

## AGENDA ITEM 5

### PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 12<sup>th</sup> May 2022

#### ADDENDUM TO THE AGENDA:

#### ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

##### 1.0 INTRODUCTION

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

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

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

##### REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against	For
<a href="#">103905</a>	24 Bonville Chase Altrincham, WA14 4QA	Bowdon	1	✓ Cllr. Whetton	✓
<a href="#">105482</a>	5 Knowsley Avenue Davyhulme, M41 7BT	Davyhulme West	14		✓
<a href="#">105708</a>	Inglewood House , Hall Lane, Partington, M31 4PY	Bucklow St Martins	23		✓
<a href="#">105975</a>	11 - 13 Raglan Road, Sale, M33 4AN	Brooklands	43	✓	✓
<a href="#">106557</a>	10 Mallard Green, Altrincham, WA14 5LL	Broadheath	77	✓	✓
<a href="#">107033</a>	40 Byrom Street Altrincham, WA14 2EN	Hale Central	95	✓ Cllr. Mrs. Young	
<a href="#">107309</a>	Firs Primary School Firs Road, Sale, M33 5EL	St Marys	103	✓	
<a href="#">107614</a>	Moorlands Junior School, Temple Road, Sale, M33 2LP	Sale Moor	111		



- The tree did not have permission granted for removal. Permission was granted for minor weight reduction of the lower limbs. The tree is still protected by the Tree Preservation Order and formal consent is required to fell it. Has a replacement tree been planted where the previous one was removed? It is requested that the Tree Officer visits the site and checks the work that has been carried out including the unauthorised felling of 20 trees - evidence has been provided through dated photographs;
- Bats have been seen around the tree but there has been no assessment of how bat habitat would be affected by the removal of the tree;
- There needs to be a review and solution proposed in relation to nesting birds and loss of habitat;
- The leylandii and laurel hedge are not of sufficient height to provide screening from the proposed two storey extension;
- An accurate RPA has not been provided with an estimate being used;
- No consideration is being given to future crown spread;
- The report states that there will be no new tree planting - contrary to the Tree Officer's comments;
- The report states that a soil assessment should be undertaken but no such assessment has been carried out. This could result in issues in relation to tree protection, new planting design and foundation design and potential soil subsidence / heave;
- It is stated that there are no proposed services within the RPA but what about existing services?
- It is legally incorrect to inform the applicant that has an existing permission to fell the tree;
- Arboricultural advice has only been sought following neighbour objections – the design has not changed so this has clearly not been taken on board;
- The question on the application form about whether there are any trees within falling distance was ticked “no” and no arboricultural report was made available until March 2022;
- The former Tree Officer, Derek Austin, commented that the tree had received a very harsh pruning, which was not what he had granted permission for, but stated that the tree was healthy and would recover although it would take many years, and that he wanted it to stay.
- The tree report states that it has been produced for the sole benefit of the applicant and any liability is not extended to any third party;
- The report states that there are no grounds for refusal but the report itself highlights a number of issues that have not been addressed;
- The stem diameter and therefore the crown spread measurements are incorrect and the tree has been incorrectly categorised as C3 whereas Appendix 2 shows it is predominantly category A (Trees of high quality with an estimated remaining life expectancy of at least 40 years);
- Tree Solutions advice the tree can be retained and just needs a pruning every six years.

An Arboricultural Impact Assessment and Method Statement carried out by Chartered Arboriculturists has also been submitted on behalf of the objector. This provides a different assessment of the tree known as T1 and raises concerns in

relation to the applicant's submitted Arboricultural Assessment. The objector's submitted AIA states that the tree is a "healthy and substantial specimen graded A2 (Trees of high quality).

The AIA makes the following comments: -

### Key Findings

- The report recommends that the tree is to be maintained as it is a healthy and substantial specimen graded A2 (Trees of high quality).
- The tree trunk diameter was incorrectly stated as 650mm in the applicant's report and is in fact 930mm.
- The RPA was incorrectly stated as 7.8m radius and is in fact 11.16m radius.
- Previously reported decay and unbalanced crown have not been identified as described.
- No service plan has been considered. It is understood that services run up the site driveway which could possibly conflict with the RPA and this needs to be confirmed.
- The applicant's report categories the tree as C3. This is considered incorrect and the tree is considered to be A2.
- The position of T1 on the applicant's tree survey is incorrect.
- There are no formal qualifications provided on the applicant's tree report.
- The use of the term "pollarded" is inaccurate. The tree has instead been hard pruned and is now successfully recovering.
- Boundary hedges have not been included in the tree survey, including the importance of wildlife during the bird breeding season.
- No overriding justification has been provided for construction within the RPA that requires the felling and removal of T1.
- There is no attempt to provide construction mitigation measures to allow the retention of the tree.
- The tree survey should show the position of existing tree stumps.
- Replacement planting with a Japanese Privet size 10-12cm is unacceptable. This is simply an upright shrub and completely out of scale with the tree being removed.

- No bat survey has been provided. The objector states that they regularly see bats around the area of the tree. There is a pond within the application property which may attract bats feeding on moths and insects.

The report also makes the following comments: -

- Tree T1 is a mature oak tree with approximate age of 83 years. It is a healthy tree with new vigorous growth and clearly shows recovery from what appears to be hard pruning carried out seven years ago. The proposed building design is within the RPA and the decision to fell the tree is based on an incorrect report.
- The default position should be that structures should be located outside of RPAs. However, where there is an overriding justification for construction, technical solutions might be available that prevent damage to the tree.
- It is understood that planning consent was granted in October 2016 under application 86637/TCA/15 to provide “minor weight reduction” but the tree received a hard pruning. It is understood that this planning consent has now expired.
- The tree is highly desirable in terms of its ecological and visual properties as well as providing significant screening.
- The proposed layout of protective fencing falls short of the BS 5837 recommendations.
- The close proximity of the building would put future pressure on the tree branch canopy and would not allow adequate space for canopy development.

The objector also states that the issues highlighted in the report follow on from the applicant stating on the application form that the tree did not exist i.e. that there are no trees within falling distance of the development.

In addition, the objector has submitted photographs showing views from the closest bedroom window in number 22 towards the application property and also showing the tree on the boundary. These are included within the slideshow. The objector states that the photographs demonstrate that, although the officer’s report states that the properties are at right angles, this is not the case and the angle is more acute. The objector states that this means that the south and east elevations of number 22 will be facing the north and partial west elevations of number 24 and, taking into account that the north elevation of the extension will be extended forward to within 10m of the property at number 22, this will have a detrimental impact on privacy.

The objector also states that a previous application, H/49659, was refused on the grounds that the first floor window in the north elevation of the extension would

result in a significant risk of overlooking of the habitable room windows and private garden area of number 22. The objector states that that previous extension would have been set further back than the current proposal but was still considered to have an unacceptable privacy impact.

### **APPLICANT'S SUBMISSION**

A statement has been submitted from a planning consultant on behalf of the applicant, making the following comments: -

- The applicant has responded positively to requests for amendments and additional information during the consideration of the application. Following the re-notification of neighbours, only two have continued to comment on the amended proposals.
- The objection from number 9 relates to the alteration of an existing window opening which would not require planning permission and a ground floor extension, which, if carried out separately from the other elements of the proposal, would be permitted development.
- The proposed rooflights are set within an open roof space above the master bedroom. As such, the bottom edge of the rooflight would sit 2.75m above floor level and there would therefore be no scope to overlook neighbouring properties.
- The objection from number 22 repeats previous concerns that have been addressed in the report.
- Paragraphs 25-27 of the Committee report consider the relationship between the proposed development and neighbouring properties in detail. Given that this assessment has been made in the context of repeated and lengthy objections, it is anticipated that this would have been given the utmost scrutiny by planning officers.
- The tree located on the boundary between numbers 22 and 24 has previously been the subject of a consent to fell in 2015. Rather than removing the tree at that time, it was heavily lopped. The Council's Arboriculturist has concluded that the tree can be removed and replaced.

### **CONSULTATIONS**

**Arboriculturist** – Disagrees with the conclusion of the objector's arboricultural report, stating that she agrees with the classification of the tree as C3 (Tree of low quality) in the applicant's arboricultural report and reiterates that the tree has decay in a number of previous pruning wounds and an unbalanced crown. The comments are reported in more detail below.

## **OBSERVATIONS**

In relation to the further objections received, the following points are noted. The rooflights on the east and west elevations would be more than 1.7m above internal floor level and would therefore not result in overlooking of the neighbouring properties. The acceptability of the scheme is not dependent on the laurel hedge providing screening on the boundary as the proposed windows on this elevation would be obscure glazed and fixed shut up to 1.7m above floor level.

As referred to in the main report, a Juliet balcony can normally be provided on any existing window under permitted development rights, which suggests that national government, in defining these permitted development rights, has concluded that the overlooking impact of a Juliet balcony is not significantly greater than that of a normal window. It is therefore considered that the proposed Juliet balcony would not result in an unacceptable loss of privacy to number 9.

The 21m guideline for the distance between main habitable room windows is based on a typical relationship between two properties with windows directly facing one another e.g. across a highway. Where windows are at an angle to one another, it is reasonable to allow a reduction in this required distance. In this case, the closest window to the boundary on the front elevation of the extension would be conditioned to be obscure glazed and the window furthest away from the boundary would be approximately 14m from the closest window in number 22 but offset and at a considerable angle to No. 22's windows such as to not result in an unacceptable level of inter-looking. The 10.5m guideline relates specifically to the distance between main habitable room windows and a neighbour's boundary but in this case the windows would be obscure glazed and fixed shut up to 1.7m above floor level with the rooflights also more than 1.7m above floor level.

For clarification, paragraph 27 of the main report states that the windows in the front of the extension would be at right angles to those in the side of No. 22. It is recognised that this statement is not correct. The houses are approximately at right angles and the windows in the side elevation of the extension would be approximately at right angles to those in the side of No.22. However, the front elevation of the extension does not directly face the side elevation of No. 22 and the non-obscure glazed window would be at an oblique angle to those in the side and front of No. 22. It is considered that the photographs submitted by the objector show that the windows would be significantly offset and at an oblique angle.

The reasons for the refusal of the earlier planning application H/49659 are set out in full in the main Committee report. Paragraph 14 of the report states that that earlier proposed 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 directly comparable with that previous scheme. Although the north elevation of the extension would not have projected as far forward as in the current application, the extension would

therefore have projected significantly further to the west. As a result, the first floor window proposed in that development would have been almost directly opposite the closest window in the side elevation of number 22 at a distance of approximately 17m and would also have faced more directly towards the private garden of that property. The fact that the north elevation of the extension is set further forward in the current application proposals compared with that previous scheme means that the clear glazed windows are at much more of an angle to one another. It is therefore considered that the current proposals would have significantly less overlooking impact than the scheme that was refused permission under application H/49659.

In relation to the objector's comments on the applicant's tree report, the Council's Arboriculturist has confirmed the following: -

The condition of the tree can be clearly seen from a ground based inspection. Permission was granted in 2015 to carry out works to a number of trees under trees application 86637/TCA/15. Unfortunately no details of the works or the trees' locations were retained on the Council's system. The question of replacement tree planting in relation to the previously removed tree is not relevant to the current application. The RPA is only a method of calculating the theoretical location of tree roots. The "Construction Exclusion Zone" is not relevant to this application as noted in the report. The Anti-Social Behaviour Act 2003 does not require hedges to be retained at a maximum of 2m in height. There are no notes retained by any party that confirm what Derek Austin said about the tree works. Any discrepancy in terms of RPA measurements is not relevant to whether the tree should be removed or not. The tree has an unbalanced crown and is only visible from the end of Bonville Chase so has a low amenity value and is rated as Category C3 (Trees of low quality) in the report. The report does not propose a maintenance plan but highlights that, if the tree were to be retained, it would require pruning every six years to prevent future crown failure because it has significant decay and is in poor condition. Appendix 2 does not show the tree is "predominantly Category A". On both plans, the tree is clearly shown in grey, which indicates Category C (low quality).

In relation to the objector's submitted arboricultural impact assessment (AIA), the Council's Arboriculturist has stated that she disagrees with their categorisation of the tree as A2 (Trees of high quality). The Arboriculturist has viewed the tree on site and could clearly see decay in a number of the previous pruning wounds. She states that she would describe the tree as being in fair health and that the re-growth from the previous heavy pruning has increased the unbalanced nature of the crown. She states that the tree is only clearly visible from the end of Bonville Chase and she would rate the tree as having low amenity value. Whilst the Arboriculturist acknowledges the limitations of the tree report provided by the applicant, she states that she would agree with its classification of the tree as category C3. Whilst the objector's AIA has measured the RPA and found it to be larger than in the applicant's report, the proposals would affect less than 25% of the RPA based on these measurements. The RPA is a mathematical way of plotting expected tree rooting areas but neither tree report has modified the shape to reflect likely distribution of tree roots based on the hardstanding area.

The majority of the footprint for the proposed extension is under existing hardstanding and she expects there to be fewer tree roots under the existing driveway. If the Council were to prohibit the removal of the tree, details of construction methods within the RPA would need to be submitted, in line with BS 5837 (2012) Trees in relation to Design, Demolition and Construction.

It is also noted that, although the applicant's tree consultant has not included their professional qualifications in the submitted tree report, these have been provided in email correspondence with the Council's Arboriculturist.

In conclusion, having regard to the Arboriculturist's comments, it is considered that there remain no objections to the removal of tree T1. For the avoidance of doubt, the Arboriculturist's assessment is not based on the previous application for tree works but on her conclusion that the tree has a number of decay points in old pruning wounds an unbalanced crown and that she could therefore not object to its removal. Notwithstanding this, it is considered that the acceptability of the proposed extensions is not dependent on this issue. Due to the oblique angle between the closest non-obscure glazed window and the windows in No. 22, it is considered that the proposed extension would not result in any unacceptable inter-locking between the two properties and this is not dependent on screening on the boundary. Furthermore, if it were to be concluded that tree T1 should be retained, the Arboriculturist considers that details of construction methods would need to be submitted and conditions could then be attached in this respect.

With regards to the issue of bats, it is recognised that the tree is of a type that could potentially support bats, that the surrounding area supports good quality bat foraging habitat and that no bat survey has been submitted in relation to the proposed tree works. However, in relation to this issue, the applicant would have legal obligations in terms of the protection of bats under other legislation (the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000)) and it is therefore considered that this would not prevent the granting of planning permission. It is recommended that an Informative should be attached in relation to bat protection.

### **RECOMMENDATION**

The recommendation is unchanged except that it is recommended that an informative is attached in relation to bat protection.

**Page 14**                      **105482/HHA/21: 5 Knowsley Avenue, Davyhulme**

**SPEAKER(S)**              **AGAINST:**

**FOR:**                      **Richard Floyd  
(Agent)**

*Written Statement only*

**SPEAKER(S) AGAINST:**

**FOR: Mark Massey  
(Agent)**

**OBSERVATIONS**

**It is noted that Conditions 4, 6, 7 and 9 need to be updated to include the plan numbers of amended plans received on 3 May 2022. The amended conditions are set out below.**

Boundary wall

The LHA have advised that the eastern boundary wall of the property is required to be realigned as part of the highway works associated with planning permission 100109/FUL/20 – for 151 dwellings – in order to accommodate a 2.0m pavement width for the access into this site. The realignment would lead to the boundary wall being relocated approximately 0.9m to the west and a small reduction in the extent of the curtilage of this property, and consequently the outdoor play areas. Nevertheless, the outdoor play areas would remain sufficiently sized for the number of children able to use them at any one time, and would not be moved closer to any neighbouring properties (in fact they would be further away from properties on Derwent Close). Consequently this information does not change the view of officers on the merits and acceptability of the scheme.

Equalities

Replace Paragraph 59 with the following (for clarity):-

The applicant has submitted an Inclusion and Equal Opportunity Policy and a 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 will also be provided. An accessible WC is shown on the ground floor of the premises. In terms of the requirements of Part M of the Building Regulations, the use of the building as a nursery would be considered a full change of use under the Building Regulations and thus must have level or ramped access; a full design and access statement should be provided for access and facilities for disabled persons for each floor level; and there should be lift access within the building unless it is designed out with an access and management design statement.

Given the nature and constraints of the property, which is a 19<sup>th</sup> century traditional two storey premises, built as a dwellinghouse, it is very unlikely that it could practically and viably accommodate a lift. There is no planning policy

(either at local or national level) which requires a nursery building to provide a lift. It is assumed as a worst case scenario that no lift will be provided.

The benefits of the proposal in respect of a necessary service being provided to one protected group – pregnancy and maternity – and the accessibility for disabled persons provided through the Building Regulations (assuming no lift is to be provided) provide a reasonable and practical approach in this building. This, in officers view, weighs the balance in favour of the proposal in equalities terms.

## **RECOMMENDATION**

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 A) 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.

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 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 D and 21122 (PL) 003 A) shall only 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: 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; and 21122-PL-002 D and 21122 (PL) 003 A), shall be limited to a person solely or mainly employed by 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.

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 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 (drawing



spaces which would justify the requirement of a TRO as set out in paragraph 77 of this report. On balance therefore, the proposed parking arrangements are considered to be acceptable.

## **EQUALITIES**

Paragraph 98 to be replaced as follows to update comments regarding accessibility of both the new and existing apartment buildings:

Case law has established that appropriate consideration of equality issues is a requirement directly stemming from the Equality Act 2010.

As part of the refurbishment works of the existing building, a lift is to be added and the original building entrance will be reinstated as the main building access. Level access will not therefore be provided. The existing building is already in residential use with 11 no. existing apartments; the existing accesses are also stepped. The proposed amendments and extensions to the building sought under this application would result in an additional 3 no. units within the existing building. As Raglan House is an existing building and also a non-designated heritage asset it is exempt from Part M of the Building Regulations (access to and use of buildings) in relation to level access. In addition there is no policy in place within the existing Core Strategy to enforce higher standards of accessibility.

Within the new build element of the proposal, the 2 no. ground floor units would have level access. The new build apartment building will need to comply with Part M and 2 no. accessibility parking spaces are provided within the revised plans to the front of the site in accordance with the LHA recommendations.

It is considered that the measures proposed in relation to the new build and internal improvements to the existing building, would on balance provide an appropriate and reasonable response to the equalities impacts of the scheme.

## **RECOMMENDATION**

The recommendation remains unchanged, but the following additional conditions are to be attached to an approval:

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Below Ground Drainage Strategy document (BDI Structural Engineering Solutions/Aug 2021) which contains suitable infiltration tests in accordance with BRE365 and the following mitigation measures as detailed:

- Drainage Strategy Plan in accordance with Dwg No: 20195575 C1 01/P2 (BDI Structural Engineering Solutions/ Jan 2022)
- Soakaway should not be used within 2.5m of a boundary, 5m of a building or road



- 5) clarification that the applicant is in discussion with relevant covenant holders in relation to restricted covenants to obtain permission for all building work
- 6) clarification that no land has been illegally fenced off; and
- 7) if granted the applicant states they would ensure works are carried out with due consideration and landscaped to suit the environment.

### **CONSULTATION**

Greater Manchester Ecology Unit provided comments, discussed below, on 9<sup>th</sup> May 2022.

### **REPRESENTATION**

One objector has submitted photographs stating that these show the size of vehicles which have blocked access to her property and how narrow the space is adjacent to the proposed front door of the property, which is not safe.

### **OBSERVATIONS**

Greater Manchester Ecology Unit was consulted in relation to the potential loss of a bat roost associated with the loss of trees on site and have advised that from the evidence before them (Google Street View and aerial photography), the trees removed were not mature enough to support features that bats could use for roosting.

GMEU further note that the trees could have been used for foraging, which is what the neighbours may have observed. New native trees could be planted as part of any landscaping scheme to replace the loss of foraging habitat.

It is considered that the recommended conditions in relation to a scheme for landscaping and biodiversity enhancements, as well as the informative in relation to bats, are still relevant and sufficient.

### **RECOMMENDATION**

The recommendation remains unchanged.

**Page 95**                      **107033/HHA/22: 40 Byrom Street, Altrincham**

**SPEAKER(S)**              **AGAINST: Lisa Hughes  
(Neighbour)  
Councillor Mrs. Young**

**FOR:**

**Page 103**                      **107309/FUL/22: Firs Primary School, Firs Road, Sale**

**SPEAKER(S)**            **AGAINST: Tony Murphy  
(Neighbour)**  
*Written Statement only*

**FOR:**

**Page 111**                      **107614/FUL/22: Moorlands Junior School, Temple Road, Sale**

**SPEAKER(S)**            **AGAINST:**

**FOR:**

### **CONSULTATIONS**

*Local Highways Agency – 03/05/22*

No Objections on highways grounds.

### **OBSERVATIONS**

In relation to the highways consultation, it is noted that the comments received support the officers' view that the temporary nature of the classrooms and them being required to facilitate existing pupils and staff means there is no requirement for additional on-site parking.

The application (107787/FUL/22) for the wider site works is now valid and out to consultation with neighbours and consultees. That application proposes the *erection of a single storey extension which includes 4no. classrooms, studio and specialist teaching space along with the ancillary spaces required. Application will include extension of hard play area.* However the merits and impacts of that proposal are to be considered separately to the current proposal.

### **RECOMENDATION**

The recommendation to Grant remains unchanged.

**RICHARD ROE, CORPORATE DIRECTOR, PLACE**

**FOR FURTHER INFORMATION PLEASE CONTACT:**

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