

**WARD:** Broadheath

**105642/FUL/21**

**DEPARTURE: NO**

## **Change of use from a B2 (General Industrial) premises to a flexible B2 and B8 (Storage or Distribution) use class**

North Quays Business Park, Atlantic Street, Altrincham, WA14 5BF

**APPLICANT:** North Quays Business Park Executive Pension Plan

**AGENT:** Icen Projects Limited

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee due to six or more objections being received contrary to Officer recommendation.**

### **Executive Summary**

This application seeks permission for a flexible B2 (General Industrial) and B8 (Storage or Distribution) at the former Cartwrights site on Atlantic Street within the Broadheath Industrial Area, the application site has an historic (B2) industrial use.

The proposal would include an hours of use restriction from 0700hrs -1900hrs Monday – Sunday, with Unit 12-14 having marginally later opening until 2200hrs.

The site measures approximately 3ha and is surrounded by industrial and employment/office use to the east, north and west of the site with the Bridgewater Canal located beyond the southern boundary. Beyond the south side of the canal is residential development.

The principle of the proposed development is considered to be acceptable (paragraphs 1-8) and complies with the policies contained in the Core Strategy and the NPPF.

The applicant has sought to ensure the amenity of neighbouring residential properties is protected and has committed to a condition to provide an updated noise report aimed to mitigate against noise and disturbance to neighbouring residential properties. (paragraphs 44-52).

All other detailed matters have been assessed, including the appropriateness of the flexible uses, heritage and highways. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF.

### **SITE**

The application site is located on the south side of Atlantic Street, within the Broadheath industrial area and measures approximately 3ha in area. The site has historically been occupied by the Cartwright Group which was involved in commercial vehicle trailer manufacturing, however following the companies administration in September 2020 the site has been used by a number of individual business. This site was part of the wider Cartwrights site the remainder of which is located immediately to the west side of the application site and has recently secured planning approval (ref:105654/FUL/21) for its redevelopment for continued industrial development by the new owners Network Space.

The application site comprises two industrial buildings. The largest of these buildings (Alexander House) extends across the majority of the site and comprises units 1-14 (including Units 3a and 3B) with units 12-14 combined to form the largest unit within the building. The second smaller building comprises unit 15 and is located towards the north-eastern side of the site. Units 6, 10, 11 and 12-14 have small mezzanine areas which are used as ancillary office and staff room areas. The existing gross internal floorspace for the buildings is approximately 11,371sqm.

Vehicular access to the site is taken from three vehicular access points on Atlantic Street. A total of 50 car parking spaces are located within the existing site layout.

The Bridgewater Canal is located beyond the southern boundary, the towpath of the canal extends beyond the site boundary with a row of trees and vegetation in the intervening space. The towpath is a Public Right of Way (Altrincham 31). On the opposite side of the canal is residential development. The site is not within a Conservation Area. The nearest listed building is Seamon's Moss Bridge which extends across the canal and is Grade II listed, the bridge is located approximately 0.4km to the south-west of the site boundary. A large electricity pylon is located along the south-east corner of the site adjacent to the canal towpath.

The site is surrounded by industrial and employment/office use to the east, north and west of the site. Immediately to the east side of part of the site boundary is a pedestrian pathway leading from Atlantic Street to the canal towpath. Beyond the pathway to the east side is the Stag Industrial Estate, to the north side of the site on the opposite side of Atlantic Street is the Ocean Street Trading Estate Lyon Industrial Estate. To the west side of the site is a separate area of the former Cartwrights site which has recently obtained planning approval for its redevelopment for B2, B8 and E(G) use.

The application site is allocated within the Revised UDP Proposals Map within a Main Industrial Area, it is also located within a Flood Zone 1 area (lowest risk of flooding) and a Critical Drainage Area within Trafford Council's Strategic Flood Risk Assessment (SFRA).

The Bridgewater Canal is identified within the Revised UDP Proposals Map as a Site of Importance for Nature Conservation and a Wildlife Corridor, the canal towpath and

adjoining verge are also identified as a Wildlife Corridor and Protected Linear Open Space. The Bridgewater Canal is also a Site of Biological Importance.

## **PROPOSAL**

The site has historically been used as B2 (General Industrial use) and is understood to have operated 24hrs, 7 days a week when operated by the Cartwright group as part of the wider use of the site. The applicant seeks a flexible use for both B2 and B8 (Storage or Distribution) use which would allow the applicant to lease units for either of these uses as demand dictates. There would be no change to the existing gross internal floorspace of the units (approximately 11,371sqm). There are no proposals to undertake any external alterations to any of the existing buildings or site layout.

Unit 4 first floor (mezzanine) office area has historically been used as stand-alone office use having been sub-let by the Cartwright Group and it is still the intention for that space to continue as an office use and therefore not subject to the proposed change of use.

A total of 46 car parking spaces are proposed and the existing vehicular accesses to the site are still proposed to be used.

The applicant proposes hours of use for the units from 0700hrs – 1900hrs Monday – Sunday. Unit 12-14 would require hours of use from 0700hrs – 2200hrs Monday to Sunday to allow for later deliveries of goods.

## **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 & Accessibility

L5 – Climate Change

L6 - Waste

L7 – Design

L8 – Planning Obligations  
W1 - Economy  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure

## **PROPOSALS MAP NOTATION**

Main Industrial Area

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

E7 – Main Industrial Area

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

Revised SPD1: Planning Obligations  
SPD3: Parking Standards and Design  
SPG12 Industrial Development  
SPG:24 Crime and Security

## **Other Relevant Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

## **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 DCLG published the latest version of 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 last updated on 5 April 2022. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

The application site has an extensive planning history the following are the most recent applications.

106028/FUL/21 - Application for the erection of a front and rear elevation with roller shutter doors and fire doors to create an infill of the existing open canopy – Approved – 29.11.2021

88648/FUL/16 - Extension to existing production building with associated external alterations. Approved - 03.08.2016 (RE: Building which cuts across boundary line)

86323/FUL/15 - Roof modifications including locally raising roof level between existing ridges and extension of existing canopy; enclosure of existing yard to create covered internal fabrication area and associated modifications to elevations. Approved - 15.12.2015

85273/FUL/15 - Proposed single storey extension to industrial building – Approved 23.07.2015

H/64177 - Erection of 2.5m high acoustic fence along south east boundary, side wall cladding to existing canopy and increase in height of existing 4 paint spray discharge flues. Approved -10.05.2006

H/48766 – Erection of two storey link extension to form office and storage areas – Approved 02.03.2000

### **APPLICANT'S SUBMISSION**

The applicant has submitted a noise assessment in support of the application proposal.

### **CONSULTATIONS**

**Local Highway Authority (LHA)** – No objections in principle, subject to a number of highway related conditions. Further comments are discussed in the Observations section of this report.

**Trafford Council Pollution & Housing (Nuisance)** – No objections subject to inclusion of a condition requesting an updated noise assessment. Comments are discussed in more detail in the Observations section of this report.

**Greater Manchester Police (Design for Security)** – No objection in principle, recommend that any new fittings such as windows and doors are accredited with industry standards. Comments are discussed in more detail in the Observations section of this report.

**Trafford Council Strategic Planning and Developments** - No objections, comments are discussed in more detail in the Observations section of this report.

**Bridgewater Canal Company** - No comments received at the time of report preparation. Any comments received will be included in the Additional Information Report.

**Trafford Council Heritage Development Officer** – No objections

## **REPRESENTATIONS**

Neighbours: Letters of objection have been received from 14 individual addresses. The issues raised as follows:-

### Amenity

- Adjacent neighbours suffered from noise when the site was in use by Cartwrights. Noise abatement notice served
- Constant noise from vehicle movements 24hrs a day (loading of HGVs and reversing beeps)
- The site is too open and noise travels
- The 3m fence proposed along the perimeter will not deter the noise
- Noise levels during socially unacceptable hours, night and weekend, some specific constraints should be imposed around times/days and peak dB and preclude tannoy/site music.
- Proposal is for 24 hrs a day 365 days a year
- Light pollution through the night and at weekends
- Acceptable hours of use would be normal working hours – no weekends or bank holidays
- Increase in air pollution (including diesel pollution from lorries)
- No vehicle movements should be permitted within the site near to the canal boundary
- No details for noise monitoring and how this will be enforced in the longer term
- The noise assessment is inadequate as done over weekend when the sites were largely unused; no modelling of the type of sounds that would accompany the change of use and no assessment on impact on neighbouring residents.
- If the site was remodelled loading and unloading could be restricted to the north side of the site and parking to the south where the noise fence could be of some use
- Multiple occupants/businesses with different requirements and therefore expected noise levels given in reports/noise surveys at best unrealistic
- Any 24 hour use will open the flood gates across all sites occupied along Atlantic Street

### Highways

- This development will lead to traffic congestion along surrounding streets Atlantic Street, George Richards Way, Davenport Lane, Baltic Road, Black Moss Road and the A56 with the extra traffic especially HGVs.

- Extra vehicles will inconvenience local residents attempting to access retail outlets on Atlantic Street
- Surrounding roads in poor condition not suitable for heavy goods vehicles
- Local roads do not support waiting and parking of large vehicles

### Other Matters

- Future use of site from a B8 use under permitted development rights should be precluded without a full planning application.
- There will be no control of any business activities within the permitted range of class B2 and B8
- In order to reflect the aims of the COP26 to reduce greenhouse gases the applicant should demonstrate how their activities will be carbon neutral
- The light, noise and air pollution will impact wildlife and degrade biodiversity in the area
- The proposed new use is likely to decrease the employment opportunities at the site.
- Will devalue residents and small business properties
- The adjacent business park would be strangled with these properties with the loss of jobs and local businesses.

### OBSERVATIONS

1. S.38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to 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 (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but 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.
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 (c) of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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. Policies relating to the economy, sustainable transport and accessibility, design and amenity are considered to be up to date when considering the application against NPPF paragraph 11. The 'tilted balance' referred to in paragraph 11(d)(ii) of the NPPF is not engaged. The application should be determined in accordance with the development plan unless material considerations indicate otherwise.
6. With regards paragraph 11(d)(i) of the NPPF, analysis later in this report demonstrates that there are no protective policies in the NPPF relating to heritage assets, which provide a clear reason for refusing the proposed development.

### Employment Use

7. Policy W1.3 identifies Broadheath as a location where employment uses will be focused. Policy W1.8 states that Broadheath will be retained and supported as a principal employment location in the south of the Borough. Policy W1 is consistent with the NPPF and is considered up to date. Full weight should therefore be afforded to this policy. The application site is located within Broadheath Main Industrial Area and has been historically used for industrial purposes and operations.
8. The development proposals seek permission for the flexibility of utilising this brownfield site for additional employment development in the form of use class B8 (Storage and Distribution) and as such is in keeping with the NPPF (Paragraph 119) which encourages the effective use of land. The flexible permission would allow either use classes B2 (general Industrial) or B8 within the site, Paragraph 81 of the NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including making provision storage for storage and distribution operations at a variety of scales and in suitably accessible locations.
9. Having regard to Policy W1 the principle of a flexible B2 (General Industrial) and B8 (Storage or Distribution) use on this site is considered to be acceptable.

### HERITAGE ASSETS

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.



11. The NPPF identifies the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'*.
12. The National Planning Policy Framework (July 2021) sections 192-208 are relevant to this application.
13. In relation to heritage assets, paragraph 194 states that *'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.
14. Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 197 calls on local planning authorities when determining applications to take account of the desirability of new development making a positive contribution to local character and distinctiveness.
15. Paragraph 199 of the NPPF establishes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
16. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
17. Paragraph 202 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. Paragraph 203 states that 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 assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

19. The NPPF sets out that harm can either be substantial or less than substantial and the NPPG advises that there will also be cases where development affects heritage assets but from which no harm arises. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest, which includes any archaeological, architectural, artistic or historic interest. The significance of a heritage asset also derives from an asset's setting, which is defined in the NPPF as 'the surroundings in which a heritage asset is experienced'.
20. Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness (R1.1) 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. Whilst R1 is inconsistent with the NPPF it is not considered to be out of date for the purposes of the determination of this planning application.

#### Significance of designated and non-designated Heritage Assets

21. The nearest designated heritage asset to the application site is Seamon's Moss Bridge (Grade II listed) located approximately 0.4 to the south-west of the site. Given the distance between the bridge and the application site (with intervening buildings and land) it is considered that the application site does not fall within the setting of the listed bridge and is therefore not directly impacted by the proposed development. The nearest non-designated heritage asset to the application site is the Bridgewater Canal.

#### *Bridgewater Canal*

22. The Bridgewater Canal extends beyond the southern boundary of the site and includes the towpath which extends along the northern boundary of the canal adjacent to the site boundary.
23. The Bridgewater Canal is considered to be a non-designated heritage asset in itself. The canal is an historical waterway and has been identified as the first arterial canal in Great Britain. It has been an important industrial and commercial thoroughfare historically used as such for years, having opened in in 1776. In recent years works have been undertaken to upgrade the towpath which runs alongside the Bridgewater Canal (the Bridgewater Way) and it has become a popular route for pedestrians, cyclists and pleasure craft users.

#### Impact of development on non-designated Heritage Assets

24. In relation to the Bridgewater Canal the application site is effectively screened from the canal due to the existing 3m-3.5m high acoustic fence and dense strip of Laurel

hedging along the tow path outside of the application boundary. The towpath is at a lower level than the site ground level with a raised earth embankment with the laurel hedge above, both combined provide a natural boundary screen approximately 4m – 5m in height. There are also a number of trees along the south east corner of the site boundary alongside the towpath. The Bridgewater Canal has been subject to extensive redevelopment along much of its course over the years including works within the Broadheath Industrial Area. The application site is a long established industrial site and the proposed development does not include any external works to the existing buildings on site.

### Conclusion on Heritage Assets

25. The Heritage Development officer has no objections to the proposed development. The setting of the listed Seamon's Bridge is not considered to be affected.
26. With regards the identified non-designated heritage asset the Bridgewater Canal, in weighing the application, paragraph 203 of the NPPF requires that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As the development does not propose any external works to the existing buildings and having regards for the extensive screening between the site and the canal it is not considered that that the development will have any adverse impact on the identified non-designated heritage asset.

### LAYOUT, SCALE AND APPEARANCE

27. Core Strategy Policy L7 requires that, in relation to matters of design, development must be: appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and make appropriate provision for open space, where appropriate, in accordance with Policy R5.
28. Paragraph 126 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. 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”*.
29. The National Design Guide was published by the Government in October 2019 and sets out how well designed buildings and places rely on a number of key components and the manner in which they are put together. These include layout, form, scale, appearance, landscape, materials and detailing.

30. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.
31. Alexander House which houses Units 1-14 has a varied roof design which comprises sections of pitched and dual pitched roofs, with roof heights varying between approximately 7m-8m to ridge height. The majority of the building and roofs are clad in corrugated sheets of aluminum and other cladding systems with sections of the building constructed in brick and masonry. Unit 15 has a shallow mono-pitch roof with brick parapet and measures approximately 6.7m to ridge height, this unit is constructed in brick.
32. Part of the existing building which comprises the largest Unit (Unit 12-14) effectively extends along the southern boundary towards the south-east corner of the site. Unit 11 as indicated on the existing site plan is an external space between Unit 12-14 and the main building Alexander House with a roof canopy which extends across to link both buildings. This area is referred to as Unit 11 and has planning permission (106028/FUL/21) to enclose the area with two new roller shutter access points facing northwards into the site, the works have not yet been undertaken. The rear elevation facing the canal boundary will be enclosed with a cladding system with a pedestrian access door only. This enclosure of Unit 11 will not only result in a more secure and functional industrial unit but will also help to mitigate any noise break out.
33. Units 7,8 and 9 have their main accesses facing towards the canal boundary, the roller shutter access openings measure approximately 4m in height and would allow for vans and small flat-bed lorries to access. In addition the external space between these openings and the southern boundary is limited and restricts maneuvering by any larger vehicles. During the officers visit to site it was observed that this area was used mainly for external storage by the current occupier of Unit 7 who supply pre-cast concrete fixtures for the construction industry.
34. There are no external changes to this area along the southern side of the site, other than the enclosure of Unit 11. As stated there is a 3m-3.5m high acoustic timber fence located along the southern boundary which has been insitu for some period of time.
35. Unit 12-14 which is located towards the east side of the site has an external service yard specifically for its operations, the yard extends along the southern boundary and part of the eastern boundary. The combined units of 12-14 form the largest unit on site with 6 roller shutter openings. Three of these openings would allow for larger lorries to access with the openings approximately 5.2m in height. The acoustic fence also extends along the southern boundary of the service yard, with palisade fencing positioned long the eastern boundary with the public footpath. As stated previously the Stag Industrial estate is located to the east side of the site. The potential end user for this unit has requested that they have a slightly later hours of

opening to allow for the flexibility of later deliveries, the hours of use requested being 0700hrs – 2200hrs Monday to Sunday to allow for later deliveries of goods.

36. Unit 6 has four roller shutter openings which are positioned on the western elevation of the building which measure approximately 3m in height to allow small van access. An additional one on the north facing elevation is approximately 4.5m in height which would allow for smaller lorries to access.
37. Unit 4, 5 and 7 also have roller shutter access from the western elevation to accommodate vans and small lorries. Units 1-2 and 3A have roller shutter access to the north elevation with Unit 3A having a dedicated hardstanding and vehicular access onto Atlantic Street. Unit 1-2 also has two roller shutter accesses on the eastern elevation. Unit 15 the stand alone building has roller shutter access on both its east and west elevations. A service and storage yard is located to the east side of Unit 15, all of the above units can accommodate vans and small lorry access.
38. A large service yard area extends from the northern boundary of the site down to the southern boundary and which provides vehicle access to all the units on site. The service yard also extends across from the west side of Alexander House over to the western boundary with the adjacent Network Space site.
39. There are no external changes proposed and the development is considered to be in accordance with Policy L7 of the Core Strategy.

## RESIDENTIAL AMENITY

40. In addition to ensuring that developments are designed to be visually attractive paragraph 130 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
41. Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should *a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – avoid noise giving rise to significant adverse impacts on health and quality of life.*
42. The National Planning Practice Guidance (NPPG) provides further guidance with regard to the assessment of noise within the context of the NPPF and also in line with the explanatory note of the Noise Policy Statement for England (NPSE). Paragraph: 003 Ref ID:30-003-20190722 of the NPPG states that this would include identifying whether the overall effect of the noise exposure (including the impact during construction phase wherever applicable) is, or would be above or below the significant observed adverse effect level and the lowest observed adverse effect

level for the given situation.

43. The NPPG identifies the observed effect levels of noise (Paragraph: 004 Reference ID:30-004-20190722) as:

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: This is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

44. Policy L5.13 of the Trafford Core Strategy states that *'Development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place'*.

45. Policy L7.3 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.

#### Relationship of Development Layout with Residential Properties

46. The nearest residential properties to the site are located to the south side of the site (on the opposite side of the canal) on Yeoford Drive and Pennymoor Drive. The majority of properties along the canal side have their rear garden area extending up to the canal edge, there is no canal towpath on the side with the residential properties.

47. A distance of approximately 22m is retained from the canal edge which is effectively the rear boundary of the residents' gardens across the canal to the site boundary.

48. The towpath to the canal extends beyond the southern boundary of the site. As stated earlier the towpath is at a marginally lower level than the site ground level with a raised earth embankment with the laurel hedge above, both combined provide a natural boundary screen approximately 4m – 5m in height. There are also a number of trees along the south east corner of the site boundary alongside the towpath. A palisade fence (approximately 2m in height) is located to the rear of the laurel hedge with a 3m-3.5m high acoustic fence positioned behind the palisade fence and which forms the boundary treatment as viewed from within the site.

#### Noise

49. The former Cartwrights site was subject to extensive complaints in the past from local residents with regards noise from the industrial processes that occurred at the

site. These complaints related to noise not only during the day but also in the evening and night time and culminated in a noise abatement notice being served by the Council to seek to remedy the noise nuisance. In addition a large number of objections to this scheme included the potential for noise and disturbance to nearby residential properties.

50. The applicant has submitted a noise assessment as part of the application proposals. As the opening hours for the site are proposed to be restricted only a daytime assessment was undertaken. As not all end users are yet known the noise report provides a rating (43dB LAr,1hr dB) that would need to be complied with to maintain a low impact at the nearby residential properties. Any mitigation that is required to be implemented at any of the industrial units will need to be assessed once occupiers are known.
51. The Council's Pollution section have considered the submitted noise survey and have recommended a condition which would require submission of an updated noise assessment of all plant and machinery and details of any relevant mitigation measures to protect the amenity of local residents.
52. It is relevant to note that the adjoining site under the ownership of Network Space to the west of the application site has recently obtained planning approval for a mixed use including EG(ii)(iii), B2 and B8 with no restriction on hours of use.
53. This current application proposes hours of use 0700hrs – 1900hrs Monday – Sunday. Unit 12-14 would require hours of use from 0700hrs – 2200hrs Monday to Sunday to allow for later deliveries of goods. The site has historically operated with no restriction on the hours of operation. In addition there are no external works proposed to the buildings.
54. It is considered that subject to the inclusion of the recommended condition for an updated noise assessment to take into account end user requirements; the restriction on hours of use and the existing acoustic fence, it is considered that the proposed development is acceptable in this location having regard to Policies L5 and L7 of the Core Strategy and the NPPF.

#### External Lighting

55. The applicant has not provided any details of external lighting as final details for units and external areas not yet determined. In order to ensure that no adverse impact will result from light pollution with regards nearby residential properties an appropriate condition will be included on any grant of planning permission for the submission of a scheme of external lighting to be submitted and agreed by the Local Planning Authority, prior to its installation.

#### Air Quality

56. It is recommended that a condition is included to secure electric vehicle charging points throughout the development in order to mitigate against air pollution from traffic emissions.

#### Conclusion on residential amenity

57. The proposed development has been considered in regards to its impact on nearby residential properties. Appropriate conditions to be included to mitigate with regards noise, air quality and external lighting proposals.

58. The proposed development is therefore considered acceptable with regard to residential amenity and in accordance with Core Strategy Policy L5.13 and L7 and advice within the NPPF.

#### ACCESS, HIGHWAYS AND PARKING

59. Paragraph 105 of the NPPF states ‘...significant development should be focused 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.

60. Paragraph 111 of the NPPF states that ‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

61. Policy L4.7 states that ‘The Council will not grant planning permission for new development that is likely to have a significant adverse impact on the safe and efficient operation of the Strategic Road Network, and the Primary and Local Highway Authority Network unless and until appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for the implementation are secured’.

62. Policy L4.14 to L4.16 sets out the adopted maximum car and cycle parking standards as set out in Appendix 3 to the Core Strategy and within adopted SPD3.

63. 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 provide sufficient off-street car and cycle parking, maneuvering and operational space.

#### Access Arrangements

64. The proposed development will involve the retention of the existing accesses into the site. The LHA have requested that due to the proposed B8 use a condition is recommended for details of auto-tracks for the internal road and accesses to account for the largest vehicles entering and leaving the site to confirm the safe operation of the accesses and manoeuvrability within the internal road layout. The LHA have also requested that a condition is included which will detail a pedestrian



path layout throughout the site and how this connects with the public footpath/highway on Atlantic Street.

### Car Parking

65. The LHA have advised that having regard to SPD3: Parking Standards and Design for this location the maximum standard for B8 use is one space per 100sqm and B2 one space per 45sqm. Based on the existing gross internal floor space of the units (circa. 11,371 sqm) the maximum parking provision for a wholly B2 use would be approximately 252 spaces, whereas for a wholly B8 use it would be 113 spaces.
66. The applicant has indicated which units are proposed to be used for either B2 or B8. Units 1-2; 5; 7 and 15 are proposed to be B2 use with units 3A & 3B; 4; 6; 8; 11 and 14 are proposed to be B8. The applicant has indicated that 9 and 10 will be marketed as either B2 or B8 use. The LHA have advised that based on these allocations the proposed maximum car parking provision should be 150 spaces. The existing site has approximately 44 spaces and it is suggested that the proposed development will incorporate 46 car parking spaces including two accessible parking spaces provided. Whilst there is a shortfall in terms of the parking provision, it should be noted that the proposed B8 use of the site has a requirement for less parking provision than a B2 use which the site currently operates. SPD3: Parking Standards for accessible parking states that individual bays should be provided for each disabled employee plus 2 bays or 5% of total capacity whichever is greater.
67. The LHA have recommended a condition be included which will require submission of parking provision for individual units in order to ensure sufficient parking is provided once end users are known, this would also include for accessible parking and HGV & LGV parking.

### Motorcycle & Cycle Parking

68. Advice within SPD3 states that parking for motor cycles should be located on a flat surface and in an area that is overlooked by staff or members of the public and well-lit, particularly if it is anticipated that any motorcycles would be parked for two hours or more (any long-stay spaces would also need to be covered). Secure anchorage points or railings sited 0.6m above ground level should be provided. B2 use requires one space per 1000 sqm (minimum of 2 spaces) which equates to approximately 11 spaces & B8 use requires one space per 2000 sqm (minimum of 2 spaces) equating to approximately 6 spaces. The applicant has suggested that 12 motorcycle spaces would be provided which complies with the standards if the site was used entirely for a B2 use which has the greater requirement for parking. The LHA have requested that an appropriate condition is included to secure details of motorcycle parking provision across the site.
69. The cycle parking standards as detailed within SPD3 are minimum requirements. Class B2 use requires one space per 450 sqm (minimum of 2 spaces) which, for the

proposed floor area for those units indicated for B2 use would equate to a minimum of 12 spaces. Sole B8 use would require approximately 10 spaces which is based on 1 space per 850sqm. The applicant has indicated that approximately 26 cycle spaces will be provided. An appropriate condition will be included in order to secure details of appropriate cycle parking and secure cycle storage across the development site.

#### Conclusion on access, highways and parking

70. The development is considered not to result in any unacceptable impact on highway safety or with regards the road network. The site currently has an under provision in terms of car-parking provision for its current entire B2 use, B8 use has a lesser requirement for parking provision than B2 therefore the mixed use in these circumstances is considered acceptable given the existing provision. Further information to be submitted when end user requirements are known regarding final car parking, manoeuvring, pedestrian access and cycle and motor cycle provision. The development is therefore considered to comply with the requirements of Core Strategy policies L4 and L7 and advice within the NPPF.

#### CRIME & SECURITY

71. Core Strategy Policy L7.4 relates to matters of design and security and states that development must be designed in a way that reduces opportunities for crime and that does not have an adverse impact on public safety. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on achieving inclusive and safe places and, together with the advice within the Councils SPG:PG24 Crime and Security, it can therefore be given full weight in the decision making process.
72. Greater Manchester Police (Design for Security) have been consulted on the application proposals and have no objections subject to any proposals for any new external fittings such as shutters, windows doors should be certified to secured by design standards and/or glazing to external doors and windows having at least one panel of laminated glass. As this application does not involve any external alterations to the buildings it is considered appropriate to include an informative to ensure that any future works to the buildings that include the installation of new windows/doors etc. adhere to the industry standards.

#### EQUALITY ASSESSMENT

73. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 130 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
74. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to

eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

75. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
76. The proposed development will not involve any physical works to the existing buildings or site layout, the submitted plans will incorporate two accessible car-parking spaces having regard to the Council's parking standards. Notwithstanding this provision a condition has been included which will require submission of parking provision for each unit when end users are known and also a condition requiring a site pedestrian footpath and accessibility plan. The applicant has confirmed that the existing mezzanine areas within the buildings are ancillary space associated with the ground floor use of the associated units. The mezzanine floors have limited small floor areas relative to the size of the ground floor units. There is no lift access to these areas and the applicant has advised there are no proposals to include lifts given the small scale of changes proposed.

#### Other Matters

77. As the proposed development does not involve any physical external works to the site there is no requirement for a land contamination report, nor is there considered to be any impact on ecology, whilst it is considered unreasonable to seek drainage improvements. The site is effectively hard landscaped throughout. To the front boundary with Atlantic Street there are two narrow strips of medium/low level planting and one small tree adjacent to the existing railings, the landscaping appears to be well maintained. The site offers no viable areas for any additional soft landscaping within the site given the existing use of the site and that no external works are proposed to the buildings or site layout as part of the development proposals.

#### DEVELOPER CONTRIBUTIONS

78. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of "industry and warehousing" 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).

## **PLANNING BALANCE AND CONCLUSION**

79. 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.
80. 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. The proposed development is considered to comply with the development plan, and in accordance with paragraph 11 (c) of the NPPF, should be approved without delay.
81. The application site is located within the Broadheath Industrial Area where the principle of employment development is considered to be acceptable. The proposals will see the re-use of existing industrial buildings located within a brownfield site. Development on such brownfield sites is considered to be acceptable in terms of local planning policy and the NPPF (paragraph 119).
82. The existing layout and appearance of the buildings on site will not alter as a result of the proposed development, with the existing vehicular access still retained. Subject to appropriate highways conditions relating to car-parking provision, pedestrian access, maneuvering space for vehicles including HGVs, the proposed development will comply with Policies L4 and L7 of the Trafford Core Strategy.
83. The site has been subject to historic complaints regarding noise from activities at the site when operated by the Cartwright group. The applicant has proposed an hours of use condition for the wider application site and a noise related condition to also mitigate against noise from activities on site.
84. It is important to note that significant weight must be given to the fallback position of the site which has an existing industrial (B2) use and which has existed for a considerable period of time. The external areas of the site could be used for entire open air storage and associated industrial activities with no form of noise mitigation in place without the requirement of any further planning approvals. The proposed development would provide an opportunity to mitigate against noise pollution with associated conditions to ensure acceptable noise levels are maintained at the site and the hours of use of the site as requested by the applicant.
85. The proposed development will provide a number of significant benefits which are afforded considerable weight in the consideration of the proposal. The proposed flexible use of the site to attract businesses with the B8 element along with continued B2 use would provide economic growth and regeneration attracting inward investment and creating job opportunities. The use of the site as proposed is considered acceptable subject to appropriate conditions as detailed earlier in this report to mitigate against impacting upon residential amenity.

86. All relevant planning issues have been considered and representations and consultation responses taken into account. The scheme complies with the development plan which is the starting point for decision making and is therefore 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 by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The premises (with the exception of Unit Four first floor office area as indicated on approved drawing number:2411-BP-01 Rev.C ) to which this relates shall be used for General Industry (Class B2) or Storage and Distribution (Class B8) and ancillary offices and no other purposes (including any purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Other uses within the same Use Class may have a detrimental effect on the neighbourhood and the restriction to the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, having regard to Policies L4 and L7 of the Trafford Core Strategy.

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

- Drawing No:2410-LP-01 Rev.C – Location Plan
- Drawing No:2411-BP-01 Rev.C – Block Plan
- Drawing No:474 L 001 – Existing Floor Plan and Elevations Unit A
- Drawing No:474 L 002 – Existing Floor Plans Unit BCD
- Drawing No:474 L 003 – Existing Floor Plans Unit BCD
- Drawing No:474 L 004 – Existing Ground Floor Plan Unit 1
- Drawing No:474 L 005 – Existing First Floor Plan Unit 1
- Drawing No:474 L 006 – Existing Elevations Unit 1
- Drawing No:474 L 102 – Floor Layout

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

4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

- Unit 12-14 (as indicated on approved drawing number: 2411-BP-01 Rev.C) 0700hrs – 2200hrs Monday to Sunday.
- All other units 0700hrs – 1900 hrs Monday to Sunday

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

5. No development shall take place until a noise assessment, together with proposed mitigation measures, for all plant and machinery to be installed on or within the buildings and site subject to the proposed development has been submitted to and approved in writing by the Local Planning Authority. The noise rating level, including sound from all units, fixed plant, mobile plant, HGV's/LDV's as detailed within the noise assessment 'North Quays Business Park Ref:102764' shall not be exceeded at the nearest residential receptor. Thereafter any required mitigation measures detailed in the noise assessment to protect the amenity of local residents shall be implemented prior to the plant and machinery first being operated and shall be retained thereafter.

Reason: In the interests of the amenity of the occupiers of nearby premises, having regard to Policies L5.13 and L7 of the Trafford Core Strategy, and the National Planning Policy Framework.

6. Prior to the erection of any external lighting, a detailed lighting strategy providing details of light spillage and any required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. All exterior lighting should be capped at the horizontal with no upward light spill. Thereafter the site shall only be lit in accordance with the approved lighting strategy.

Reason: In the interests of the amenity of the occupiers of nearby premises and having regard to Policies L5.13 and L7 of the Trafford Core Strategy.

7. No development shall take place until auto-tracking details for existing vehicular accesses and the internal road layout have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The development hereby approved shall not be occupied unless and until a scheme for secure cycle and motorcycle parking have 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 and in the interests of visual

amenity, 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.

9. Notwithstanding the details on the approved plans, no development shall take place until a scheme detailing pedestrian footpaths and accessibility provision across the development site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the development is accessible by all sections of the community having regard to Trafford Core Strategy Policies L4 and L7 and the National Planning Policy Framework. The details are required to prior to development commencing to ensure the approved detail is incorporated into the site layout.

10. Notwithstanding the submitted parking and servicing layout details, prior to the occupation of each unit hereby approved, a Parking and Servicing Statement shall first be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide evidence to demonstrate that adequate car parking (including HGVs and LGVs) and servicing provision can be provided for the use proposed in that unit and shall include a revised parking and servicing layout. Parking and servicing shall be provided in accordance with the approved Parking and Servicing Statement prior to occupation and retained thereafter.

Reason: To ensure that adequate servicing and car parking is provided for each unit for its intended use, having regard to Policies L4 and L7 of the Trafford Core Strategy, Supplementary Planning Document 3 - Parking Standards and Design and the National Planning Policy Framework.

11. No part of the development hereby approved shall be brought into use until a scheme detailing the provision of low emission vehicle charging points and other passive infrastructure for future use has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

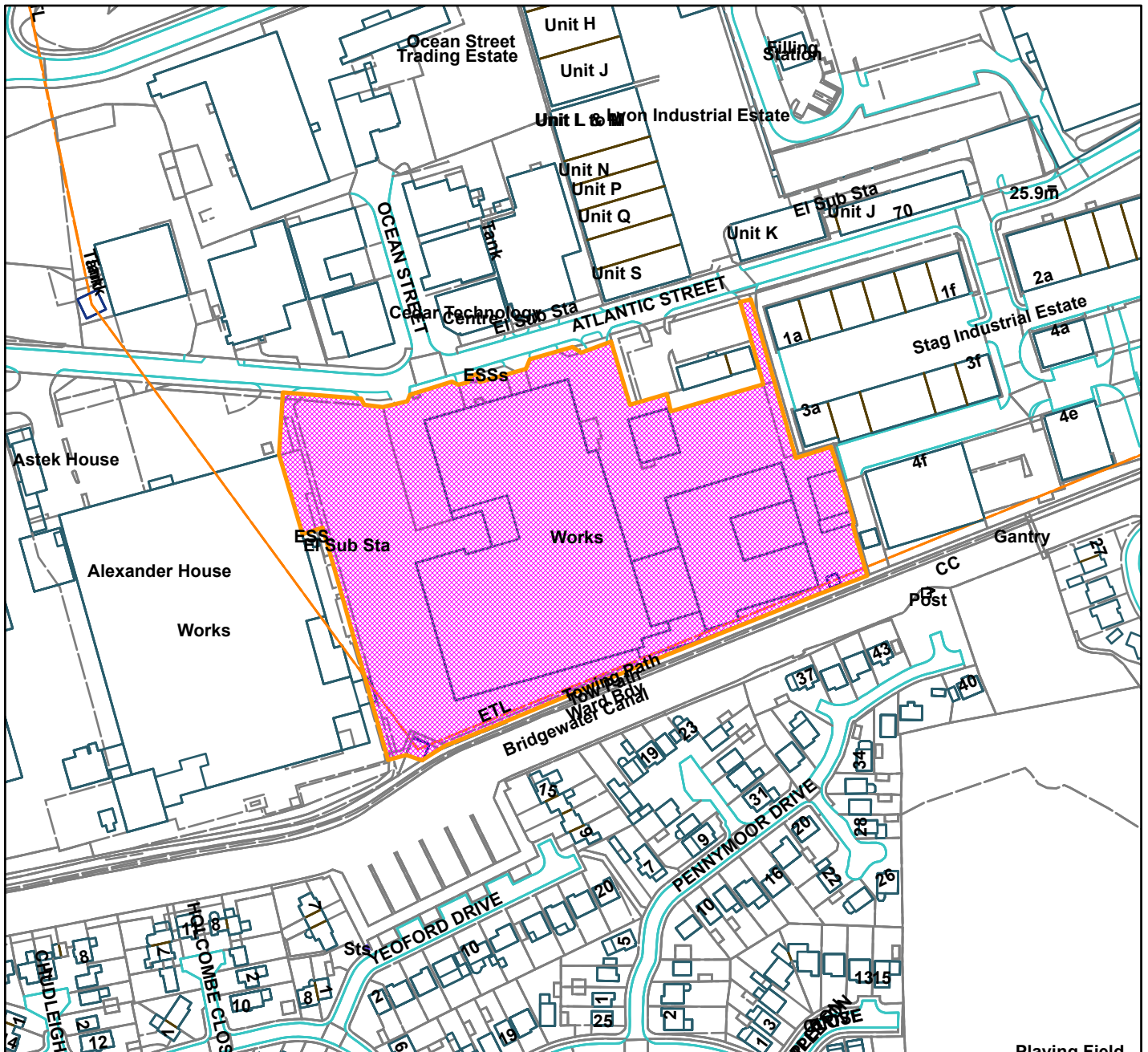
Reason: in the interests of sustainability and reducing air pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

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CM



North Quays Business Park, Atlantic Street, Altrincham (site hatched on plan)



**Scale:** 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/07/2022
Date	29/06/2022
MSA Number	100023172 (2016)



**WARD: Flixton**

**106722/FUL/21**

**DEPARTURE: No**

**Installation of 2 air source heat pumps**

Delamere School, Irlam Road, Flixton, M41 6AP

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

**AGENT:** Mr Adrian Roebuck, Amey Consulting

**RECOMMENDATION: GRANT**

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**This application is reported to the Planning and Development Management Committee because the applicant is Trafford Council and one objection has been received contrary to the Officer recommendation of approval.**

**SITE**

The application site comprises of two small areas at the western gable ends of buildings forming part of Delamere Primary School, which comprises a collection of largely single storey mid-late 20<sup>th</sup> Century buildings set to the south of Irlam Road. The wider site comprises of a car park to the north/north-west, grassed, open areas to the west and south-west, and playgrounds to the south and north-east. The school is bound by a secondary school to the east and south, a grassed area to the south, residential properties to the west and north-west, and a further school to the north. Site boundaries are marked by metal railings, with all boundaries screened by mature vegetation, including trees.

The site is located within the Green Belt.

**PROPOSAL**

The applicant proposes to install two air source heat pumps (ASHPs) adjacent to two of the single storey buildings' west facing gable elevations, the larger of the two ASHPs positioned closer to the site's northern boundary. The ASHPs would be housed within steel mesh enclosures.

**DEVELOPMENT PLAN**

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

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

superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L5 – Climate Change;  
L7 - Design;  
R4 – Green Belt, Countryside and Other Protected Open Land.

## **OTHER LOCAL POLICY DOCUMENTS**

N/A.

## **PROPOSALS MAP NOTATION**

Green Belt;  
Special Landscape Features;  
Landscape Improvement Area;  
Protection of Landscape Character;  
Protection of Open Space;  
Areas of Landscape Protection;  
Critical Drainage Area.

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

None.

## **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 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 April 2022. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

104820/FUL/21: Installation of solar panels to the roof. Approved 9 February 2022.

104213/FUL/21: Retrospective application for replacement of 1.8m high railings with 2.4m high railings. Approved 2 July 2021.

100798/CND/20: Application for approval of details reserved by conditions of grant of planning permission 99763/FUL/20. Condition number 3 - (materials). Full discharge 3 July 2020.

99763/FUL/20: Proposed extension to provide a hydrotherapy pool, refurbishment of the existing pool area and new changing facilities. Approved 25 March 2020.

83399/FULL/2014: Erection of a single storey extension to the west elevation to form an additional classroom. Approved 3 September 2014.

80558/FULL/2013: Provision of a canopy in an alcove to create a covered play area. Approved 17 June 2013.

74922/FULL/2010: Erection of a single storey extension to the south west of the existing school building to provide replacement classroom accommodation. Approved 18 August 2010.

H/67918: Retention of a pre-cast sectional building for use as a store. Approved 7 March 2008.

H/48695: Erection of garage. Approved 10 February 2000.

### **APPLICANT'S SUBMISSION**

The applicant has submitted a Noise Assessment in support of their proposal.

### **CONSULTATIONS**

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

**Pollution and Licensing (Contaminated Land)** – No comment.

**Flixton Neighbourhood Forum** – No comment received.

### **REPRESENTATIONS**

A single letter of objection has been received, which raises the following concerns:

- Noise from the ASHPs will adversely affect the amenity of neighbouring residential occupants.
- The ASHPs should be relocated to elevations which do not face residential properties and should incorporate acoustic screens.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but 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.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
4. Paragraph 11 c) of the NPPF requires decision makers to approve development which accord with an up to date development plan without delay.
5. 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.
6. Policies relating to the proposal's green belt and amenity impacts, as well as those relating to climate change, are considered to be 'most important' for determining this application when considered against NPPF Paragraph 11.
7. Core Strategy Policy L5, relating to climate change, is generally not consistent with the NPPF in respect of climate change and is considered out of date in part.
8. Core Strategy Policy L7, relating to design and amenity, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.

9. Core Strategy Policy R4, relating to green belt impacts, is consistent with the NPPF and is therefore considered to be up to date. Full weight should be afforded to this policy.
10. Taken collectively, the policies most important in determining this application are considered to be out of date and so permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

### Renewable Energy

11. Paragraph 154 of the NPPF states: When determining planning applications for renewable and low carbon development, local planning authorities should:
  - a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - b. approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
12. Although it can be given less weight, Policy L5 of the Core Strategy states: *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.*
13. The principle of installing ASHPs at the site is therefore considered acceptable with regard to NPPF guidance and Policy L5 of the Core Strategy. This is subject to the development being acceptable in terms of its green belt, visual and residential amenity impacts.

### **Green Belt Impact**

14. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence (paragraph 137). It sets out the five purposes of Green Belts which are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and; to assist in urban regeneration, by

encouraging the recycling of derelict and other urban land (paragraph 138). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (paragraph 147). When considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 148).

15. LPAs should regard the construction of new buildings as inappropriate within the Green Belt, exceptions to the policy include c) the extension or alteration of a building provided that does not result in disproportionate additions over and above the size of the original building, and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development (NPPF paragraph 149).
16. Policy R4 of the Trafford Core Strategy states that the Council will protect the Green Belt from inappropriate development. It also states that new development in the Green Belt will only be permitted where it is for one of the appropriate purposes specified in national guidance, where the proposal does not prejudice the primary purpose of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal.
17. In this case, it is considered that the proposed development would not compromise the five purposes of land being included within the Green Belt, as set out above from the NPPF.
18. The proposal comprises of the installation of two relatively small and discreetly located ASHPs which would be positioned immediately adjacent to two of the school buildings' west facing (side) elevations. It is considered that the proposed ASHPs would not result in a disproportionate addition over and above the size of the original building with these being relatively small elements compared to the buildings they will be attached to, and therefore they would not result in a significant impact on Green Belt openness. The proposal would therefore fall within the exception set down within NPPF paragraph 149 c).
19. Furthermore, paragraph 151 refers specifically to the potential for the environmental benefits associated with increased energy production from renewable sources to represent "very special circumstances". It is therefore considered that, even if the proposal were considered to be inappropriate development, the environmental benefits would represent "very special circumstances" that would outweigh the harm by reason of inappropriateness and the very limited impact of this proposal on Green Belt openness.
20. The proposal would be acceptable in terms of Green Belt policy with reference to Core Strategy Policy R4 and the NPPF.

## DESIGN

21. 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.*
22. Paragraph 134 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.*
23. 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.*

### Siting and Footprint

24. The proposed ASHPs would be located immediately adjacent to two of the school's single storey elements' west facing elevations. They would not result in an overdevelopment of the site and they would not undermine a building line at this point.

### Bulk, Scale, Massing and Height

25. The larger ASHP would be housed within a 1.8m high, 2.3m wide and 1.1m deep steel mesh enclosure. The smaller ASHP would be set within a 1.1m high, 1.8m wide and 0.7m deep steel mesh enclosure. Both would have an acceptable visual impact in terms of their bulk, scale, massing and height with reference to the size of the site and the surrounding context.

### External Appearance

26. The ASHPs would be housed within steel mesh enclosures which would largely screen them from view, such views in any event being limited from public vantage points due to the presence of screening vegetation and boundary treatments, in addition to the positioning of surrounding buildings.
27. The development would be acceptably designed with reference to Core Strategy Policy L7 and the NPPF.

## IMPACT ON RESIDENTIAL AMENITY

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

#### Noise / Disturbance

29. The closest residential properties would be located approximately 60m to the north of the larger of the two proposed ASHPs. The applicant has submitted a noise impact assessment which the Nuisance consultee has confirmed is acceptable, with the latter confirming no objection to the proposal subject to a planning condition controlling the hours of installation. Given the limited scale of the proposed works, it is considered that it would not be reasonable or necessary to attach this condition.

30. The development would not have any unacceptable impact on the residential amenity of the neighbouring residential properties. As such, it is considered that the proposed development would comply with Core Strategy Policy L7 and the NPPF.

### **DEVELOPER CONTRIBUTIONS**

31. Not applicable.

### **CONCLUSION**

32. Section 38(6) of the Planning and Compulsory Purchase Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.

33. The installation of ASHPs at the site is considered acceptable in principle with regard to Policy L5 of the Core Strategy and NPPF guidance. It is considered that the development is acceptable in terms of Green Belt policies and in terms of its visual and residential amenity impacts. Applying the 'tilted balance' test set down in NPPF paragraph 11 d) ii) there are considered to be no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme when weighed against the NPPF as a whole. It is therefore recommended that permission should 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, drawing numbers CO00201404\_10 Rev P90, received by the local planning authority on 23 May 2022; CO00201404\_10\_100 Rev P01, received by the local planning authority on 8 June 2022, the submitted details “Easy-Fit – Condensing Guard”, received by the local planning authority on 8 June 2022, and the submitted Plant Noise Assessment (60666773/4 – November 2021), received by the local planning authority on 8 June 2022. The air source heat pumps shall be operated in accordance with the recommendations of the approved Noise Assessment thereafter.

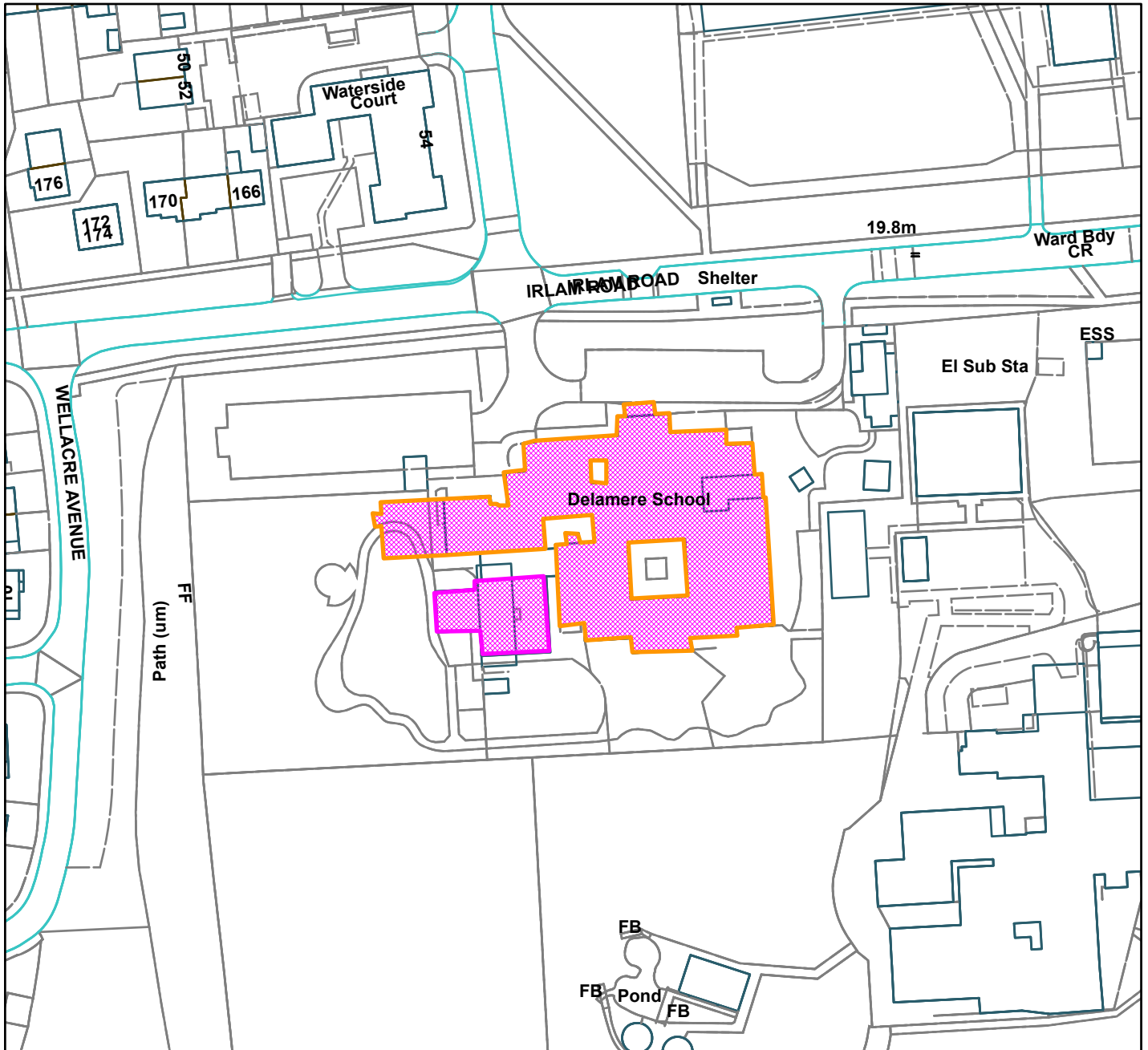
Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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TP



Delamere School, Irlam Road, Flixton, M41 6AP (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/07/2022
Date	29/06/2022
MSA Number	100023172 (2016)

**WARD:** St Marys

**107105/HHA/22**

**DEPARTURE: No**

**Erection of first floor rear extension**

26 Sedburgh Close, Sale, M33 5SR

**APPLICANT:** Kate Clarkson

**AGENT:** A F Architectural Designs

**RECOMMENDATION: GRANT**

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

**SITE**

The application site relates to a two storey semi-detached dwellinghouse located north of the end of Sedburgh Close – a cul-de-sac within Sale. The dwelling has an existing two storey side extension, a single storey rear extension, a front porch and detached garage located at the front of the property.

**PROPOSAL**

Planning permission is sought for the erection of a gable roof first floor rear extension. The proposal would create two additional bedrooms at the property.

The proposed first floor rear extension would project 4.41m beyond the original rear elevation of the property to match the rear projection of the existing single storey rear extension. The proposed extension is to be set 1m away from the shared boundary with the neighbouring property at No.24 Sedburgh Close. The proposed extension is to have a total width of 6.63m and a gap of 2m is to be retained between the proposed extension and the existing side elevation of the property. A minimum separation distance of 3.5m is to be retained between the proposed extension and the shared boundary with No.9 Carnegie Close.

The proposed extension is to have a gable end roof with a ridge height of 6.49m, slightly below the existing roof ridge, and an eaves height of 4.83m to match the existing roof eaves. There would be 2no. first floor windows to the rear elevation and the existing first floor window located closest to No.24 is to be relocated and reduced in width to accommodate the proposed extension.

Brickwork, concrete roof tiles and white UPVC windows/doors would match the appearance of existing building materials.

**DEVELOPMENT PLAN**

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

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

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

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19<sup>th</sup> 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

## **OTHER LOCAL POLICY DOCUMENTS**

SPD4 – A Guide for Designing House Extensions and Alterations

## **PROPOSALS MAP NOTATION**

Critical Drainage Area

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

None

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

The MHCLG published the revised National Planning Policy Framework (NPPF) in 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 last updated on 1 October 2019. The NPPG will be referred to as appropriate in the report.

## **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.

### **RELEVANT PLANNING HISTORY**

104501/HHA/21. Erection of first floor rear extension. Refusal. 24/07/2021.  
**Dismissed on Appeal on 22/12/2021.**

90088/HHA/16. Erection of a single storey rear extension following demolition of existing conservatory. Approve with Conditions. 13/02/2017.

88343/HHA/16. Erection of a single storey rear extension. Approve with Conditions. 20/07/2016.

H/59296. Erection of a two storey side extension to create additional living accommodation. Approve with Conditions. 15/06/2004.

H37496. ERECTION OF 165 HOUSES, ASSOCIATED GARAGES TOGETHER WITH ESTATE ROADS FROM THE AVENUE AND MOSS LANE. Approve with Conditions. 07/03/1994. **Permitted Development Rights removed.**

### **APPLICANT'S SUBMISSION**

None

### **CONSULTATIONS**

None

### **REPRESENTATIONS**

Neighbours were consulted by letter – one representation has been received which raises the following planning concerns:

- The creation of the first floor rear extension would cause a loss of light and overshadowing onto the neighbouring property. Due to its height and width, it would have a materially harmful enclosing and overbearing effect on the garden of No 9 Carnegie Close.
- The proposed first-floor rear extension above the existing single-storey extension would be in close proximity to the boundary with 9 Carnegie Close. Although the extension would be positioned adjacent to the area of garden furthest from the dwelling at No 9, given the modest size of the garden together with the scale of the extension and the close proximity to the boundary, the proposed extension would dominate the outlook from much of the rear garden and cause a significant loss of natural light as a result of overshadowing.
- This together with the increased sense of enclosure and overbearing effect, would cause material harm to the owner of the neighbouring property.
- The proposed elevation would directly overlook the rear of the neighbouring property causing an intrusion of privacy. The erection of the first floor extension would result in two bedroom windows being brought to within close proximity of

9 Carnegie Close. These would have a direct line of view into the back of the neighbouring property which consists of a living, kitchen and dining area.

- This will potentially be the third time this property has been significantly extended. The first extension, a double storey side extension, was adjacent to the rear of 9 Carnegie Close. The second extension was a rear single storey extension also adjacent to the rear of 9 Carnegie Close. A potential third extension to 26 Sedburgh Close, would not only impact privacy, loss of light and overbearance but would also impact the character and landscape of the surrounding properties in its scale, resulting in a significant overdevelopment.

Councillor Holden has raised concerns regarding overdevelopment of the site and the impact on the neighbouring property.

## **OBSERVATIONS**

### **BACKGROUND**

1. A previous application, 104501/HHA/21, proposed a first floor rear extension at 26 Sedburgh Close that would have been flush with the existing side elevation of the property (1.5m from the boundary with 9 Carnegie Close) and would have projected 4.41m to the rear to be flush with the existing ground floor rear elevation of the property. The application was refused under delegated powers on 24 July 2021. The reason for refusal was as follows: -

*The proposed first floor rear extension, by reason of its size, scale, height, massing and proximity to the common boundary with No. 9 Carnegie Close, would result in an unacceptable overbearing and overshadowing impact, undue visual intrusion and an undue sense of enclosure when viewed from the private rear garden area of that property. The proposal 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 in the National Planning Policy Framework.*

2. The proposal was subsequently dismissed at appeal on 22 December 2021. The current application proposes a revised scheme in which the extension has been pulled 2m further away from the boundary with 9 Carnegie Close (3.5m from the boundary in total) but is otherwise similar in design.

### **PRINCIPLE OF DEVELOPMENT**

3. The proposal is for an extension to an existing residential property, within a predominantly residential area. Therefore, the proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy and SPD4.

### **DESIGN AND VISUAL AMENITY**

4. 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.'
5. Policy L7 of the Core Strategy requires 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.
6. The design has been considered in line with Policy L7 and guidance contained within SPD4.
7. The proposed first floor rear extension would project 4.5m from the existing first floor rear elevation and retain a 3.5m gap to the rear boundary of No.9 Carnegie Close. The proposed development would largely build up from the footprint of the existing dining room/lounge with the first floor rear elevation being flush with the existing ground floor rear elevation of the property. It is noted that the property has previously been extended to the side at two storey level and to the rear at single storey level. The current proposal would be entirely to the rear and set away from the boundaries with the neighbouring properties and would not extend the footprint of the existing property and it is therefore considered that it would not have any significant additional impact on the spaciousness of the area. It is also recognised that the first floor elevations of numbers 18 to 24 Sedburgh Close currently project further to the rear than the first floor of the application property and the proposed extension would therefore only project 1.61m beyond the rear elevations of these dwellings.
8. The proposed first floor rear extension would have a ridge height that is marginally lower than that of the existing roof, helping the extension to appear subservient to the main dwelling. The proposed first floor rear elevation windows are of acceptable size and positioning. Although the rear extension would cover much of the width of the rear elevation of the property, it is considered to appear proportionate in relation to the existing property, and it is proposed that the materials would match the appearance of the existing property.
9. It is therefore considered that the proposed extension would be acceptable in design terms and would not have a detrimental impact on the visual amenity of the street scene or the surrounding area. As such, it is considered that the proposal would comply with Policy L7 of the Core Strategy and the NPPF in relation to good design.

## 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 also sets out detailed guidance for protecting neighbouring amenity (paras 2.14 to 2.18) as well as under the relevant sections for particular types of development.

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 2.17.1 of SPD4 states that *"A large expanse of brickwork can be overbearing to the amenities of a neighbouring property. Windows and gardens of neighbouring properties will be protected from undue overbearing. The maintenance of adequate separation distances may help to avoid overbearing relationships between properties."*

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*

12. The impact of the extension on the amenity of the respective neighbouring properties is considered in turn below.

### 9 Carnegie Close

13. No.9 Carnegie Close is the neighbouring property located to the north with that dwelling oriented approximately at right angles to the application property. This neighbouring property benefits from a single storey rear extension that faces the boundary with 26 Sedburgh Close though the main habitable room windows would not directly face the proposed extension and would retain an outlook to the east of this.

14. A separation distance of 10.1m is currently retained between the single storey rear extension at No.9 and the shared boundary, whilst a gap of 3.5m is proposed to be retained between the first floor rear extension and the common boundary between the two properties. Therefore, whilst the proposed extension



would be less than 15m from the ground floor rear elevation windows of No. 9, it is considered that this would not result in any undue overbearing or overshadowing impact on these windows, given that they would not be directly facing the extension.

15. It is recognised that the proposed extension would be located directly to the south of the main private garden area of No.9 Carnegie Close with the garden of that property extending to the side (south-west) as well as directly to the rear. At the time of the appeal decision in relation to the previous proposal, 104501/HHA/21, the appeal planning officer noted that the proposed extension would be in close proximity to the boundary of 9 Carnegie Close. The appeal planning officer concluded that, although the extension would be positioned adjacent to the area of garden furthest from the dwelling at number 9, given the modest size of the garden together with the scale of the extension and the close proximity to the boundary, the proposed extension would dominate the outlook from much of the rear garden and would have a materially harmful enclosing and overbearing effect, which would be exacerbated by the presence of the existing garage of number 9 immediately to the west. He also concluded that, as a result of the scale of the extension and the orientation of the properties, the proposal would result in greater overshadowing of this part of the garden and that these impacts would cause material harm to the users of the garden.
16. In comparison with the appeal scheme, the current proposal has been pulled back a further 2m from the side elevation of the property to retain a 3.5m gap to the shared boundary with 9 Carnegie Close. It is recognised that the extension would still be relatively prominent in views from the garden of 9 Carnegie Close. However it is considered that this setback from the boundary would significantly reduce the impact of the proposal from this property. In the previous proposal, there would have been a single expanse of blank brick wall of over 9m in length comprising of the existing gable elevation and the proposed two storey side elevation of the extension positioned approximately 1.5m away from the boundary. It is considered that the set back of the extension 3.5m away from the boundary would break up this expanse of brickwork and, having regard also to the fact that the extension would not be directly opposite the rear windows of this neighbouring property, it is considered that this would provide an adequate separation distance and would overcome the reason for refusal of the previous proposal and the concerns set out by the appeal planning officer in terms of overbearing impact and sense of enclosure. Furthermore, the impact in terms of overshadowing would also be significantly reduced and it is considered that any overshadowing impact over and above the impact of the existing property would affect a limited area of the garden that is set away from the rear elevation of the property and would not be so great as to justify refusal of the application. It is therefore considered that the current proposal would overcome the concerns set out in the previous refusal and appeal decision and would not have an unacceptable impact on the amenity of 9 Carnegie Close.
17. There would be no windows in the side elevation facing number 9 and the rear windows would be at right angles to the boundary and it is therefore considered that the proposal would not result in any undue overlooking of this neighbouring property.

## 24 Sedburgh Close

18. The proposed first floor rear extension would project 1.61m beyond the rear elevation of this neighbouring property at first floor level with a 1m gap to be retained to the shared boundary. The proposed extension would therefore comply with paragraph 3.4.3 of SPD4 in relation to this neighbouring property and is not considered to cause any unacceptable overbearing or overshadowing impact.

### Neighbouring properties to the rear

19. The proposed first floor rear elevation windows would retain 11.7m to the rear boundary and over 21m to facing habitable room windows – they are therefore not considered to cause an unacceptable overlooking impact.
20. As such, it is considered that the proposal would not have any unacceptable impact on the residential amenity of any neighbouring dwellings and would comply with Policy L7 of the Core Strategy and guidance in the NPPF.

### PARKING

21. The proposed first floor side extension would result in the creation of two additional bedrooms at the property. However sufficient parking space exists for 2no. off street parking spaces to the front of the property. The proposal is therefore considered acceptable in terms of parking provision.

### DEVELOPER CONTRIBUTIONS

22. The proposed development will increase the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore will be below the threshold for CIL charging.

### PLANNING BALANCE AND CONCLUSION

23. The previous refusal and appeal decision in relation to application 104501/HHA/21 have been taken into consideration in the assessment of the current application. However, having regard to the fact that the proposed extension is set 2m further away from the common boundary compared with that previous proposal, it is considered that the concerns set out in the previous refusal and appeal decision have been overcome and that the proposed extension would not have an unacceptable impact on the amenity of 9 Carnegie Close. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development would result in an acceptable form of development with regard to the amenity of neighbouring residents, and the impact on the street scene and the surrounding area more generally.
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. The application is therefore recommended for approval.

**RECOMMENDATION:**

Approve Subject to 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: drawing titled "floor plans and elevations", received by the local planning authority on 1<sup>st</sup> July 2022.

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.

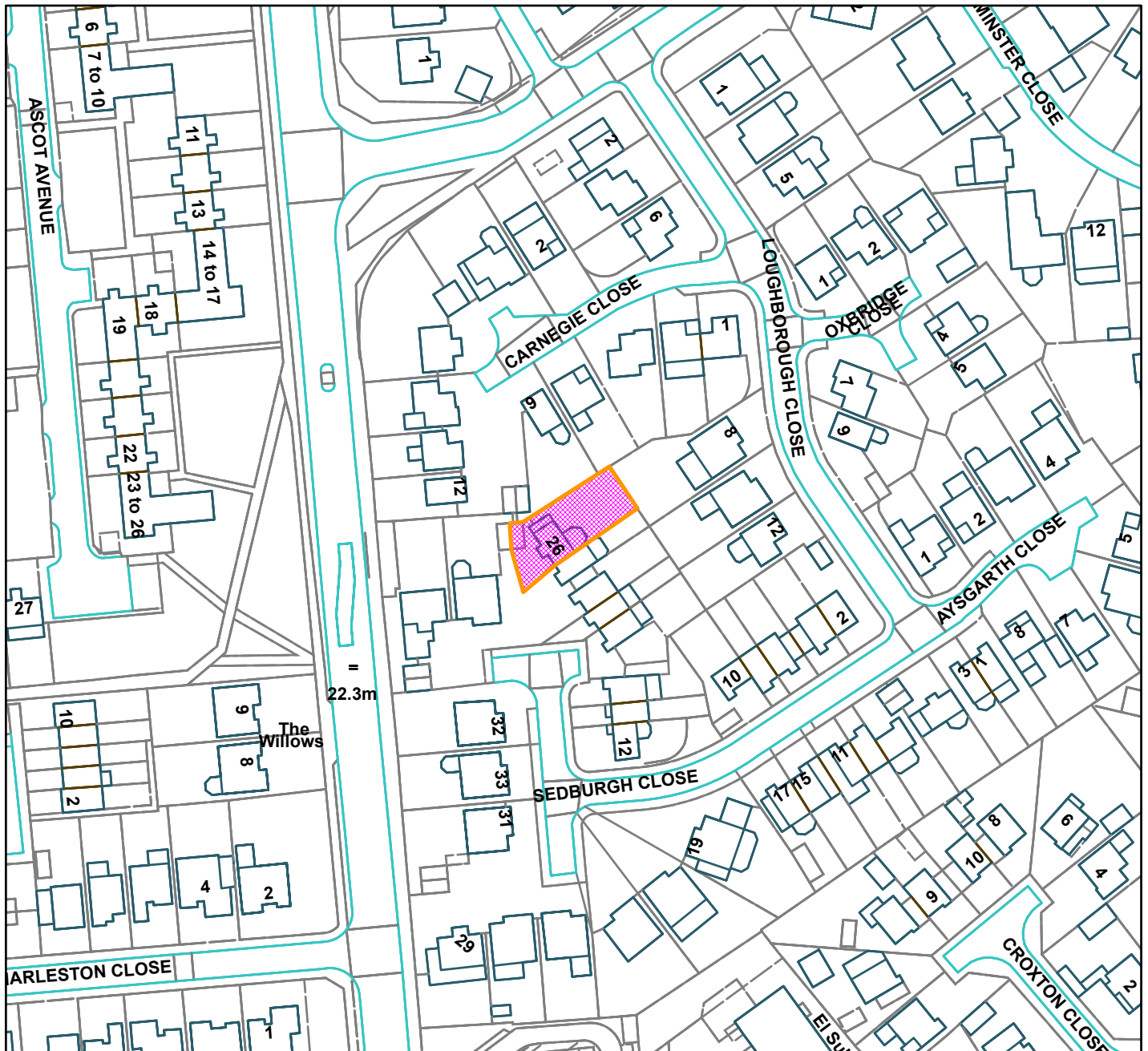
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning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

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DC



26 Sedburgh Close, Sale, M33 5SR (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/07/2022
Date	29/06/2022
MSA Number	100023172 (2016)

**Erection of two-storey extension linked by a single storey corridor forming 4 no. additional classrooms, a plant room, 2 no. breakout spaces, 6 no. washrooms, a cleaners room, an intervention room and staircase. Erection of a single storey studio extension to the main hall, the reconfiguration of an existing playground, the creation of additional staff car park, amendments to the existing car park and the relocation of 2 no. canopies and cabin building.**

The Willows Primary School, Victoria Road, Timperley, WA15 6PP

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

**AGENT:** Bowker Sadler Architecture

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as the school is a Local Authority School (Trafford Council) and representations have been received contrary to Officer's recommendation.**

### **SITE**

The application relates to The Willows Primary School, which comprises of a single storey building and playgrounds that lie to the southern side of the site and playing fields that lie to the north and west.

The site is situated on the north-western side of Victoria Road, which is a cul-de-sac road located within a predominantly residential area. Two storey semi-detached properties on Mossgrove Road and Grove Lane bound the site to the north-east, north-west and south-west and also face the site from the south-eastern side of Victoria Road.

### **PROPOSAL**

The application proposes the erection of a two storey extension that would be linked by a single storey corridor to the existing building, to create four additional classrooms, a plant room, two breakout spaces, 6 washrooms, a cleaner's room, an intervention room and a stairwell. The proposed extension will facilitate a re-organisation of two existing classrooms to reinstate and ICT suite. The proposed two storey extension would have a maximum width of 18.3m and maximum length of 19.3m, measuring 7.9m high. The extension would be located to the rear of the existing school building on the western side, being situated centrally within the site.

A single storey extension is also proposed the north-western rear elevation of the existing main hall located to the north-eastern part of the site. The single storey extension will provide a multi-purpose studio, providing additional dining space whilst providing indoor PE/ activity space whilst the hall is utilised for other functions. The extension would measure 5.8m deep, 10.5m wide and 3.35m high.

The application also proposes the following works within the site: -

- creation of an additional staff car park to the south-west of the site, providing 11 no. of parking spaces;
- the reconfiguration of the existing playground, including an extension of the playground to the south-western area of the site;
- the relocation of two shade canopies from the rear of the existing main hall to a more central position within the site, in the existing main playground;
- the relocation of an existing cabin building centrally within the site to accommodate the proposed to storey extension;
- Siting of additional cycle / scooter stores to the rear of the existing car park.

#### Floorspace

The increase in floor space of the proposed development would be 2448m<sup>2</sup>.

### **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

L8 – Planning Obligations

R2 – Natural Environment

R4 – Green Belt, Countryside and Other Protected Open Space

R5 – Open Space, Sport and Recreation

### **PROPOSALS MAP NOTATION**

The playing fields within the curtilage of the site are allocated as Protected Open Space

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

None

## **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 DCLG published the latest version of 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 5<sup>th</sup> April 2022. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

There have been various planning applications relating to the site, the most recent and relevant are: -

101923/FUL/20 - Provision of a Multi Use Games Area (MUGA) including erection of new 2m high perimeter fencing – Approved with conditions.

97948/FUL/19 - Construction of a detached log cabin for small group teaching area – Approved with conditions 26.07.2019.

91316/FUL/17 - Application for the erection of a free standing canopy – Approved with conditions 25.09.2017.

82318/FULL/2014 - Erection of extensions to existing school to provide additional classroom / office facilities to facilitate expansion of school to a one and a half form entry. External alterations and works including extension to car park and external play areas and alteration to vehicular / pedestrian access. Erection of cycle/scooter shelter and re-location of PTA store within external areas. Demolition of water tower. – Approved with conditions 14.04.2014.

H/67250 - Erection of storage shed – Approved with conditions 24.07.2007.

H/64921 - Construction of additional classroom – Approved with conditions 29.08.2006.

H/LPA/52850 - Erection of single storey extension to nursery to form additional classroom – Approved with conditions 31.01.2002.

### **APPLICANT'S SUBMISSION**

The applicant has submitted a Planning Statement, Design and Access Statement, an Arboricultural Impact Assessment, an Arboricultural Method Statement, a Drainage Strategy, A Crime Impact Statement, a Ground Investigation and Contamination Assessment and a Bat Survey in support of the application. The information provided within these documents is discussed where relevant within this report.

Within the submitted Design and Access Statement, the applicant has detailed that the school is a community school catering for children aged 3 – 11 and comprises of a purpose built nursery and 12 classrooms. They state that birth statistics and demographic information for the local area indicate a need for an increase to 2 form entry and that: -

*“The school has already accommodated additional pupils who need classroom space. Currently there is insufficient space to accommodate all the pupils within their own year classroom so there is currently a mixed age classroom which makes it difficult to deliver the full curriculum for these pupils. The previous increase in numbers in 2014 was accommodated by constructing a new extension on the Victoria Road frontage.”*

### **CONSULTATIONS**

**LHA** – No objections, recommend conditions relating to the provision of an updated Travel Plan, Construction Method Statement and car parking facilities and turning areas shall be provided in accordance with the submitted plans prior to first use. Full comments are discussed in the ‘Observations’ section below.

**LLFA** – No objections after reviewing the submitted Drainage Strategy (Sleater Watson Consulting Civil & Structural Engineers / Date: 11th May 2022 / Ref: 221/060/GJW) and subsequent email dated 22nd June 2022. No conditions are required.

**Environmental Protection: Contaminated Land** – No objections.

**Environmental Protection: Nuisance** – No objections, recommend conditions relating to fixed plant and machinery, lighting, the implementation of the Construction Management Plan and the provision of electric vehicle charging points.

**Trafford Council Strategic Planning** – No objections, full comments discussed in the Observations section below.



**Trees** – No objections, full comments are discussed in the ‘Observations’ section below.

**Sport England** – No objections. Satisfied that the proposed development meets Exception 3 of their Playing Fields Policy. Although the additional car park and classroom extension will be located on greenspace, these areas are not considered to be functional playing field because they are not of sufficient size or shape to accommodate a pitch or any part of a pitch. In addition the car parking is located on an area that currently accommodates trees and a ‘willow ring’.

**Greater Manchester Ecology Unit** - The developer’s ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative. Full comments are discussed in the ‘Observations’ section below.

**Greater Manchester Police Design for Security** – Support the application subject to the layout issues within Section 3.3 of the Crime Impact Statement being addressed and recommend that the physical security measures within Section 4 are conditioned.

**United Utilities** – A detailed drainage plan is required and request drainage conditions accordingly.

## **REPRESENTATIONS**

Four letters of objection have been received from neighbouring residents of Victoria Road, which raise the following concerns: -

- Concerned about the amount of traffic and parking on the road. Make the road resident’s access only.
- The submitted Travel Plan / Survey was carried out on a not truly reflective day. No account made about vehicles driving significant distances on pavements down a dead end street.
- The car park is due to be located near to the Early Years Entrance.
- Concerned that the school/Council will mandate vehicles to drive further down the road and crossing a pavement to gain access to the new car park.
- Since the last extension, there have been 2 near misses with vehicles. Do not believe 11 car park spaces justified contravening privacy, highway safety, traffic and parking issues, noise, pollution, conservation, wildlife and appearance polices.
- Why cannot the new car park be added to the existing as there is room in the field area which is hardly used by children?
- Unsympathetic design of the building, causing an unsightly view from their houses and not in keeping with the current design of the school.
- The outer of the second storey extension is a material that will not blend into the existing buildings and be an eyesore.
- Hope that the replacement trees are strong, viable and of sufficient number.

- Have been happy with previous added facilities at The Willows, but feel this latest development needs more care and attention to not impinge negatively on the whole aspect of the school within the road.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The playing fields within the curtilage of the school grounds are allocated as Protected Open Space with the Revised UDP Proposals Map. Paragraph 99 of the NPPF states: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
  - (A) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - (B) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - (C) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

In relation to Open Space, Sport and Recreation Policy R5 of the Trafford Core Strategy explains that the *Council will secure the provision and maintenance of a range of sizes of good quality, accessible, play, sport, leisure, informal recreation and open space facilities, as well as address key areas of deficiency in quality and quantity of open space and indoor/ outdoor leisure provision*

2. Policy R5.4 states: *Development, which results in an unacceptable loss of quantity of open space, sport or recreation facilities, or does not preserve the quality of such facilities will not be permitted.*
3. The Council's Strategic Planning team have been consulted on the application and state that they do no objection to the application on the grounds of its impact on the area of protected open space. They note that general public access is not provided for this area of protected open space. It is also acknowledged that the proposal would result in only a small loss of the area allocated as protected open space, with a large area remaining. It is also recognised that the proposed development is required to provide much needed additional school places. It is therefore considered that the loss of protected open space is acceptable in this instance.
4. The Town and Country Planning (Development Management Procedure) (England) 2015 Order defines a playing field as 'the whole of a site which encompasses at least one playing pitch'. Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 99) and against its own playing fields policy, which states:

*'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- all or any part of a playing field, or*
- land which has been used as a playing field and remains undeveloped, or*
- land allocated for use as a playing field*  
*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

5. Sport England has confirmed that they consider that the proposed development meets 'Exception 3' of their Playing Field Policy, in that:

*"The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- reduce the size of any playing pitch*
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- result in the loss of other sporting provision or ancillary facilities on the site;*  
*or*
- prejudice the use of any remaining areas of playing field on the site.'*

6. They further note that whilst the proposed additional car park and classroom extension will be located on greenspace, they do not consider these areas to be functional playing field as they are not of sufficient size or shape to accommodate a pitch or any part of a pitch. Additionally, the proposed car park is located on an area that currently accommodate trees.

7. It is therefore considered that the proposed development would meet Sport England's Policy Exception E3, Policy R5 of the Core Strategy and paragraph 99 of the NPPF.

8. The proposed development is therefore considered acceptable in principle.

## DESIGN AND APPEARANCE

9. The NPPF states, in paragraph 126, 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."*

10. Policy L7 of the Trafford Core Strategy states that "In relation to matters of design, development must: Be appropriate in its context; Make best use of

opportunities to improve the character and quality of an area; Enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, Make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan”.

11. Policy L7 is considered to be compliant with the NPPF as it comprises the local expression of the NPPF’s emphasis on good design and, together with associated SPDs, the Borough’s design code. It can therefore be given full weight in the decision making process.
12. The proposed development would comprise of a two storey extension to the south-western side of the existing main buildings, centrally within the school site. The architect states *“The limited area available between the existing school building, the MUGA and the reception / early years’ playground required the building to be of two storeys in nature. The latest DfE requirements for natural daylighting levels in new schools generates an internal ceiling height of 2700mm and then structure and service zone creates the height of the building”*.
13. The proposed extension would be of a contemporary design, comprising of a flat roof, measuring 7.9m high, with a maximum width of 18.3m and maximum length of 19.3m. To help break-up the massing of the extension and reduce its visual impact within the site, the extension would have a brickwork finish at ground floor level, tying in with the existing school building and have external cladding at first floor level. In regards to the design of the two storey extension, the architect states *“Another requirement for the project was to be a long-term low maintenance of the building with robust materials so that funds in the future can be concentrated on the teaching requirements. The choice of the upper-level cladding was to differentiate the two floors and the vertical seams of the cladding generates a pattern that breaks up the extent of elevation casting shadows that change with the movement of the sun so the appearance changes through the day. The use of brick for the whole building was not considered appropriate as it would appear too monolithic”*.
14. Whilst the proposal currently shows cladding to the first floor level of the proposed two storey extension, it is considered that an appropriate brick may also be considered acceptable. The exact material and colour of the cladding (or brick) has not been finalised as it is important that an appropriate colour and finish is provided that sits comfortably with its residential surroundings and does not appear unduly prominent or result in an incongruous shine. It is therefore recommended that a condition is attached requiring details of all external materials to be submitted for approval prior to any above ground construction works taking place.
15. It is noted that the proposed extension would be two storey in height, compared to the existing school, which is single storey and would therefore have a greater

height than the main existing school building. However, the extension would be positioned centrally within the site and set back from the front boundary with Victoria Road by 38.5m. The site is also bound by two storey dwellinghouses. It is therefore considered that the proposed two storey extension would not appear unduly prominent within the existing street scene. Whilst the proposed use of cladding would be out of character within the surrounding area, given the siting of the extension and use of the proposed extension it is considered to be acceptable, although the exact material to be used is to be agreed via condition.

16. The proposed single storey extension would be located to the rear of the main school hall and thus would not be visible from Victoria Road. The external elevations of the extension would comprise of glazing and cladding, which given the siting and scale is not considered to harm the character of the existing school building, or surrounding area.
17. The proposed additional staff car park would be located to the front of the school site, off Victoria Road. A 4m deep planting bed would be provided between the front boundary and the proposed car park, which would help to soften the appearance of the additional hard standing when viewed from the road.
18. The creation of the extended playground and relocation of existing cabin building to the south-west of the site, the relocation of the canopies within the northern playground and provision of scooter store are considered acceptable within the context of this existing school site. Whilst the extended hardstanding playground would be partially visible from Victoria Road, a distance of 22m would lie between the playground and the front boundary of the site and a minimum distance of 41m would lie between the extended playground and the south-western side boundary. Landscaped areas would also remain between the playground and the front and side boundaries. It is therefore considered that these additional works would not result in visual harm to the existing site, street scene or character of the surrounding area.

## RESIDENTIAL AMENITY

19. In relation to matters of amenity protection, Policy L7 states 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.
20. Residential properties on Mossgrove Road bound the application site to the west and properties on Grove Lane bound the site to the north. Properties on the south-eastern side of Victoria Road face towards the application site. Distances in excess of 46m would lie between the proposed two storey extension and neighbouring properties and distances in excess of 35m would lie between the proposed single storey extension and these neighbouring properties. It is

therefore considered that the proposed extension would not have an overbearing impact or result in a loss of light or privacy to neighbouring residents.

21. The proposed reconfiguration works to the playground would relocate two existing canopy structures further away from the common boundaries with neighbouring gardens. A new scooter store would be located to the north-east of the site, to the rear of the existing car park. A minimum distance of 13.5m would lie between the store and the common boundary with neighbouring properties on Grove Lane. Mature trees within the site that lie adjacent to this common boundary would be retained and help to obscure views of the proposed scooter store.
22. The proposal includes the creation of a new smaller staff car park to the south-western end of the site, close to the head of the cul-de-sac of Victoria Road. It is noted that neighbouring residents have raised concerns regarding the location of this car park. Matters regarding highway safety are discussed in more detail later in this report. Whilst it is noted that the car park would result in the loss of part of a tree / shrubbery planted area, a 4m deep planting buffer would lie between the car park and the boundary of the site with Victoria Road, which will help to soften the appearance of the proposed car park and any associated noise that may come from staff comings and goings. The proposed car park would serve staff members only and thus would largely be used early in the morning and late afternoon during the week / term time and thus would not result in a significant increase in comings and goings throughout the day at the head of the cul-de-sac. It is therefore considered that the proposed car park would not unduly impact on the amenity of neighbouring residents.
23. Following advice from the Council's Environmental Protection Service, it is recommended that conditions are attached requiring details of the lighting to serve the development, in particular the proposed car park, to ensure that they are erected and directed so as to avoid nuisance to nearby residential properties. It is also recommended that a condition is attached requiring details of plant and machinery to be submitted and approved to ensure they do not emit undue noise levels to the detriment of the amenity of neighbouring residents.

## ACCESS, HIGHWAYS AND CAR PARKING

24. 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”*.
25. 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*". 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.

## Car Parking and Access

26. The application would retain the existing car park and vehicular access off Victoria Road, whilst also proposing a smaller second car park to accommodate 8 additional and 3 relocated car parking spaces for staff, which would be located off Victoria Road, close to the head of the cul-de-sac. The LHA has raised no objections to the creation of the additional car park.
27. The Council's car parking standards for schools in this location, as set out in the Core Strategy and SPD3, require 2 car parking spaces per classroom. They also state that this standard is the starting point, but account should be taken of variations between primary and secondary schools and those with sixth forms. The guidance also states that drop off spaces will be determined on a case-by-case basis.
28. The proposal would create 5 additional teaching spaces (4 classrooms), which would require 8 car parking spaces to comply with the SPD3. It is understood that any increase in on-street parking demand will be associated with the drop-off/pick-up trips. The School has submitted information that indicates that there are on-street parking spaces available within the vicinity of the school and substantial spare on-street parking capacity exists. This information has been reviewed by the LHA, who consider that the proposal will have no detrimental impact on highway safety additional to that current experienced along Victoria Road.
29. Pedestrian access into the site is currently via three gates along Victoria Road, giving access to different areas of the school for pupils (Nursery, Infants, Juniors) and visitors. It is not proposed to add any additional pedestrian access points, however the on-site footpath alongside the existing car park is proposed to be widened from 1.2m to 2.2m to enable two-way pedestrian movement. This footpath is currently considered to be too narrow, resulting in parents and children walking through the car park to avoid congestion on the footpath. The application would therefore provide an increase in pedestrian safety through the site. The widening of this footpath would result in the relocation of 3 car parking spaces from the existing car park to the proposed additional car park.

30. It is noted that concerns have been raised by neighbouring residents in regards to the creation of the additional car park close to the end of the cul-de-sac and in relation to the an increase in traffic along Victoria Road. It is also noted that residents have questioned why the additional car parking spaces could not be created through an extension to the existing car park. Officers do not consider that to be a better option as it would result in the car park extending into the existing playground, leading to either a loss of playground space or loss of playing fields due to the playground also needing to be extended to compensate the loss. Additionally, it would also result in cars being parked closer to the boundary of the site with residential properties on Grove Lane. As detailed above, the LHA considers that the proposed development would not pose a danger to highway safety. It is therefore considered that these concerns could not reasonably form a reason for the refusal of the application.

### Cycle Parking

31. The minimum cycle parking standards as detailed within SPD3 state 1 no. space is required per five members of staff plus 1 no. space per three students, equating to a minimum required cycle parking provision of 36 spaces for the proposed development.

32. The applicant proposes the provision of 20 cycle parking spaces and 20 push scooter parking spaces. Whilst this would provide below the number of cycle parking spaces required within SPD3, it is acknowledged that due to the nature of the site being a primary school, there is also a demand for scooter parking alongside cycle parking, with many children choosing to use a scooter to travel to and from school instead of riding a bicycle. Scooters are also considered to be a sustainable form of transport. The total number of cycle and scooter parking spaces combined would be 40, thus exceeding the minimum cycle parking spaces set out in SPD3.

### TREES AND ECOLOGY

33. The application includes the removal of one group of trees and one individual tree. The former is group G6 comprising rowan, birch and cherry specimens and are of low Arboricultural value. Tree T7 is also a cherry with low Arboricultural value. The Council's Arboricultural Officer has reviewed the submitted Arboricultural Statement and raises no objection to their removal on the understanding that replacement trees are provided within the site. It is therefore recommended that a condition is attached requiring the submission of a landscaping scheme detailing the provision of replacement tree planting.

34. The applicant has submitted a daytime bat assessment for the buildings and trees on the site, which has been reviewed by the Greater Manchester Ecology Unit (GMEU). The assessment confirms that no evidence of bats has been found and very few potential bat roosting features identified. GMEU support the



assessments findings that the existing building has negligible bat roosting potential.

35. GMEU has also advised that there appears to be minimal impact on potential bird nesting habitat, the majority of trees and shrubs retained and those that may be lost such as one of the living willow rings, lacks adequate cover.
36. Section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a small area of amenity grassland (less than 0.1 ha) and some amenity planting. As discussed above, there is unlikely to be any significant impact on any protected species or nesting birds. Mitigation is still required, though given the scale of the wider site and minor nature of the development, GMEU is satisfied that this will be easily achievable through tree planting, such as replacement willows or species (e.g. silver birch) and provision of bird boxes or bat boxes on retained trees. The applicant has confirmed that they agree to conditions requiring replacement planting and the provision of bat and bird boxes within the site should planning permission be granted.

## CRIME & SECURITY

37. Core Strategy Policy L7.4 relates to matters of design and security and states that development must be designed in a way that reduces opportunities for crime and that does not have an adverse impact on public safety. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on achieving inclusive and safe places and, together with the advice within the Council's SPG:PG24 Crime and Security, it can therefore be given full weight in the decision making process.
38. The applicant has submitted a Crime Impact Statement (CIS) in support of the proposal. GMP have considered the submitted CIS and have stated that a condition be attached to reflect the recommended changes to the layout set out in section 3.3 and physical security specifications set out in section 4 of the CIS. These include measures such as appropriate boundary treatments where proposed; lighting, no climbing aids near the single storey building; provide appropriate security standard external doors; alarms; and cycle parking in well secured areas with natural surveillance.

## CLIMATE CHANGE

39. Policy L5.1 of the Core Strategy states that new development should mitigate and reduce its impact on climate change factors. It is considered that policies L5.1 to L5.11 are out of date as they do not reflect NPPF guidance on climate change. Paragraph 154 of the NPPF states that new development should be

planned in ways that can help reduce greenhouse gas emissions, such as through its location orientation and design.

40. The proposed development would result in the creation of a new car park as a result of the increase in demand for staff car parking generated by the proposed additional classrooms. It is therefore recommended that a condition is attached requiring the provision of low emission vehicle charging points in order to help reduce air pollution.
41. The applicant has also detailed that the development would comprise of good thermal properties and solar performance. The depth of the proposed classrooms have been sized to optimise natural daylight and natural ventilation systems provided where possible. The proposal would also include a small array of PV panels on the roof of the proposed two storey extension, providing the school with renewable energy and offsetting their carbon footprint.

## EQUALITIES

42. 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/gender, and sexual orientation.
43. 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.
44. 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.
45. The proposed two storey extension includes the provision of a lift to facilitate access to the first floor level to all users and visitors of the building. All circulation spaces are also wide enough to accommodate wheelchair users and disabled car parking spaces are provided within the main car park. It is therefore

considered that the application would provide facilities accessible to all, in addition to those that would be required through the Building Regulations application.

## **DEVELOPER CONTRIBUTIONS**

46. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'public or institutional facility' 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).

47. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

48. In regards to development on or adjacent to a playfield, the proposed extension and associated works would meet Sport England's Policy Exception E3, and comply with Policy R5 of the Core Strategy and paragraph 99 of the NPPF. The applicant has demonstrated that the proposal would provide much needed additional classrooms to meet the need for additional school places within the area.

49. The proposed development is considered to be acceptable in terms of its design and appearance, its impact on residential amenity and with regard to highway safety. As such the proposal is considered to be compliant with Policies L4, L7 and R5 of the Trafford Core Strategy and the adverse impacts of the development would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The application is therefore recommended for approval 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: 1000 Revision A, 1002 Revision C, 1005 Revision A, 1010 Revision C, 1020 Revision A, 1021 Revision A and 1030.

Reason: To clarify the permission, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

4. The development shall be carried out in accordance with the submitted Construction Method Statement prepared by Conlon received on the 23<sup>rd</sup> June 2022.

Reason: 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.

5. 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, bicycles and push scooters have been provided, constructed and surfaced in complete accordance with the plans hereby approved. Thereafter the car parking, cycle and scooter parking shall be retained.

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.

6. 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 boundary and internal site fences/gates, details of replacement tree planting to compensate the loss of trees to be removed by the development as detailed within the submitted Arboricultural Impact Assessment ref: TRE/TWPSVR dated 30<sup>th</sup> March 2022, the formation of any green roofs, banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), details of the raft system in relation to the trees to include area the system will cover and soil to be used 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 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.

7. The development hereby approved shall not be occupied until a schedule of landscape maintenance for the lifetime of the development 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.

8. Prior to the first occupation of the development hereby approved a scheme detailing the provision of bat and bird boxes throughout the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure suitable biodiversity measures are incorporated into the development, having regard to Policy R2 of the Trafford Core Strategy and the NPPF.

9. The development hereby approved shall not be brought into use unless and until an updated Travel Plan, which should include measurable targets for reducing car travel, has been submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development hereby permitted the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation (Employee travel surveys shall be completed every 12 (twelve) months from the date of first operation).

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

10. No part of the development hereby approved shall be brought into use until a scheme detailing the provision of low emission vehicle charging points and other passive infrastructure for future use has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: in the interests of sustainability and reducing air pollution having regard to Policies L5 and L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

11. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within sections 3.3 and 4 of the submitted Crime Impact Statement (Graphite Security Ref: 2022/0117/CIS/01)

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

12. Prior to the extensions being brought into use, a scheme to assess the noise generated by all fixed plant and machinery shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, is be 10dB below the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises at the quietest time that the equipment would be operating/in use. Noise measurements and assessments should be compliant with BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound". Thereafter the plant and machinery shall be used / operated only in accordance with the approved scheme.

Reason: In the interests of the amenity of nearby residents having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. No above ground construction works shall take place until a full external lighting scheme and an Obtrusive Light Impact Assessment have been submitted to and approved in writing by the Local Planning Authority in respect of exterior lighting installations in order to demonstrate compliance with the Obtrusive Light Limitations of The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including details of any necessary mitigation measures. Any mitigation measures shall be implemented in full

before the development hereby permitted is first occupied and shall be retained thereafter.

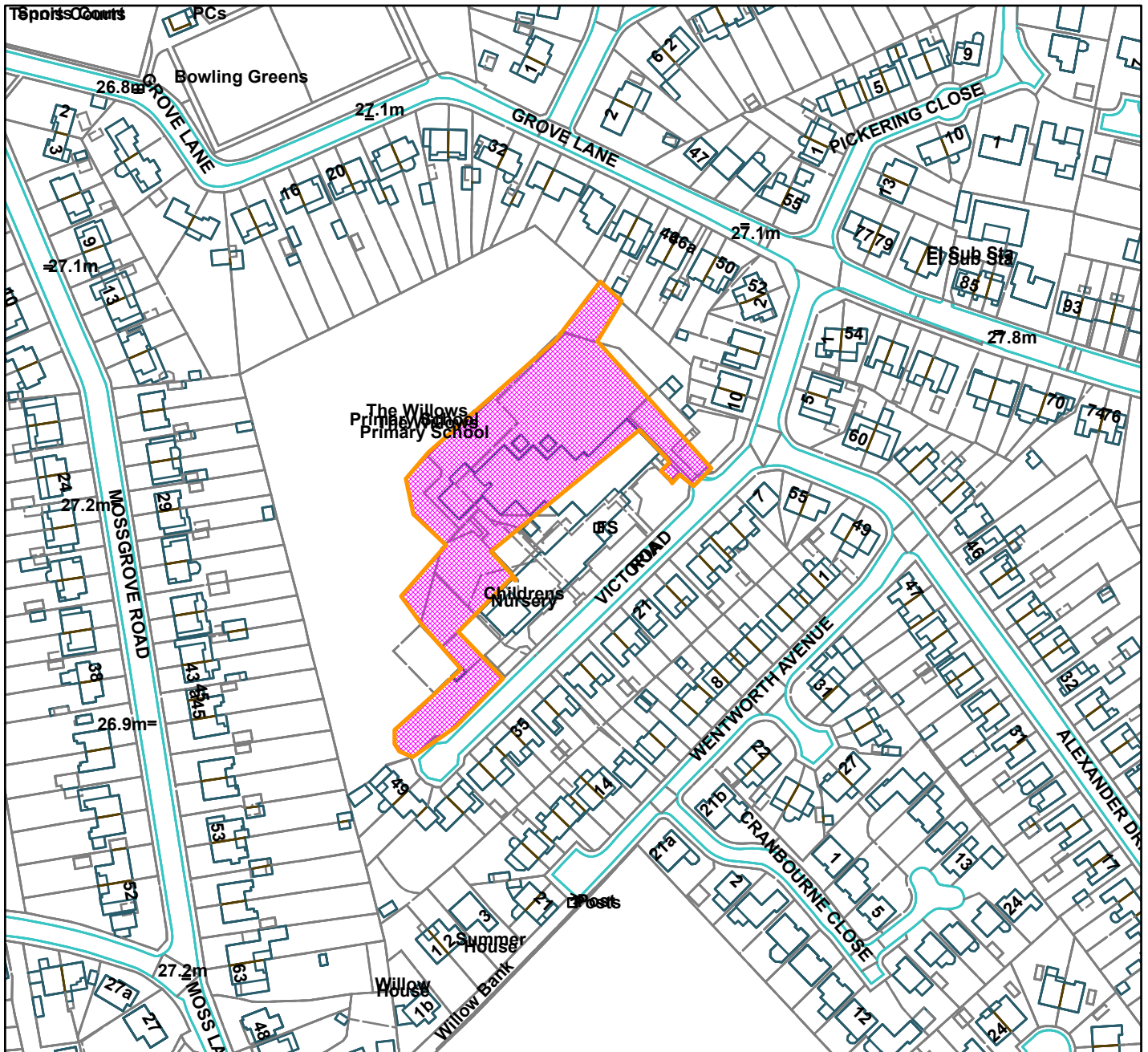
Reason: In the interests of residential amenity and safety having regard to Policy L7 of the Trafford Council and the National Planning Policy Framework.

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VW



The Willows Primary School, Victoria Road, Timperley, WA15 6PP (site hatched on plan)



**Scale:** 1:2,148

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 14/07/2022
Date	29/06/2022
MSA Number	100023172 (2016)