit those with pregnancy and maternity as a protected characteristic.

60. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.
61. It is considered that the measures proposed to provide a facility accessible to all, in addition to those that would be required through the Building Regulations application, would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## **OTHER MATTERS**

62. The representations raise a number of other points that are not material planning considerations in the determining of this application. These include the construction traffic for the residential development to the rear of the application site; competition with other nursery businesses; and the value of properties.

## **DEVELOPER CONTRIBUTIONS**

63. 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).
64. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

65. Section 38(6) of the Planning and Compulsory Purchase Act 2004 is clear that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF reiterates the statutory status of the development plan as the starting point for decision making. Paragraph 11 of the NPPF is a material consideration which carries significant weight in the decision-making process.

66. The proposed Montessori school and retained dwelling is considered to be acceptable having regard to its impact upon residential amenity, subject to appropriately worded conditions to mitigate any adverse harm. The proposals are acceptable in terms of visual appearance, and highway safety, subject to suitably worded conditions.
67. As such, the proposed development would comply with Policy L7 of the Core Strategy and relevant NPPF policy. It is therefore recommended that permission be granted subject to conditions.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 21122 (PL) 003 A; 21122 (PL) 002 D; 21122 (PL) 100 A; 21122 (PL) 110 A; 21122 (PL) 120; 21122 (PL) 130 A; 21122 (PL) 140; and 21122 (SU) 001 B.

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. No part of the development shall be occupied or brought into use until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls (which shall include imperforate 2.1m high fencing in the positions shown on the approved plan 21122 (PL) 003) have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

5. No building hereby approved shall be occupied or brought into use unless and until a scheme for secure cycle storage (for a minimum of 2 no. bicycles) has first been

submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

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

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises to which this permission relates (excluding the area hatched in red on drawing nos. 21122 (PL) 100 A; 21122 (PL) 110 A; 21122 (PL) 002 C and 21122 (PL) 003) shall be used as a day nursery for a maximum of 30 children and for no other purpose, including any other purpose within Class E of the above Order.

Reason: Other uses within the same Use Class may have a detrimental effect on the neighbourhood and the restriction to the use proposed with the maximum number of children stated will enable the Local Planning Authority to consider any further change of use or increase in children on its merits, having regard to Policy L7 of the Trafford Core Strategy and National Planning Policy Framework.

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

7. The occupation of the retained dwelling (hatched in red on drawing nos. 21122 (PL) 100 A; 21122 (PL) 110 A; 21122 (PL) 002 C and 21122 (PL) 003), shall be limited to a person solely or mainly employed by the Montessori school (day nursery) hereby permitted.

Reason: In order to prevent the additional accommodation being used as a separate dwelling which would have an unsatisfactory relationship with the Montessori school hereby approved, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The premises shall only be open for business between the hours of: 08:00 and 18:00 Monday to Friday, and not at any time outside these hours, and shall be closed at weekends.

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

9. The number of children playing outside within the curtilage of Inglewood House shall not exceed 8 at any one time and the outdoor play sessions shall be operated at all



times in accordance with the submitted Noise Management Plan - Mrs Roberts Class Ecole Montessori (received by the local planning authority on 30<sup>th</sup> March 2022), in conjunction with the Proposed Surface Materials plan (21122 (PL) 003) and Daily Routine (received by the local planning authority on 1st April 2022) submitted with this application.

Reason: In order to safeguard the amenities of residents of nearby properties having regard to Policy L7 of the Trafford Core Strategy and National Planning Policy Framework

10. Servicing, deliveries and waste collections to or from the premises shall not take place outside the hours of 0800-1800, Monday to Friday, and not at all Saturday to Sunday.

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

11. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location'. Noise measurements and assessments shall be carried out in accordance with the latest published edition of BS 4142 "Rating industrial noise affecting mixed residential and industrial areas".

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

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

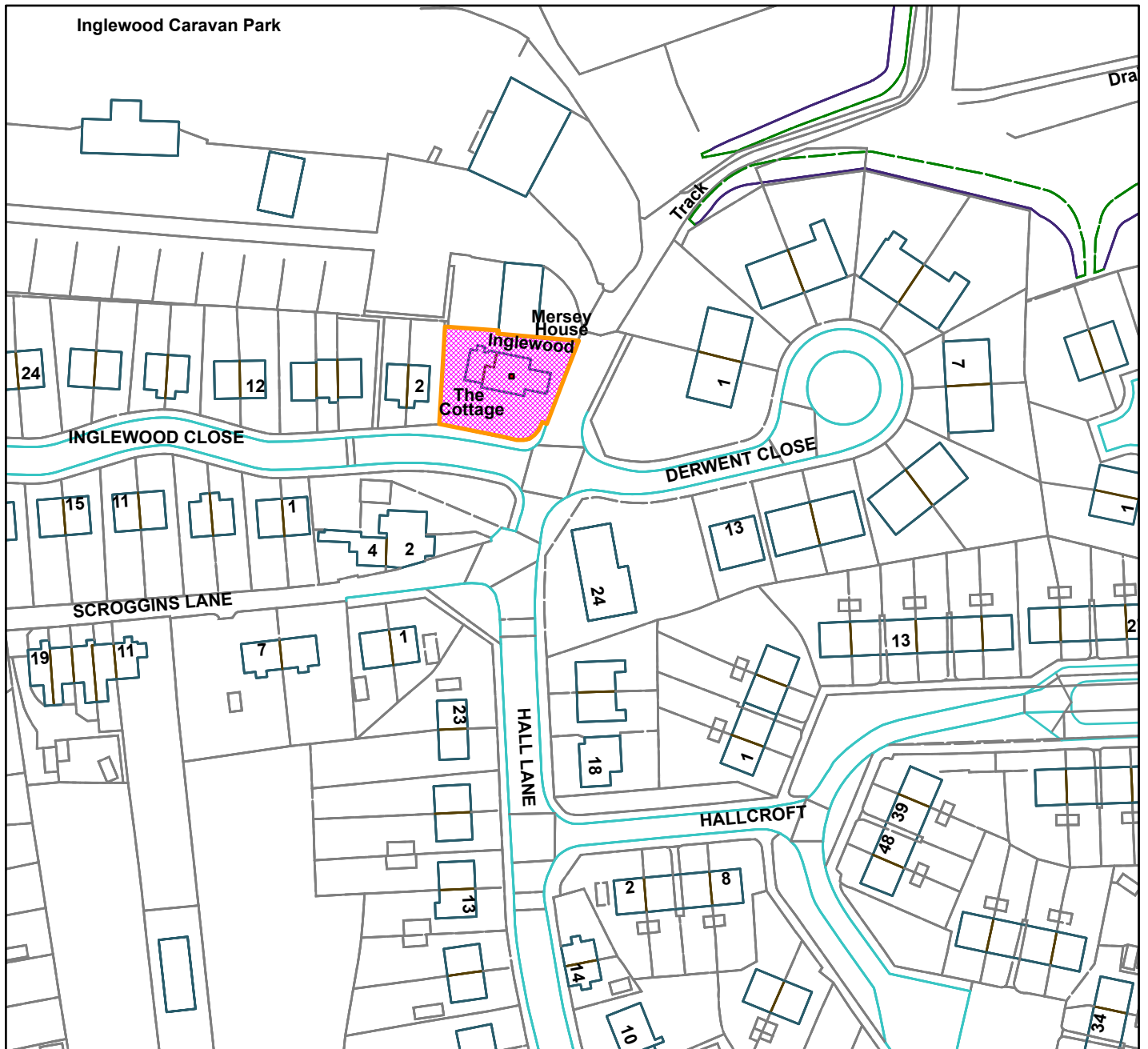
Reason. To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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Inglewood House, Hall Lane, Partington (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/05/2022
Date	29/04/2022
MSA Number	100023172 (2012)

**WARD:** Brooklands

**105975/FUL/21**

**DEPARTURE: No**

**Redevelopment of existing residential accommodation, including demolition of existing extensions, internal reconfigurations, replacement extensions and separate new build element to create a combined total of 20 no. apartments and external works to facilitate the use.**

11 - 13 Raglan Road, Sale, M33 4AN

**APPLICANT:** Breandan Flynn Investments Ltd

**AGENT:** Broadgrove Planning and Development Limited

**RECOMMENDATION: GRANT**

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### **SITE**

The application site comprises a large detached Victorian building set within its own grounds located on the north eastern side of Raglan Road. The property has been converted into flats, comprising 11 no. 1 bedroom apartments with two separate entrances to the east and west. The surrounding area is predominantly residential, characterised mostly by two storey semi-detached and detached dwellings.

The building has been identified as a non-designated heritage asset with substantial features in the form of steep pitched gable ends, large bays, chimney pots and other brick work and timber detailing sited within its various elevations, however in its current form, the building is in a poor state of repair.

### **PROPOSAL**

Permission is sought for the redevelopment of an existing large residential property and new build development for residential use. The proposal includes demolition of existing extensions, internal reconfigurations, replacement extensions and a separate new build element to create a combined total of 20 no. apartments, with external works including landscaping and parking to facilitate the proposal.

**Value Added:-** Amendments have been submitted during the course of the application as summarised below:

- Removal of rooflights from front elevation;
- Removal of rooflights from north west side elevation;
- Reduced depth of 2 storey side extension;
- Reduction from 22 to 21 no. car parking spaces;

The revisions made have also amended the accommodation schedule as follows:

	Original Submission	Revised Submission
1 bed/1 person	3	4
1 bed/2 person	3	1
2 bed/3 person	7	8
2 bed/4 person	7	7

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **PROPOSALS MAP NOTATION**

None

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

None

## **SUPPLEMENTARY PLANNING DOCUMENTS**

SPG1: New Residential Development (2004)

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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) on 20<sup>TH</sup> July 2021. 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 was updated in June 2021. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

97643/FUL/19 – Redevelopment of existing residential accommodation, including demolition of existing extensions, internal reconfigurations, replacement extensions to side and rear and separate new build element to create a combined total of 22 no. apartments and external works to facilitate the use.

Application withdrawn 1 August 2019

89385/FUL/16 – Erection of 5 no. two bed apartments with associated parking. External alterations to existing apartments rear elevation.

Refused 17 March 2017 subject to the following reason for refusal:

1. The proposed second floor residential dwelling would result in a poor quality of accommodation due to poor and restricted outlook afforded to the dwelling through the use of roof lights. This is considered to result in a substandard level of accommodation to the detriment of the living conditions of future occupiers. The proposal is therefore considered to be contrary to Policy L7 of the Core Strategy and the National Planning Policy Framework.

An appeal against this refusal was subsequently dismissed 3 November 2017

87811/FUL/16 – Erection of a new block of four, 2 bedroom apartments (revision of 87042/FUL/15) with associated parking and landscaping. External alterations to existing apartments rear elevation.

Approved with conditions 9 March 2016

It is confirmed that development has commenced and this permission is therefore extant.

H/47344 – Erection of a detached bungalow with access from Raglan Road  
Refused 24 June 1999

H/23061 – Erection of detached dwelling and formation of separate curtilage within the curtilage of 11/13 Raglan Road  
Refused 23 March 1986

### **APPLICANT'S SUBMISSION**

The following documents have been submitted as part of this application:

- Design and Access Statement
- Heritage Statement
- Drainage Strategy
- Ecology Report
- Daylight Study
- Geotechnical Report
- Air Quality Assessment
- Carbon Budget Statement
- Planning Statement
- Transport Assessment
- Tree Survey

### **CONSULTATIONS**

**Local Highway Authority** – No objections in principle on highway grounds however a Section 106 contribution for a Traffic Regulation Order is requested.

**Lead Local Flood Authority** – Clarity has been sought on the proposed soakaway design.

**United Utilities** – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

**Housing Strategy and Growth** – Raise no objection in principle

**Heritage Development Officer** – Raglan House is a large detached mid-19<sup>th</sup> century villa designed in the Old English style. The building exhibits a number of interesting architectural details including large gables, overhanging eaves, pierced bargeboards and prominent chimney stacks. Constructed from a traditional palette of materials, the villa comprises of red stock brick laid in a Flemish bond, painted stone dressings,

painted timber sash windows, Burlington slate and decorative ridge tiles. Historically, Raglan House was set in spacious grounds, this was compromised to some degree with 20<sup>th</sup> century residential development. Nevertheless, a remnant of the garden survives and this contributes to its significance allowing the villa to be appreciated and experienced. There are clear views of the building from Raglan Road and its elevated position above the street scene contributes to its prominence. The low sandstone boundary wall with concave entrance and gate piers also contribute to its setting. Whilst the building has incurred a number of extensions and alterations, these have not diminished its overall aesthetic value.

Raglan House is notable for its association with John Brogden (1798-1869 (who built the villa and laid out Raglan Road in an alliance with Samuel Brooks (1793-1864). John Brogden & Sons were Railway Contractors, Iron and Coal Miners and Iron Smelters and responsible for building the Manchester, South Junction and Altrincham Railway amongst other significant railway and engineering projects across the country and abroad.

Raglan House is significant for its architectural and historic values. There is a good level of architectural integrity and survival of historic fabric. The dwelling illustrates the historic development of Sale during the mid-19<sup>th</sup> century following the arrival of the railway in 1849. There is a strong association with John Brogden [industrialist] and Samuel Brooks [calico manufacturer, banker and landowner] both notable local figures who were instrumental in the growth of Sale and South Manchester during the 19<sup>th</sup> century.

The villa has been identified as a non-designated heritage asset in accordance with Annex 2 of the NPPF and is considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local authority (including local listing). The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England (2015) clarifies non-designated heritage assets as those *"....that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application."*

The submitted Heritage Statement by Turley is noted and identifies Raglan House as a NDHA. The document provides a good summary of the history and development of the site.

The retention of Raglan House is welcomed, however there are concerns regarding a number of alterations proposed such as the insertion of rooflights to the front roof slope; significant excavation of the garden to create lower ground level which will alter the proportions of the building; disproportionate three storey extension to the south east and north east elevations which will harm historic plan form and appearance. These alterations and extensions will have a significant impact on the aesthetic value of the heritage asset and its setting. No information is provided regarding the repair and

refurbishment of the villa nor the retention and repair of historic fabric such as fenestration, ridge tiles etc. The proposed parking to the front and sides of the villa along with excessive areas of hard standing and second vehicular access will further diminish the setting of the building.

The application also seeks permission for a detached apartment block to the north of Raglan House, This area of the site is a surviving remnant of the garden which contributes to the setting of the heritage asset. The principle of an apartment block in this location which will greatly increase the amount of built form resulting in the over development of the site cannot therefore be supported.

For the reasons above the proposed development cannot be supported and it is requested that amendments are undertaken to minimise the conflict between the heritage asset's conservation and the proposal in accordance with NPPF paragraphs 195 and 203.

**Arboricultural Officer** – The property is not within a Conservation Area but does have individual TPO trees along the frontage of the property (T2, T3 and T4). Six individual trees will require removal to facilitate the development. They include one high quality tree (T9), one moderate tree and four low quality trees. The high quality tree should be retained.

**GMEU** – No objection subject to recommended conditions/informatives

## **REPRESENTATIONS**

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

### Residential Amenity

- Overbearing and overshadowing impact on adjacent properties;
- Increased overlooking;
- Restricted light within the new block;
- Detrimental impact on surrounding neighbours with increased noise, pollution and highway safety concerns;
- Siting of bin store adjacent to 9 Raglan Road and 2 Campbell Road and potential impact from elevated position;
- Tree removal resulting in reduced screening to adjacent properties;
- Increased noise and light pollution;

### Character

- No objection to the redevelopment of the site in principle which has been allowed to fall into disrepair;
- Overdevelopment of the site;
- Proposed apartment sizes are not fitting with the family community of the neighbourhood;



- 'Garden grabbing;

#### Trees, Landscaping and Ecology

- Loss of, and damage to existing trees with concern regarding impact of excavation on trees;
- There is a pond within the garden of 9 Raglan Road which has not been referred to in the Ecological Survey;
- Disturbance of wildlife;
- Potential impact on bats;
- The tree report is incomplete as some of the trees have been boarded up for months;

#### Highways

- Insufficient parking provision;
- Increased number of vehicles using a very busy through road that is already over parked with The Life Centre/Walton Park/Metro users and cars from the Peugeot Citroen garage;

#### Drainage

- Impact on natural drainage of the site resulting in increased surface water flooding;
- Absence of surface water flood mitigation;

#### Other Matters

- Extension at North East corner contravenes the covenant in the deeds to No.15 which precludes any building being erected between the SE side of 13 and the drive to No. 15;
- Increased carbon emissions;
- Potential damage to boundary fencing during proposed removal of ivy on boundary with 9 Raglan Road;
- Queries regarding proposed tree works and responsibility of the site owners;
- Unclear whether there are any covenants restricting the type and number of dwellings that can be built on the land as is the case for neighbouring properties;
- Unrealistic layout for parking;
- No confidence in on-going maintenance of properties;
- Lack of engagement by the developer with the surrounding neighbours;

### **OBSERVATIONS**

#### PRINCIPLE OF DEVELOPMENT

1. The key issues to be considered in the assessment of this application are housing supply and the principle of additional residential units in this location, siting, design and appearance including scale, height, massing, impact on the existing building, impact on the non-designated heritage asset, residential amenity, trees and landscaping and highway/parking matters.

## The decision-taking framework

2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.
3. 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 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
4. 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.
5. The NPPF, at paragraph 11, introduces 'the presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11c explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 11(dii) (tilted balance) is also automatically triggered by the absence of a five year housing land supply. It is the relevant framework for decision making for this case.

6. Footnote 7 to paragraph 11d (i) explains that the policies of the NPPF referred to include those which relate to designated heritage assets. It is not triggered by an impact arising on non-designated heritage assets. Consequently, there are no protected areas or assets affected by the proposals and therefore 11d (i) is not applicable to this case.

7. The LPA cannot demonstrate a five year supply of deliverable sites. This is looked at further in the following section of this report. The housing supply and delivery position automatically triggers Paragraph 11d) of the NPPF but does not automatically render all the development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies. As well as the specific characteristics of the particular policy, including its degree of conformity with the NPPF, this exercise can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it. Ultimately the weighting and balancing exercise must consider the development plan and housing land supply position as a whole.
8. The LPA's most recently published 5 year housing land supply figures is 3.13 years. Notwithstanding this, following a more recent comprehensive review of sites (including new permissions) making up the supply, this currently stands at 4.24 years.

### Meeting Housing Needs

9. Policy L2 (Meeting Housing Needs) of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. Therefore the ability of this development to contribute to housing supply targets is important. This is amplified in the context of the absence of a five year supply of deliverable housing land. The provision of 9 no. additional units would make a small contribution.
10. The housing policy objectives within the NPPF include providing new housing in suitable locations, which offer a good range of community facilities and with good access to jobs, services and infrastructure, including public transport. With the Core Strategy (Policies L2 and L4) promoting development within the most sustainable locations.
11. The site is considered to be in a sustainable location. It is acknowledged that the area of the site where the new build element is to be sited forms part of the garden and therefore is classed as being greenfield land. However there is an extant permission for a similar building and with reference to Policy L1.7 the application site is located within an established residential area and is considered to be within a sustainable location, close to public transport links and local schools and other community facilities. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 and the Sale Place Objective SAO1 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.
12. Housing Growth and Strategy raise no concerns with the proposed type and size of accommodation planned for this site as the accommodation will meet the local

housing need in Sale. On balance therefore the proposal satisfies the tests of Policy L1.7 from the Core Strategy and relevant policies within the NPPF.

13. The proposal would only result in a net increase of 9 no. units and would not therefore meet the threshold for any affordable housing requirement.

#### DESIGN, IMPACT ON NON-DESIGNATED HERITAGE ASSET AND CHARACTER OF THE STREET SCENE

##### Heritage Policy

14. Planning Practice Guidance (PPG) states that local planning authorities may identify non-designated heritage assets. 119 Park Road has been identified as a non-designated heritage asset by the Local Planning Authority. With reference to PPG and the NPPF it is not necessary for a building to be on an adopted local list or consulted upon, in order to be identified as a non-designated heritage asset.
15. The importance of preserving the historic environment is reflected in the National Planning Policy Framework (NPPF) and supporting Guidance (NPPG).
16. Paragraph 197 indicates that when local planning authorities are determining planning applications, they should take account of:-
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
17. Paragraph 203 states *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
18. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers must demonstrate how their development will complement and enhance existing features of historic significance, including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets. This policy does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Nevertheless, the NPPF tests of ‘substantial’ and ‘less than substantial’ harm relate to designated heritage assets only, which the application site is not. Full weight can therefore still be afforded to Policy R1 in the determination of this application.

## General Design Policy

19. Paragraph 126 of the NPPF states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 134 expands on this outlining that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) *Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

20. Core Strategy Policy L7 advises that high quality design is a key factor in improving the quality of places and in delivering environmentally sustainable developments. Design solutions must be: appropriate to their context; and enhance the street scene by appropriately addressing scale, density, height, massing, layout, elevational treatment, materials, hard and soft landscaping, and boundary treatments.

## Significance of the Non-Designated Heritage Asset

21. The Council’s Heritage Development Officer has been consulted on the application and their comments are reported in full in the Consultations section of this report.

22. The application site (Raglan House) has been identified as a non-designated heritage asset in accordance with Annex 2 of the NPPF and is considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). The ‘Good Practice Advice Note 2: Managing Significance in Decision-Taking’ published by Historic England (2015) clarifies non-designated assets as those *“...that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application.”*

## Impact and Consideration of Harm

23. Considering first the impact of the proposal, paragraph 195 of the NPPF is specifically relevant. As detailed above the local planning authority has identified and assessed the particular significance of the heritage asset affected by the proposal. The significance of the asset is considered to result from its architectural and historic value as set out in more detail in the Heritage Development Officer's consultation comments.
24. The application proposes the redevelopment of existing residential accommodation, including demolition of existing extensions, internal reconfigurations, replacement extensions and a detached new build to create a combined total of 20 no. apartments and external works to facilitate the use.
25. The retention of Raglan House is welcomed, however concern has been raised by the Heritage Development Officer with regard to some of the proposed extensions and alterations including:
- Insertion of rooflights to front roof slope;
  - Significant excavation of garden to create lower ground level;
  - Disproportionate three storey extension to the south east and north east elevations which will harm the historic plan form and appearance;
  - Lack of information detailing proposed repair and refurbishment of the villa;
  - Excessive parking and hardstanding;
  - Second vehicular access will further diminish the setting of the building.
26. Revised plans received have removed the proposed rooflights from the front elevation and also the proposed north west side elevation.

#### New Apartment Building

27. The application also seeks permission for a detached apartment block to the north of Raglan House. Whilst concern is raised by the Heritage Development Officer with regard to the principle of a separate apartment block in the rear garden, it is noted that there is an extant permission (ref 87811/FUL/16) for a similar development and the principal has therefore already been established.
28. Having regard to the new build block, SPG1 'New Residential Development' provides further guidance on tandem and backland development under paragraph 2.5 and advises that:

*"Tandem development (a new building behind an existing one with shared access from the road) will not normally be acceptable. The main problem with this type of development are that it introduces disturbance into formerly quiet garden areas, causes disturbance from the comings and goings of vehicles and pedestrians passing close behind and between the houses on the frontage, creates problems of overlooking and of being overlooked, and is likely to appear visually obtrusive. Other forms of development in backland areas may create*

*similar problems.” Paragraph 2.5 continues “As with infill development, tandem and backland development will not be accepted at the expense of the amenity of the surrounding properties or the character of the local area.”*

29. In relation to height, paragraph 10.2 states:

*“A building on an infill site that is taller than nearby properties may be over-dominant and out of place. It is therefore advisable to consider providing buildings of similar heights to those nearby. If a taller building is to be allowed it will normally need significantly more space around it than would a lower building for it to be properly assimilated in the area. On small infill sites in an area of regular development, any new development, significantly higher or lower than the nearby properties is likely to be refused.”*

30. Under approval 87811/FUL/16 permission was granted for the erection of a two storey building comprising 4 no. 2 bedroom apartments in the northern corner of the site. The original proposal under 87811/FUL/16 proposed 6 no. apartments in a 2.5 storey building with accommodation provided within the roofspace. The maximum height of the original submitted plans was approximately 9.6m. The revised (approved) plans reduced the height to approximately 8.3m. The current scheme has introduced a further 2 no. apartments at basement level however the maximum ridge height above ground level is similar to the approved scheme at 8.2m. The proposal is also similar in architectural style with projecting gables, albeit steeper in pitch than the approved scheme, to better reflect the architecture of the villa. The proposal would remain subordinate to the villa and would be appropriate in height and massing. The proposal material palette, vertical window emphasis, steep gables and window hierarchy are all referenced from the main villa. Whilst taking architectural cues from the main building, the simplicity of its form avoids a pastiche development. The proposed building, due to its distance from the road would appear as a two storey building from Raglan Road.

31. One of the main differences between the approved apartment block and the current scheme is the addition of the basement accommodation and the light wells surrounding to provide private amenity space. Due to the elevated position and distance from Raglan Road, it is not considered that these features would detract from the site visually.

32. As with the original approval, it is noted that a degree of the existing spaciousness would be lost through the erection of the proposed development, however to an acceptable extent. It was also considered that the development would “better reveal the significance of the heritage asset within the grounds of which it is set, as a result of improved landscaping and designated parking provision.”

### Refurbishment and Extension

33. There is also relevant planning history in relation to extending and renovating the existing building that is material to the consideration of this current application. Application 97643/FUL/19 submitted in 2019 sought permission for “Redevelopment of existing residential accommodation, including demolition of existing extensions, internal reconfigurations, replacement extensions to side and rear and separate new build element to create a combined total of 22 no. apartments and external works to facilitate the use.” The application was subsequently withdrawn in August 2019. The DAS accompanying the current proposal summarises comments made by Trafford Council as following:

- Required parking and amenity space requirements were not suitably accommodated;
- Living standards in the proposed basement accommodation were considered unacceptable;
- General design and appearance of the proposed extension to Raglan House was considered out of character with the building and surrounding area;

34. In response to these comments, the main changes made are summarised within the DAS as follows:

- Extension reduced from four storey to three storey (including basement);
- Extension subservient to the main building;
- Number of units reduced from 22 to 20;
- Increased car parking provision from 20 to 22, whilst amending the layout to be as close to the layout of the extant permission as possible;
- General design and appearance of the extensions are more in keeping with Raglan House;
- Outdoor terraces have been increased in size and retaining walls reduced in height, to allow views out and light into basement levels.

35. As part of the development it is proposed to refurbish the existing building however there is a lack of detail submitted regarding this within the application. It is therefore considered that an appropriately worded condition is required to ensure all works are carried to an acceptable standard.

36. The proposed extensions to the side and rear of the main villa are subordinate to the main building with a lower ridge height and are set back from the front of the building. The architectural style of the extensions has been revised from the previously submitted scheme to be more in keeping with the character of Raglan House but with a more contemporary appearance due to window design and roof pitch for example. Whilst the scale and appearance of the extensions are of a degree that would be acceptable in principle of a building that isn't a heritage asset, the comments from the Heritage Development Officer regarding them being considered disproportionate and harmful to the historic plan form are acknowledged. Notwithstanding this, it is considered that they represent an



overall improvement from existing inappropriate additions to the building and the harm is weighed in the planning balance later in this report.

37. The proposal requires significant excavation of the garden area to provide adequately sized light wells to serve the basement level apartments. The concern raised by the Heritage Development Officer is acknowledged and it is accepted that basement development and excavation can significantly alter the proportions of a building's exterior. This is also acknowledged within SPD4 'A Guide for Designing Housing Extensions and Alterations.' However, the role of the light wells in assisting to provide better light, outlook and amenity to the basement flats is acknowledged. It is also recognised that quality materials should be required through a landscaping condition to ensure a satisfactory appearance. Again, weighing any harm in the planning balance and considering the elevated position of the building above the road it is considered that the overall visual impact would be limited to some extent.
38. The site currently benefits from two separate vehicular accesses from Raglan Road with the access road continuing around the rear of the building. There are currently no formal parking areas and this appears to take place informally on wider parts of the existing hardstanding or edge of grassed areas. Notwithstanding the footprint of the new apartment block to the rear of the villa (which has been accepted in principle under previous planning approvals), the majority of the loss of soft landscaping is between the front of the villa and the road frontage. This is as a result of the basement excavation and the creation of new parking spaces at either side. It is noted later in this report that the development has a parking shortfall. Whilst it would not be appropriate to seek to reduce the amount of hardstanding through any further reduction of parking spaces, it is nonetheless important to ensure that the hardsurfacing elements of the landscaping are of quality materials, broken up through the use of different materials and permeable. The use of green space should also be maximised and this should be addressed through the landscaping condition. The loss of the amount of soft landscaping to the front of the site in particular is regrettable and would impact on the overall appearance of the site. Nevertheless, this is weighed against other benefits of the proposal in a later section of this report and when considered against the parking layout within the fall-back position (approval 87811/FUL/16) it is considered that a refusal on these grounds would not be justified. An appropriately worded landscaping condition is also recommended to ensure that the soft landscaping is supplemented where appropriate.

### Conclusion on Heritage and Design

39. The proposed new apartment building is considered to be subservient and appropriate in design and scale to Raglan House and similar in height and scale to the extant permission. The proposed extension and alterations to Raglan House are much improved from the existing inappropriate additions to the building and again reflect the architectural detailing on the villa. On balance, the

design is considered to be attractive and appropriate to its setting, optimising the potential of the site. The proposal is considered to be aligned with the aims of the NPPF, and policy L7 of the Trafford Core Strategy.

40. Under paragraph 203 of the NPPF, a balanced judgement is required having regard to the scale of harm to the non-designated heritage asset and its significance.
41. Notwithstanding this, in this instance it is considered that the proposals would result in moderate harm primarily resulting from the impact of the loss of soft landscaping and extent of excavations on the setting of the building. Its retention and the removal of existing, inappropriate additions is significant nevertheless.
42. This will be weighed against the scheme in the planning balance also giving consideration to the fall-back position.

## RESIDENTIAL AMENITY

43. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. Policy L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
44. SPG1 New Residential Development sets out the guidelines that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines states that for new two storey dwellings, that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. The SPG states that "Where three storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3 metres over the above figures and for four or more storeys, the figures as for 3 storeys apply.
45. With regard to overshadowing, SPG1 states that "In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15m should normally be provided. The SPG states that "Distances to rear garden boundaries from main windows should be at least 10.5m for 2 storey houses and 13.5m for 2 storey flats or houses or flats with 3 or more storeys."
46. The application is considered in relation to impact on amenity of existing neighbouring properties as well as the level of amenity provided for the future occupiers of the proposed development. The two elements of the proposal (new apartment building and extensions/alterations to the existing building) are dealt with in turn below followed by site-wide matters including noise and light.

## Impact on Neighbouring Properties

47. The closest neighbouring properties to the new apartment building situated to the north of the site are nos. 12 and 14 Campbell Road with an interfacing distance of approximately 27m from the nearest two storey elements and a distance of over 25m from the single storey projection to the rear of 14 Campbell Road. The distance to the rear boundary from the new building is approximately 9.7m which would fall short of the PG1 guideline of 10.5m. However, given the distance to the properties themselves, and that the rear gardens to 12 and 14 Campbell Road are approximately 17m long, the rear boundary is screened by existing trees (to be retained) within both the application site and the adjacent gardens and to be supplemented by a pear tree within the application site, it is considered that this would not constitute a level of overlooking or loss of privacy that would be harmful to the occupants of those properties.
48. To the east of the site lies 15 Raglan Road, a two-storey infill property. This dwelling has no main habitable room openings sited within the side elevation facing the application site and has a large garden area, with the largest section of this sited to its eastern side, away from its adjoining boundary with number 11-13. It is noted that the proposed development would have some impact upon the outlook from this property, but that it would not cause a harmful overbearing impact or overshadowing. The only windows in the side elevation of the new apartment building facing this neighbouring property are bathroom windows. It is therefore considered to be reasonable and necessary to condition these to be fitted with obscure glazing to prevent any overlooking and loss of privacy to the private amenity space of no.15.
49. To the west of the site of the proposed new apartment building lie a number of residential dwellings located on Campbell Road, the closest being number 2. The proposed development would achieve a separation distance of approximately 14.7m from proposed building to the rear of no.2, thereby falling short of the Council's guidelines in SPG1 by 0.3m. This separation distance is further increased to approximately 18.8m, when taking this distance from the original rear wall of no.2. It is noted from the approved plans for the extension to no.2 that the ground floor window serves a utility room. As such it is only the potential impact on the first floor window that is to be considered and as the proposed new dwelling is only 2 storey, the guidelines do not apply in this case. As such the proposal is not considered to result in any undue overbearing impacts nor would the development appear visually intrusive.
50. The proposed plan layout shows a bin store to be sited on the western boundary. Whilst no detailed elevations are provided (subject to a condition) this would be a single storey building and would not have any adverse impact on the amenity of neighbouring properties.
51. Nos. 7 and 9 Raglan Road are situated to the south west of the proposed new

apartment building. These properties would be in excess of 25m away from the proposed development. The proposed windows to the front of the new building would be approximately 7.5m away from the boundary and having regard to the distance to the rear of the neighbouring property, it is considered that there would be no under overlooking or loss of privacy. There are no windows on the side of the proposed building that would face the garden of no. 9 Raglan Road.

52. Within Raglan House there are windows proposed at basement and ground floor serving bedrooms and living rooms that would be only 3.8m from the boundary with 15 Raglan Road to the north. Given the boundary screening, there would be no overlooking or loss of privacy resulting from these. Windows at first floor in the rear elevation of the extension to Raglan House consist of 2 no. bedroom windows and a living/kitchen/dining room window positioned approximately 6.6m from the boundary. Whilst these windows would fall short of the Council's privacy guidelines (10.5m), it is noted that the windows are no closer than existing windows at first floor on the rear of the existing extension. At second floor, there is a new proposed bedroom window approximately 11.6m from the boundary. Whilst this falls short of the guideline requirements for three storeys and above (13.5m), again it is a similar distance to existing windows within the building. It is therefore considered that the proposed development would not result in any additional overlooking or loss of privacy to this neighbour.
53. Closest windows in the side elevation of the existing building currently sit approximately 9.0 metres from the site boundary with the driveway to 15 Raglan Road and 11.8 metres to the boundary with 17 Raglan Road. The nearest windows in the proposed extensions would be marginally closer at 8.6 metres and 11.5 metres respectively. These would not be above first floor however and there comply with the distance to boundary guidelines.
54. The single storey extension to the north western elevation would house plant only and there would therefore be no impact on neighbours from this element.
55. Large areas of flat roof are incorporated into the proposed development. In order to prevent any harm to neighbouring properties these should be conditioned to prevent their use as a terrace or balcony.
56. No proposed lighting scheme has been detailed within the proposed plans. Given the sensitive setting of the site, in close proximity to neighbouring residential dwellings, a lighting condition is recommended. This is required to ensure that the impact of any external lighting scheme is minimised from the point of view of adjacent sensitive receptors.
57. Whilst the proposed development would increase the number of residents occupying the site, it is considered that this remains at a level that is appropriate given the residential character of the area.

### Amenity of Future Residents:

58. The proposed interface distance between the new apartment building and the apartments within Raglan House is approximately 7.7m. It is noted that the only windows in the facing elevation of Raglan House directly opposite the new building are to the second floor and are secondary, obscured windows serving the living room. As such there would be no overlooking/loss of privacy issues between the buildings.
59. The facing windows in the new build element comprise bedroom windows at basement, ground and first floor level. Paragraph 12 of SPG1 'New Residential Development' advises that a minimum distance of 15m should normally be provided to prevent overshadowing in situations with a main elevation facing a two storey blank gable. The proposal therefore falls considerably short of this. Notwithstanding this, the relationship is not considered to be too dissimilar to approval 87811/FUL/16 whereby the separation distance was 8m. Additionally, the buildings are offset so that the proposed habitable room windows would only be facing the rear corner of the building and it is considered that a sufficient amount of light would be received to these rooms.
60. PG1 seeks to ensure that new dwellings provide some private outdoor space and notes that this does not include front or side garden areas open to view from roads, nor space needed to comply with parking standards. This states that for flats, approximately 18sqm of screened communal space per flat is generally sufficient, with balconies contributing to this provision.
61. The rear garden area (terrace and lawn) to the proposed apartment building measures approximately 270 square metres, not including the space adjacent to the sides of the building. In addition, private terraces are provided to the front of the basement apartments and to each of the basement apartments within the villa. Combined, these spaces provide adequate and meaningful private amenity space for future occupiers.
62. All of the residential units comply with Nationally Described Space Standards and it is considered that all apartments would receive an acceptable level of daylight to habitable rooms.

### Amenity Conclusion

63. The proposal is therefore considered to be in accordance with policy L7 of the Trafford Core Strategy and the thrust of the NPPF, as it would not adversely affect the level of residential amenity neighbouring residents can reasonably expect to enjoy and would provide a satisfactory level of amenity for future occupiers.

## HIGHWAYS AND PARKING

64. Policy L4 of the Trafford Core Strategy states that “when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way.”
65. Policy L4 also 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. The aim of the policy to deliver sustainable transport is considered to be consistent with the NPPF.
66. Paragraph 105 of the NPPF states “Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”
67. Paragraph 111 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.”
68. Policy L4 is considered to be largely up to date in that it promotes the development and maintenance of a sustainable integrated transport network that is accessible and offers a choice of modes of travel, including active travel, to all sectors of the local community and visitors to the Borough. It is not considered to be fully up to date in that it includes reference to a “significant adverse impact” threshold in terms of the impact of the development on the operation of the road network, whereas the NPPF refers to a “severe impact.” Nevertheless it is considered that Policy L4 can be afforded substantial weight in the determination of this application.
69. 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.
70. The LHA has been consulted and their comments are incorporated into this section of the report.

### Access

71. It is proposed to retain both existing access points from Raglan Road for

vehicular and pedestrian access as per approval 87811/FUL/16 for the new apartment building and associated parking layout. The agent confirms that due to levels and the desire to retain the existing wall and landscape features a single access isn't viable. Whilst the LHA sought clarification on the proposed access arrangements, no objection is raised in principle to the retention of the two access points.

### Servicing Arrangements

72. The proposed storage of refuse and recycling facilities are shown on the west side of the proposed apartment building. The applicant states that the bins will be moved to Raglan Road on collection day. The Waste Management Team has been consulted and state that ideally these will be stored off the pavement for collection. A condition is required to show on the plans where the bins are intended to be placed prior to collection.

### Parking Arrangements

73. The proposed development comprises 20 apartments (a mix of 5 no. 1-bed and 15 no. 2 bed units) equating to a required maximum car parking provision of 35 spaces. However, parking provision is proposed at only 22 spaces. The developer has advised that a parking management plan in addition to a travel plan is proposed to encourage sustainable travel and a condition is recommended to ensure that this is carried out. Also having regard to the lack of any existing formal parking arrangements on site, the sustainable location of the site and availability of nearby public transport together with the availability of some on-street parking, it is considered that the proposal does not warrant a refusal on these grounds. Whilst there is no visitor parking, amended plans received now include 2 no. Accessible spaces; this is in accordance with the advice received from the LHA.
74. Initial comments from the LHA state that the proposed internal car parking layout does not flow easily and conflict points are apparent for vehicles. Tracking has been provided by the developer in response to these comments and clarification has been sought from the LHA. This will be reported in the Additional Information Report.
75. No parking for motorcycles has been highlighted; SPD3 requires at least 2 spaces to be provided. The developer has advised that the demand for motorcycle parking will be assessed as part of the parking management plan and travel plan and appropriate provisions will be provided on demand. This is considered acceptable in principle although as any parking management plan would need to be agreed by condition by the LPA, it would still provide a mechanism to ensure the provision of spaces if deemed necessary.
76. Amended plans have increased the number of secure cycle storage spaces from

22 to 34 in line with the minimum requested by the LHA.

### Traffic Regulation Orders (TROs)

77. The LHA comment that an existing high demand for on street parking along the adopted public highway could impact visibility from the proposed access, as well as impacting servicing and vehicle access/egress for the site. As such a Section 106 contribution is requested to undertake the TRO review and implement any subsequent parking control measures. This request is considered unreasonable in this case however, taking into consideration the level of parking provision included within the extant permission (21 no. spaces) without any such requirement for a TRO, which is a fallback position which should be given substantial weight.

### Summary

78. Subject to the specified conditions and any further response awaited from the LHA with regard to tracking (to be reported within the Additional Information Report), as well as having regard to the approved parking numbers, access and layout for the extant permission for the new apartment building, it is considered that the proposal would be satisfactory in terms of parking and highways matters.

## ECOLOGY, LANDSCAPING AND BIODIVERSITY

### Trees

79. The Council's Arboriculturist has been consulted and their comments are incorporated below.

80. The property is not within a Conservation Area but does have individual TPO trees along the frontage of the property. Within the Arboricultural Impact Assessment these are trees T2, T3 and T4.

81. On looking at the front of the house, the garden is laid to lawn with mature trees running down either side boundary. The trees are mature, deciduous and generally in good condition. They provide screening to the neighbouring properties and are likely to have been planted at the same time that the period house was built and so add to the character of the plot. Arboricultural value ranges from low to high and particular features of merit include trees T3, T5, T6 and T9. These are mature horse chestnut, sycamore, oak and hornbeam respectively.

82. In the rear garden the trees are not as prominent, nor as many in number. There are several bands of third party trees that run along the boundaries with 11-13. These comprise mostly of groups of mixed conifer trees with moderate arboricultural value.



83. Six individual trees will require removal to facilitate the development. They include one high quality tree (T9), one moderate quality tree (T10) and four low quality trees (T7, T8, T12 and T21). The Council's Arboriculturist raises no objection to the removal of the low and moderate quality trees but advises that T9 (high quality) should be retained. As such a revised AIA and Tree Works Schedule is required through an appropriately worded condition to ensure this.
84. The AIA also makes provision for the protection of the retained trees. This does involve mitigation construction which will lessen the impact upon the trees as long as the advice within the report is followed.

### Bats

85. The proposals are for the redevelopment of the existing property, including the demolition of existing extension, internal reconfigurations, replacement extensions and separate new build to create 20 apartments. A preliminary bat survey was undertaken on 21<sup>st</sup> July 2021 and comprised an internal and external inspection, however no bats were observed during the visit. The property was considered to have a low potential to support roosting bats and as such a further dusk emergence survey was recommended. A dusk emergence survey was undertaken on 31<sup>st</sup> August 2021. No bats were seen to emerge from the property at the time of the survey and only low numbers of bats were observed foraging in the garden. No further surveys for bats are therefore considered necessary at this time and works can commence with a low risk to roosting bats.

### Birds

86. The building, scattered trees, hedgerows and scrub all have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). The standard bird nesting condition is therefore recommended.

### Invasive Species

87. Also present on the site was the invasive Wall cotoneaster and Rhododendron. It is an offence under the terms of the Wildlife and Countryside Act to allow these plants to grow in the wild and they should be disposed of accordingly.

### Biodiversity Enhancement

88. Measures are required to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the NPPF. The following opportunities for biodiversity enhancement are recommended:
- Bat bricks and/or tubes within the new development

- Bird boxes
- Native tree and shrub planting
- Soft landscaping to include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.

89. A condition is therefore recommended to ensure the inclusion of these elements within the development.

## AIR QUALITY

90. Applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

91. A condition is therefore suggested requiring the submission of a scheme for EVCPs to be provided to future-proof the dwellings whilst also making a small contribution to improving air quality within the Borough.

## DRAINAGE AND FLOOD RISK

92. Policy L5 of the Core Strategy relates to Climate Change and states that new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.

93. The proposal has been considered by the Lead Local Flood Authority and clarification had been sought with regard to the proposed soakaway dimensions. Revised plans have been submitted and final LLFA comments will be reported within the Additional Information Report.

94. In addition to the above, a condition is recommended to require that a porous material is used for the proposed areas of hardstanding.

## OTHER MATTERS

95. Letters of representation received raise the matter of covenants and potential for damage to boundary fencing. These matters are not material planning considerations for the determination of this application.

## EQUALITIES

96. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under

the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

97. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

98. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010. The applicant has confirmed within the DAS that principal building accesses and approaches are to accessible standards. 2 no. accessibility parking spaces are provided within the revised plans in accordance with the LHA recommendations and the dwellings will need to comply with Part M of the Building Regulations (access to and use of buildings).

99. Having regard to these material considerations, it is therefore considered that the proposal is acceptable in this respect. No particular benefits or dis-benefits of the scheme have been identified in relation to any of the other protected characteristics in the Equality Act. As such, it is considered that the proposed development is acceptable with regard to Policy L7 of the Core Strategy.

## **DEVELOPER CONTRIBUTIONS**

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

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

## **PLANNING BALANCE AND CONCLUSION**

102. Paragraph 11c of the NPPF indicates that proposals that accord with the development plan should be approved without delay. The proposal is considered to accord with the development plan as a whole. Although it has been identified that there is moderate harm to the setting of the villa (a non-designated heritage asset), this is not considered to have such a severe impact that the proposals are contrary to the development plan. Furthermore, the proposal would be acceptable in design terms. There is a shortfall in some of the amenity privacy distances as set out earlier in this report however this is weighed against the provision of additional housing units and the contribution towards the housing land supply. Other matters such as parking, trees and nature conservation are all considered to be acceptable.
103. The extant permission for the site is also a matter which should be given substantial weight.
104. Moreover, Paragraph 11d of the NPPF, the tilted balance, is automatically engaged because the Council does not have a 5 year housing land supply. The development will add an additional 9 no apartments to the Borough's housing land supply, to which moderate weight should be attached. No adverse impacts are identified that would significantly and demonstrably outweigh the benefits of this scheme, when assessed against the policies within the NPPF taken as a whole. As such permission should be granted.
105. The application is therefore recommended for approval subject to appropriately worded conditions.

## **RECOMMENDATION:**

### **GRANT subject to the following conditions**

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the amended plans, numbers:
  - EX-001 Rev 00
  - P-101 Rev 08
  - P-111 Rev 03
  - P-112 Rev 05

- P-113 Rev 04
- P-114 Rev 03
- P-201 Rev 04
- P-202 Rev 02
- P-301 Rev 03
- P-302 Rev 03
- UG\_UG15\_LAN\_GA\_DRW\_L01 Rev P06
- UG\_UG15\_LAN\_SL\_DRW\_L02 Rev P06
- UG\_UG15\_LAN\_HL\_DRW\_L03 Rev P06
- 20195575 C1 01 P2

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

3. Notwithstanding the details hereby approved, no development above ground level shall take place until a detailed schedule for the proposed repair and refurbishment of the villa been submitted to and approved in writing by the Local Planning Authority. The schedule shall include provision for the repair of historic fabric such as fenestration, ridge tiles etc.

Reason: In order to ensure a satisfactory appearance in the interest of visual amenity and protecting the character and significance of the non-designated heritage asset having regard to Policies L7 and R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

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

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

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

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

6. Notwithstanding the details hereby approved, no development above ground level shall take place until detailed plans and sections at a scale of 1:20 have been submitted and approved in writing by the Local Planning Authority showing:

- i. All external window and door systems, (including technical details (mullions and transoms, methods of openings), elevations, plans and cross sections showing cills and reveal depths/colour at scale 1:10;
- ii. Design and material of all main entrances including surrounds and treatment of façade and roof edges;
- iii. Rainwater goods (including locations, fixing, material and colour)
- iv. Front boundary treatment and gates

The development shall thereafter be carried out solely in accordance with the approved details.

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

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

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

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

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

8. The development hereby approved shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to

and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

9. No development shall take place, including any works of demolition, until a revised Arboricultural Impact Assessment and Tree Works Schedule have been submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Impact Assessment and Tree Works Schedule shall provide for the retention of tree T9 and shall be adhered to throughout the construction period.

Reason: In order to protect the existing tree on the site which is identified as being of high quality, in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

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

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

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing

by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. Wheel washing facilities, including measures for keeping the highway clean;
- vi. Measures to control the emission of dust and dirt during construction;
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. Hours of construction activity;
- ix. Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
- x. Contact details of site manager to be advertised at the site in case of issues arising;

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L4 and L7 of the Trafford Core Strategy.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the first and second floor bathrooms on the east elevation facing 17 Raglan Road shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order), the flat roof area of the extension hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area, and no railings, walls, parapets or other means of enclosure shall be provided on that roof unless planning permission has previously been granted for such works.

Reason: To protect the privacy and amenity of the occupants of the adjacent dwellinghouses, 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 National Planning Policy Framework.

15. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

17. Notwithstanding the plans hereby approved and prior to the creation of the parking area, a scheme identifying a porous material to be used in the hard standing (for the car parking area) or a scheme directing run-off water from that hard standing to a permeable or porous area or surface within the curtilage of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To prevent localised flooding in accordance with Policies L7, R3 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

18. The development hereby approved shall not be occupied / brought into use (delete as appropriate) unless and until a Parking Management and Travel Plan, which should include measurable targets for reducing car travel, have been submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development hereby permitted the Parking Management and Travel Plans shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

Reason: To reduce car travel to and from the site in the interests of sustainability and to ensure satisfactory management of on-site parking and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

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

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

21. The development hereby approved shall not be occupied unless and until a scheme for biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include

- Bat bricks and/or tubes within the new development
- Bird boxes
- Soft landscaping to include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.

Approved details shall be implemented prior to the occupation of the site and shall be retained thereafter in perpetuity.

Reason: In order to compensate for the loss of bird nesting potential on site and having regard to Policy R2 of the Trafford Core Strategy and relevant guidance in the National Planning Policy Framework.

22. The development hereby approved shall not be occupied unless and until a scheme for the provision and implementation of electric vehicle charging points has first been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of promoting sustainable travel having regard to Policies

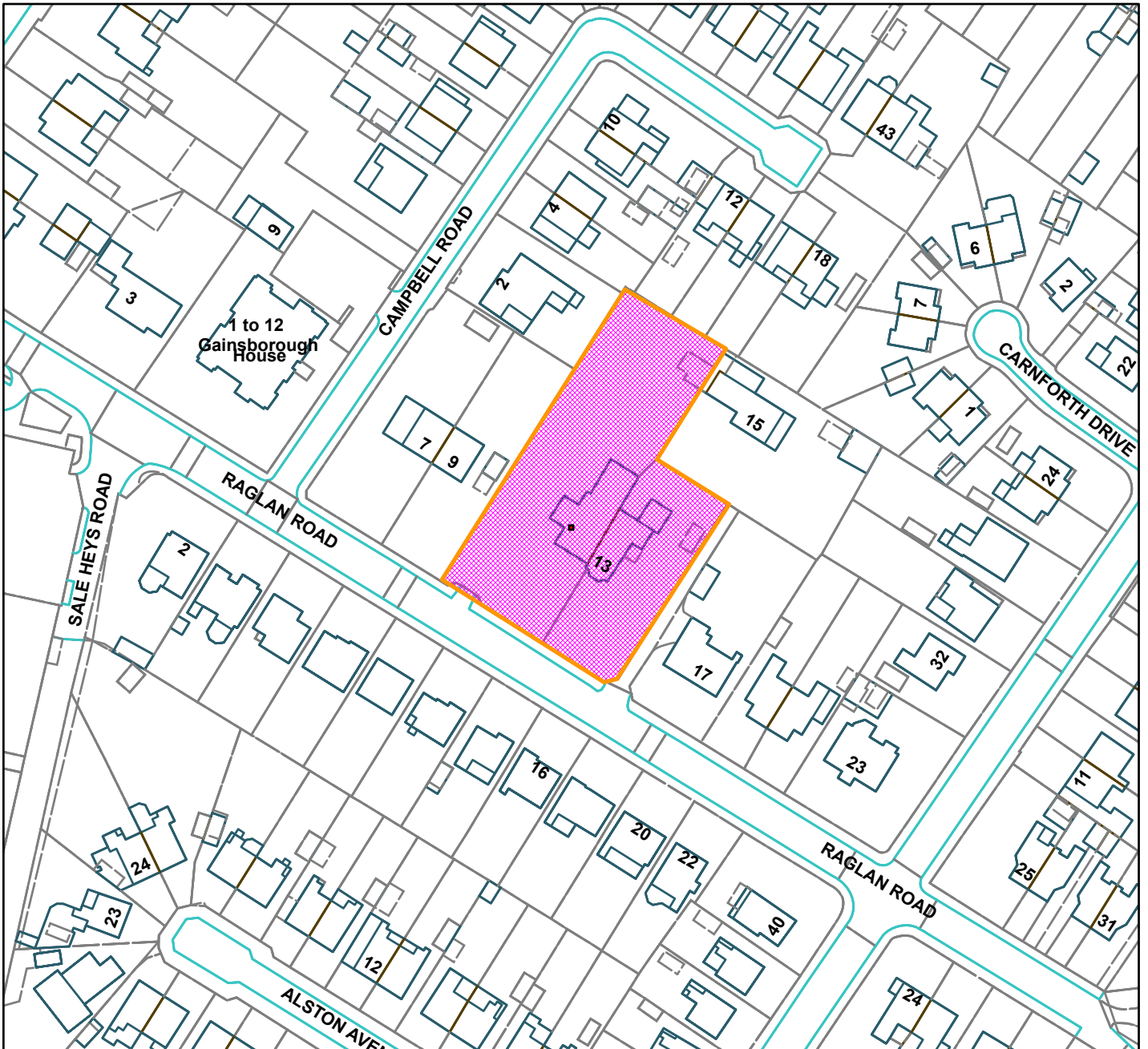
L4 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

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JE



11-13 Raglan Road, Sale (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/05/2022
Date	29/04/2022
MSA Number	100023172 (2012)

**WARD:** Broadheath

**106557/FUL/21**

**DEPARTURE: No**

**Erection of a two storey dwelling with associated garages.**

10 Mallard Green, Altrincham, WA14 5LL

**APPLICANT:** Mr McLoughin

**AGENT:** Mr Bates

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as more than six letters of objection have been received contrary to the officer recommendation.**

**SITE**

The application site covers 0.05 ha and is sited at the north-eastern extent of Mallard Green, a cul-de-sac located in Broadheath, Altrincham. It is an L-shaped plot which is currently occupied by an end-of-terrace, two-storey dwelling with an attached garage to the side and a single storey rear extension. The plot includes a large garden, which wraps around the rear of the adjacent car parking area. The rearmost part of the garden area has recently been sub-divided by a timber fence and landscaping works have been carried out.

The site is situated within a residential area with local amenities (including a supermarket, public house and Primary School) nearby.

**PROPOSAL**

Planning permission is sought for the erection of a two storey (two bedroom) dwelling, which would adjoin the existing dwelling, plus the erection of 2no. semi-detached double garages for the existing and proposed dwellings.

The dwelling would comprise of a simple rectilinear footprint and measure approximately 5.2m (W) x 9.3m (L) with a gable roof, matching the height and pitch of No. 10. The height of the eaves and ridge measure circa 5m and 8m, respectively.

The proposed materials include red brick (to match existing), white uPVC windows and grey concrete tile roof.

The proposed private garden area for the new dwelling would measure c.61m<sup>2</sup>. In addition an area proposed for parking with a double garage equates to an additional area of 75 m<sup>2</sup>. The existing dwelling would retain the remainder of the garden, equating to approx. 307m<sup>2</sup>.

The proposal includes the erection of 2 no. semi-detached double garages, located at the rear boundary, adjacent to Sinderland Road. They would measure 9.4m (W) x 7m (L). The garages would also have a gable, pitched roof with an eaves height of 2.2m, rising to 4.7m at the ridge.

The total floorspace of the proposed new dwelling would be 84 m<sup>2</sup>.

### **Value Added**

- The applicant has amended the scheme to include living room and bedroom windows on the side elevation, allowing the front/south facing bedroom window to be obscurely glazed.
- The Proposed Site Plan was also amended in terms of the sub-division of the site.

### **DEVELOPMENT PLAN**

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

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

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

L1 – Land for New Homes  
L2 – Meeting Housing Needs  
L4 – Sustainable Transport and Accessibility  
L7 – Design

### **SUPPLEMENTARY PLANNING DOCUMENTS**

PG1: New Residential Development

### **PROPOSALS MAP NOTATION**

Critical Drainage Areas

### **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

**86834/HHA/15** - Erection of a single storey side extension and a part single, part two storey and part first floor rear extension

Approved with conditions 18<sup>th</sup> December 2015

Condition 4 states:

*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 W.C window in the ground floor on the side elevation facing south shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.*

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

(Above permission has been partly implemented by virtue of rear extension)

**H16243** - Erection of 145 houses and 7 flats, access road and car parking

Approved with conditions 10<sup>th</sup> June 1982

Conditions 4 and 7:

*4 Notwithstanding the provisions of any General Development Order, no external alterations or extensions shall be carried out to the dwellings and no buildings, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings unless a further planning permission has been sought and granted.*

*7 The garages and vehicle standing spaces, hereby permitted shall not be used for the storage of vehicles (other than private motor vehicles) or for any purpose other than those incidental to the enjoyment of a dwellinghouse as such, and no trade or business shall be carried on therefrom.*

## **APPLICANT'S SUBMISSION**

Amended & Additional plans

## **CONSULTATIONS**

**Pollution and Licensing team (Contaminated Land)** – No comments or objections to proposed development

**Lead Local Flood Authority** – No objections to proposed development

**Local Highway Authority** – No objections, subject to conditions:

- Construction Method Statement
- The garages indicated on the proposed plan shall be retained for the parking of motor vehicles and cycles and shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

**United Utilities** - United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

## **REPRESENTATIONS**

Eight letters of objection from seven individual addresses have been received in relation to this application. The comments are summarised as follows:

Design and appearance concerns

- A new property at the location would unbalance the symmetry along Sinderland Road  
*(In relation to this point, Officers are of the understanding that the neighbour is referring to the location of the garages)*
- Proposal impedes the visual amenity of surrounding area

Residential amenity concerns

- Overlooking
- Loss of sunlight
- Loss of light to first floor window



#### Highway safety concern

- Safety concern of future occupiers with front door exiting onto driveway
- Proposal adds congestion to the immediate surroundings
- Addition of two double garages increases pedestrian safety risk
- Pathway is only wide enough for one car and so hazardous for other users of car park

#### Ecology concern

- Bat colony in the close, which have not been seen since mature trees have been cut down within rear garden of 10 Mallard Green

#### Rights of access concern

- Future conflict between neighbours using garages/allocated car parking spaces
- The proposed building affects ability to use assigned garage space
- Would be unable to park in front of garage

#### Construction concerns

- Disruption and risk to properties on a very small cul-de-sac
- The proposed site will directly impede access to all the residents of Mallard Green with all the heavy plant machinery, construction vehicles and workers that will be required for such an undertaking, and will cause all manner of noise abatement issues, dust, increased traffic congestion and significant disturbance.
- Shortage of parking during construction phase – inconvenience to residents, including elderly and young
- No. 10 do not have rights to park anywhere other than their garage space, which they are ignoring
- Unsafe to children, pets and vehicles
- Dust and noise could cause harm to outdoor pet fish collection and show garden

#### Other matters

- It is a leasehold property with restrictive covenants – do Shenstone Properties know about this
- Garage built for commercial use (against regulation/covenants)
- Concern that proposed garage would be used for commercial use
- Works have already commenced (clearing of vegetation and land/soil)
- Issues of access already an issue/experienced
- Land has previously been illegally fenced off - parking for plot 185 (10 Mallard Green) has at some point been fenced off and absorbed into the proposed plans.

## **OBSERVATIONS**

### **BACKGROUND**

1. Planning permission was granted for the erection of a single storey side extension and a part single, part two storey and part first floor rear extension in 2015. It is understood that this permission (ref: 86834/HHA/15) is extant by reason of the

single storey rear extension constructed at No.10. A Full Plans Approval Notice (Building Control application ref: 39689/PA/16) was issued on 20th April 2016.

2. The aforementioned permission also granted a two storey side extension, which has not been implemented but measures 4.2m (W) x 6.5m (L) at two storey and 5.2m (W) x 6.5m (L) at single storey. It is noted that that scheme was amended during the application process to include a first floor window on the rear (east) elevation (which is the proposed side elevation in the current application) and additionally a condition was imposed on the permission for the ground floor window on the side (south) elevation (the front elevation in the current application) to be fitted with obscure glazing.
3. The two storey side extension could be constructed at any time as the permission is extant and thus this forms a material consideration in the determination of this planning application.

## **POLICY CONTEXT**

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
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. The Council does not, at present, have a five year housing land supply. The most recent figure is 4.24 years. The most recent Housing Delivery Test (HDT) from 2021 is 79%. This automatically triggers Paragraph 11d) of the NPPF which 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 (the 'tilted balance').
7. In this case, in relation to paragraph 11 d) i), there are no areas or assets of particular importance that would provide a clear reason for refusing the development. Paragraph 11) d) ii) of the NPPF (the "tilted balance") is therefore engaged.

## **PRINCIPLE OF DEVELOPMENT**

8. Policy L1 of the Core Strategy seeks to release sufficient land to accommodate 12,210 new dwellings (net of clearance) over the plan period up to 2026. It states

that this will be achieved through new-build, conversion and sub-division of existing properties.

9. Policy L1.10 states “Where development proposals would involve the use of domestic gardens, due regard will need to be paid to local character, environment, amenity and conservation considerations.”
10. Policy L2 of the Core Strategy states that all new residential development proposals will be assessed for the contribution that will be made to meeting the housing needs of the Borough and the wider aspirations of the Council’s Sustainable Community Strategy.
11. Policy L2 also states that “All new development will be required to be: (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents; (b) Appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development; (c) Not harmful to the character or amenity of the immediately surrounding area; and (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford.”
12. The proposed dwelling would provide an additional small family sized dwelling. The site is close to primary and secondary schools, within 0.5km of a supermarket and public house, and is approximately 3km from the centre of Altrincham with good links to public transport. The site is therefore considered to be sustainably located.
13. The proposed development is therefore in accordance with Policies L1 and L2 of the Core Strategy, subject to its impact upon the character and amenity of the immediate vicinity (having regard to Policies L2.2 (d) and L7).
14. It is recognised that Policies L1 and L2 of the Core Strategy are out of date in terms of controlling the number and location of new housing development in the Borough and so they are given limited weight in this regard.
15. The provision of one additional small family home in a sustainable location is a benefit of the scheme which is considered further in the conclusions.

## **DESIGN AND VISUAL AMENITY**

16. Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 134 states that

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes...”

17. Policy L7 of the Trafford Core Strategy is consistent with the NPPF and therefore considered up to date. It 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.
18. The proposed dwelling would adjoin the existing dwelling and would have a width of circa 5.2m for the full depth of the original dwelling (c. 9.3m). The roof form would match the existing in terms of pitch and height; essentially extending the existing roof across the new dwelling. The proposed materials are also proposed to match the existing dwelling.
19. The proposed dwelling is considered to reflect the character and appearance of the existing residential development. As such, on balance and having regard to the extant permission, the proposed dwelling would reflect the existing built form and wider context, in terms of scale, height, massing, layout and elevation treatment.
20. The proposed garages would be located within the rear garden of No. 10. They would be single storey and constructed from brick with a tiled pitched roof. The garages, whilst larger than those situated within the car park area, would appear ancillary to the dwellings and would be sited to the rear of the properties, a considerable distance from the Mallard Green streetscene. They would be clearly visible from Sinderland Road given their siting, however it is considered the proposed garages would not appear out of character with the appearance of back gardens and rear boundary treatment, given their ancillary appearance, and would not have an unacceptable impact in the street scene of Sinderland Road.
21. The proposed materials are considered acceptable in principle as they would reflect the surrounding built form. It is however recommended that a condition requiring samples of materials is attached to any condition in the interests of visual amenity.
22. The proposed development is considered to complement the existing dwelling and immediate vicinity, subject to conditions, and thus would be in accordance with Policy L7 of the Core Strategy and NPPF in terms of design.

## **RESIDENTIAL AMENITY**

23. Policy L7 of the Trafford Core Strategy states that “In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not

prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”.

### Amenity of Neighbours

24. The closest neighbouring properties include Nos.10, 11 and 12 Mallard Green and No. 7 Mandarin Green as well as apartments and dwellings located on Sinderland Road. The proposed dwelling would be approximately 4.5m from the side boundary and side elevation of No. 11 Mallard Green and approximately 9.5m from the side boundary of No. 12's rear garden (with the conservatory of No. 11 positioned on the boundary opposite the proposed dwelling). Properties located on the north side of Sinderland Road would have a distance of over 47m from the new dwelling and 19m from the proposed garages.

### *Overlooking*

25. In relation to Privacy, PG1 (paragraph 11.2) states: *“For new two storey dwellings (houses or flats) in cases where special provisions for creating internal and external privacy are not employed, the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens.”*
26. Moreover, at paragraph 11.4, PG1 states: *“Private rear garden areas should not be closely overlooked. Distances to rear garden boundaries from main windows should be at least 10.5m for two storey houses...”*
27. The proposed dwelling includes two habitable room windows (bedroom and living room) on the south elevation facing No. 11 Mallard Green. The window-to-window distances and distance to the garden boundary of 11 Mallard Green clearly fall short of the aforementioned guidance. However, the first floor window on the side of No. 11 serves a landing rather than a main habitable room and the proposed living room and bedroom in the new dwelling would also benefit from windows located on the east elevation, which would provide an alternative outlook. The windows in the proposed dwelling and No. 11 would also not be directly opposite each other. It is considered that a condition requiring the proposed first floor bedroom window on the south elevation to be obscurely glazed and non-opening below 1.7m would mitigate any undue overlooking to the occupiers of No. 11 and 12 Mallard Green and also safeguard the privacy of the proposed dwelling.
28. The ground floor window in No. 11 faces the existing dwelling rather than the proposed dwelling. The proposed ground floor window in the application property, given its location adjacent to the access road, would be clearly visible from the public domain but this is a similar relationship to other windows on front elevations within the cul-de-sac. Having regard to this, it is considered that the position of the proposed ground floor window would not result in any unacceptable additional

overlooking from the landing window in No.11. A condition requiring obscured glazing is therefore not considered necessary in relation to this window.

29. The windows on the east elevation would face No. 7 Mandarin Green and the car park area. The distance from the new dwelling to the eastern boundary of the car park would be approximately 16.5m. The proposed east facing window would be 21m from the west facing window at No.7, which serves a bedroom. It is considered that the 21m distance between windows would be in accordance with the Council's adopted guidelines, PG1 – New Residential Development, and would not result in an undue loss of privacy or overlooking to occupiers at No. 7 Mandarin Green. It is noted that a small obscurely glazed window is located in the west elevation of No. 7, which would be only 16.5m from the new dwelling, however given the window's size and obscured glazing, it is considered that no overlooking or loss of privacy would occur.
30. Furthermore the proposed dwelling would be over 13m from the rear boundary of No.5 Mandarin Green's private garden thus complying with the PG1 guidelines.
31. The proposed dwelling would be adjacent to No. 10 and therefore the relationship to this property would be similar to the relationship between Nos. 9 and No. 10, and other terraced properties.
32. The rear windows facing Sinderland Road would exceed minimum distances to any other dwellings and would therefore be acceptable.

#### *Outlook, Loss of Light and Overshadowing*

33. In relation to overshadowing, PG1 (paragraph 12.1) explains: *“Careful consideration should be given to the orientation of dwellings and the potential for overshadowing, bearing in mind movements of the sun. There are many possible relationships of properties with each other, and so in these matters the Council will generally adopt a flexible approach. However, dwellings should not be grouped so closely that they unduly overshadow each other, their garden areas or neighbouring property. In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15 m (49 ft) should normally be provided.”*
34. The new dwelling would be located north of Nos. 11-13 Mallard Green and therefore the proposed development would not result in any undue loss of sunlight to these properties and would not overshadow their rear gardens. The proposed two storey dwelling would replace an existing single storey garage, approx. 4.5m from No. 11. This neighbouring property has two windows in the side elevation facing the application site, which provide light to the landing areas of the staircase. Landing areas are considered to be non-habitable rooms and therefore are not given the same protection as habitable rooms. As the windows do not directly

serve habitable rooms, it is considered the proposed development would not result in an undue loss of light to the occupiers of No. 11.

35. The proposed dwelling would be flush with the roof and principal front and rear elevations of the existing dwelling (No.10) and set back 2.7m from the existing rear extension and would therefore not result in any undue overshadowing or overbearing impact on windows in the front or rear of that property. The new dwelling would result in the blocking up of two first floor windows currently present on the side elevation of the existing dwelling. One of the windows serves a bathroom (non-habitable) and the other is a secondary window serving the front bedroom. The bedroom would therefore retain a window, providing an outlook and light. It is accepted that this window is somewhat limited in terms of outlook given the distance to the side elevation of No. 11, however it is considered that, having regard to the fact that the window is at first floor level and therefore would receive light from above as well as to the side of the gable of No. 11, this relationship would not result in an unacceptable level of amenity for the occupiers of No. 10.
36. The proposal would therefore not result in an undue outlook, loss of light or overshadowing to neighbouring properties.

#### *Overbearing*

37. Given the siting and scale of the proposed dwelling and considering the windows on the side elevation of No. 11 serve landing areas, the proposed development would not result in an undue overbearing impact upon the occupiers of neighbouring properties. Further, the rear gardens would not be unacceptably enclosed by the proposed development.

#### Amenity of Future Occupiers

38. PG1 at paragraph 13.4 states: *“Whether the amount of proposed private outdoor space is adequate will mainly depend upon the type and size of dwelling and the nature of its surroundings. Around 80 sq. m of garden space will normally be acceptable for 3 bedroom semi-detached houses in an area of similar properties. Smaller houses such as small terraced properties may be acceptable with somewhat less.”*
39. The application site benefits from a large garden. The proposed new dwelling would have a rear garden of circa 61m<sup>2</sup> (excluding the parking area), whilst the existing dwelling would retain the remainder of the garden, equating to approx. 307m<sup>2</sup>. The proposed garden would be similar to other gardens within the vicinity for a dwelling of this size.
40. The proposed (2 bed, 4 person) dwelling would have an internal floor space of 84 sq. m which exceeds the technical housing standard of 79 sq. m. It is considered

that habitable rooms at the dwelling would have adequate outlook and that the garden space would provide an acceptable amount of private amenity space.

### Amenity Conclusion

41. The proposed dwelling would not result in any unacceptable impact on the residential amenity of neighbours. Future occupiers would also have an acceptable level of amenity. The proposal complies with policy L7 of the Core Strategy in this regard.

## **PARKING AND HIGHWAY SAFETY**

42. Core Strategy Policy L4 states that the Council will prioritise the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as part of a package of measures to promote sustainable transport choices.
43. Core Strategy Policy L7 states that in relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and to provide sufficient off-street car and cycle parking, manoeuvring and operational space.
44. The Parking SPD's objectives include ensuring that planning applications accommodate an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments.
45. 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."
46. The proposed development involves the erection of a new dwelling and associated garages. The proposals include two semi-detached double garages located at the north-east corner of the application site. Access is proposed from Mallard Green via the existing access and dropped kerb at the end of the turning head of the cul-de-sac. The LHA recognises that required vehicle and pedestrian visibility splays may be restricted due to the site constraint. However, it is also recognised that the access is on a street where vehicle movements are typically quite slow, due to the nature of the site (small cul-de-sac), and therefore the LHA has concluded that a swept path analysis is not required.
47. A bin store is shown within the rear gardens of both No. 10 and the new dwelling. It is understood that the occupiers would utilise the Trafford Council kerbside collection service.



48. With regard to car parking arrangements, SPD3: Parking Standards and Design for Trafford states that for a two-bedroom dwelling in this area, two off-street parking spaces are required. The proposals comprise the erection of a new dwelling with double garages to the rear of the property with additional hard landscaping, which can accommodate two cars. The proposals therefore satisfy the SPD3 requirements. The LHA has requested a condition to be attached to any permission that requires the garage to be retained for the parking of a vehicle because the garages would be counted towards meeting the required level of car parking spaces. Furthermore it is considered there would be sufficient space in the garage to accommodate cycles for both properties.
49. The LHA has raised no objections to the proposed development, subject to conditions in relation to a Construction Method Statement and the garages to be retained for the purposes of parking of motor vehicles and cycles.
50. In relation to sustainable transport and considering development proposals, NPPF paragraph 112 e) states applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles. It is therefore recommended with any permission that the provision of an EV charging point is required at the new property.
51. Overall, subject to conditions, the application is acceptable on parking and highway safety grounds with regard to Policies L4 and L7 of the Core Strategy, SPD3 and relevant national guidance.

## **BIODIVERSITY**

52. Policy R2 of the Core Strategy states: To ensure the protection and enhancement of the natural environment of the Borough, developers will be required to demonstrate through a supporting statement how their proposal will: Protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban and countryside assets having regard not only to its immediate location but its surroundings; and Protect the natural environment throughout the construction process.

### Bats

53. A neighbour made reference to bats being present on site within their submitted representation. It is noted that an Ecological Report was not submitted by the applicant. It is understood that the applicant has removed a number of trees located within the rear garden, however none of the trees removed were protected. Bats are a protected species and it is considered that a suitably worded informative is appropriate and acceptable in this instance. The applicant's obligations under protected wildlife legislation remain.

## Contributing to and Enhancing the Natural Environment

54. Section 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment.
55. As part of the development the applicant should seek to increase biodiversity and therefore it is recommended that a condition in relation to a landscaping scheme and biodiversity enhancement is attached to any permission.

## Biodiversity Conclusion

56. The proposal is acceptable in terms of ecology impacts subject to biodiversity enhancement measures being conditioned. This is in accordance with Policy R2 of the Core Strategy and relevant national guidance.

## **DEVELOPER CONTRIBUTIONS**

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

## **PLANNING BALANCE AND CONCLUSION**

58. Section 38(6) of the Planning and Compulsory Purchase Act 2004 is clear that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF reiterates the statutory status of the development plan as the starting point for decision making. Paragraph 11 of the NPPF is a material consideration which carries significant weight in the decision-making process.
59. Given the Council cannot demonstrate a five year supply of housing land, paragraph 11 of the NPPF is engaged. In this case, in relation to paragraph 11 d) i), there are no areas or assets of particular importance that would provide a clear reason for refusing the development. Paragraph 11) d) ii) of the NPPF (the "tilted balance") is therefore engaged.
60. The application has been assessed against adopted policy and guidance. It is considered that the proposed development would be acceptable in terms of design and visual amenity and would not have any unacceptable impacts on the residential amenity of neighbouring properties, highway safety or biodiversity, subject to conditions. The proposal would therefore not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme (the creation of one additional dwelling and a small economic benefit associated with the construction process). As such, the development accords with

Trafford Core Strategy, PG1 and the NPPF and is recommended for approval subject to the conditions listed below.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 2021/0088/0001 Rev H; 2021/0088/0002.

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

3. Notwithstanding any description of materials in the application no works involving the use of any materials to be used externally on the building shall take place until samples and / or full specification of such materials (including bricks, tiles, windows, doors, and rainwater goods) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

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

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

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

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

5. No above ground construction works shall take place unless and until a scheme detailing measures to enhance biodiversity at the site and provide a net gain for biodiversity, together with a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The measures should include bat boxes and/ or native tree and shrub planting, and shall be provided in accordance with the approved scheme and timetable and retained thereafter.

Reason: To enhance the biodiversity value of the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework

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

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

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof, the garages and vehicle standing spaces hereby permitted shall be retained for the parking of motor vehicles and cycles for the application property and 10 Mallard Green and shall not be used for any purpose other than those incidental to the enjoyment of a dwellinghouse as such, and no trade or business shall be carried on therefrom.

Reason: To ensure adequate off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary

Planning Document3: Parking Standards and Design and the National Planning Policy Framework.

8. The development hereby approved shall not be occupied unless and until a scheme for the provision and implementation of an electric vehicle charging point has first been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved scheme and the electric vehicle charging point shall be retained thereafter.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) no window or other opening shall be formed in the south elevation of the new dwelling hereby permitted (facing No. 11 Mallard Green) unless a further permission has first been granted on application to the Local Planning Authority.

Reason: To ensure satisfactory level of privacy between properties, having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Guidance 1: New Residential Development and the National Planning Policy Framework.

10. 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 south elevation facing No. 11 Mallard Green shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

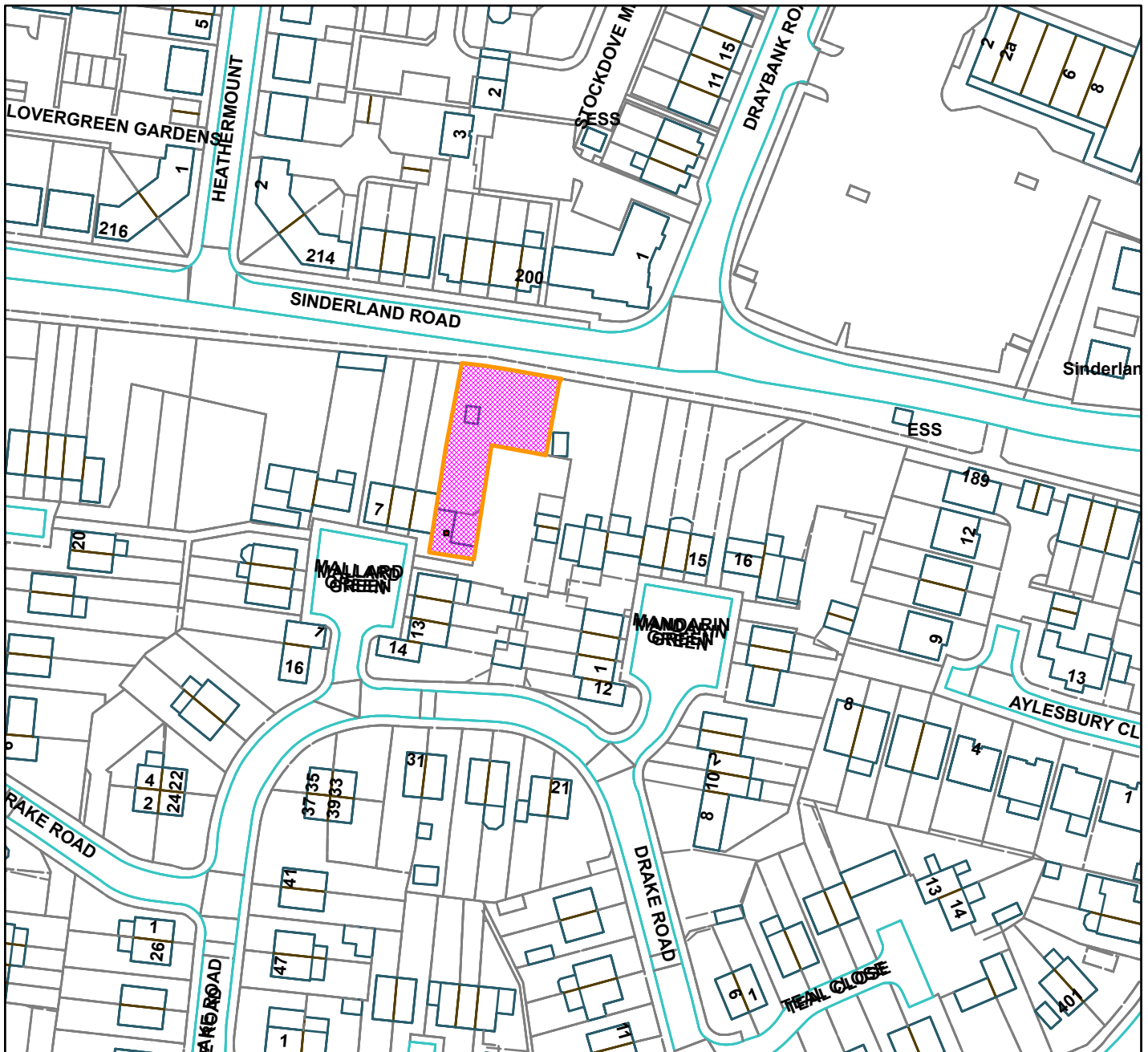
Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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LT



10 Mallard Gree, Altrincham (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/05/2022
Date	29/04/2022
MSA Number	100023172 (2012)

**WARD:** Hale Central

**107033/HHA/22**

**DEPARTURE: No**

### **Erection of single storey rear extensions**

40 Byrom Street, Altrincham, WA14 2EN

**APPLICANT:** Mr Butterworth

**AGENT:** JL Design Services Ltd

**RECOMMENDATION: GRANT**

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**The application has been called in to the Planning and Development Management Committee by Councillor Young.**

### **SITE**

The proposed development site consists of a brick-built, terraced house with a pitched slate roof located on the east side of Byrom Street in a residential area of Altrincham.

To the front of the dwelling there is a ground floor bay window and to the rear there is an original two storey outrigger, attached to which is a single storey outbuilding containing a WC. The dwellings in the surrounding area are predominantly terraced and of similar design.

### **PROPOSAL**

The applicant is seeking planning permission for the erection of single storey rear extensions. The first extension would project 3m from the main rear elevation, 0.5m from the common boundary with no. 38 and the second would extend 1.2m from the rear of the two storey outrigger and would replace the existing single storey WC outbuilding. The rear extensions would have a flat roof with a height of 3m.

### **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**

L7 – Design

In relation to paragraph 11 of the NPPF Policy L7 of the Core Strategy is considered up to date and full weight should be given to this policy.

## **OTHER LOCAL POLICIES**

SPD4 – A Guide for Designing House Extensions and Alterations

## **PROPOSALS MAP NOTATION**

None to note

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

None

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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) on 20<sup>TH</sup> July 2021. 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 was updated in June 2021. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**



105689/HHA/21: Erection of single storey rear extension and associated internal alterations. Application withdrawn on 2<sup>nd</sup> November 2021.

## **APPLICANT'S SUBMISSION**

CIL Questions

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

The application was advertised through consultation letters sent to immediate neighbours. One objection was received by the occupier of no. 38 Byrom Street. The comments are summarised below:

- The proposal would result in overcrowding adjacent to the boundary
- Object to height of wall adjacent to boundary
- The proposal would result in a tunnelling effect along boundary
- The proposal would result in a loss of light, direct sunlight hours and overshadowing into window and French doors
- The proposal would go against the 45 degree rule
- The proposal would set a precedent for the area
- The proposal would limit access to the boundary wall for repairs and maintenance

The objection is supported by Cllr Mrs Young, who agreed with the above points and requested the application be called in to committee, should officers be minded to approve.

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

1. Householder extensions and alterations are acceptable in principle subject to there being no undue harm to the character and appearance of the property or local area through unsympathetic design or unacceptable harm to the amenity of neighbouring properties. Further to this, issues relating to parking provision are also to be considered. There are no additional constraints in this instance.
2. The proposal has been assessed against Core Strategy Policy L7 and guidance contained in SPD4.

### DESIGN AND VISUAL AMENITY

3. Paragraph 126 of NPPF states '*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and*

*development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

4. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
5. The proposed rear extensions are single storey and modest in scale. As such they would appear proportionate and subservient to the host dwelling. The proposed flat roof, fenestration and rendered finish contrast with the traditional style of the existing property. However it is noted that white painted brickwork is featured on a number of properties within the vicinity and as such the render is considered to provide an acceptable appearance, especially given the single storey nature of the development. The flat roof and proposed fenestration would provide a more contemporary design finish to the extensions, however the style proposed is not considered to diminish the quality of the existing property. The window and door openings would have a 50mm reveal to provide articulation to the elevations and design approach taken is considered acceptable, given the siting and scale of the proposed extensions.
6. As such, it is considered that the proposal would have an acceptable design and impact on the character and appearance of the existing property and local area and is therefore considered to accord with Policy L7 of the Core Strategy, SPD4 and guidance in the NPPF in this respect.

## RESIDENTIAL AMENITY

7. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
8. The relevant guidance contained within SPD4 states the following:

Paragraph 2.14.2 states '*It is important that extensions or alterations:*

- *Do not adversely overlook neighbouring windows and/or private gardens areas.*

- *Do not cause a significant loss of light to windows in neighbouring properties and/or their patio and garden areas.*
- *Are not sited so as to have an overbearing impact on neighbouring amenity.'*

Paragraph 2.17.2 states *'The factors that may be taken into account when assessing a potential loss of light or overbearing impact include:*

- *The size, position and design of the extension*
- *Orientation of the property*
- *Presence of other habitable room windows/sources of light in neighbouring rooms*
- *Relative position of neighbouring houses and existing relationship*
- *Size of the garden*
- *Character of the surrounding area'*

9. Additionally section 3.4.2 states that normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of a terrace or semi-detached property. This projection can be increased by an amount equal to the extra distance from the side boundary.

#### *Impact on properties to the front and rear of the site*

10. As the proposed extension would not be visible from the street, there would be no adverse impacts on the amenity of the streetscape and dwelling facing the site from across Byrom Street.
11. SPD4 states that rear extensions should retain a separation distance of 10.5m to the rear boundary and 21m to the relating neighbour at the rear.
12. The rear extensions would retain a distance of between 4.8m - 6m to the rear boundary. This distance is less than the SPD4 guidelines. However, the proposed extensions are single storey and this relationship would not be out of character with the surrounding area, in addition there is an rear alleyway, as such it is not considered the proposal would result in harm to the properties to the rear on Willow Tree Road.

#### *Impact to no. 42 Bryom Street*

13. The extension would project 1.2m from the existing outrigger, matching the existing WC outbuilding and not extending beyond the rear elevation of no. 42. Therefore it is not considered the proposal would result in harm to the residential amenity of the occupiers of no. 42 and the proposal complies with SPD4.

#### *Impact to no. 38 Bryom Street*

14. The comments from no. 38 are noted, however the Council's policy and guidance does not reference the 45 degree rule and at 3m in depth, with a 0.5m set off the boundary the proposal complies with the guidance within SPD4.
15. It is acknowledged that whilst there would be some change to the outlook from the side window at No.38 and within the adjacent garden, it is considered that this would not be detrimental to the residential amenity of this property.
16. The proposed 3m depth of the extension from the main rear elevation is in accordance with SPD4 guidance and is not considered to have a harmful impact on the daylight/sunlight received within this property, especially given that it would be sited to the side of the existing two storey outrigger. The proposed height at 3m, with a 0.5m set off from the boundary is considered to be acceptable and would limit any harmful overbearing impacts or an undue sense of enclosure. Overall the 3m extension is considered to be acceptable, in accordance with SPD4 and would not result in harm to the residential living conditions of the neighbouring property no.38.
17. The 1.2m extension to the rear of the outrigger, although marginally closer than the existing WC it would replace, is not considered to be of a scale to result in harm to amenity.
18. Given the character of the site and existing close relationship to neighbouring properties it is not considered the proposed window and door would provide a harmful increase in overlooking or loss of privacy.
19. The application has been assessed on the individual merits of the proposal, considering the context of the site, as all applications are and as such it is not considered the proposal would set a precedent for the area.
20. Consideration has been given to the comments received, however given the proposed development complies with SPD4 and the extension would be of a modest and proportionate scale it is concluded that the proposal would have an acceptable impact on the residential amenity of the adjacent occupiers and would comply with the guidance within SPD4 and Policy L7 of the Core Strategy in this respect.

## **DEVELOPER CONTRIBUTIONS**

21. The proposed development increases the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore is below the threshold for charging. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

22. The scheme has been assessed against the development plan, supplementary planning documents and national policy and it is considered that the proposed development will result in an acceptable form of development with regard to the impact

on residential amenity and the impact on the character of the existing property and the surrounding area more generally.

23. All relevant planning issues have been considered and representations taken into consideration in concluding that the proposal comprises an appropriate form of development for the site. As such the proposal is considered to comply with the Trafford Core Strategy, SPD4 - A Guide for Designing House Extensions and Alterations and the NPPF and therefore the application is recommended for approval.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plan numbers: A100-1; A100-2; A101; A102.

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.

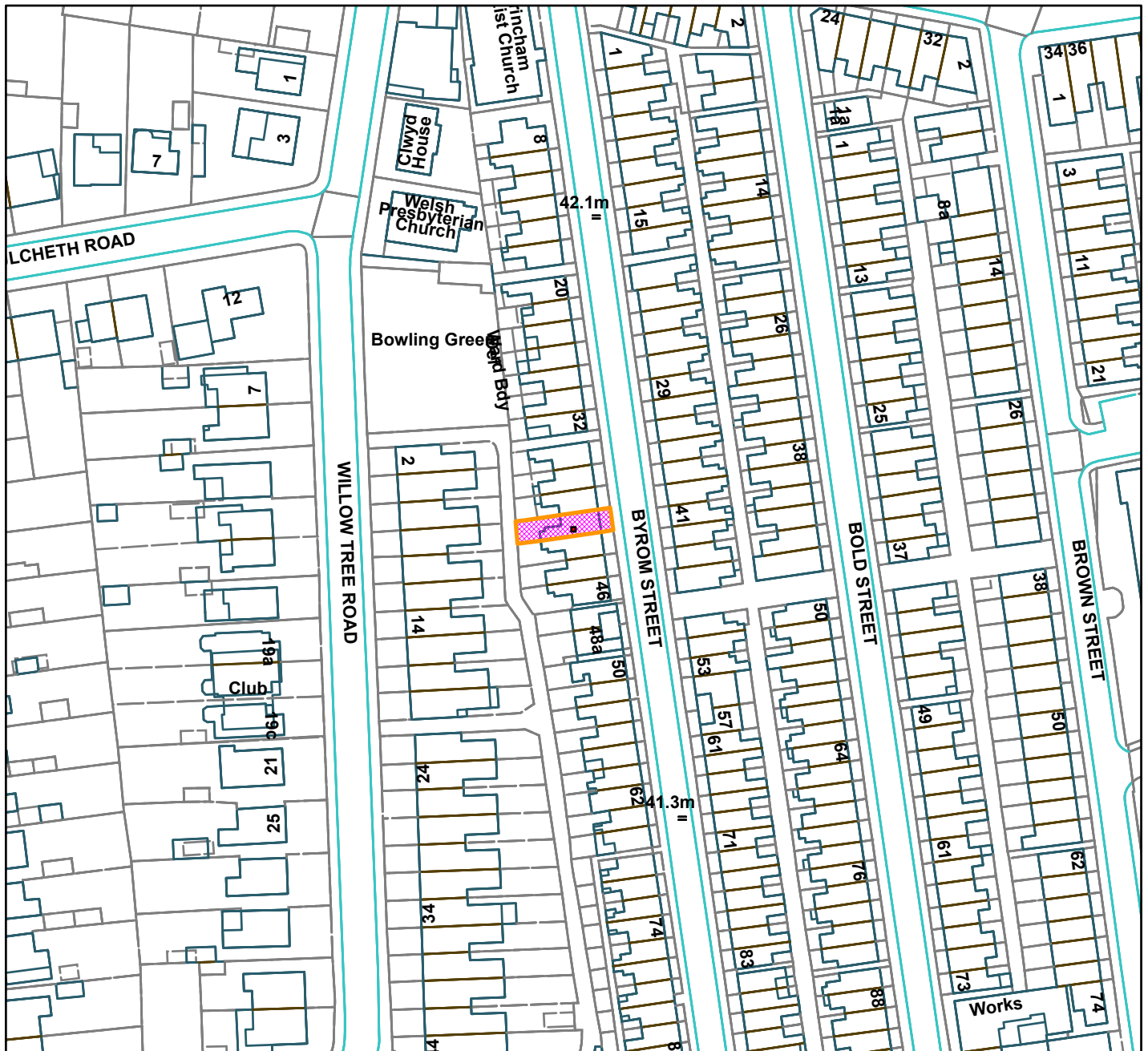
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning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

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AF



40 Byrom Street, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/05/2022
Date	29/04/2022
MSA Number	100023172 (2012)

**WARD:** St Marys

**107309/FUL/22**

**DEPARTURE: NO**

**Application for the installation of a new canopy and five air conditioning units.**

Firs Primary School, Firs Road, Sale, M33 5EL

**APPLICANT:** Ms Claire Fisher, Trafford Council

**AGENT:** Mr Corin Yarrow, Bowker Sadler Architecture

**RECOMMENDATION: APPROVE WITH CONDITIONS**

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**The application has been reported to the Planning and Development Management Committee as Trafford Council is the applicant and one objection has been received.**

**SITE**

This application relates to Firs Primary School which occupies a site of approximately 1.7 ha to the south east of Firs Road, Sale. The school buildings consist of a range of primarily single storey structures as well as a recently approved two storey block towards the south of the site. Vehicular access is taken from Firs Road with car parking provided adjacent to this. There are three pedestrian accesses also taken from Firs Road. To the east of the buildings is a large area of playing fields which is designated as protected open space. The surrounding area is residential in character.

**PROPOSAL**

Planning permission is sought for the erection of a canopy and the installation of five air conditioning units.

The canopy has a width of 9m and a depth of 3.4m to the north side of a single storey nursery building. It would have a mono-pitch roof with a maximum height of 2.6m and an eaves height of 2.1m. It would have a 2.2m separation distance to the site boundary shared with 121 Firs Road.

The air conditioning units are already in situ. Three air conditioning units are positioned on the side elevation facing no. 121 Firs Road with two further units on the rear elevation of the nursery building.

**DEVELOPMENT PLAN**

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

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were

saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES AND OBJECTIVES**

L7 – Design

## **SUPPLEMENTARY PLANNING DOCUMENTS**

None

## **POLICIES MAP NOTATION**

None

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

None

## **GREATER MANCHESTER SPATIAL FRAMEWORK/PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

The MHCLG published revised National Planning Practice Guidance (NPPG) on 29 November 2016, which was last updated on 01 October 2019. The NPPG will be referred to as appropriate in the report.

## **NATIONAL DESIGN GUIDE**

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.



## **RELEVANT PLANNING HISTORY**

105221/FUL/21- Expansion of the school including standalone nursery, studio extension to the dining hall, new 2 storey classroom block to the south west corner of the existing building and formation of new car park to Firs Road frontage. Approved with Conditions - 18.10.2021

104793/FUL/21- Installation of two single storey temporary classroom blocks providing a total of three classrooms. Approved with Conditions- 12 July 2021.

## **APPLICANT'S SUBMISSION**

None

## **CONSULTATIONS**

**Environmental Health (Nuisance)** – No objection, subject to condition requiring Noise Impact Assessment for air conditioning units.

**Design for Security** – No objection subject to consideration of the distance between the canopy and the site boundary. In addition, the existing CCTV coverage will need to be reviewed to ensure that this is not hindered by the canopy and dusk till dawn lighting will need to be installed to ensure that the canopy does not create areas of shadow.

## **REPRESENTATIONS**

A representation has been received which objects on the following grounds:

- The canopy would be a serious security breach to a neighbouring property by allowing access into the neighbouring garden.
- Disturbance from a playground adjacent to the site boundary would disrupt the resident's sleep patterns, given that they work night shifts.
- The neighbour's property was damaged during previous construction works and a build-up of soil was left between their property and the fence and above their damp proof course.

*Issues relating to damage to property are a private matter and not a material planning consideration. The issues relating to amenity and security are considered further in the Observations section below.*

## **OBSERVATIONS**

### **POLICY CONTEXT**

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

2. 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 2021 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.
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.
4. Paragraph 11 of the NPPF states that decisions should be made applying a presumption in favour of sustainable development. It clarifies that, for development proposals that accord with an up-to-date plan, this means approving the proposal without delay.
5. The key issues are considered to be the visual impact of the proposal and its impact on the residential amenity of neighbours. Policy L7, relating to design, is therefore considered 'most important'. Policy L7 is consistent with the NPPF and therefore considered up to date. The "tilted balance" referred to in paragraph 11 is therefore not engaged.

## VISUAL AMENITY

6. Paragraph 126 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 134 states that "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design..."
7. In relation to matters of design, Policy L7 of the Core Strategy states development must:
  - Be appropriate in its context;
  - Make best use of opportunities to improve the character and quality of an area;
  - Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.
8. The proposed canopy is minimal in its scale and massing and is unobtrusively located; being set back a significant distance from Firs Road and immediately adjacent to a larger classroom structure. Its appearance, primarily consisting of polycarbonate sheets above an aluminium frame, is typical of a school site; with at least one example already being present at the site.
9. The air conditioning units are small and visually unobtrusive. They are also typical of school buildings and would not harm the visual amenity of the area.

10. In visual amenity terms, the proposal is considered to be acceptable and in accordance with Policy L7 of the Core Strategy and relevant national guidance.

## RESIDENTIAL AMENITY

11. Policy L7 of the Trafford Core Strategy states that “In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”.
12. The minimal scale and massing of the canopy would ensure that there are no concerns in terms of overbearing impact or loss of light. Similarly, the nature of the proposal ensures there are no overlooking impacts.
13. The canopy, as amended, would be positioned 2.2m away from the site boundary shared with the private rear garden of 121 Firs Road. The canopy would cover an area of external space, allowing it to be used in inclement weather. This may increase the amount of time that the space is used and therefore that noise emanates from the application site. Nevertheless, this area is already within a school site and the yard / playground area was already shown as wrapping around the eastern elevation of the building as approved under planning permission 105221/FUL/21. In addition, prior to that application, a trim trail and other outdoor play equipment were sited in this area of the school grounds. It is considered that the proposal would not significantly worsen the amenity conditions of the adjacent residential unit by reason of noise and disturbance.
14. Retrospective consent is sought for the retention of five air conditioning units to the exterior of the nursery block. It is recognised that noise associated with the operation of air conditioning units, in relatively close proximity to a residential property, could have an impact on residential amenity. Environmental Health raise no objection to the application on nuisance grounds subject to a condition requiring a Noise Impact Assessment and the implementation of any necessary mitigation measures.
15. Subject to this condition, it is considered that the proposed development is acceptable in residential amenity terms with regard to Policy L7 of the Core Strategy and relevant national guidance.

## SECURITY

16. A resident has raised concerns about security implications associated with the development. Design for Security (Greater Manchester Police) recommended that the gap between the canopy and the site boundary be increased to 2m. The applicant has amended the application such that the current proposal maintains a gap of 2.2m to the site boundary and the other comments of Design for Security in relation to CCTV and lighting would be attached as an informative. The application is therefore considered acceptable in this regard.

## DEVELOPER CONTRIBUTIONS

17. The proposed development will not increase the internal floor space of the building so would not be liable for CIL charging.

## PLANNING BALANCE AND CONCLUSION

18. The proposed canopy and air conditioning units would not cause harm to the visual amenity of the area and would be acceptable in terms of residential amenity impacts, subject to a condition requiring a Noise Impact Assessment, and the implementation of any necessary mitigation measures.
19. The proposal is therefore in accordance with Policy L7 of the Core Strategy and relevant NPPF guidance. It is recommended that planning permission is granted subject to conditions.

## **RECOMMENDATION:**

### **APPROVE WITH 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 2052 Rev. E and 141 21 01 Rev. S-3, received by the local planning authority on 21 April 2022, and 1006 Rev. A, received by the local planning authority on 16 February 2022.

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

3. Within two months of the date of this planning permission, a Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority to assess the impact of the proposed air conditioning units upon the closest residential receptors. The assessment shall identify all noise attenuation measures necessary to reduce the impact so as to achieve the requirements of BS8233 for internal noise levels within domestic dwellings. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall be acoustically treated to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Noise measurements and assessments shall be carried out in accordance with the latest published edition of BS 4142 "Rating industrial noise affecting mixed residential and industrial areas". The identified noise attenuation measures shall be installed within two months of the date of approval of the Noise Impact Assessment and shall be retained thereafter.

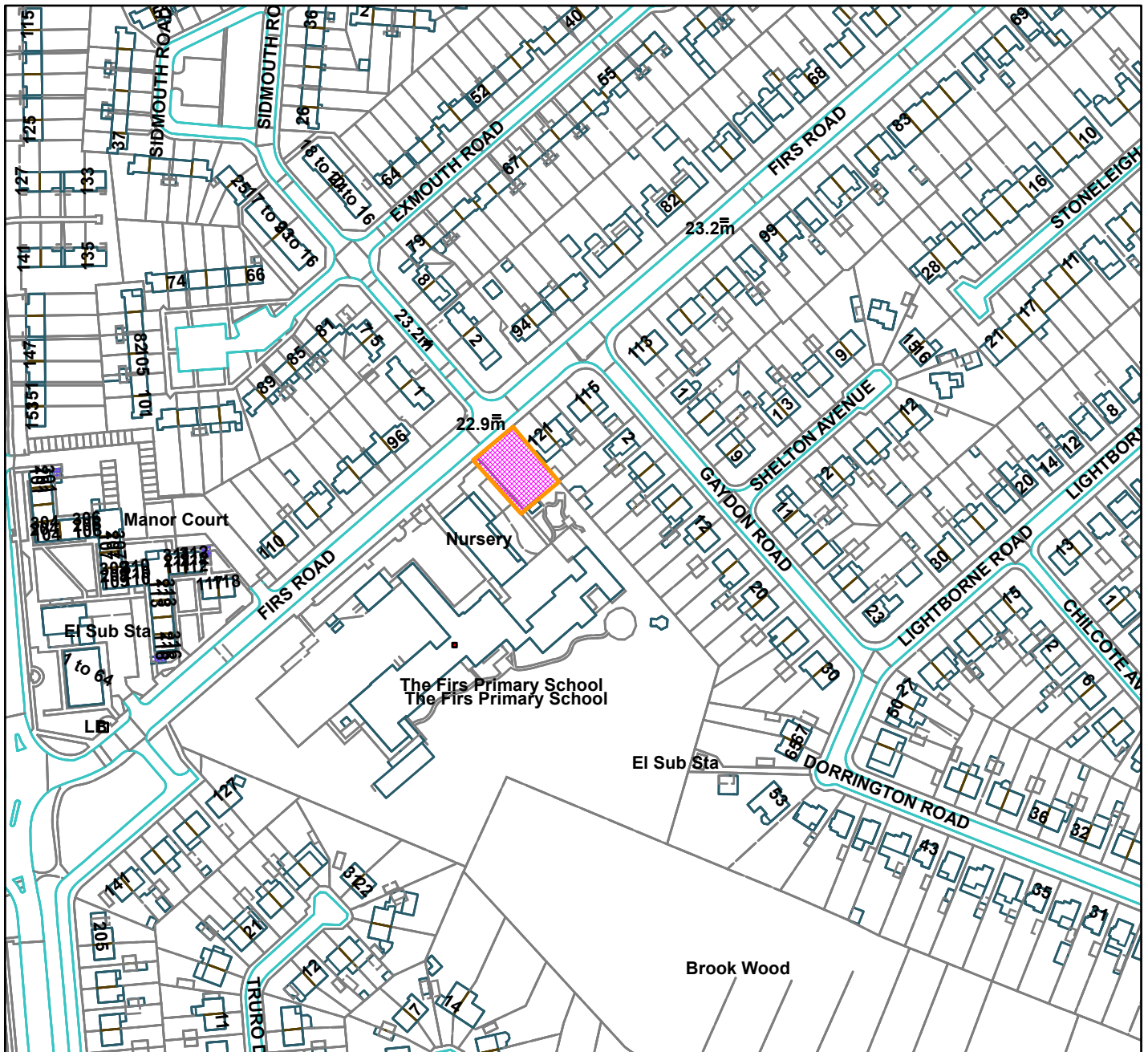
Reason: In the interests of protecting residential amenity with regard to Policy L7 of the Core Strategy and the National Planning Policy Framework.

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JW



Firs Primary School, Firs Road, Sale (site hatched on plan)



Scale: 1:2,300

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/05/2022
Date	29/04/2022
MSA Number	100023172 (2012)

**WARD:** Sale Moor

**107614/FUL/22**

**DEPARTURE: No**

**Installation of a temporary classroom block for additional classroom space.**

Moorlands Junior School, Temple Road, Sale, M33 2LP

**APPLICANT:** Ms Fisher

**AGENT:** Ellis Williams Architects

**RECOMMENDATION: GRANT**

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**The application is reported to the Planning and Development Management Committee as the site is within the Council's ownership and objections have been received contrary to the Officer recommendation.**

**SITE**

The site refers to a Junior School on the corner of Temple Road and Broad Road, which are both predominantly residential streets in Sale.

The school itself is set back from the pavement, single storey and has a stepped front elevation. To the front of the site is a combination of lawn, trees, hardstanding and footpaths. To the north and east of the main school building is hardstanding in the form of a car park and school playground. Beyond this is a more mixed surface playground and playing field. To the east of the site, adjacent to Broad Road is a Multi-Use Games Area.

Residential properties are adjacent to all site boundaries.

**PROPOSAL**

The proposal seeks permission to construct a temporary classroom block to the rear (North-East) of the main school building on part of the existing playground. It is required temporarily to facilitate the future redevelopment/extension of the school, with a planning application for the wider proposal expected imminently.

The current proposal does not seek to increase pupil numbers and is solely to provide space for the decanting of existing classrooms during the wider redevelopment.

The proposed block would be a double 'portakabin' flat roofed structure. It has a width of 16.8m and depth of 9.8m, a central entrance serviced by steps and an access ramp. 2no windows would flank the central entrance on each side, 2no windows and 2no fire exits would be sited on the rear elevation and 1no window on either end of the structure. It would have a height of 3.5m. It would be sited 8.5m from the rear of the main school building.

The inside layout includes 2no classrooms, 2no store rooms a lobby, disabled W/C and W/C.

The total floorspace of the proposed development would be 156 m<sup>2</sup>.

### Added Value

A further written statement was submitted to accompany the application and outline the timeframe, assembly details and requirement for the classrooms with reference to the wider development of the site.

## **DEVELOPMENT PLAN**

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

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

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

L4- Sustainable Transport and Accessibility

L7 – Design

### **PROPOSALS MAP NOTATION**

None

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

SPD3 – Parking Standards

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors will now be appointed to undertake an Examination in Public of the PfE Submission Plan. PfE is at an advanced stage of the



plan making process and, whilst it is not yet an adopted Plan, some weight should be given to the policies. If PfE 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) on 20<sup>TH</sup> July 2021. 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 was updated in June 2021. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

93622/FUL/18: Construction of a footpath and associated works.  
Approved with Conditions 11 April 2018

78558/FULL/2012: Erection of single storey extension to replace existing annexe building and installation of 1.5 metre access gate to Temple Road.  
Approved with Conditions 4 July 2012

78576/FULL/20 12: Recladding existing school building and replacement of windows and doors together with installation of 6 no. windcatchers and 1 no. air handling unit to roof.  
Approved with Conditions 26 June 2012.

### **APPLICANT'S SUBMISSION**

A planning statement outlining the requirement for the classrooms, timeframe for wider redevelopment of the school and justification for the position of the siting was submitted in addition to the required plans.

### **CONSULTATIONS**

No comments received.

### **REPRESENTATIONS**

The application was advertised through consultation letters sent to immediate neighbours. In response 2 Objections were received from different addresses, as summarised below:

#### **87 Temple Road**

- Understands there is a need to redevelop/renew the school
- Primary concern related to parking/traffic

- Often visitors, staff and delivery drivers of the school don't use car park, this causes highway issues and noise/disturbance
- Application does not deal with existing parking/highways issues
- Current use of double dropped kerb as a drop off area and blocking of residential driveways
- There is no space for visitors to 87 Temple Road to park
- Damage to cars and vehicles has occurred and will become worse as a result of the proposal
- There will be a shortfall in parking
- Does the school traffic plan fit in with wider regeneration of Sale Moor
- Wider solution needed
- Will the catchment of the school be increased and lead more parents using cars to drop off/pick up? Further analyses/date needed
- What are the highways/traffic/nuisance implications of the building process

Several photos of bad parking/highways issues were included.

## 2 Selworth Avenue

- Disappointing to see a proposal which increases the capacity of the school without accompanying measures relating to parking/highways.
- Opportunity being missed to show how traffic will be managed on a larger scheme.

## **OBSERVATIONS**

1. The main issues to be considered under this application are the impact on the character of the surrounding area, residential amenity and parking and highways.
2. S38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
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.
4. Paragraph 11 of the NPPF states that for decision making:
  - c) Approving development proposals that accord with an up-to-date development plan without delay; or
  - d) 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.
5. Policy L7 of the Core Strategy, relating to design and amenity is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
6. Policy L4 is not consistent with the NPPF with regard to setting of maximum parking standards and therefore less weight should be afforded this part of the policy.

### Design and Appearance

7. Policy L7 of the Trafford Core Strategy states that:-

*In relation to matters of design, development must:*

- *Be appropriate in its context;*
- *Make best use of opportunities to improve the character and quality of an area;*
- *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.*

8. The classrooms would have a functional design and whilst of no particular architectural merit are clearly of a temporary nature and are considered acceptable within the school setting.
9. The classrooms would be sited over 40m from the boundaries of the site and would not detract from existing streetscene.
10. The loss of some outdoor play area on the hardstanding playground is not ideal. However, it is noted the classrooms would be temporary to facilitate the wider redevelopment of the site (which would be conditioned), the majority of the playground would be retained as would the Multi use games area and playing field, which is considered sufficient.
11. In terms of accessibility the block would include ramped access with a width of 1.5m and gradient of 1:15. There would be a turning area at the top greater than 1.2m x 1.5m and the entrance would have a width of 1.6m. In addition handrails are shown on both the ramped and stair access.

12. Internally, a disabled W/C would be provided and a minimum width to the internal doorways would be 0.9m. It is therefore considered that the proposal would provide a good level of accessibility for all.
13. Overall it is considered that the proposal would not be overly dominant within the site or detract from its existing functionality. Given the temporary nature of the proposal it is considered the proposal would be of an acceptable siting, scale and appearance within its setting.

### Residential Amenity

16. In regards to a loss of amenity to neighbours consideration has been given to L7 of the Core Strategy.
17. The nearest property is 102 Temple Road which lies 30m to the north of the proposed classrooms position. The proposal doesn't seek to increase pupil numbers and given the scale and use of the proposed block and distance to the closest residential property it is not considered the proposal would result in an undue rise in noise, loss of privacy or visual intrusion compared to the existing use of the school site.

### Highways and Parking

18. The proposed classrooms would be a temporary solution whilst the wider redevelopment is undertaken. As the current proposal does not seek to increase pupil or staffing numbers it is not considered that there would be an increase in parking demand.
19. The existing on-site parking demand and impacts on the highway network are noted, but it is not considered reasonable to seek to address them through the current proposal. Further consideration to parking demand and highway impacts would be considered as part of the wider redevelopment of the school site.
20. Given the proposed pre-constructed nature of the proposed block the construction of the proposal is not considered to result in sustained impact on the local highway network.

### **PLANNING BALANCE AND CONCLUSION**

21. The proposed temporary block will facilitate the wider redevelopment of the site and although would reduce the amount of playground space in the short term, supports the continued use of the site throughout these future works.
22. The scheme has been assessed against the development plan and national policy and it is considered that the proposed development will result in an acceptable

form of development with regard to the impact on residential amenity and the impact on the character of the surrounding area more generally.

23. The concerns regarding parking demand and impact of the school use on the local highway network are noted, however the current proposal does not seek to increase pupil or staffing numbers. Therefore it is considered the proposal is acceptable in regards to impact on parking and highways.

24. All relevant planning issues have been considered and representations taken into consideration in concluding that the proposal comprises an appropriate form of development for the site. As such the proposal is considered to comply with the Trafford Core Strategy, SPD3 Parking standards and design and the NPPF and therefore the application is recommended for approval

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

1 The development must be begun not later than three years beginning 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 plans submitted. Plan numbers:

- HD/-- --/--
- 2799\_AE(00)01 P0
- 2799\_AE(04)01 P0

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

3. This planning permission is granted for a limited period expiring 3 years from the date of this permission, when the building hereby permitted shall be removed and the land reinstated to its former condition.

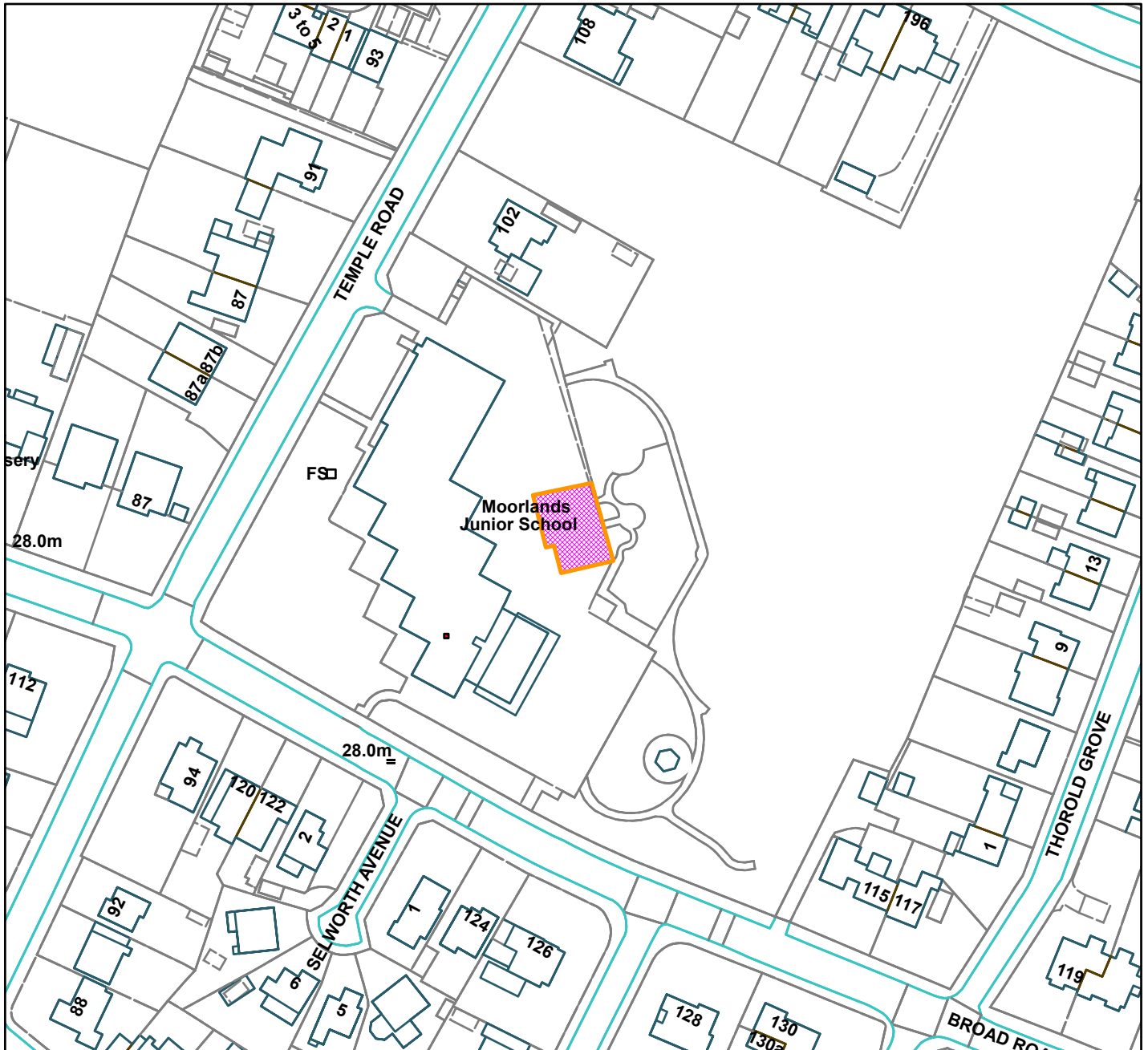
Reason: In the interests of the visual amenities of the area having regard to [the temporary nature of the materials used in the construction of the building hereby approved and having regard to Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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NB



Moorlands Junior School, Temple Road, Sale (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
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