

**WARD:** Altrincham

**107530/FUL/22**

**DEPARTURE: No**

**Application for the remodelling and conversion of Clarendon House in association with change of use from retail unit and offices (Planning Use Class E) and former Library at first floor (Use Class F1) to Residential (Planning Use Class C3), to provide 68 dwellings. Works to include two storey upwards extensions, extensions to the front and rear, new windows, cladding, balconies, alterations to shopfronts and new entrance lobby at ground level (remaining ground floor uses to be retained), associated infrastructure, parking and landscaping.**

Clarendon House, Stamford New Road, Altrincham, WA14 1BY

**APPLICANT:** Citihaus

**AGENT:** Euan Kellie Property Solutions

**RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT**

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**The application has been reported to the Planning and Development Management Committee as the Council is the landowner of the application site.**

**EXECUTIVE SUMMARY**

The application seeks permission for the change of use, remodelling and extension, of the largely vacant Clarendon House building fronting Stamford New Road in Altrincham Town Centre, to create 68 apartments.

During the consideration of the application, amendments have been made to the materials and detailing, to increase landscaping and include biodiversity enhancements and to increase affordable housing provision from an initial offer of 6% to 45%.

One letter of objection has been received from the occupier of a commercial unit at ground floor level, with concerns relating to noise potentially affecting their business.

While the site itself is not within a Conservation Area, the site lies within the setting of three Conservation Areas - George Street, to the southwest, Stamford New Road, to the south and east and Old Market Place to the northwest. The site also lies within the setting of a number of Grade II listed buildings; Stamford House, the Clock Tower on Station Forecourt and Station Hotel / 42 Stamford New Road.

The development is considered to result in minor harm (lower end of the scale of less than substantial) to the setting of The Station Hotel & 42 Stamford New Road and also to Stamford New Road Conservation Area and negligible harm to Old Market Place Conservation Area.

However it is considered that the public benefits of the scheme would outweigh the level of harm identified. As such, the proposed development would comply with the heritage policies of the NPPF and Policies L7 and R1 of the Core Strategy. In terms of paragraph 11 d) i), there would therefore be no clear reason for refusal of permission.

All other detailed matters have been assessed and the proposal is considered to be acceptable in policy terms and in terms of design, residential amenity, parking, highway safety, ecology, and flood risk, drainage and contamination.

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 in relation to these matters.

The Council cannot demonstrate a five year housing land supply thus the presumption in favour of sustainable development applies and the tilted balance is engaged. When the tilted balancing exercise is carried out the benefits of the scheme significantly outweigh any harm which would arise. The application is therefore recommended for approval, subject to appropriate conditions.

## **SITE**

The application relates to a site in Altrincham Town Centre comprising a seven storey, predominantly brown brick, flat roofed 1970's building known as Clarendon House. There are various different elements to the application building. The bottom two floors of the main seven storey building are in a darker brick than the upper floors and are roughly flush with the frontage of the Station Hotel to the southwest. The ground floor contains a number of commercial units with retail frontages. The first floor is predominantly brick punctuated by tall rectangular windows. The upper floors are set back from the lower levels. At the north-eastern end is a three storey element which has parking at roof level and is set back from the main retail frontages to the southwest. The former library stairwell sits between the seven storey and three storey elements and contains a large extent of glazing in a semi-hexagonal frontage. The building housed Altrincham Library until 2018 when it relocated to the Health and Wellbeing Centre on Pott Street.

The main frontage of the building fronts Stamford New Road. The rear of the building backs on to a gated service yard accessed from Brewery Street to the southwest. The site is in a prominent location on one of the main transport routes through the town centre and opposite Altrincham Interchange.

The building is attached to 42 Stamford New Road / Station Hotel on the southwestern side and this property is Grade II listed. The building is attached on the north-eastern side to Sunningdale House which is of similar date and style to Clarendon House.

While not itself within a Conservation Area, the site lies within the setting of three Conservation Areas - George Street, to the southwest, Stamford New Road, to the south and east and Old Market Place to the northwest. The site also lies within the setting of a number of Grade II listed buildings; Stamford House, the Clock Tower on Station Forecourt and Station Hotel / 42 Stamford New Road.

## **PROPOSAL**

Planning permission is sought for change of use of Clarendon House from retail unit and offices (Planning Use Class E) and former Library at first floor (Use Class F1) to Residential (Planning Use Class C3), to provide 68 dwellings. The mix of apartments proposed is as follows:

- 4 no. studio apartments
- 25 no. 1 bedroom apartments
- 34 no. 2 bedroom apartments
- 5 no. 3 bedroom (duplex) apartments

31 no. affordable apartments will be provided as 3 x studio apartments, 22 x 1 bed apartments and 6 x 2 bed apartments. All the apartments would meet the Nationally Described Space Standards.

A two storey upward extension is proposed to the main office building and the lower former library element. The two storey upwards extension would result in an additional height of 6.8 metres above the existing highest rooftop level and at total of nine storeys in total. The extension directly above the former library would be 6.7 metres in height and five storeys in total. The extension at levels 7 and 8 would be set in from both sides and from the front and rear elevations of the main building.

Other extensions to the building would be limited, with the main extensions of note, other than the roof extensions, being a ground floor plant room extension to the rear, an infill extension to the ground floor front elevation to bring the entrance lobby flush with the adjacent retail frontages and an extension to the rear, two bays wide at fourth and fifth floor level to provide additional residential floorspace. The existing hexagonal former library stair tower on the Stamford New Road frontage would be removed.

In terms of materials, some of the existing brick would be re-used but a significant amount of the existing brick would be removed and replaced by brick with a more consistent tone and appearance. This would be complemented by a green terracotta appearance cladding. The design of the extension at levels 7 and 8 is expressed as a series of concave, scallop-profiled terracotta cladding elements in a hit-and-miss rhythm with the glazing. The existing stair tower would be retained at its current height, with a

new stair level added internally to reach level 7. The green terracotta covers much of the two storey upwards extension to the main block, as well as the vertical circulation core but would feature across the building to unify the different elements.

In addition to the proposed extensions, significant elevational alterations are proposed to the existing building to remodel the building with a contemporary and unified aesthetic. The existing window openings are proposed to be altered to create vertical brick recesses and vertical glazing, utilising inset panels of solid, glazed, projecting and recessed elements to result in a combination of green, profiled metal cladding, projecting bay windows, semi-recessed balconies, and soldier course spandrels arranged in a repeating rhythm. Landscaping would be incorporated at various points across the building.

At ground floor a new entrance lobby would be created in one of the former retail units leading to the reception area, lifts and 68 cycle parking spaces. Other than the use of one of the currently vacant ground floor retail units as the entrance lobby, the ground floor uses fronting Stamford New Road would be unaffected by the proposals although some light touch upgrades to the retail frontages are proposed as part of the overall elevation alterations to provide a more uniform retail frontage.

42 parking spaces will be provided for residents of the proposed development in the existing car park at fifth floor level and these will be clearly marked and colour coded as 'Resident's Parking Only'. These allocated spaces include:

- 5 no. general use Electric Vehicle Charging (EVC) Spaces
- 3 no. family spaces, one of which would be suitable for EVC
- 3 no. accessible spaces, one of which would be suitable for EVC
- 31 general use spaces including 7 no. cable enabled spaces for future EVC infrastructure

In addition to these allocated spaces a further four spaces would be provided in a 'drop off zone' at third floor level and this would include two accessible spaces.

The plant areas and waste storage areas would be to the rear of the building accessible from the existing service yard area.

**Value Added:** - Amendments to materials and detailing, increased landscaping and inclusion of biodiversity enhancements and an increase in affordable housing provision from 6% to 45% - a total of 31 units.

The increase in floor space of the proposed development would be **1028 sq. m** (total GIA 5667 sq. m).

## **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.
- The **Altrincham Town Centre Neighbourhood Business Plan (ANBP)**, adopted 29 November 2017. The plan includes a number of policies, a town centre boundary, primary shopping frontages, mixed use areas and 6 allocations.

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

W1 – Economy  
 W2 – Town Centre and Retail  
 L1 – Land for New Homes  
 L2 – Meeting Housing Needs  
 L4 – Sustainable Transport and Accessibility  
 L5 – Climate Change  
 L7 – Design  
 L8 – Planning Obligations  
 R1 – Historic Environment  
 R2 – Natural Environment  
 R3 – Green Infrastructure  
 R5 – Open Space, Sport and Recreation

### **RELEVANT ANBP POLICIES**

Policy S – Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages  
 Policy H – Town Centre Housing  
 Policy D – Design and Quality  
 Policy CF – Community Facilities

### **PROPOSALS MAP NOTATION**

Town and District Shopping Centre  
 Main Office Development Areas

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

S6 – Development in Altrincham Town Centre

### **Supplementary Planning Documents**

SPG1: New Residential Development (2004)  
 Revised SPD1: Planning Obligations (2014)  
 SPD3 – Parking Standards and Design (2012)

SPD5.1 - George Street Conservation Area Appraisal (2014)  
SPD5.1a - George Street Conservation Area Management Plan (2016)  
SPD5.3 Old Market Place Conservation Area Appraisal (2014)  
SPD5.3a Old Market Place Conservation Area Management Plan (2016)  
SPD5.4 Stamford New Road Conservation Area Appraisal (2014)  
SPD5.4a Stamford New Road Conservation Area Management Plan (2016)

### **Other Relevant Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

### **PLACES FOR EVERYONE**

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

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

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

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

### **NATIONAL DESIGN GUIDE**

This document was published by the Government in October 2019 to illustrate how well designed places can be achieved in practice. It forms part of the Government's collection of planning practice guidance.

### **RELEVANT PLANNING HISTORY**

There have been a number of applications relating to the site. Selective records are listed below.

88883/FUL/16 - Change of Use of offices and part of the commercial unit to Residential (C3) to provide 60 dwellings (incorporating 9 No 1 bed and 51 No 2 bed) with associated parking and alterations to include: - new windows, cladding, balconies and a new front entrance canopy. Erection of a two storey addition to the roof and a part 3 part 5 storey rear infill extension – Approved 08.12.2016

84576/PAJ/14 - Change of use of the five upper floors of the building (second floor up to sixth floor) from office (Use Class B1) to residential (Use Class C3) to create 42 apartments. Application for determination as to whether prior approval is required under Class J, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) – Prior Approval Approved 27.02.2015

### **APPLICANT'S SUBMISSION**

The following documents have been submitted in support of the application and are referred to as appropriate in the report:

- Planning Policy Compliance Statement including Statement of Community Involvement
- Accommodation Schedule
- Affordable Housing Statement
- Financial Viability Assessment
- Heritage Assessment
- Design and Access Statement
- Sunlight and Daylight Assessment
- Fire Statement
- Townscape and Visual Impact Assessment (TVIA)
- Transport Statement and Travel Plan
- Noise Impact Assessment
- Carbon Budget Statement
- Ecology and Biodiversity Statement
- Equalities Statement
- Drainage Strategy
- Crime Impact Statement

### **CONSULTATIONS**

**Altrincham and Bowdon Civic Society** – No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Altrincham Neighbourhood Business Plan (Design Group)** – Have considered the proposal against the objectives and policies of the Altrincham Town Centre Neighbourhood Business Plan and provided summaries. Overall state that the principle of re-use of a redundant office building to residential use is welcomed and fully supported as the proposed remodelling will vastly improve the appearance of the existing building, provide further residential accommodation in Altrincham Town Centre

and create a positive 'first impression' when arriving at Altrincham from the transport interchange.

**Cadent Gas** – No objection subject to an informative making the applicant aware that Cadent Gas Ltd own and operate the gas infrastructure within the area and works must not infringe on legal rights of access and or restrictive covenants that exist.

**City Airport** – No objection

**Electricity NW** – Consider that the application could impact on their infrastructure and the applicant should be advised and referred to relevant documents relating to underground services and overhead electric lines.

**GM Ecology Unit (GMEU)** – No objection in principle subject to an informative relating to bats. Comments are discussed in more detail in the Observations section of the report.

**GMP (Design for Security)** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**GM Fire and Rescue Service (Fire Safety)** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Health and Safety Executive (HSE) Planning Gateway One** – Initial response received stating 'some concern'. Second consultation sent to HSE with a response attached from the applicant's Fire Consultant to the concerns raised. No further comments received at the time of writing. Any additional comments received will be included in the Additional Information Report.

**Lead Local Flood Authority (LLFA)** – No objection

**Local Highway Authority (LHA)** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Manchester Airport Aerodrome Safeguarding** - No objection but recommend a number of informatives including the procedures for crane and tall equipment notifications.

**National Air Traffic Services (NATS)** – No safeguarding objection.

**NHS Greater Manchester (Trafford) (formerly Trafford CCG)** - No objection – do not consider that the proposal will impact materially on health services

**Trafford Council, Arboriculturist** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.



**Trafford Council, Asset Management** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Trafford Council, Education** – No objection in principle. Contribution towards primary and secondary school places provision requested. Comments are considered in more detail later in the report.

**Trafford Council, Heritage Development Officer** – Considers that the proposed works will cause minor harm (lower end of the scale of less than substantial) to the setting of The Station Hotel & 42 Stamford New Road and also to Stamford New Road Conservation Area and negligible harm to Old Market Place Conservation Area. This harm should be weighed against the public benefits of the scheme as required by the NPPF. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Housing Strategy and Growth** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Pollution & Housing (Air Quality)** – No objection

**Trafford Council, Pollution & Housing (Contaminated Land)** – No objection

**Trafford Council, Pollution & Housing (Nuisance)** - No objection in principle subject to an appropriate conditions. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Strategic Planning and Developments** – No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Town Centre Manager** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Trafford Council, Waste Management** - No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Transport for Greater Manchester (TfGM) Infrastructure** - No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Transport for Greater Manchester (TfGM) Metrolink** – No objection.

**United Utilities** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

## **REPRESENTATIONS**

**Neighbours:** - One letter received from the occupiers of the commercial unit Zero Gravity Float Spa at 26, Stamford New Road. Comments as follows:

Not opposed in principle to the development but their business relies on silence when customers are floating in tanks. Concerned about noise from plant room and bike storage room and during construction. Request that consideration is given to the installation of sound insulation and night-time hours of construction.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

#### **Policy Context**

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
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. The NPPF sets out a presumption in favour of sustainable development. 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.
4. The Councils current housing land supply figure is 3.75 years and the most recent Housing Delivery Test figure (2021) is 79%. This housing supply and delivery position automatically triggers Paragraph 11d) but does not automatically render development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies and this can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it.

5. The footnote to paragraph 11(d)(i) explains that the policies of the NPPF referred to include those which relate to designated heritage assets. The assessment of the scheme on this (set out later in this report) does not lead to a conclusion that 'provides a clear reason for refusing the development proposed'. Paragraph 11(d)(ii) of the NPPF – the tilted balance – is therefore engaged.
6. Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This exercise is set out within the 'Planning Balance and Conclusion' section of this report.

### **Housing Land Supply, Housing Mix and Affordability**

7. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government's current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to Paragraph 60 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
8. Policy H of the ANBP supports the provision of Town Centre housing, with a target of at least 550 new units to support for the sustainable development of the town centre. The policy goes on to say that in proposals involving the refurbishment of existing buildings housing should only be provided on the existing first and upper floors with retail and commercial use retained at ground floor. The proposal would be in accordance with this policy.
9. Policy L1 of the Core Strategy states that there is an indicative 80% target of new housing provision to use brownfield land. To achieve this, it is stated that the Council will release previously developed land and sustainable urban area green-field land. This proposed development site is brownfield land and would therefore contribute to the 80% target of new housing provision to use brownfield land.
10. Policy L2 of the Core Strategy indicates that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. The NPPF also requires policies and decisions to support development that makes efficient use of land, whilst Objective 3 and Policy JP-S 1 of the draft Places for Everyone document encourages best use to be made of brownfield sites (and vacant buildings). The application site is brownfield, previously developed land in the town centre and the principle of developing land in this location for residential purposes is acceptable. The site is also considered to be in a highly sustainable location given the proximity to Altrincham Interchange and shops and services.

11. Policy L1 of the Core Strategy controls the number and distribution of new homes across the Borough. The latest housing land supply calculation suggests that the Council's supply is approximately 3.75 years (which includes a 20% buffer for historic underdelivery). Given the lack of five year housing land supply, and the age of this policy (including the need to use the more recent 'standard method' of calculating housing need), it is now out of date and should be given limited weight. Policy L2 of the Core Strategy relates to meeting housing needs and remains up to date in respect of the requirement for the amount of affordable housing and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy. Other parts of this policy, for example in relation to dwelling mix, are not up to date and should be given limited weight.
12. Trafford's Strategic Housing Land Availability (SHLAA) identifies part of the site as Clarendon House (Ref 2144) for approximately 60 residential units.
13. Core Strategy Policy L2: 'Meeting Housing Needs' seeks to ensure that there is an adequate mix of housing types and sizes to meet the needs of the community. Policy L2.4 of the Core Strategy sets out a target split of 70:30; small:large (3+ beds). The application proposes 4 no. studio, 25 no. 1 bed units, 34 no. 2 bed units and 5 no. 3 bed units. The proposal has a much higher proportion of smaller units than the Core Strategy target split, however, the Trafford Housing Needs Assessment (HNA) 2019 identifies a particular shortage of 2 or more bedroom flats in Altrincham. The proposed mix of units as part of this application would therefore help to address part of this shortage. This does not mean there is no need for other types of accommodation in Altrincham just that supply and demand need to be in balance.

Affordable housing:

14. Core Strategy Policy L2.3 states that in order to meet the identified affordable housing need within the Borough, the Council will seek to achieve, through this policy, a target split of 60:40 market:affordable housing. Policy L2.14 states that the expected method of delivery for affordable housing will be on site. The site falls within a 'Hot' market location for the purposes of applying Policy L2 and with the Borough now in 'Good' market conditions, this equates to a requirement for 45% of the proposed residential units provided to be delivered on an affordable basis; 31 no. affordable units.
15. The NPPF defines affordable housing as: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). It includes affordable housing for rent (including affordable rented and social rented), starter homes, discount market sales housing, and other affordable routes of home ownership (including shared ownership and rent to buy). Paragraph 65 indicates that with major developments, at least 10% of the homes should be available for affordable home ownership as part of the overall affordable housing offer, whilst the NPPG advises that 'First Homes' should account for at least 25% of all affordable units delivered.

16. Following negotiations with the applicant and officers, the proposal would now provide 45% on site affordable housing (up from an initial offer of 6% proposed in the original planning submission). This would be in the form of 31 shared ownership units to be operated by a registered provider. SPD1 does state that a 50:50 split between intermediate and social rented housing will normally be sought but no objection is raised by the Housing Strategy and Growth Manager to 100% shared ownership in this instance as it meets an identified need.
17. The National Planning Policy Guidance set out a requirement for development to provide First Homes, a discount market sales product (at 30% discount of market value). The NPPG states that 25% of all affordable housing units secured through developer contributions should be First Homes. To be compliant with this nationally set policy developments should provide 25% of the affordable housing as First Homes, and then in line with Policy L2 of the Core Strategy the remaining affordable housing should be split 37.5% Social Rent and 37.5% intermediate.
18. This proposal does not include any First Homes and proposes all of the affordable housing as shared ownership. This is a clear departure from both national and local policy, but in this instance is considered to be appropriate and supported by the Council's Housing Strategy and Growth Manager as meeting an identified need within the local area, and is acceptable in this instance. The lack of First Homes and conflict with national policy is an adverse impact of the development which will be weighed in the planning balance.
19. The policy requirement for affordable housing for this location is 45% and the applicant's provision therefore meets this requirement. As such, the application accords with the development plan and NPPF as a whole.

### Loss of Employment Land

20. As the application will involve the loss of office space (Class E) Core Strategy Policy W1.12 will apply. The Policy states that in determining applications for non-employment uses on unallocated employment sites, sites outside of the Strategic Locations and employment places identified in W1.3, developers will be required to provide a statement to the satisfaction of the Local Planning Authority, demonstrating that:
- There is no need for the site to be retained for employment purposes and it is therefore redundant;
  - There is a clear need for the proposed land use(s) in this locality;
  - There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;
  - The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and
  - The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.

21. The applicant has stated that there is no need for the employment use to be retained because the building has remained vacant for a number of years and the owner has not actively marketed the building as an office opportunity because this was not commercially viable. The applicant also comments that the owner has invested in new office developments at other locations and so Clarendon House is considered surplus to requirements as current demand would not justify the investment for commercial development at this time. Therefore the applicant states that the building in its current format is redundant and the investment required to attract occupiers would be unviable.
22. It is also noted by the applicant that the site has been identified as suitable residential development by Trafford's Brownfield Land Register (December 2021) and also SHLAA (February 2021) and that the development of residential dwellings in the area accords with the strategic policies of the Development Plan, including the Altrincham Town Centre Neighbourhood Business Plan and that the proposed development will not compromise the primary function of the locality.
23. It is considered that the loss of employment floor space is justified and that the applicant has demonstrated compliance with the requirements of Policy W1.12

#### Loss of Community Facility (Former Library)

24. The proposals also involve the loss of floorspace previously used as a library (Class F) and its change of use to residential.
25. NPPF paragraph 93 says that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. This can be interpreted to refer to libraries.
26. The former library is currently vacant and has been replaced in the Town Centre by the new library within the Altrincham Health and Wellbeing Centre. The former library is not listed as an Asset of Community Value. The conversion of the former library floorspace to residential is considered to be acceptable.

#### Altrincham Town Centre

27. The site is within Altrincham Town Centre within the 'Town and District Shopping Centre' on the UDP Proposals map. Core Strategy Policy W2.2 identifies Altrincham as the main town centre within the Borough which will be the main focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre type uses.
28. The site is designated in the Altrincham Neighbourhood Business Plan (ANBP) as 'Mixed Use with Ground Floor Active Frontages'. Policy S states that proposals for

town centre uses in these frontages will be supported provided that an active ground floor frontage is maintained. In the case of residential proposals, it would only be acceptable for access arrangements to the units to be provided in these frontages thus maintaining the active nature of the ground floor frontage. The proposals maintain an active ground floor frontage, for the residential development and the remaining retail units and therefore complies with this policy.

29. Policy R 'New Retail Development' and Policy H 'Town Centre Housing' of the ANBP state that new retail development will be restricted to those areas of the town centre designated as Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages on Plan 6. The proposals are in compliance with this policy.

## HERITAGE

30. In determining this application there is a statutory duty under section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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.
31. In addition to this is the statutory duty under section 72 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
32. The Government has set out its planning policies for design and the historic environment in the NPPF and the accompanying National Planning Practice Guidance. Both the NPPF and the NPPG are material considerations relevant to this application 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.
33. In relation to Heritage assets, Para 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*"
34. Also of relevance to the determination of this application is paragraph 195 of the NPPF: "*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*".

35. Paragraph 197 of the NPPF states that *“In determining applications, local planning authorities should take account of..... c) the desirability of new development making a positive contribution to local character and distinctiveness”*.
36. Paragraph 199 states 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) This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*
37. 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’*
38. Paragraph 202 of the NPPF states 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’*.
39. 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 the affected Heritage Assets

40. The application site comprises a seven storey, predominantly brown brick, flat roofed 1970’s building known as Clarendon House. There are various different elements to the application building and the materials are predominantly brown brick. The ground floor contains a number of commercial units with retail frontages with the upper floors formerly in use as offices and a library.
41. The site lies adjacent to the Stamford New Road Conservation Area to the south, Old Market Place Conservation Area to the west and George Street Conservation Area to the southwest. The boundary for Stamford New Road Conservation Area forms the southern boundary of the application site. The adjoining building which lies within the Conservation Area is Station Hotel & 42 Stamford New Road, Grade II listed. The site lies within the setting of a number of other listed buildings.

#### **Old Market Place Conservation Area**



42. The boundary to Character Zone C of the Old Market Place (OMP) Conservation Area runs along the southern side of Stamford Street adjacent to the Stamford Quarter Shopping Centre.
43. The majority of buildings within OMP Conservation Area are 19th century or earlier and retain a variety of historic architectural detailing which gives the area a high level of aesthetic value and a sense of historic character. The architectural styles and historic plan forms of buildings document the historic development of Altrincham and continuation of habitation from the medieval period to the present day. Buildings range from substantial civic buildings and historic commercial properties interspersed with smaller areas of good quality residential properties with landscaping. Furthermore, the consistent use of traditional building materials including brick, slate, sandstone and painted joinery and local detailing repeated throughout the Conservation Area gives the area a sense of visual harmony.
44. Key views within the Conservation Area are identified within the accompanying SPD 5.3. Due to the gently sloping topography, glimpsed views out of the Conservation Area are possible towards the application site although it is appreciated that the Clarendon House is mostly obscured by the Stamford Quarter. Views are possible along streets leading from the Old Market Place such as Post Office Street, Kingsway, Victoria Street. There are a number of positive contributors identified along Stamford Street and Kingsway.

#### **Stamford New Road Conservation Area**

45. The boundary to the Stamford New Road Conservation Area runs along the southern side of Stamford New Road opposite the application site and incorporates Altrincham Station.
46. The significance of this Conservation Area derives from early 19th century development along Railway Street with a cohesive group of good quality late 19th and early 20th century buildings along Stamford New Road and adjoining streets. Building elevations fronting the street display a variety of good quality architectural styles, detailing and expression, which contribute a high level of aesthetic and historic value to the Conservation Area. There are a number of consistent design details for example the use of splayed corners and plaques with names, initial and dates displayed. Generally buildings sited along Railway Street are two storeys in height and domestic in scale increasing to three storeys and a larger scale along Stamford New Road and some adjoining streets. Buildings tend to be traditional in form with pitched roofs, and front the street. In a number of cases the plot ratio is greater in depth than width, although there are some exceptions. The scale, massing and form of buildings results in a strong building line and sense of enclosure, this contributes to the visual interest and rhythm of the street scene.
47. Key views within the Conservation Area are identified within the accompanying SPD 5.4 and include looking southwards along Stamford New Road adjacent to the clock

tower. A number of landmark buildings are identified in the vicinity of the application site and include the Station, the Station Hotel, the clock tower and Stamford House. As with the OMP Conservation Area there are views of the application site and Stamford New Road.

48. The majority of buildings in the Conservation Area are identified as positive contributors including the Station.

### **George Street Conservation Area**

49. The significance of this Conservation Area derives from its position in the medieval Lower Town; some existing property boundaries reflect medieval burgage plots, in particular within the subdivisions of present plots. Properties within the Conservation Area are of varying dates and styles. There are examples of Georgian, Victorian and 20th century buildings. George Street evolved from a residential area in the early Victorian period to a primarily commercial location by the 20th century. A small number of commercial properties were historically houses, later converted with shop fronts inserted. Others were built as shops with the owners living above. Although the ground floors are often marred by recent retail fascias, the properties retain a variety of architectural detail to first and second floor levels contributing to a high level of historic character. A limited use of building materials, local details and plan form is repeated throughout the Conservation Area and gives the area a sense of visual harmony. Historic route ways or ginnels between properties remain on both sides of George Street, providing pedestrian access to The Causeway, Central Way and beyond.

50. Key views are identified looking northwards and southwards along George Street. It is not possible to currently see the application site from within the Conservation Area.

### **Setting of listed buildings**

51. The application site lies within the setting of the following Grade II listed buildings;

#### **Listed Buildings, all Grade II**

Clock Tower on Station Forecourt  
Stamford House  
Station Hotel & 42 Stamford New Road

52. This group of listed buildings are highly significant for their aesthetic and illustrative historical values. Additionally they all have a degree of landmark presence. As mentioned above Clarendon House is physically attached to the rear roof slope and rear outrigger of Station Hotel & 42 Stamford New Road. The listed building is considerably lower than Clarendon House and the application site is clearly visible in views of the Station Hotel & 42 Stamford New Road. The existing Clarendon House due to its height, appearance and materiality does have an impact on the setting of

the listed building and to a lesser extent the setting of the clock tower and Stamford House.

53. The Council's Heritage and Urban Design Manager has been consulted on the application and their comments are detailed in appendix A. Where additional information has subsequently been submitted by the applicant in response to issues raised, this is shown in bold.
54. The application is accompanied by a heritage statement undertaken by Adapt Heritage. The document provides a detailed assessment of the significance of the affected conservation areas, listed buildings and their settings. The Heritage and Urban Design Manager is generally in agreement with the assessment of significance provided and no objections are raised to the principle of the redevelopment.

#### Consideration of Harm to Heritage Assets

55. The Council's Heritage and Urban Design Manager has concluded that the development due to the increased height would result in some harm to surrounding heritage assets. *'The harm is minor (lower end of the scale of less than substantial) to the setting of The Station Hotel & 42 Stamford New Road and also to Stamford New Road Conservation Area and negligible harm to Old Market Place Conservation Area. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (202 NPPF).'*
56. This level of harm equates to 'less than substantial harm' in NPPF terms, at the lower end.

#### Balance and Conclusion

57. It is considered that the proposals will make a much needed significant contribution to housing supply and in a very sustainable location. The proposal contributes towards meeting the Council's housing land targets and housing needs identified in Core Strategy Policies L1 and L2 in that the scheme will deliver 68 new residential units on a brownfield site in a sustainable location within the urban area. In addition a policy compliant level of affordable housing is provided.
58. It is noted 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). The balancing exercise should be undertaken bearing in mind the statutory duty of Section 72 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas; Section 66 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses and Policies R1 and L7 of Trafford's Core Strategy.

59. The Heritage Development Officer has concluded that the development will result in minor harm (lower end of the scale of less than substantial) to the setting of The Station Hotel & 42 Stamford New Road and also to Stamford New Road Conservation Area and negligible harm to Old Market Place Conservation Area. The conclusion of less than substantial harm relates primarily to the two storey roof extension which will result in increasing the prominence of the building in long distance views from Old Market Place Conservation Area and along Stamford New Road and will increase the height of the building when viewing the Station Hotel along Stamford New Road as set out in more detail in the foregoing sections of the report.

60. As harm has been identified, a clear and convincing justification needs to be provided and a balancing exercise undertaken of the harm against the public benefits of the scheme as required by 199, 200 and 202 of the NPPF. It is considered that the redevelopment of this site has a significant number of public benefits, primarily as follows:

- Utilises an existing largely vacant building in a highly sustainable location
- Proposes 68 new housing units that will contribute to housing land supply
- Policy compliant level of Affordable Housing (45% - 31 units of shared ownership housing on site)
- Policy compliant contribution towards Education facilities
- A development of a high quality design
- Good levels of accessibility
- Assist in meeting climate change objectives through sustainable building design, in particular through reuse and repurposing of large amounts of the existing structure to create an energy efficient development that represents an improvement on the Core Strategy targets in relation to CO2 reduction
- Increased landscaping and biodiversity measures
- Economic benefits from construction and occupation
- Contribute to regeneration aims for the Town Centre

61. In conclusion it is considered that in undertaking the balancing exercise required by the NPPF, that the benefits of the scheme outweigh the less than substantial harm identified to heritage assets and in heritage terms the development is considered to be acceptable. In respect of paragraph 11 (d) i. of the NPPF the development does not provide a clear reason for refusal in this respect.

## **DESIGN**

62. 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.”*

63. 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”*
64. 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. This states at para 122 that *‘Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by.’*
65. 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”*. 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.
66. Policy D of the ANBP sets out that all new build and refurbishment schemes be of high quality design and include the use of high quality materials, ensuring that the scale and design of development is appropriate to its location and setting and reflective of character of the area.
67. The application proposes the refurbishment, remodelling and extension of an existing building. This approach is considered to be a sustainable re-use of the existing vacant building.
68. The current building dates from the 1970’s and as a result of the design, in particular the large expanses of brick and dominant horizontal emphasis of the design features, it is considered that it has a negative impact on the streetscene.

### Scale and Height of Extension

69. The proposals seek to achieve an amalgamation of two separate buildings; the former office block and library building, with separate vertical circulation cores (both expressed externally on front elevation) and a series of retail units at ground level. The proposal seeks to repurpose and remodel the building with a unified design approach and this includes some extensions as well as external alterations.

70. The redeveloped building, including the proposed two storey upwards extensions, would be a maximum of nine storeys (five storeys in the former library section). The two storey upwards extension would result in an additional height of 6.8 metres above the existing highest rooftop level. The extension directly above the former library would be 6.7 metres in height. The extension at levels 7 and 8 would be set in from both sides and the front and rear elevations of the main building. Other extensions to the building would be limited, with the main extensions of note, other than the roof extensions, being a ground floor plant room extension to the rear, an infill extension to the ground floor front elevation to bring the entrance lobby flush with the adjacent retail frontages and an extension to the rear, two bays wide at fourth and fifth floor level to provide additional residential floorspace. It is considered that these extensions would have limited impact on the streetscene and would assimilate with the rest of the remodelled building.
71. The proposed addition of the two storey upward extension would result in a taller building. The street section drawings provided in the Design and Access Statement demonstrate that the resultant building would still be comparable to other buildings in the immediate vicinity such as the eight storey high Station House to the northeast and ten storey Travelodge building further removed to the southwest. The Townscape Visual Impact Assessment (TVIA) work carried out concludes that the redevelopment of the site would not give rise to any unacceptable townscape or visual impacts.
72. It is also noted that there was a previous planning permission (ref: 88883/FUL/16) at the application site approved in December 2016 for conversion and extension of the building for 60 dwellings. While this is no longer extant it is noted that the current proposals seek planning permission for a rooftop extension of a similar footprint and height, but with different elevational treatment.
73. It is not considered that in terms of scale or height the proposed redevelopment and extension would be out of character or unduly dominant in the streetscene.

### External Appearance

74. As highlighted in the supporting design assessments, the existing building has a particularly wide elevation and strong horizontal emphasis which conflicts with the vertical proportions of neighbouring properties along Stamford New Road. Similarly, there is an inconsistent variation of brick tones across the building, with a predominant brown brick which is not reflective of the Altrincham vernacular.
75. The design proposes that the existing facades are reworked and the approach is based on classical principles of plinth, middle and top as seen in the wider Altrincham urban grain. The external changes would involve the removal of the horizontal windows and introduction of vertical brick recesses and vertical glazing. The proposed structural bays across the development would be marked by a vertical

brick recess which creates vertical divisions which references the narrow widths of the nearby Victorian shop fronts. This would be repeated across the dominant horizontal brick plinth at first floor level and the former library block which is further emphasized by brick soldier coursing and recessed brickwork panels which contain the vertical glazing elements at each floor level. The inset panels retain the existing tripartite glazing arrangement, which is also found in the neighbouring Victorian shop fronts, typically at first floor level and above. The same tripartite glazing pattern with profiled metal cladding is proposed to be repeated across the first floor above the commercial units in the main block. The brick piers would be extended down to street level, framing and unifying the ground and first floor and forming a more 'active' plinth.

76. In terms of materials, some of the existing brick would be re-used but a significant amount of the existing brick would be removed and replaced by brick with a more consistent tone and appearance. This would be complemented by a green terracotta appearance cladding which would reference the faience and terracotta detailing found to nearby listed buildings and other historic buildings along Stamford New Road. The green terracotta covers much of the two storey upwards extension to the main block, as well as the vertical circulation core but features across the building to unify the different elements. The scalloped profile adds rhythm and texture to the façade and the development also includes recessed balconies and projecting glazed panels which are a modern interpretation of the traditional oriel windows found on the adjacent Station Hotel and to other buildings along Stamford New Road.
77. The treatment of the rear elevation largely reflects the materials and composition of the front elevation although the existing buff brickwork to the ground and first floor plinth at service yard level remains but the glazing to the apartments at first floor has been increased in size to allow additional daylight into the apartments. The main existing side elevations are largely unchanged with the exception of the addition of some new windows to add interest where the building turns the corners. The secondary side elevations to the building utilise the terracotta cladding and glazed window openings.
78. Landscaping has been incorporated where possible on the building and this includes the use of the existing roof areas, created by the set-back of the former office block above first floor level, to create a continuous planted zone to the front edge to create a green buffer to the street. Additional planting would be incorporated into garden terraces across the building including above first floor level at the rear and at seventh floor level to the side of the rooftop extension.
79. It is considered that this is a well-considered and appropriate design response to the remodelling of this building which represents a considerable improvement in design terms on the existing building and the previously approved planning application 88883/FUL/16.

## **Energy Use and Carbon Reduction**

80. Policy L5.1 of the Core Strategy states that new development should maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation. L5.4 goes on to say that development will need to demonstrate how it contributes towards reducing CO<sub>2</sub> emissions within the Borough. It is considered that Policies L5.1 to L5.11 are out-of-date as they do not reflect NPPF guidance on climate change, whilst the remainder of the policy is compliant with the NPPF and remains up-to-date.
81. The application is accompanied by a Carbon Budget Statement. This states that the development has incorporated building fabric enhancements above current Building Regulation requirements and renewable technology to increase the energy efficiency of the building. The methodology used in the report is to take a 'fabric first' approach as set out in the Core Strategy, making improvements to the envelope first, reviewing the results due to these fabric improvements and then reviewing suitable technologies to enhance this design philosophy where feasible.
82. The re-use of the existing building will minimise the embodied carbon of the development as a whole. Improvements are proposed to be incorporated to minimise direct energy consumption and CO<sub>2</sub> emissions during the operational phase of the development, with particular emphasis on the following;
- High performance glazing to reduce solar and transmission gains
  - Improved thermal transmittance U-valued as depicted
  - Mechanical Ventilation Heat Recovery systems with 88% heat recovery efficiency
  - Electric panel heaters and electric immersion water heating with 100% delivery efficiency
  - Low building air leakage rate (4.0 m<sup>3</sup>/h/m<sup>2</sup> at a pressure differential of 50 Pa)
  - 100% Low energy lighting through the buildings
  - Low flow aerated showerheads and basin tap inserts to reduce water consumption
  - Reducing mains/potable water via water efficient devices and equipment
  - Total 40kWp of PV equating to approximately 147.55m<sup>2</sup> to supply renewable energy
83. The Solar PVs referred to above are a form of renewable energy technology, and will reduce the operational energy of the development and the demand on the National Grid. These will be located on the roof of the apartment building, behind a parapet to ensure the panels are not visible from the ground. The PVs would be orientated due south on open roof areas where they will not be overshadowed.
84. Seven of the car parking spaces would be equipped with Electric Vehicle Charging Points (ECVs) and a further seven of the spaces will be cable-enabled to accommodate future expansion of the ECV facilities
85. The Trafford Core Strategy states that a 15% reduction over 2010 Building regulations is required. The summary CO<sub>2</sub> reduction results in the Carbon Budget Statement state, a 9.20% reduction over Part L 2013 has been achieved. This



results in a 15.20% reduction by Part L 2010 standards therefore exceeding the requirements of the Trafford Core Strategy. It is therefore considered that in view of the fact the application proposes the reuse and refurbishment of an existing building and proposes improvements to minimise direct energy consumption and CO2 emissions, climate change and energy efficiency have been considered in the design of the building and sustainability measures will meet policy targets. A condition is recommended to achieve the CO2 reduction required by the Core Strategy and on this basis, officers are satisfied that the proposed development will be able to achieve the goals of Core Strategy Policy L5 and the NPPF in this respect.

### **Accessibility**

86. The Design and Access Statement sets out how the design of the proposals has been developed to ensure full accessibility for all. The proposals seek to ensure the building and its surrounding environment takes account of the needs for people with disabilities in accordance with the Building Regulations Part M, Part K and Equality Act 2010.
87. The principal entrance is via automated doors which create an opening 1m wide or more. All gradients towards these entrances are level access or minimal falls (1:60). All external routes will be finished in non-slip, hard-standing textured material to thresholds. All signage to entrances will be highly visible and legible.
88. The main entrance to the apartment building is clearly expressed by a recessed area of facade with expressive detailing and an area of curtain walling. The lobby will be fully accessible to wheelchair users and all floor surfaces used throughout will use a non-slip material and be solid for ease of wheelchair movement. Access to the lobbies will be via video entry system and all signage will be highly visible.
89. There is level access at ground floor leading to the main stair and the lifts; the cycle store and the dog washing room. Access to the bin store is via a short flight of steps or the adjacent passenger platform lift. The lifts service all habitable floors from ground level to Level 7, providing access to the entrances to the duplex apartments spanning Levels 7-8. The lifts will meet all the requirements of BS EN 81-70:2018 such as but not limited to; induction loop, buttons at correct height, voice announcements, audible registration of calls etc. The passenger lift proposed will accommodate persons using a manual or electrically powered wheelchair and also provides accessibility for persons using walking aids (e.g. walking sticks, crutches or rollators).
90. All communal stairs have been designed in accordance with relevant Building Regulations. This includes:
- Vision panels to be fitted to all communal doors
  - All doors to be weight suitable for those with reduced mobility
  - Good lighting to all communal areas, including the communal stair
  - User friendly handrails to all stairs and landings

- High contrast signage for all lifts and stairs and communal areas
91. All primary circulation corridors are a minimum of 1200mm wide and are generally larger at 1500mm where possible in the existing building, to enable turning space for wheelchairs, push chairs, mobility aids, etc.
92. Within the dwellings
- Wheelchair access / turning circles are provided to each dwelling and to living room/kitchen areas (level access also provided between WC and habitable rooms).
  - All apartments have minimum one accessible bed/ bathroom (in terms of bathrooms this means in each apartment a minimum of one bathroom will be designed to accommodate a turning circle for wheelchair access and an outward opening door and grab rails mounted at heights in accordance with BS 8300).
93. Car parking provision includes two drop off spaces suitable for users with disabilities in addition to three accessible spaces (one suitable for charging electric vehicles) for allocation to future residents.
94. It is considered that the proposals have therefore taken appropriate regard to accessibility within all aspects of the design of the development.

### **Fire Safety**

95. A Planning Gateway One Fire Statement prepared by a qualified Fire Engineer has been submitted in support of the application. This sets out how the building has been designed with regard to fire safety and meeting the requirements of the relevant legislation. A 'substantive response' has been received from the Health and Safety Executive (HSE) Planning Gateway One which stated 'Some Concern' in relation to the development and setting out why this was the case.
96. For context, HSE substantive responses predominantly fall into one of five categories:
- Content
  - No Comment
  - Some Concern
  - Significant Concern
  - Suggest Refusal
97. The concerns raised by the HSE have been addressed in a response by the applicant's Fire Engineer and the HSE have been re-consulted on this document. To date no further response has been received from the HSE however it is the case that in their initial response they did not suggest refusal of the planning application or state that they had significant concerns about the proposals. The applicant's Fire Engineer has stated that the building has been designed to comply with fire safety guidance and the relevant building regulations.

### **Conclusion on Design**

98. It is considered that the overall design approach and use of good quality materials and detailing has successfully dealt with the challenges of converting, remodelling and extending an existing building. The development is considered to result in a secure, efficient, accessible and locally distinctive development which enhances the appearance of this prominent town centre site and the development is considered to be compliant with Policy L7 and the NPPF.

## **RESIDENTIAL AMENITY**

99. In addition to ensuring that developments are designed to be visually attractive Para 130 of the NPPF advises that planning decisions should ensure that developments:-

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*

100. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.

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

102. SPG1 New Residential Development sets out the guidelines that relate to all forms of new residential development.

103. It is considered that the nearest existing residential receptors to the site comprise the apartments above the ground floor commercial units at Stamford House and a flat located above the adjacent Station Hotel. The predominant character of the surrounding area is commercial.

104. The supporting Planning Statement sets out that the primary aim of the development is to provide high quality residential apartments and that all the apartments have been designed to meet the Nationally Described Space Standards (NDSS).

### Daylight and Sunlight

105. An assessment of daylight and sunlight levels has been submitted in support of the application and this uses the methodologies set out within the Building Research Establishment Guidelines entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)', often referred to as the BRE Guidelines.

106. It is important to note that the BRE document is a set of guidelines which inform site layout and design. They are not mandatory, nor do they form part of the development plan in Trafford and their interpretation may be treated flexibly depending on the specifics of each site. It is well established that the published targets within the BRE Guide are based on low rise, suburban development and that importantly, the guide recommends a more contextual approach and setting alternative target values for city centres, urban environments and historic locations.

107. The National Planning Practice Guidance (NPPG) – Making Efficient Use of Land published on 29 November 2016, updated 01 October 2019, *“All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.”*

108. The BRE Guidelines apply to existing surrounding residential properties as well as proposed residential properties. Clarendon House backs directly onto commercial premises on the north-western side of the service yard to the rear of the application site. Opposite the main frontage, Clarendon House looks onto the Altrincham Interchange. The building adjoins Sunningdale House on the north-eastern side and the Station Hotel / 42 Stamford New Road on the south-western side. The nearest buildings with residential elements are considered to be the Station Hotel and Stamford House which have residential accommodation above ground level. However Stamford House is positioned obliquely to the proposed development and does not face it directly, and the Station Hotel does not have any windows which have a direct line of sight to the proposed extensions to Clarendon House.

109. As the windows in these properties are not considered to be materially affected by the development in terms of daylight and sunlight due to their relationship to the application site the technical analysis focuses on the potential daylight and sunlight levels within the proposed development and this approach is considered reasonable.

110. The assessment has been undertaken using a representative sample of rooms at all floor levels and the overall results are set out in the table below:

	<b>Percentage of Rooms Compliant for ADF Daylight</b>	<b>Percentage of Rooms Compliant for NSL Daylight</b>	<b>Percentage of Rooms Compliant for APSH Sunlight</b>
Clarendon House	68/72 (94%)	70/72 (97%)	27/27 (100%)

111. The assessment finds that of the 72 rooms assessed for ADF daylight, 68 (94%) will meet their respective targets. 70/72 (97%) of rooms assessed for NSL daylight and 27/27 (100%) assessed for APSH sunlight will meet the target criteria. The rooms which do not meet the ADF criteria comprise four living / kitchen / diners. The living / kitchen / diners will achieve 1.1%-1.4% ADF against a target of 1.5%. Given the limited number of rooms which do not meet the ADF criteria in context to the property, and the dense, urban context of the site, the ADF daylight results are considered to be very good.
112. The two rooms which do not meet the NSL daylight criteria are bedrooms on the first floor. The BRE recognises that bedrooms have a lesser requirement for daylight, as they are seldom occupied during the day. Both bedrooms will still receive good levels of daylight, 56% and 65% respectively. All the rooms assessed will meet or exceed the BRE target criteria for APSH sunlight, and the proposed development will receive excellent sunlight amenity once occupied.
113. Given the town centre context, the proposed development will exhibit excellent levels of daylight and sunlight once converted and occupied and deviations from the BRE target criteria are largely limited and minor. The daylight and sunlight amenity levels within the proposed development are therefore considered acceptable.

#### Overlooking / Privacy

114. Whether a new development would impact negatively on existing residential living conditions through adverse overlooking and impacts on privacy is an important consideration. Where there is the potential for direct interlooking between proposed windows and those in adjacent residential properties or between proposed windows and areas of private amenity space, consideration must be given to the separation distances, angles and any proposed methods of screening or obscuration proposed in order to protect the privacy of occupiers of adjacent residential properties.
115. The Council's New Residential Development Planning Guidelines document (PG1) is of relevance in considering the distances necessary to maintain good standards of residential amenity. The guidance document does not include specific guidelines for tall buildings and is therefore of more limited use in relation to high density development, but it does state that for development of four or more storeys where there would be major facing windows, flats should retain a minimum distance of 24m across public highways and 30m across private gardens.

#### *Impact on existing adjacent occupiers*

116. The majority of the proposed windows in the apartments would face to the front onto Stamford New Road to the southeast and the Interchange beyond and to the rear to the northwest onto the service yard and commercial premises beyond. Where there are (limited) examples of window or door openings facing northeast,

these would look towards Sunningdale House which is a commercial building and the rooftop car park.

117. Again where there are (limited) examples of window or door openings facing southwest they would be at a right angle to 42, Stamford New Road / Station Hotel and at a higher level. As a result no direct interlooking would be possible and privacy levels would be maintained.

#### *Impact on future occupiers of Clarendon House*

118. As indicated above the vast majority of the proposed windows and doors in the apartments face to the front and rear of the building and this avoids any interlooking between units. There are limited examples of windows that face to the northeast or southwest with side facing walls created where rear extensions are proposed or existing rear projections at the building would be utilised. However where this is the case the apartment windows would be at a right angle to one another and therefore no direct interlooking is possible.

119. There were initially some concerns about some of the relationships at second floor level where a private balcony serving one apartment was immediately adjacent and at a right angle to a main habitable room window in an adjacent apartment leading to the potential for noise disturbance and loss of privacy. However this has now been resolved through amendments to the plans to include a combination of obscure glazing to a secondary window and use of a privacy screen. The screen, in addition to screening visibility, also limits the extent of terrace so that it no longer extends right up to the living room of the adjacent apartment.

120. For the reasons set out in detail in the foregoing section it is considered that the proposed development would not result in any undue overlooking or harm to privacy in relation to existing residents adjacent to the site. As this is intended to be a high density urban development there are instances where relationships between some balcony areas and adjacent windows in the proposed apartments would be relatively close but if the proposed mitigation measures outlined above are implemented these relationships would be acceptable.

121. SPG1 does allow for a flexible approach within a development site, where good design or the particular circumstances of the site allow this and this is supported by the thrust of the NPPG and NPPF in relation to high density urban sites.

#### **Overbearing / Overshadowing / Outlook**

122. New development should not have an overbearing impact on adjacent residential occupiers or result in a material loss of outlook as these are important residential amenity considerations. Loss of outlook can occur where development, as a result of the impact of its height, scale, massing can have an adverse overbearing and over dominating effect resulting in unduly oppressive living conditions.

123. SPG1 states that 'There are many possible relationships of properties with each other, and so in these matters the Council will generally adopt a flexible approach. However, dwellings should not be grouped so closely that they unduly overshadow each other, their garden areas or neighbouring property. In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15 m (49 ft) should normally be provided. It is noted that this relates to two storey walls however given the high density urban nature of the development it is considered that this is a reasonable approach for this development.

124. The proposed development largely seeks to utilise the existing building with the extensions to the rear and at roof level. However these extensions are set away from the southwestern boundary of the site (which adjoins 42 Stamford New Road / Station Hotel) which contains the only residential occupier that is close enough to potentially be materially affected. As a result of the height and siting of these extensions they are not readily visible from that property. Therefore it is not considered that the development would have any material impact on outlook for that property or be overbearing or result in overshadowing.

#### Amenity Space

125. SPG1: New Residential Development sets out the Council's standards and states that most new dwellings should provide some private outdoor space. The guidance sets out recommended garden area sizes and advises that for flats, 18 sq. m of adequately screened communal area is considered generally sufficient for these functional requirements.

126. It is noted that this application proposes the conversion of an existing town centre commercial building that currently has no dedicated external curtilage space. Opportunities to provide external amenity space for residents is therefore limited on site. However the scheme proposes private balcony areas for 37 of the apartments and provide communal spaces of 106.4 sq. m within the development.

127. While the provision is not fully compliant with the guidelines in SPG1, given the high density character of the development and town centre location it is considered that the proposed level of amenity space is appropriate to the site. The apartments are also in close proximity to areas of public realm which include planting and seating.

#### Lighting and Noise

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

129. A Noise Impact Assessment (NIA) has been submitted in support of the application and this concludes that appropriate target internal noise levels have been proposed which are achievable using conventional mitigation measures, including the use of suitably specified glazing and acoustically attenuated ventilation. A Stage 1 AVO (Acoustics Ventilation and Overheating) assessment has been carried out with the site falling into the High or Medium risk category. It is therefore advised that the scheme is designed to severely restrict the reliance on openable windows to satisfy overheating targets. Noise transfer from the existing ground floor commercial units has also been considered and the existing floor construction should be capable of achieving the minimum requirements of Approved Document E of the Building Regulations and also controlling noise transfer between the units and the apartments above. The assessment concludes that the site, subject to appropriate mitigation measures, is suitable for residential development in terms of noise.

130. The operators of the Zero Gravity Float Spa at 26, Stamford New Road have raised concerns over the potential for noise, particularly from the plant room and bike storage room and during construction as their business relies on silence when customers are in the floatation tanks. They request that consideration is given to the installation of sound insulation and night-time hours of construction.

131. The Council's Pollution and Housing (Nuisance) section have been consulted on the application and have raised no objections subject to a number of conditions including conditions relating to noise mitigation measures and noise limits for fixed plant and machinery. The Float Spa is a commercial unit rather than a residential unit and there is no requirement in policy to protect commercial uses. It is however considered positive that the applicant's agent has engaged directly with this business and has confirmed that the applicant will implement practical solutions, where possible, to mitigate noise impacts on the business. A condition is however recommended to ensure that the noise impacts of the ground floor commercial units on the proposed residential apartments are appropriately assessed and if necessary mitigated for within the proposed development.

132. In relation to the impacts of any lighting associated with the development the Pollution and Housing section recommend a condition requiring that the exterior lighting in the scheme should be erected and directed so as to avoid nuisance to any sensitive premises in close proximity. Conditions are recommended accordingly.

### Crime Prevention and Security

133. Policy L7.4 of the Trafford Core Strategy states that, in relation to matters of security, development must demonstrate that it is designed in a way that reduces opportunities for crime and must not have an adverse impact on public safety.

134. A Crime Impact Statement (CIS) has been submitted with the application. Greater Manchester Police's Design for Security section has been consulted and



have commented that they support the application subject to the layout issues within Section 3.3 being addressed and recommend that the physical security measures within Section 4 of the Crime Impact Statement being conditioned.

### Air Quality and Sustainability

135. L5 states that 14.19 *The Trafford Air Quality Management Area identifies where air quality will not reach the national health based objectives. Trafford and the 9 other Greater Manchester Authorities published their Air Quality Action Plan, which sets out how the conurbation will improve air quality. The plan is mainly concerned with tackling transport related emissions, and is closely tied to the Local Transport Plan for Greater Manchester.*

136. The site is not located in an AQMA. The supporting information submitted with the application and the air quality data available to the Council have been reviewed and the Pollution and Housing section have not raised any objections on air quality grounds. It is noted that EV charging points are proposed as part of the parking provision and a condition is recommended accordingly.

### Construction

137. The Pollution and Housing section have recommended a Construction Environmental Management Plan be required via condition to ensure that noise, dust and other nuisance impacts can be controlled appropriately and this is recommended accordingly.

### Waste Management

138. The Design and Access Statement states that the refuse store is located at the rear of the ground floor, of the apartment building. It is situated at the end of the access corridor which leads from the main reception area. There is a platform lift for wheelchair users and low level refuse bin containers are provided. Refuse collections are via the shared Service Yard at the rear of the building. The refuse vehicle can access the Service Yard via Brewery Street. Collections will be managed by a private maintenance company. Trafford's Waste Management section have commented that services provided by the Council for domestic waste collections would require a larger bin storage area and greater number of bins. However it is noted that the application documents state that a private contractor will be used for waste collections and no objections are raised on this basis.

### **Conclusion on Residential Amenity Impacts**

139. A suite of reports assessing the impacts of the development on the amenity of existing and future residential occupiers have been submitted in support of the application. They demonstrate that the scheme will have an acceptable impact on the amenity of existing occupiers of residential properties in the vicinity. It is

acknowledged that there are some shortfalls in the guidelines set out in SPG1 and BRE in relation to the amenity of future occupiers of the development. However these shortfalls relate to amenity areas and daylight levels to a small number of apartments. It is not considered that this would result in poor living conditions. Indeed the properties have been designed to provide good levels of privacy, daylight and outlook. Given the approach of creating a high density development in a sustainable location, this is considered to be acceptable. For the foregoing reasons and subject to appropriate conditions, the impact of the proposed development on the residential amenity of both existing adjacent occupiers and future occupiers of the development is considered to be compliant with Policies L5 and L7 of the Trafford Core Strategy and the NPPF.

## **PARKING AND HIGHWAYS ISSUES**

140. 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”*.
141. Policy also L4 states: [The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices. The aim of the policy to deliver sustainable transport is considered to be consistent with the NPPF.
142. Para 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.’*
143. 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”*. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out of date for the purposes of decision making.
144. Core Strategy Policy L7 states: In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.

### Access, Circulation and Servicing

145. No changes are proposed to the existing vehicle access arrangements serving the car park to be utilised. Entry/exit to the parking areas will be controlled by the retained ANPR system.

146. Pedestrian access to the site and the main reception area is provided at ground floor level from Stamford New Road. The ground floor provides the cycle store and bin store. Access to the bin store will be taken from the rear and the access to the cycle store is provided from the main entrance.

147. Refuse collection and servicing activity will continue as existing from the rear of the site on Brewery Street.

### Car Parking and Accessible Car Parking

148. The site has a GM Accessibility Level of 8, which is the highest level of public transport accessibility in Greater Manchester. Access can be gained to frequent bus, tram and train services and the site is also shown to meet '20 Minute Neighbourhood' principles in that residents would be able to meet their daily needs within a short sustainable trip length from their home.

149. 42 parking spaces will be provided for residents of the proposed development in the existing car park at fifth floor level and these will be clearly marked and colour coded as 'Resident's Parking Only'. Residents would be issued parking spaces upon application and would be required to enter into a separate paid annual contract with the managing agent and the onsite car parking management team would be available to address any parking issues. These allocated spaces include:

- 5 no. general use Electric Vehicle Charging (EVC) Spaces
- 3 no. family spaces, one of which would be suitable for EVC
- 3 no. accessible spaces, one of which would be suitable for EVC
- 31 general use spaces including 7 no. cable enabled spaces for future EVC infrastructure

150. In addition to these allocated spaces a further four spaces would be provided in a 'drop off zone' at third floor level and this would include two accessible spaces.

151. The LHA has no objection to the level of parking provision proposed or to the overall loss of public parking as a result of the spaces allocated for use by residents. The site is located in a highly sustainable area, close to rail and bus routes, with cycle parking provided in the proposed development as well as at the Altrincham Transport Interchange. Furthermore, additional public parking is also provided in the town centre. The LHA would like the proposed residential parking arrangements as now described secured by condition to any subsequent planning approval.

### Cycle Parking and Storage Arrangements

152. The cycle store will provide space for 68 bikes in a secure room on the ground floor of the development and this is compliant with SPD3 requirements.

### Transport for Greater Manchester (TfGM)

153. Comment that in terms of the trip generation, the car parking spaces to serve the development are existing and a TRICS exercise has been undertaken to demonstrate that the development is unlikely to result in a material impact on the highway network. There could be some displacement of trips as a result of the re-allocation of spaces within the car park, however, given the highly accessible nature of the site and providing existing TROs are sufficient to ensure that on-street parking does not occur surrounding the site, TfGM raise no objection. It is noted the LHA also do not object to the proposals.

### Travel Plan

154. An interim travel plan has been prepared for the planning application and a condition requiring a full travel plan is considered appropriate.

### **Conclusion and Highways Impacts and Parking**

155. The application site is in a highly sustainable location and it is concluded that the proposed loss of 42 general public parking spaces for use by the development would not have an unacceptable impact on parking provision in the town centre or the public highway. The traffic impact assessments show that the proposal will not have an impact on existing highway operation or road safety patterns. On this basis it is concluded that the residual cumulative impacts on the road network would not be severe and there would not be an unacceptable impact on highway safety. With regard to the provision of accessible parking the proposed number of spaces (five) is considered acceptable in this location. Subject to appropriate conditions as set out above it is considered that the proposal is compliant with Policies L4 and L7 of the Trafford Core Strategy and the NPPF.

## **LANDSCAPING, TREES AND ECOLOGY**

### *Trees and Landscaping*

156. Policy R3 of the Core Strategy seeks to protect and enhance the Borough's green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both policies are considered to be up to date in terms of the NPPF and so full weight can be afforded to them.

157. In line with Core Strategy Policy R3, measures should be included aimed at mitigating the direct impact of the development on the immediate environment and

also contributing towards climate change adaptation. SPD1 provides a guide to the appropriate level of provision for new developments and alternative approaches if on site provision is not possible or practical.

158. The Council's Arboriculturist has commented that there are no trees on site currently and therefore no impact to assess on existing trees. It is considered that the landscape architects have given proper consideration to the practical aspects of the landscaping scheme and note that they will not be able to plant large trees / shrubs on the upper levels due to container size, stability and weather conditions at higher levels. They have made provision for an irrigation system which is supported. There is no soft landscaping on the site currently and the species proposed for use as hardy and appropriate to the growing conditions that they will face. The uplift in landscaping at the site overall is considered beneficial to the green infrastructure network.

### *Ecology*

159. Policy R2 of the Trafford Core Strategy seeks to ensure that all developments protect and enhance the Borough's biodiversity. Policy R2 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 protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.

160. Paragraph 180 d) of the NPPF states: *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

161. The application is accompanied by a Preliminary Roost Assessment which concludes that the building has negligible roosting potential for bats.

162. The GM Ecology Unit (GMEU) have been consulted on the application and have stated that the information submitted in support of the application includes a bat survey which found the building to be extended/converted to have negligible bat roosting potential. However as bats are highly mobile creatures the GMEU advise that an informative relating to bats is attached to the planning permission, should it be granted.

163. The ecological assessment and limited current habitat value are accepted but additional landscaping and biodiversity enhancements have been requested by officers. As a result the areas of landscaping have been increased and the plans also now include habitat boxes for birds and bats to roof areas and a zone for bee bricks in the gable end brickwork. It is considered that the scheme will now contribute towards the achievement of biodiversity net gain for the development in line with the provisions of the NPPF and Core Strategy Policy R2.

## Conclusion on Landscaping, Trees and Ecology

164. It is concluded that there are no significant ecological issues relating to the site currently and that subject to the recommended conditions and informatives the scheme would result in net gain for biodiversity and green infrastructure, compliant with Policies R2, R3 and R5 of the Core Strategy and the NPPF.

## **OTHER MATTERS**

### Contamination, Flood Risk and Drainage

165. Policy L5 states that *‘Development that has 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’*.

166. The Council’s Pollution and Housing section do not consider that contaminated land conditions are required.

167. Policy L5 of the Trafford Core Strategy states that *“the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location”*. At the national level, NPPF paragraph 167 has similar aims, seeking to ensure that development is safe from flooding without increasing flood risk elsewhere. Policy L5 is considered to be up to date in this regard and so full weight can be attached to it.

168. The site is in Flood Zone 1 and as such is at low risk of flooding from rivers or the sea and is also less than one hectare in size and therefore falls below the threshold for the requirements of the Flood Risk Assessment. Notwithstanding this a Drainage Strategy Report has been submitted in support of the application and this concludes that based on the sewer asset plan for the vicinity it is reasonable to assume that the site currently discharges both foul and surface water from the development in to the combined public sewer system. As the proposals for the site only comprise of the repurposing of the existing building with limited extension it is proposed to retain the sites existing surface water infrastructure and discharge method.

169. The LLFA has confirmed that the site is not within the flood map for surface water 1 in 100-year outline and there are no records of flooding within 20m or Ordinary Watercourses within 5m. The ground floor building footprint is largely retained, there will be no significant change to the impermeable area and therefore little change to the surface water runoff generated by the site and on this basis no objections are raised subject to an informative regarding no surface water being discharged onto the highway or third party land.

### Statement of Community Involvement

170. The supporting information sets out that the applicant undertook pre-application discussions with Council officers and additionally undertook pre-application engagement with the local community. This comprised a leaflet drop to the surrounding residents and businesses in the vicinity of the site advising them of a virtual consultation event being hosted between 23rd December 2021 and 18th January 2022. The applicant's community consultations were designed to be suitable for and accessible to everyone, whether from the local community or further afield. Analytics show circa 740 visits to the website were made and approximately 10 no. responses were received which were mostly supportive of the development, with several comments requesting further information and discussion in relation to the proposals. The Planning Statement comments that all consultation comments have been responded to and further presentations have been organised with interested parties where appropriate.

## **EQUALITIES**

171. 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.

172. 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.

173. 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.

174. An Equalities Statement has been provided in support of the application. The applicant's responses to the main equality issues to be considered are set out below.

### Age

175. The development will not be subject to any age restrictions which would prevent the public from accessing or occupying the development.

#### Disability

176. The design of the proposals has also been developed to ensure accessibility for all. The proposals ensure the building and its surrounding environment takes account of the needs for people with disabilities in relation to statutory regulations. More specific detail on this aspect of the proposals is set out under the 'Accessibility' heading in the Design section of this report.

#### Pregnancy and Maternity

177. No persons will be prevented from accessing or occupying the development due to being pregnant or a parent. Each entrance provides a level access into the building and lift access throughout the development has been provided alongside stairs which will be able to accommodate prams.

#### Religion or Belief

178. No persons will be restricted from accessing or occupying the development due to their religion or belief.

#### Race and Culture

179. No persons will be restricted from accessing or occupying the development due to their race or culture.

#### Sexual Orientation

180. No persons will be restricted from accessing or occupying the development due to their sexual orientation.

#### Gender

181. No persons will be restricted from accessing or occupying the development due to their gender.

#### Marriage and Civil Partnership

182. No persons will be restricted from accessing or occupying the development due to their marriage and civil partnership

183. The measures in place to provide a facility accessible to all, including those with a protected characteristic, are considered to be, on balance, an appropriate, practical and reasonable response to the equalities impacts of the scheme.

### **DEVELOPER CONTRIBUTIONS**

#### Community Infrastructure Levy (CIL):

184. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the hot zone for residential development, consequently private market



houses will be liable to a CIL charge rate of £80 per square metre, and apartments will be liable to a CIL charge rate of £65 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

185. However developments that provide affordable housing can apply for relief from paying CIL on those affordable units. Subject to the relevant criteria being met, relief from paying CIL can be granted and there the CIL payments will be reduced accordingly.

#### Affordable housing:

186. Officers' position on affordable housing is set out in full elsewhere in this report. To summarise, the policy requirement for affordable housing is 45% and the applicant's offer is 45% shared ownership provision on site. As such, the application accords with Policies L2 and L8 of the Core Strategy and the NPPF and is acceptable in this respect.

#### Education

187. Policy L2.2 states that residential development will be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to schools.
188. The Council's Education service has provided a calculation for this contribution; this equates to £125,896 for Primary provision (8 school places) and £131,232 for Secondary (6 school places). This results in a total contribution of £257,128. The applicant has agreed to fund this.

#### Green Infrastructure

189. With regard to spatial green infrastructure, on site provision or a contribution is not required as SPD1 states that only large residential developments of approximately 100 units, or that provide homes for 300 people or more, will need to provide new open space as part of the site design. The proposed development proposes significantly less than 100 units and creates a residential capacity of 122.3.
190. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to ensure that the proposed landscaping scheme is implemented and maintained.

#### Health

191. Policy L2.2 states that residential development will be appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to health facilities.

192. Trafford CCG (now NHS Greater Manchester (Trafford)) were consulted on the application and do not consider that the proposal will impact materially on health services and therefore no contributions are required.

### **PLANNING BALANCE AND CONCLUSION**

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

194. 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. As the Council does not have a five year supply of housing land, paragraph 11(d) of the NPPF is engaged. An assessment of the scheme against paragraph 11(d)(i) does not suggest that there is a clear reason for refusal of the application when considering the matters referred to in footnote 7. The application therefore falls to be considered against Paragraph 11(d)(ii): granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

195. The adverse impacts of granting approval for the proposed development are summarised as follows:

- Less than substantial harm to the setting of the Grade II listed Station Hotel and 42 Stamford New Road and also to the setting of the Stamford New Road Conservation Area
- Negligible harm to the setting of the Old Market Place Conservation Area
- Minor shortfalls in BRE guidelines
- Amenity space provision below SPG1 guidelines
- Failure to provide First Homes
- Tenure mix of affordable housing does not comply with Policy L2 and no social rented units are proposed.

196. These adverse impacts must be assessed as to whether they outweigh the benefits of granting permission when assessed against the policies in the NPPF as a whole.

197. The main benefits that would be delivered by the proposed development are considered to be as follows:

- Utilises an existing largely vacant building in a highly sustainable location
- Proposes 68 new housing units that will contribute to housing land supply
- Policy Compliant level of Affordable Housing (45% - 31 units of shared ownership housing on site)

- Policy compliant contribution towards Education facilities
- A development of a high quality design
- Good levels of accessibility
- Assist in meeting climate change objectives through sustainable building design, in particular through reuse and repurposing of large amounts of the existing structure to create an energy efficient development that represents an improvement on the Core Strategy targets in relation to CO2 reduction
- Increased landscaping and biodiversity measures
- Economic benefits from construction and occupation
- Contribute to regeneration aims for the Town Centre

198. The main adverse impacts, relate to the less than substantial harm to the setting of the Grade II listed Station Hotel and 42 Stamford New Road and also to the setting of the Stamford New Road Conservation Area and the negligible harm to the setting of the Old Market Place Conservation Area for the reasons set out in the relevant sections of the report. However the benefits arising from the scheme are numerous and a number of them can be given significant weight. Substantial weight is afforded to the regeneration of a vacant building on a sustainable brownfield site that will contribute to housing land supply, provide affordable housing and support the vitality of Altrincham Town Centre bringing economic benefits. Significant weight is also given to the improved and high quality design, increased green infrastructure and energy efficiency. Weight is also afforded to the other benefits listed above.

199. Having carried out the balancing exercise and considering the basket of development plan policies as a whole it is concluded that the benefits of granting planning permission outweigh the harms of doing so.

200. All other planning matters have been assessed, including design, parking, amenity, ecology and green infrastructure, drainage and contamination. No conflict with the development plan or the NPPF have been found in respect of any of these issues, which have been found to be acceptable, with, where appropriate, specific mitigation to be secured by planning condition. It is considered that the application complies with the development plan when taken as a whole.

201. Given the above, the application is recommended for approval subject to conditions and an appropriate legal agreement.

## **RECOMMENDATION**

That Members resolve that they would be **MINDED TO GRANT** planning permission for the development and that the determination of the application hereafter be deferred and delegated to the Head of Planning and Development as follows:-

(i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:

- An Affordable Housing Scheme to require 45% on site provision, comprising 31 shared ownership housing units
- A financial contribution of £257,128 towards off-site education facilities, comprising £125,896 towards the provision of primary school places and £131,232 towards the provision of secondary school places;

(ii) To carry out minor drafting amendments to any planning condition.

(iii) To have discretion to determine the application appropriately in the circumstances where a S106 agreement has not been completed within three months of the resolution to grant planning permission.

(iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions (unless amended by (ii) above):

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 following submitted plans:

T8167 D0001 P4 - Site Location Plan  
 T8167 D0003 P3 - Site Plan Proposed  
 T8167 D0100 P11 - Ground Floor Plan Proposed  
 T8167 D0101 P11 - First Floor Plan Proposed  
 T8167 D0102 P12 - Second Floor Plan Proposed  
 T8167 D0103 P11 - Third Floor Plan Proposed  
 T8167 D0104 P12 - Fourth Floor Plan Proposed  
 T8167 D0105 P12 – Fifth Floor Plan Proposed  
 T8167 D0106 P11 – Sixth Floor Plan Proposed  
 T8167 D0107 P11- Seventh Floor Plan Proposed  
 T8167 D0108 P11 – Eighth Floor Plan Proposed  
 T8167 D0110 P11 – Roof Plan Proposed

T8167 D0160 P4 - Proposed Elevations South East  
 T8167 D0161 P4 - Proposed Elevations South West  
 T8167 D0162 P4 - Proposed Elevations North West  
 T8167 D0163 P4 - Proposed Elevations North East  
 T8167 D0164 P4 – Proposed Elevations South West Partial Elevations 1, 2 and 3  
 T8167 D0165 P4 – Proposed Elevations North East Partial Elevations 4, 5 and 6

T8167 D0171 P1 - Proposed Elevations Principle Street Elevation

T8167 D0180 P2 - Typical façade Details Sheet 01

T8167 D0181 P2 - Typical façade Details Sheet 02

T8167 D0211 P1 - Section 01 Proposed

T8167 D0212 P1 - Section 02 Proposed

T8167 D0213 P1 - Section 03 Proposed

T8167 D0220 P1 - Long Site Sections 1-4 Proposed

T8167 VS0001 P1 - Proposed External CGI 01

T8167 VS0002 P1 - Proposed External CGI 02

T8167 VS0003 P1 - Proposed External CGI 03

T8167 W0105 P3 – Proposed Car Park Level 5

T8167 E0250 P2 – Car Parking Plan Third Floor Plan Proposed

4128 101 Rev A – Landscape Layout

4128 201 Rev A – Planting Plan

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

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

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

4. No above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building (including sections and details at 1:20) has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include:
  - (i) Location of all materials
  - (ii) All fenestration details including projections and recesses
  - (iii) All entrances into the buildings including gates
  - (iv) Elevation details of lift overruns and plant enclosures

- (v) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building
- (vi) The siting of any external façade structures such as meter boxes
- (vii) Any external balustrades / railings / screens on and around terraces

Development shall proceed in accordance with the approved detailed façade schedule and be retained as such thereafter.

Reason: In the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Core Strategy Policies L7 and R1 and the National Planning Policy Framework

5. No development shall take place, including any works of demolition, until a detailed condition survey of the north east elevation and associated roof structure of the adjoining listed building known as Station Hotel / 42 Stamford New Road and a method statement for the demolition works hereby approved has been submitted to and approved in writing by the Local Planning Authority. The method statement will set out how the listed building will be stabilised and protected during the course of the works and shall include any works required to consolidate the listed building and a timetable for the phasing and completion of the works. Development shall be carried out in accordance with the approved schedule.

Reason: In the interest of protecting the architectural and historic interest of the adjoining listed building, having regard to Policy R1 of the Trafford Core Strategy and guidance in the NPPF.

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, the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, design / size of planters, planting plans, specifications and schedules (including planting size, species and numbers/densities), 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 design, location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

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

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

9. The development hereby approved shall not be occupied / brought into use unless and until a 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.

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. Notwithstanding the details shown on the approved plans the development hereby permitted shall not be brought into use until details of the proposed secure cycle parking and storage for the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning

Document 3: Parking Standards and Design and the National Planning Policy Framework.

11. No development shall take place, including any works of demolition, until a Construction and Pre-Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. hours and location of proposed deliveries to site
  - iii. loading and unloading of plant and materials including times of access/egress
  - iv. storage of plant and materials used in constructing the development
  - v. the erection and maintenance of security hoardings including decorative displays and information for members of the public, including contact details of the site manager
  - vi. wheel washing facilities and any other relevant measures for keeping the highway clean
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii. proposed days and hours of demolition and construction activity (in accordance with Trafford Councils recommended hours of operation for construction works)
  - ix. measures to control the emission of dust and dirt and procedures to be adopted in response to complaints of fugitive dust emissions
  - x. measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
  - xi. information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

12. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within sections 3.3 of the submitted Crime Impact Statement Version A: 25.03.22 Reference: 2016/0622/CIS/02 and the physical security measures set out in section 4 of that document.



Reason: In the interests of crime prevention and community safety, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

13. Prior to any above ground construction work first taking place, a scheme detailing the Biodiversity Enhancement Measures proposed on the site, which shall include bat and bird boxes and bee bricks, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and retained thereafter.

Reason: In order to enhance the biodiversity of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

14. The development hereby approved shall not be occupied unless and until a Waste Management Strategy has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how the refuse and recycling bins shall be made available for collection on bin day and then how they will be returned to their approved storage area thereafter. The approved strategy shall be implemented for the lifetime of the development.

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

15. Upon first installation the window marked 'E' on drawing ref. 102 P12 'Second Floor Plan Proposed' and serving Apartment 24 shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

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

16. The development hereby approved shall not be occupied unless and until details of energy efficiency measures and any low/zero carbon technologies incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how carbon emissions of at least 15 per cent below the Building Regulations Target Emissions Rate set out in Policy L5 have been achieved. The approved measures shall be implemented in full and retained thereafter.

Reason: In the interests of achieving a reduction in carbon emissions, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

17. No part of the development hereby approved shall be brought into use until a scheme detailing the location, number and specification of low emission electric vehicle charging points (minimum 7kWh) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the apartments 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.

18. The lighting provided in the scheme should be erected and directed so as to avoid nuisance to sensitive premises in close proximity, in accordance with the guidance contained in the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2021.

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

19. The noise mitigation measures identified in the Noise Impact Assessment by Hann Tucker Associates (reference 29461/NIA1; 2 March 2022) shall be incorporated into the development hereby approved, to achieve the specified noise guidelines and shall be implemented at all times throughout the operational life of the development. Written validation shall be submitted to and approved in writing by the Local Planning Authority confirming that the required noise insulation / mitigation works and site management controls have been implemented prior to the first occupation of the development.

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

20. The development hereby permitted shall not be brought into use until, a report to demonstrate compliance with the following is submitted to and approved in writing by the Local Planning Authority:
- The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall 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”

Any mitigation measures required to achieve compliance with this condition shall be retained in good order for the duration of the development.

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

21. No development shall take place, until a detailed assessment of the noise impact relating to the use of the existing commercial units on the nearest noise sensitive receptors has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include, but not be limited to, details regarding the following:
- i) Identification of activities in the commercial units.
  - ii) Noise levels generated by the activities at the busiest times and the impact upon nearest noise sensitive premises.
  - iii) Methods to be employed to minimise noise from activities to secure compliance with the relevant noise guidelines.

The development shall thereafter be carried out in full accordance with the agreed assessment and mitigation measures unless otherwise agreed in writing with the Local Planning Authority.

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

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JJ - Please see the Appendix A below :

**Appendix A: Heritage and Urban Design Managers Comments:**  
**Impact of the proposed development**

202. *I have no objections, in principle, to the proposed redevelopment of the existing building. There is an opportunity here to improve the contribution this significant building makes to the street scene as well as the setting of the aforementioned designated heritage assets.*
203. *As the Heritage Statement identifies there is a strong horizontal emphasis with the existing building which in turn accentuates its massing and height. This along with the overall architectural style and variety of brick tones results in a 20<sup>th</sup> century development which harms the setting of the adjacent listed buildings and Stamford New Road. The proposed development seeks to improve the overall appearance and architectural interest of Clarendon House refining the verticality of the building introducing vertical window openings and brick recesses; providing a consistent design to the retail units at ground floor and introducing materials which are complementary to the adjacent listed buildings and wider Stamford Road Conservation Area. It is noted that the tripartite arrangement of windows is retained in the former library building which is a welcomed design feature. This includes the replacement of existing brick and a terracotta appearance cladding “which will resonate with the faience and terracotta detailing found to nearby listed buildings and other historic buildings along Stamford New Road. The scalloped profile of the cladding will add rhythm and texture to the façade”. The palette of materials proposed is imperative to the overall quality of the development proposed. Materials of a lesser quality and/or different type would diminish the overall appearance and would not be acceptable. It is particularly important that we agree the materials set out in the supporting documentation, at conditions discharge stage, particularly with relevance to the scalloped terracotta.*
204. *With regard to the proposed aluminium windows, the preference would have been painted timber which would complement the overall appearance of the building and adjacent designated heritage assets. Nevertheless, it is accepted that existing windows are aluminium and therefore a like for like replacement. The façade details proposing these will be grey. A warmer tone rather than grey should be agreed to enhance the terracotta and replacement brick.*
205. **In response to these concerns amended plans showing the colour for the proposed metalwork and window frames as a warmer bronze tone have been submitted and the specification of this can be conditioned.**
206. *Notwithstanding the above, I do have some concerns regarding the two storey roof extension which will result in increasing the prominence of the building in long distance views from Old Market Place Conservation Area and along Stamford New Road. Moreover, this will increase the height of the building when viewing the Station Hotel along Stamford New Road. Clarendon House already has a negative impact on the setting of this listed building and the increase in height will exacerbate*

*this, albeit marginally. As the Heritage Statement notes consideration has been given “to the setting of the Station Hotel and this is reflected in the reduction and setback of the proposed rooftop extension when compared with the previously approved permission (Ref: 88883/FUL/16). It is also accepted that the elevational improvement to Clarendon House will improve the wider setting of the listed building. There is no objection to the increase in height to the former library nor to the extension of the retail units which are balanced with the improvements to the architectural interest of the development.*

207. *I have some minor concerns regarding the proposed aluminium projecting window surrounds and also the aluminium coated ventilation grille. In order for these features to contribute to the overall appearance of the development further consideration should be given to the material, colour and detail of the grilles. The window surrounds and grilles will be prominent features of the building. The projecting oriel windows are also a concern. The detail of these appears quite plain in comparison with the proposed terracotta and improvements to the moulding/profile of the glazing bars should be sought. The landscaping to the terrace is welcomed. Is there scope to allow planting to grow through the balcony railings? The design of the railings should be conditioned.*

208. **In response to these points the architect for the scheme has introduced recessed joints to the sides of the projecting boxes on both the windows and the balcony surrounds to enhance the appearance and create more richness in the detail. In addition the architect has clarified that the aluminium coated ventilation panels are set between sixth and seventh floor recessed back in line with window frames and the intent is they will be a slim, vertically louvered texture to align with the vertical emphasis of the external cladding but allow the necessary free air flow required for vent out. They will not be a clumsy standard louvre detail and will not be read from the street given its height and the size of panel. Notwithstanding this these panels can be coloured in the same warmer bronze tone used elsewhere on the elevation. All other vents are to be brick-vents to match the brick elevation. The planting / landscaping details and the design of the railings will be subject to appropriate conditions.**

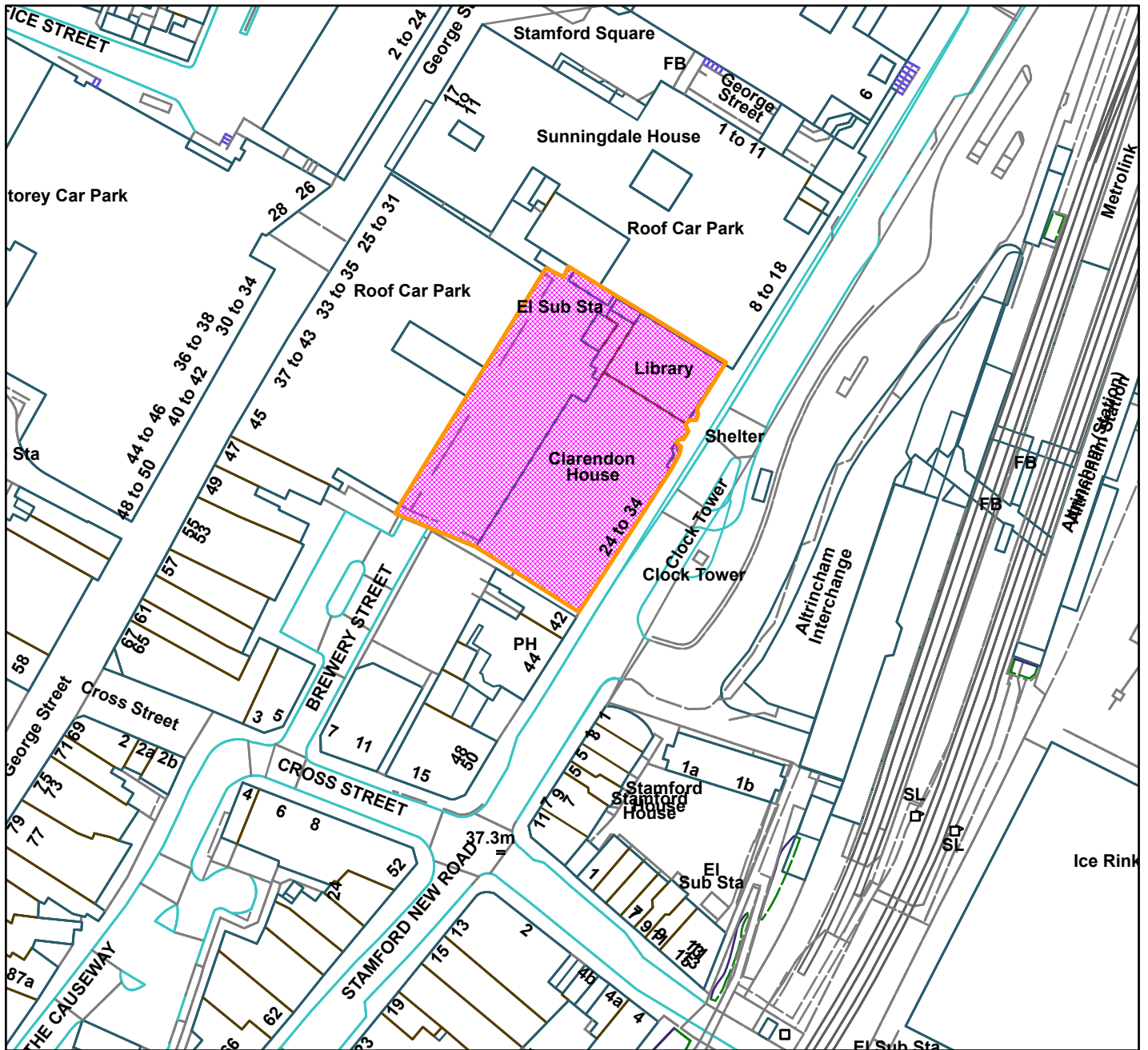
209. *Lastly there is insufficient information as to how the Station Hotel & no.42 will be stabilised and protected during the course of the works. A method statement should be required via condition [within an appropriate timescale] setting out how the listed building will be protected and the phasing of the works. Furthermore, we do require plans to a better scale illustrating the proposed alterations to Clarendon House adjacent to the rear roof slope and outrigger to ensure the works will not impact on the adjoining listed building.*

210. **The architect has confirmed that there are no design or material changes proposed to the existing external junctions between Clarendon House and the**

**adjacent listed The Station Hotel. A detailed condition survey and method statement will be required by condition prior to development commencing.**



Clarendon House, Stamford New Road, Altrincham, WA14 1BY (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date-11/08/2022
Date	01/08/2022
MSA Number	100023172 (2012)

**WARD:** Ashton On Mersey    **107611/FUL/22**

**DEPARTURE:** No

**Retrospective application for change of use of the existing property from a mixed-use nursery and residential to nursery use (Use Class E) across all floors, detached outbuilding to be used as ancillary nursery space and erection of a cycle and pram store**

12 Park Avenue, Sale, M33 6HE

**APPLICANT:** Pear Tree Montessori Nursery Ltd

**AGENT:** Icen Projects

**RECOMMENDATION: GRANT**

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

### **SITE**

The application relates to a large detached Victorian property situated on the north east side of Park Avenue. The property has accommodation across four floors including a basement and converted attic.

The property benefits from a large rear garden. A large detached outbuilding is positioned to the northeast of the site, alongside a pram/cycle store. There is hardstanding to the front of the building which is used for parking.

The surrounding area is predominantly residential with a variety of different dwelling types and the application site is adjoined on all sides by residential properties. The site is located in close proximity to Sale Town Centre and public transport routes along the A56.

### **PROPOSAL**

Retrospective permission is sought to regularise the change of use of the existing property from a mixed-use nursery and residential to nursery use (Use Class E) across all floors, detached outbuilding to be used as ancillary nursery space and erection of a cycle and pram store. The outbuilding comprises one classroom with ancillary kitchen and WCs.

**VALUE ADDED:** - A revised Noise Management Plan has been submitted to include the following statement:



*“Staff should be mindful of the noise generated by collection of children from the outdoor areas and shall take all reasonable steps to ensure that any undue impact on neighbours is minimised.”*

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

## **PROPOSALS MAP NOTATION**

None

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

None relevant

## **SUPPLEMENTARY PLANNING GUIDANCE**

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

PG5 – Day Nurseries and Playgroups

## **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 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 this is updated regularly. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

There is a detailed planning history relevant to the determination of this application.

105204/CPE/21 - Certificate of Existing Lawful Use for the use of a brick building within the rear curtilage of Pear Tree Montessori Nursery as an ancillary classroom for Class E day nursery use.

Application withdrawn

88158/COU/16 – Change of use from a mixed day nursery with living accommodation to a children's day nursery, with a maximum of 38 children and opening hours of between 7am and 7pm, Monday to Friday.

Approved with conditions 20.07.2017

The following conditions are considered to be particularly relevant to the current application:

*3. The premises to which this permission relates shall be used as a day nursery for a maximum of 38 children and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, 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 with the maximum number of children stated will enable the Local Planning Authority to consider any further change of use or increase in children on its merits, having regard to Policy L7 of the Trafford Core Strategy and National Planning Policy Framework.*

*4. The day nursery to which this permission relates shall not be open other than between the hours of 0700 and 1900 on Mondays to Fridays, and not on any other day.*

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

*5. The number of children playing outside within the curtilage of No.12 Park Avenue shall not exceed 16 at any one time and shall be in accordance with the Noise Management Plan submitted with this application.*

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

*7. The development hereby approved shall not be brought into use unless and until a 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.*

*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.*

H/69856 – Demolition of existing single storey garage and erection of replacement single storey garage building with ancillary storage and workshop accommodation.

The following condition is considered to be particularly relevant to the current application:

*3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation hereby permitted shall not be converted to provide additional living accommodation or additional day nursery accommodation associated with the use of the main property unless planning permission for such works has previously been sought and granted.*

*Reason: To ensure adequate garaging/off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking, and to protect the amenity of existing residents from any noise and disturbance associated with the use of the building, having regard to Proposals D1 and D2 of the Revised Trafford Unitary Development Plan.*

H/68020 – Change of use of ground floor and basement from residential to a day nursery for 20 children and creation of residential flat over first and second floors.  
Approved with conditions 11.12.07

The following conditions are considered to be particularly relevant to the current application:

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

*Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Proposals D1 and D2 of the Adopted Revised Trafford Unitary Development Plan and Proposal.*

*3. All areas for the movement, loading, unloading and parking of vehicles provided in accordance with this permission shall be made available for those purposes at all times when the premises are in use; notwithstanding the provisions of any General Development Order, no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided).*

*Reason: To ensure that satisfactory provision is retained within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Proposals D1, D2 of the Adopted Revised Trafford Unitary Development Plan.*

*4. The premises to which this permission relates shall be used as a day nursery for a maximum of 20 children and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, 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 with the maximum number of children stated will enable the Local Planning Authority to consider any further change of use or increase in children on its merits, having regard to Proposals D1 and D8 of the Revised Trafford Unitary Development Plan.*

*5. The day nursery to which this permission relates shall not be open other than between the hours of 0800 and 1800 on Mondays to Fridays, and not on any other day.*

*Reason: In the interests of the amenities of the occupiers of the adjoining and nearby residential properties having regard to Proposals D1 and D8 of the Adopted Revised Trafford Unitary Development Plan.*

*6. The number of children playing outside within the curtilage of No.12 Park Avenue shall not exceed 10 at any one time.*

*Reason: In order to safeguard the amenities of residents of nearby properties having regard to Proposals D1 and D8 of the Adopted Revised Trafford Unitary Development Plan.*

H/67475 - Change of use of ground and basement floors from residential accommodation to day nursery for 40 children.

Refused 05.09.2007 for the following reason:

- 1. The proposed use would generate an increase in traffic activity at the site and the car parking layout would result in standing and manoeuvring traffic on Park Avenue and on-street parking to the detriment of residential amenity, the convenience of other road users and highway safety. As such the proposal is contrary to Proposals D1 and D2 of the Adopted Revised Trafford Unitary Development Plan.*

H/30231 – Erection of a single storey rear extension and change of use of ground floor and part of basement from residential accommodation to a day nursery for 30 children.

Refused 11.10.89 for the following reason:

- 1. In the interests of public and highway safety and the residential amenities of the occupiers of properties on Park Avenue, in particular because the vehicular activity generated by the use which would be necessary and incidental to the operation of a day nursery would exacerbate the existing parking and manoeuvring problems in the area.*

The application was subsequently DISMISSED AT APPEAL. The appeal decision refers to a day nursery for up to 50 children and the appeal was dismissed on the grounds that the proposal would be likely to “cause serious congestion and obstruction in Park Avenue and York Avenue and an unacceptable loss of residential amenity to residents in those areas” (as a result of highway and parking impacts). However, in relation to noise from the premises, the Inspector concluded that “I have no reason to doubt that the appellant would conduct the day nursery with due consideration for his neighbours and I do not accept that disturbance from this source would be a serious cause for complaint”.

### **APPLICANT’S SUBMISSION**

The following documents were submitted as part of the planning application and are referred to in more detail within the main body of the report where relevant:

- Planning Statement
- Noise Management Plan (Revised)
- Travel Plan
- Noise Impact Assessment

The nursery manager has responded to some representations received and makes the following comments:

- Some comments received relate to changes made during Covid restrictions and the operation of the use is now going back to normal;
- The nursery has had to utilise the outdoor space over the two years for the health and safety of the children;
- Have had to operate totally differently for two years during the pandemic, like all businesses have;
- No musical activities are carried out in the garden;
- The nursery has never been used to hold children's parties and the nursery has never held any academy workshops of any capacity;
- At least 75% of families live within walking distance of the nursery;
- A high number of staff commute to work via public transport or by foot, therefore there is ample parking on the nursery car park for the minority of staff that drive to work.

## **CONSULTATIONS**

**Pollution and Licensing (Nuisance)** – Initial consultation comments requested the submission of a revised Noise Management Plan and later for additional comments to be included within the NMP as set out in the proposals and “value added” section of this report. The revised (and later amended) NMP is considered to be acceptable and no further objections are raised.

**Local Highway Authority** – Whilst there are no objections in principle on highway grounds to the proposals, the LHA requests:

- The premises to which this permission relates shall be used as a day nursery for a maximum of 55 children and for no other purpose;
- The car and cycle parking arrangements proposed to serve the development hereby permitted shall be made available prior to the development being first brought into use and shall be retained thereafter for their intended purpose;
- A condition is included on the permission to implement the Travel Plan.

**Education and Early Years** – The Childcare Sufficiency Assessment 2022 demonstrates that 83% of early education places are occupied in Trafford. Central Trafford, where this setting is located, has high demand for early education and childcare places and has lower numbers of available places compared to some of the other neighbourhoods in Trafford. Trafford Early Years therefore supports this planning application to support sufficiency of early education and childcare places.

**Ofsted** – No comments received

**Trafford Education** – This application does not involve residential units therefore no developer contribution is due.

## **REPRESENTATIONS**

Letters of support have been received from 43 different addresses and Councillor Hartley has also written in support of the application. The main points raised are summarised as follows:

### Nursery Provision

- Vital in allowing parents to return to work;
- Excellent level of support and quality care provided at Pear Tree;
- Lack of available childcare in Trafford with some nurseries having 2 year waiting lists;
- Only Montessori in Trafford;
- Only nursery within walking distance that has an available place;
- Provides a local support network for 'Covid babies';
- Would not be able to get to work on time if had to drive elsewhere;
- Refusing the application would be detrimental to many local families;
- Pear Tree is an asset to the community providing much needed quality childcare;
- The increase of residential development in the area means that being able to access a quality nursery, with sufficient capacity is vital;
- Exceptional quality and professionalism;
- Asset to the community;
- There has been a nursery at this premises for a number of years;

### Parking

- Always adequate parking availability;
- Many parents choose to walk or cycle to nursery;
- Have never noticed excessive traffic at drop off times and parents park considerately;
- Parking for residents on Park Avenue has always been an issue with workers from Marshall House parking on the street and walking to their office. Neither of these is the fault of the nursery;
- There is always space outside the nursery or on York Avenue;
- The nursery has great links to public transport;
- Urge the Council to look at alternative solutions such as looking at traffic management in the area or systems to support the nursery to support parents to travel via walking or bike (such as incentives);
- Safe to cycle along the canal;

### Additional Classroom

- The outdoor classroom offers a separate entrance, greatly shortening drop offs and pick-ups which was especially helpful during lockdown and Covid restrictions preventing parents from entering the building;

Letters of objection have been received from 11 different addresses and a petition including 13 signatures. The main points raised are summarised as follows:

#### Amenity

- Increased noise, traffic and general loss of amenities for the past 2 years;
- The use of the outbuilding has allowed the nursery to expand their numbers, further increasing disruption to neighbours;
- Difficulty for neighbours who are now increasingly working from home;
- Loss of privacy from upper floors and request measures put in place to restrict views from landings and staff room windows facing neighbouring bedrooms;

#### Parking and Highways

- Increase in drop-off traffic is obstructive and dangerous;
- The traffic volume in the first part of Park Avenue up to York Road has increased considerably with parked cars associated with the new One Park Avenue development and will further increase when the Magistrates Court development is completed;
- Significant change in traffic during the 8 years have lived on Park Avenue which has coincided with increased pupil numbers;
- Exacerbation of congestion and highway safety issues;
- Request resident only parking and restricted time parking outside 4 to 10 Park Avenue to prevent office staff parking there;
- Adds to increased traffic in the area resulting from recent residential development and permissions;
- Access to property blocked;
- Parents regularly park on the pavement obstructing driveways;

#### Other Matters

- Pupil numbers have increased without any consultation with neighbours;
- Nursery has operated outside of the planning permission on multiple accounts including the contravention of the Noise Management Plan (use of noisy toys and musical instruments);
- Maintenance work/gardening and use of power tools is frequently done during weekends and bank holidays;
- Would be supportive of a small nursery serving local children;
- In March 2020, at the beginning of lockdown, management closed the nursery to keyworkers as it was not profitable to run on decreased numbers. Families were left having to find last minute alternative childcare;
- Have not experienced shortage of nursery places in the area including accessing the 30 hours provision;
- The Trafford Council Childcare Sufficiency Report indicates sufficient provision of nursery places across Trafford;
- Retrospective nature of the application.

#### **OBSERVATIONS**

#### **BACKGROUND**



1. 12 Park Avenue has been operating as a nursery since planning permission was granted in 2007. The applicant states that when she purchased the site in January 2018 the entirety of the building was being utilised as a nursery, alongside the outbuilding, for up to 55 children and that the breach of the relevant planning permissions was not known about.
2. Planning permission was granted for the nursery use of the building under H/68020, restricting the maximum number of children to 20, hours of use to between 0800 and 1800 Mondays to Fridays and the maximum number of children playing outside at any one time to 10.
3. Subsequent planning approval 88158/COU/16 allowed the conversion of the upper floors to nursery use at the same time increasing the maximum number of children to 38, hours of opening to between 0700 and 1900 Mondays to Fridays and the maximum number of children playing outside at any one time to 16. These restrictions were all subject to planning conditions as set out in the planning history section of this report. However, it is considered that this permission was not lawfully implemented and has now lapsed.
4. To facilitate the increase in the number of children, the outbuilding erected under planning approval H/69856 has been converted to an ancillary classroom through associated internal and external alterations including:
  - Internal changes to the layout and toilet;
  - Replacement of roller shutters with a new door;
5. An application for a Certificate of Existing Lawful Use for the use of the outbuilding as an ancillary classroom (reference 105204/CPE/21) was submitted in July 2021. However, it was considered that there was an existing breach of planning conditions 2 (approved plans) and 6 (cycle parking arrangements to be in place prior to development being brought into use and retained thereafter), for which enforcement action could be taken. For this reason the use of the classroom was not considered to be lawful and it was suggested that a planning application be submitted.
6. It is noted that, since the implementation of the works to convert the outbuilding to ancillary classroom use, the property has been taken over by a new owner who was unaware of the restrictive planning conditions as set out above and unaware that work had been carried out that was not in accordance with planning permission 88158/COU/16.
7. The current application therefore seeks to regularise the use of the upper floors of the main building as nursery accommodation and the existing use of the outbuilding as an ancillary classroom together with the erection of a new pram and cycle store as well as the operation of the facility with a maximum of 55

children and between the hours of 0700 and 1900. The main considerations for the determination of this application are therefore:

- The principle of the development
- Impact on residential amenity of neighbouring properties
- Highways and parking implications
- Design and visual amenity

## PRINCIPLE OF DEVELOPMENT

8. S38(6) of the Planning and Compensation Act 1991 states that planning application should be determined in accordance with the development plan unless material considerations indicate otherwise.
9. 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.
10. Paragraph 11 of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development. Bullet point d) of paragraph 11 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.
11. Policies relating to the protection of residential amenity and highway and parking issues are considered most important within Policy L7 of the Core Strategy. Policy L7 is considered up to date in NPPF terms. 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. With the relevant Core Strategy policies up to date, and the application not being one for housing development, the "tilted balance" referred to in NPPF paragraph 11 is therefore not engaged.

12. The principle of a nursery use at the application site was established in 2007 under approval H/68020 for 20 children (with residential use on the upper floors), with approval 88158/COU/16 increasing this to 38 children (with nursery use across all floors) in 2017, though it is recognised that the latter permission was not lawfully implemented and has now lapsed. Accepting the principle of the nursery in this location, the main issues for consideration relate to amenity, highways and visual amenity.
13. The current application seeks to regularise the use of the upper floors as nursery accommodation, the use of the outbuilding as an ancillary classroom, the increase in the number of children attending day to day and the operation of the facility between 0700 and 1900.
14. There are no policy objections to the proposed extensions to the existing nursery use (through the use of the upper floors as nursery accommodation, the use of the outbuilding as a classroom and the increase in numbers of children) subject to an assessment of the impact from increased noise and disturbance and highway and parking issues.
15. The supporting information set out within the Planning Statement highlights the need for nursery places within the locality. These are summarised as follows:
  - Pear Tree Montessori's feeder school, Park Road Primary School, can only offer half day funded sessions for 3 hours a day, meaning they do not have the capacity to provide the full 30 hours of funding on offer by the government (introduced in 2017, increasing from 15 hours under the previous scheme);
  - The nursery has seen a significant increase in demand for its services; with a current waiting list of 25 parents. There is seen to be a direct result in an increase in enquiries with recent residential development within the surrounding area;
  - Closure of 3 nearby nurseries (The Beeches, Dane Road; Melrose Nursery, Melrose Avenue; Montague Road Pre-School) creating a gap in childcare and surge in demand for funded sessions for 3-4 year olds in the area in particular;
16. These are supported by consultation comments received from Education and Early Years as detailed above.

## DESIGN

17. Policy L7 of the 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.

18. External changes to the outbuilding comprise the replacement of a garage door to a front door. A timber bike and pram store has been erected to the front of the outbuilding. These modest alterations and additions are considered to be appropriate in terms of scale, design, height, massing, layout and materials in relation to their siting and the character of the surrounding area. As such the proposal accords with Policy L7 and NPPF.

## RESIDENTIAL AMENITY

19. NPPG on Noise (updated 22 July 2019) advises on how planning can manage potential noise impacts in new development.
20. Policy L7 of the Trafford Core Strategy states that “In relation to matters of amenity protection, development must not prejudice 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.”
21. Core Strategy Policy L5.13 states that development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.
22. A resident’s complaint was received in June 2021 about children screaming and crying, raised voices from customers and staff, doors slamming, staff using whistles and songs being sung by children and staff. The complaint was investigated by the Pollution Service and closed in November 2021 after it had been established that the evidence provided did not demonstrate statutory nuisance as it was not actionable under the legislation enforced by the Pollution team (Environmental Protection Act 1990). It is important to note that this was not a planning complaint.
23. The Noise Impact Assessment submitted with this application was undertaken to assess “whether the use of the outbuilding as a teaching classroom is appropriate from an acoustics perspective, specifically with regard to its external noise impact.”
24. Pollution and Licensing confirm that the assessment has referenced NPPF and the NPPG in addition to appropriate British Standards and guidance documents relevant to the assessment of noise impacts.
25. The application site sits within a predominantly residential area with the closest residential dwellings adjacent at 10 and 18 Park Avenue. There are also

residential dwellings at the rear of the site on Mersey Road and opposite on Park Avenue.

26. The assessment data shows that the measured change in ambient noise level from use of the classroom in the outbuilding is not significant. The measured level of noise breakout from the classroom is sufficiently low enough at the closest residential dwelling boundary to accord with the 'No Observed Adverse Effect Level' as detailed in the PPG, and as such noise should not be deemed to be a determining factor. It is important to note that this does not translate to the noise being inaudible beyond the site boundary; however, it is sufficient to allow a 'no objection' response from Pollution and Licensing.
27. It should also be acknowledged that an EHO from the Pollution and Licensing section carried out an unannounced visit to the application site on Thursday 19<sup>th</sup> May 2022 to enable better understanding of the proximity of the outbuilding to the closest neighbouring residential receptors. The classroom was in use at the time and no noise generation or noise-breakout from the outbuilding was witnessed that could be considered a disturbance to neighbours. There were no musical instruments being used or any activities taking place that would be described as disproportionately noisy.
28. No objection is raised by Pollution and Licensing regarding the use of the entirety of the main house building for child care purposes nor to the overall hours of operation of the premises between 0700 and 1900. The main area of consideration therefore relates to how the additional children are to be accommodated for outdoor play, and whether arrangements can be put into place (through an updated Noise Management Plan) to ensure that this intensification does not result in undue disturbance.
29. PG5 'Day Nurseries and Playgroups' states that "*Outdoor play is an essential feature of day nurseries and common with playgroups.*" When considering the types of buildings suitable for use as a nursery, the guidelines state that the site should have large gardens, (e.g. over 10 sq.m per child) "*so that outdoor play need not be unduly close to neighbours.*" The guidelines also state however that "*if garden space is restricted the number of children able to be outside at any one time may be limited, but this may expand the period over which outdoor play occurs, and is likely also to mean that play will be close to the boundaries with adjoining properties.*"
30. The rear garden provides approximately 600 sq.m of outdoor amenity space. This equates to 10.9 sq.m per child, therefore complying with the minimum guidelines. Additionally, it is noted that the proposed Noise Management Plan restricts the number of children within the garden at any one time to 16, therefore resulting in a greater level of amenity space per child during these times.

31. In order to assess the impact the additional number of children would have, it is considered necessary to compare the proposed Noise Management Plan with that approved in 2017.

32. The Noise Management Plan which was submitted under planning application 88158/COU/16, was considered to be satisfactory in the determination of the application and incorporated into condition 5 of that permission. The key components of that Noise Management Plan were:

- Set daily routines for baby and tweenie rooms (ages 3 months to 3 years), which is outdoor time at 10.30am and 2.30pm for a maximum session of 50 minutes;
- Limited outdoor activities for preschool age group to maximum of twice a day; no more than an hour in the morning and 90 minutes in the afternoon;
- No more than 16 children of any age group to be allowed outside at any one time;

33. The key components of the proposed Noise Management Plan for the current proposal are:

- Restriction of outdoor sessions to between 9am-11am and 12.30pm-3pm;
- No more than 16 children of any age group will be allowed outside at any one time;
- At 5pm up to 16 preschool children may be allowed outside for a maximum of one hour;
- In extreme weather circumstances (such as thunderstorms or extreme heat) that have prevented outdoor play at usual times, children will be allowed to use the garden outside of the usual hours for no more than a total of 4.5 hours;
- Noise making musical instruments or toys will not be allowed in the outdoor areas (paved area and lawn);
- On 3 occasions maximum a year on a Saturday morning the garden or main building may be used for events such as the preschool graduation (for no more than a few hours during the morning). Prior notification of these events will be provided to neighbours directly adjoining the nursery.

34. The proposed morning and afternoon sessions are therefore similar under the current proposal with 2 hours proposed for morning sessions compared with 1 hour and 50 mins previously approved and 2.5 hours proposed for afternoon sessions compared with 2 hours 20 mins previously approved. The proposal also includes provision for respite for neighbours between 11am and 12.30pm which was not included in the previously approved hours.

35. However, the current proposal does seek to increase the hours of outdoor play by programming in an additional hour between 5pm and 6pm for up to 16 preschool children. The overall increase in outdoor play would be therefore be a

total of 1 hour 20 mins. Notwithstanding this, the conditions attached to the 2017 approval would not have prevented the nursery allowing the pre-schoolers outside at 5pm for their 50 minute slot and again it is proposed that no more than 16 children would be outside at any time.

36. Whilst the overall play time outside is sought to be increased, it is considered that this would be more predictable in terms of hours of respite for neighbours. The hours of outside play would not include an increase in the number of children allowed outside at any one time and would not extend beyond existing permissible hours. It is therefore considered that the proposal would not have a significant additional impact on the amenity of neighbouring residents.
37. The proposed Noise Management Plan identifies that the additional outdoor play between 5pm and 6pm *“also facilitates a quicker pick up by parents from the garden.”*
38. Neighbour objections concerning the additional number of parent drop-offs and collections are noted however the Pollution Team consider that the impact is not considered to be significant from a noise perspective as it is transitory and consistent with the existing soundscape.
39. An immediate neighbouring resident has objected on the grounds of loss of privacy to their property resulting from the use of the outbuilding and the upper floors. Within the upper floors of the building, the proposal would see the change from a living room and dining room to 2 no. pre-school rooms. At second floor level the proposal would result in the change of use from 3 no. bedrooms to storage. On balance therefore it is not considered that there would be any significant increase in overlooking or invasion of privacy from these rooms compared with when they were in residential use (the last lawful use).
40. With regard to the use of the outdoor classroom, there are no windows in the side elevation adjoining the boundary with no.10. The windows on the inward facing elevation are sited approximately 14.6m from the western boundary of the site. At ground floor level only and with screening in the form of planting along the boundary, it is considered that there would be no undue loss of privacy.

#### Amenity Conclusion.

41. Having regard to the fact that the Council’s Pollution and Licensing Section raise no objections to the proposals, it is considered that the development would not have an unacceptable impact on the amenity of neighbouring residents and would provide a satisfactory level of amenity for future occupiers. The proposal is therefore considered to be in accordance with Policy L7 of the Trafford Core Strategy and the thrust of the NPPF.

## HIGHWAYS AND PARKING

42. 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.”
43. Policy L4 also states that the Council will prioritise the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.
44. Core Strategy Policy L7 states that in relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.
45. SPD3’s objectives include ensuring that planning applications accommodate an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments.
46. The Local Highway Authority has been consulted on the application and their comments are incorporated into this section of the report.
47. Paragraph 109 of the NPPF states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe.*”
48. A Transport Plan has been submitted with the planning application which measures and initiatives to encourage sustainable travel at the site.
49. SPD3 states that for Class D1 day nursery use, one car parking space is required per member of staff and the total amount of car parking required on site including staff and drop off is assessed as 10 spaces for the proposed 55 children. It is proposed to provide 9 spaces within the site including some tandem spaces. Whilst tandem spaces aren’t in some situations considered acceptable, given that the proposal is now all D1 use and there is no residential use at the property, tandem spaces are acceptable for use by staff who once they are parked in these spaces, will be expected to remain for most, if not all of the day.
50. On-street daytime parking restrictions are in place on the application site side of Park Avenue with parking restricted between 9am and 5pm to 2 hours only. There are spaces near the nursery that can be used for dropping off-pick up



without impinging on other resident's parking requirements. The LHA therefore concludes that it is not expected that the proposals will have a detrimental impact on highway safety.

51. Whilst the inspector's conclusions at the time of the appeal in 1990 in terms of highway and parking impacts are noted, that appeal decision refers to a plan showing three off-street parking spaces (two of which were tandem spaces) and a single vehicular access. The plan approved at the time of planning permission H/68020 showed two accesses and the hard surfacing of the whole of the site frontage, which is how the site is now laid out. It is therefore considered that there is a significant material change in circumstances since the appeal decision in terms of the amount of off-street parking provision proposed.
52. Whilst no objection is raised by the LHA, the accessibility parking standards shown in SPD3 Appendix A are minimum requirements. SPD3 states that at this location, D1 use (day nurseries) requires three bays or 6% of total capacity, whichever is the greater and therefore the proposal is not policy compliant. Parking arrangements are not formally laid out at the application site however and the applicant therefore advises that flexibility can be provided around the needs of staff and others using the property. Priority use of the parking area closest to the entrance door will be given to those with accessibility needs if/when required. It is noted that there is sufficient space available in this area to park two vehicles in a tandem formation if required. Should a third space be required, the applicant has confirmed that the parking space to the west of the bay windows would also be reserved for disabled users. They also state that visitors with accessibility needs could park over the single yellow lines outside the property as disabled badge holders have an exemption for up to 3 hours.
53. Parking for motorcycles 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. D1 day nurseries require one space per 10 staff (minimum of 2 spaces). The proposed development will need to consider if any motorcycle parking is going to be provided and how this is achieved. A condition is required for the provision of motorcycle parking.
54. The minimum cycle parking standards as detailed within SPD3 state that D1 nurseries require one space per 4 staff and 1 per 200 sqm for visitors (minimum of 2 spaces), it is proposed to provide 6 cycle spaces, these should be provided in a secure and covered arrangement.
55. The access arrangements are not proposed to be amended as part of the proposals. The two existing accesses to the site from Park Avenue are to be retained (they do not provide for an in-out access arrangement).

56. It is proposed to provide adequate and suitably located refuse/recycling storage facilities to the rear of the site, which is understood to reflect the existing servicing arrangements.

### Summary

57. Whilst there are no objections in principle on highway grounds to the proposals, the LHA requests:

- The premises to which this permission relates shall be used as a day nursery for a maximum of 55 children and for no other purpose;
- The car and cycle parking arrangements proposed to serve the development hereby permitted shall be made fully available prior to the development being first brought into use and shall be retained thereafter for their intended purpose;
- A condition is included on the permission to implement the Travel Plan.

58. It is therefore considered that, subject to appropriate conditions, the proposed development would not have an unacceptable parking impact or an unacceptable impact on highway safety and would comply with Policies L4 and L7 of the Core Strategy in this respect.

## EQUALITIES

59. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

60. 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:

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

61. 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.
62. The applicant has provided a statement which advises that the provision of appropriate accessibility arrangements is of importance to Pear Tree Montessori Nursery and measures were implemented as soon possible following the company's acquisition of the site. To the front of the property, on the driveway directly outside the main entrance, is a parking space for disabled use. In recent times it has been used by staff and customers due to injury, during which time the space was kept vacant.
63. The outdoor classroom in the rear garden of the nursery has been designed to provide disabled access, and includes toilets and a kitchenette to ensure that users have access to some essentials, reducing the need to journey in and out of the main building. The outdoor classroom has also been designed for use by children who have special needs, providing a quieter and more intimate space within which staff can provide the specialist care required. General use of the classroom is on a rotating basis however the applicant advises that there is flexibility for any group to be operating from it for a temporary period, or indeed permanently, should the need arise.
64. A request has been made to the applicant regarding the installation of a lift or stair lift however they do not consider this to be safe, practical, nor commercially viable. It is further pointed out how "the nursery building was not purpose built but operates from a converted residential property. The business has therefore had to be pragmatic in how it adapts to the existing building structure. Part of the rationale for creating and providing an accessible classroom with facilities to the rear of the property was due to the health and safety concerns raised from providing a stair lift on the internal staircase due to its width....It is much quicker, safer, and simple, to evacuate any persons with accessibility needs from the rear classroom than from the upper floors of the property. It is for this reason that, even if a stair lift were installed, the business would continue to prioritise using the rear classroom over taking those with accessibility needs to the upper floors, and therefore the installation of a lift or stair lift would not be commercially viable."
65. It is noted that there are no specific local or national planning policies that would require the inclusion of a lift or stair lift to the upper floors. It is considered that other reasonable measures could be implemented by the applicant in order to provide appropriate access for any disabled users of the premises.
66. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.

67. It is considered that the measures proposed to provide a facility accessible to all, in addition to those that would be required through the Building Regulations application, would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## **DEVELOPER CONTRIBUTIONS**

68. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the category of 'all other' development, consequently the development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

69. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

70. Paragraph 11c of the NPPF indicates that proposals that accord with the development plan should be approved without delay.

71. The application proposes the change of use of the existing property from a mixed-use nursery and residential to nursery use (Use Class E) across all floors, detached outbuilding to be used as ancillary nursery space and erection of a cycle and pram store.

72. The Planning Statement accompanying this application sets out the perceived benefits of the proposed development as follows:

- Efficient use of brownfield land;
- The continued use of the high-quality nursery at the site, with a modest expansion, to provide a vital service to residents in the local area. This is particularly important given the closure of other nearby nurseries, coupled with the increase in new residential properties being erected close to the site;
- The reinstatement of the shared service with local schools, meaning that siblings can attend the nursery together, in turn limiting the number of parents and hence trips to and from the site;
- Provision of a well-designed nursery which allows the delivery of a Montessori method of education to meet the need. This is currently the only Montessori nursery within Trafford;
- The promotion and encouragement of staff and parents to travel via sustainable means of transport through the implementation of a bespoke Travel Plan;
- Employment benefits, with the nursery currently employing 19 members of staff, including two apprentices.

73. It is noted that planning permission was granted in May 2022 for a new Montessori nursery at Inglewood House in Partington. Nevertheless, the Council

acknowledges the benefits of the proposed development in providing well needed nursery spaces in the locality.

74. It is considered that the proposal is in accordance with the development plan as a whole and that the proposal would be acceptable in amenity and highways and parking terms subject to the development being carried out in accordance with the submitted Noise Management Plan and Travel Plan and subject to other appropriate conditions.
75. The application has been found to be acceptable and policy compliant in all other respects, including in terms of design and visual amenity.
76. The application is therefore recommended for approval subject to appropriately worded conditions.

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers RBS-22/2665/003; received by the local planning authority on 3 May 2022, RBS-22/2665/002 Rev A; and COU\12PA\001 Rev A, received by the local planning authority on 24 March 2022, proposed first and second floor layouts, received by the local planning authority on 11<sup>th</sup> April 2022 and the revised Noise Management Plan, received by the local planning authority on 19<sup>th</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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises to which this permission relates shall be used as a day nursery for a maximum of 55 children and for no other purpose (including any other purpose within Class E of the above Order).

Reason: Other uses within the same Use Class may have a detrimental effect on the neighbourhood and the restriction to the use proposed with the maximum number of children stated will enable the Local Planning Authority to consider

any further change of use or increase in children on its merits, having regard to Policy L7 of the Trafford Core Strategy and National Planning Policy Framework.

4. The day nursery to which this permission relates shall not be open other than between the hours of 0700 and 1900 Mondays to Fridays, and not at all on any other day.

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

5. The number of children playing outside within the curtilage of No.12 Park Avenue shall not exceed 16 at any one time and outdoor play sessions shall be operated at all times in accordance with the submitted Noise Management Plan, received by the local planning authority on 19<sup>th</sup> July 2022.

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

6. A scheme for secure cycle and motorcycle storage shall be submitted to the Local Planning Authority within 1 month of the date of this permission. The approved scheme shall be implemented within 2 months of the date of approval in writing of the scheme by the local planning authority and shall thereafter be retained in perpetuity.

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

7. Implementation of the approved Travel Plan shall take place within 2 months of the date of this permission and the Travel Plan shall thereafter continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

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

8. All areas for the movement, loading, unloading and parking of vehicles provided in accordance with this permission shall be made available for those purposes at all times when the premises are in use; notwithstanding the provisions of any General Development Order, no development (other than that carried out in

accordance with this permission) shall take place on any of the areas so provided).

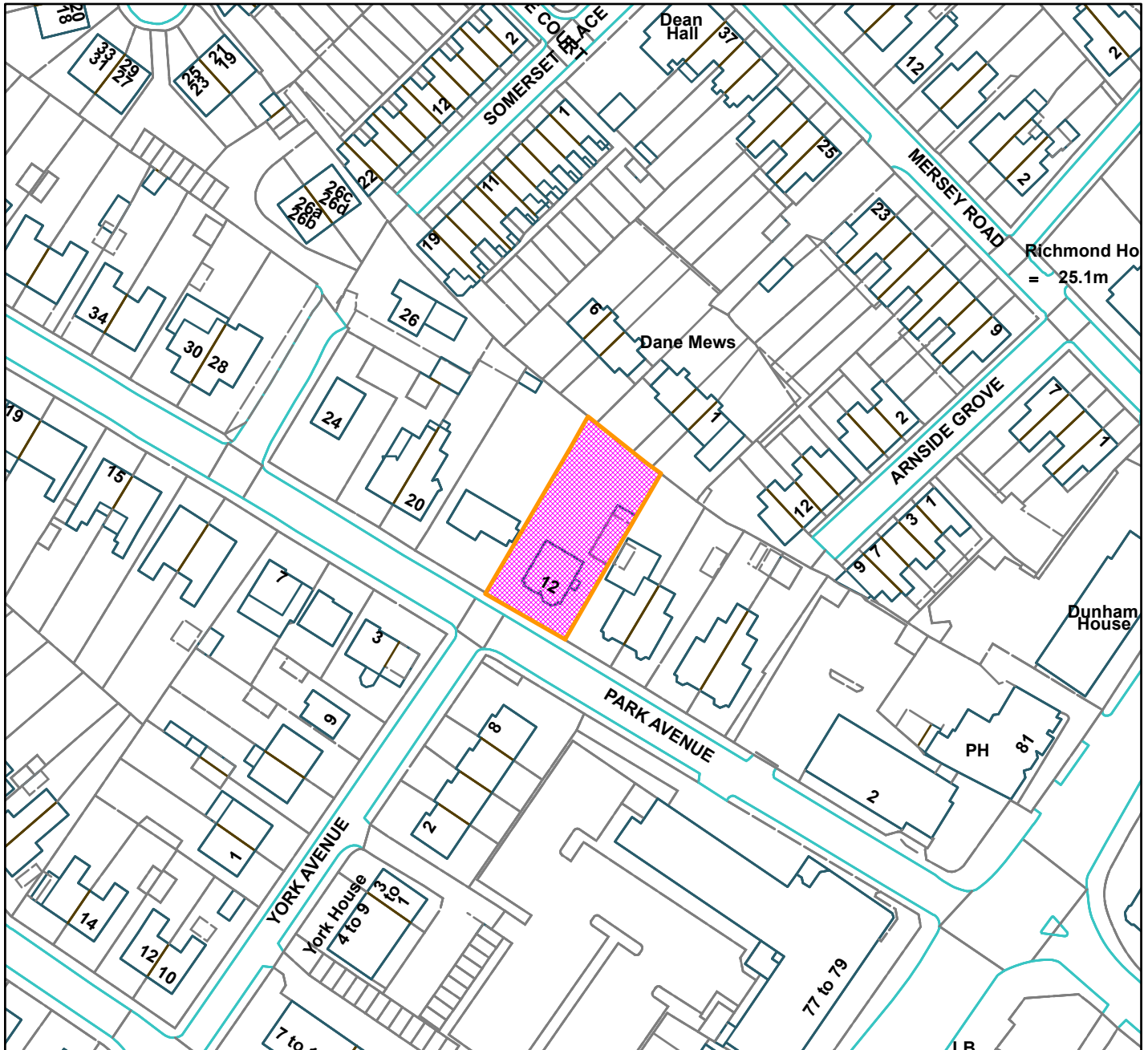
Reason: To ensure that satisfactory provision is retained within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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JE



12 Park Avenue, Sale, M33 6HE (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 11/08/2022
Date	29/06/2022
MSA Number	100023172 (2016)



**WARD:** Brooklands

**107787/FUL/22**

**DEPARTURE: No**

**Erection of a single storey extension which includes 4no. classrooms, studio and specialist teaching space along with the ancillary spaces required. Application will include extension of hard play area, re-siting of multi-use games area and creation of additional parking spaces**

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

**APPLICANT:** Claire Fisher

**AGENT:** Mr Jorge Reynolds (Ellis Williams Architect)

**RECOMMENDATION: GRANT**

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**The application is 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.**

### **Executive Summary**

The site relates to a school situated to the north of Broad Road in Sale. Vehicular access is via Temple Road to the west. The associated playing fields are designated as 'Protected Open Space'. Planning permission is sought for a single storey extension of the school building to accommodate four additional classrooms to the existing ten classrooms, alongside ancillary space. Landscaping works include the extension of the parking area and re-location of an existing Multi Use Games Area.

A number of objection letters have been received during this application, in particular raising concerns about the impact of both the existing and proposed development upon the surrounding highway network. Whilst these concerns have been acknowledged, the Local Planning Authority cannot seek to remedy an existing issue through the determination of this application. The test in planning terms is whether these issues would be made materially worse through this development and would conflict with the NPPF paragraph 111.

Eight additional parking spaces are proposed (an increase of +130% provision) including two disabled spaces. It is not considered that the development would result in an unacceptable highway safety risk nor would the cumulative impact on the road network be severe. The development is considered to be satisfactorily serviced in terms of parking provision.

In terms of open space, the proposal would retain two full-sized pitches retained alongside the re-located Multi Use Games Area which has been considered acceptable by Sport England. Matters relating to design, residential amenity, trees, air quality, ecology, and accessibility are all considered to be acceptable subject to appropriate conditions.

Notwithstanding that the development is considered to be acceptable in all respects, great weight has been given to the need to expand schools, as required by paragraph 95 of the NPPF. In respect of the NPPF Paragraph 11, proposals that accord with an up-to-date development plan shall be approved without delay. Therefore, this application is recommended for approval subject to conditions.

## **SITE**

The site refers to a Junior School on the corner of Temple Road and Broad Road, which are both predominantly residential streets in Sale. The school itself is two-form entry with up to 250 pupils in attendance. 24 staff are employed at the site.

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

Residential gardens adjoin the site to the south-eastern and northern boundaries with Broad Road and Temple Road bordering the site to the south-western and north-eastern boundaries.

## **PROPOSAL**

This application seeks planning permission for the erection of a single storey extension to the eastern-most elevation of the existing school building. The extension would provide four additional classrooms, a specialist teaching room, refurbished (existing) classroom, and general ancillary space. The extension is rectangular in form, comprising a flat roof, measuring approximately 33.0m x 20.0m with a height of 4.2m (matching the existing height), and rising to 5.6m for a section at the rear of the extension. Materials include white / light facing brick and green spandrel panels which would match the existing school.

The school would become a three-form entry school providing capacity for 370 pupils (an increase of 120), whilst creating an additional nine full time-equivalent jobs.

Additional works include:

- re-location of the MUGA which would be rotated through 90 degrees and re-sited slightly to the north within an area of extended hardstanding. The MUGA would remain an identical size.
- Extension of the existing staff car-park, increasing capacity by six spaces. This would include the provision of two disabled spaces, and electric vehicle charging points.
- Siting of additional cycle/scooter stores within the site.
- External plant equipment to the rear of the proposed extension.

## **DEVELOPMENT PLAN**

The Development Plan in Trafford Comprises:

- The Trafford Core Strategy (TCS) 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 – Transport  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
R2 – Natural Environment  
R5 – Open Space, Sport and Recreation  
W1 – Economy

## **OTHER LOCAL POLICY DOCUMENTS**

SPD1 – Planning Obligations  
SPD3 – Parking Standards and Design

## **PROPOSALS MAP NOTATION**

Protected Open Space

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

None

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20<sup>th</sup> July 2021. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014, which replaced a number of practice guidance documents and was updated on 5<sup>th</sup> April 2022. The NPPG will be referred to as appropriate in the report.

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

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

## **RELEVANT PLANNING HISTORY**

107614/FUL/22 - Installation of a temporary classroom block for additional classroom space. *Approved with conditions 24.05.2022 – 3 year temporary consent.*

93622/FUL/18 - Construction of a footpath and associated works. *Approved with conditions 11.04.2018.*

78558/FULL/2012 - Erection of single storey extension to replace existing annexe building and installation of 1.5 metre access gate to Temple Road. *Approved with conditions 04.07.2012.*

78576/FULL/2012 - Recladding existing school building and replacement of windows and doors together with installation of 6 no. windcatchers and 1 no. air handling unit to roof. *Approved with conditions 26.06.2012.*

## **APPLICANT'S SUBMISSION**

Construction Method Statement  
Design and Access Statement  
Drainage Plans  
Flood Risk Assessment  
Noise Assessment  
Refuse Management Strategy  
Swept Path Analysis  
Transport Statement  
Travel Plan  
Tree Survey

## **CONSULTATIONS**

Cadent – No objection. Request informative regarding gas infrastructure.

TBC Arboriculturist – No objection. Three trees to be removed to facilitate the development are proposed to be suitably replaced within the site. Conditions necessary regarding compliance with the submitted arboricultural method statement and landscaping plan.

TBC Environmental Health – No objection. Construction Method Statement is acceptable.

TBC Lead Local Flood Authority – No objection.

TBC Local Highway Authority – No comments at the time of writing report, comments will be reported in the additional information report.

Sport England – No objection subject to a condition requiring details of the design and layout of the Multi Use Games Area (MUGA). Informative requested regarding the relevant Technical Design Guidance for the replacement MUGA.

## **REPRESENTATIONS**

Five letters of objection have been received from five different addresses, summarised as follows:

### *Design*

- Disjointed visual appearance
- Fastest construction option sought rather than the higher quality design.
- Dominant design
- Non-sympathetic roofscape
- Insufficient information to judge the external appearance of the development
- Any overspill of parking would lead to visual clutter within the street scene

### *Highways Impact*

- Parking overspill exists upon surrounding roads. Further development would create further parking difficulties for residents, possible blocking of driveways and creation of a safety risk for children.
- Level of parking proposed on-site is insufficient
- Temple Road as it exists is an unsafe road
- A requirement must be in place to prevent staff parking on public roads
- Excessive on-street parking could block emergency services
- Transport statement makes exaggerations, for example the sustainability of the site.

### *Drainage*

- Residents of this area received low water pressure below statutory requirements, which will be made worse by the school development.
- Increased flooding within the area

### *Other concerns raised*

- Impact from construction on the operation of the school, including possible creation of split classes and transient pupils.
- Poor local engagement with residents
- Environmental (air quality) impact of cars left idling
- Insufficient common/shared space (i.e. library, canteen) created within the school.
- Contrary to planning policy

*Officer response: All representations received have been duly noted and considered. Please see appraisal.*

*Whilst a letter of objection has referred to the alternative design set out in the Design and Access Statement, this is not presently proposed. This application, and the design sought, shall therefore be assessed against the Development Plan.*

*There will inevitably be an impact on the operation of the school during construction works. However, it is understood that the school capacity would not be reduced during construction works and the impact upon students shall be minimised as much as possible.*

## **OBSERVATIONS**

### **Policy Background**

1. 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. 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 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, it should be given significant weight in the decision making process.
4. Having regard to paragraph 11 of the NPPF, the 'most important' policies for the determination of this application are policies L7 (Design) and R5 (Open Space, Sport and Recreation). These policies are considered to be compliant with the NPPF, and are therefore 'up-to-date' in NPPF terms. Paragraph 11(c) outlines that development proposals that accord with an up-to-date development plan shall be approved without delay. The tilted balance is not engaged.

### **Principle of Development**

5. Paragraph 95 of the NPPF outlines the importance of ensuring a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In particular great weight should be given to the need to create, expand or alter schools through decisions on applications.
6. The proposed development would increase the capacity of this existing school, through the establishment of a three-form entry school (from two-form entry) which will increase the intake of pupils from 250 up to 370. It is understood that the additional classrooms would achieve good ventilation and natural light. A specialist room would also be created alongside a studio and an existing classroom refurbished. These works would expand an established school, widening the choice in education for both existing and future residents in the immediate and wider catchment.
7. Having regard to paragraph 95 and the sustainable location of this school, the principle of development is considered to be acceptable subject to all other material considerations being satisfactory.

### **Open Space**

8. 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.

9. 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
10. 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.*
11. 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 paragraph 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.’*

12. 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.’*



13. Throughout this application, amendments have been sought to the proposed layout. The latest revision now indicates that two full size playing pitches would be retained within the playing fields. The area of grassed open space would, however, be reduced slightly through the siting of the school extension and associated hardstanding.
14. In the context of the site, this small reduction in grassed open space is not considered to adversely affect the quality of open space in terms of policy R5. Two full size grass playing pitches would be retained and an extended area of hardstanding would provide a durable hard recreational surface within the grounds of the school. Significant weight has also been afforded to paragraph 95(a) of the NPPF which outlines the great weight to be afforded to the need to expand or alter schools.
15. The replacement MUGA would be of an identical size although limited information has been provided regarding the design specification. Given the relatively simple nature of the existing MUGA, it is not expected that the replacement would be detrimental in terms of quality. However, this level of information has not been submitted.
16. A condition is, therefore, required for details of the design and layout of the MUGA to be submitted to and approved in writing by the Local Planning Authority. Details shall be submitted and approved prior to any development of the multi-use games area. This is considered necessary to ensure that the proposed development would not conflict with paragraph 99 of the NPPF, in particular ensuring that the replacement MUGA would not be of an inferior size or quality.
17. Subject to this condition, it is therefore considered that the proposed development would meet Sport England's Policy Exception E3, and comply with policy R5 of the Core Strategy and paragraph 99 of the NPPF.

### **Economic impact**

18. Jobs in construction and economic benefits to the construction industry supply chain would likely be supported within the local area and wider Trafford environment.
19. It is acknowledged that, whilst these economic benefits would exist, they are considered to be relatively minor. The proposal would accord with policy W1 of the Core Strategy.

### **Design and Appearance**

20. 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.”*

21. 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”.
22. 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.
23. The proposed single storey extension is of a simple uniform style that largely follows the design cues from the existing building. The parameters of the site limit the continuation of a staggered form. Therefore a linear, rectangular style is sought which would follow Broad Road. A sizeable gap of approximately 16.0m would be retained between the extension and the southern site boundary with Broad Road. The building would also project no further forward than the southernmost portion of the existing building.
24. The large open spaces to the north of the site would be protected and the siting of the extension follows the pattern of development within this urban grain. In particular, the development would infill a gap to the Broad Road frontage. The site would not appear overdeveloped, nor is the scale of extension disproportionate to the site / host building.
25. The flat-roof style sought would reflect the style of the host building, and the green spandrel panels replicates this architectural feature from the existing design. White bricks are sought which would provide a slight contrast to the white panels attached to the existing façade. This brick type could assimilate with the existing façade although a condition would be necessary to see exact samples / details to ensure an appropriate finish to the development. The use of bricks, whilst different in colour, takes some inspiration from the materials used in the construction of the surrounding residential buildings.
26. Owing to the scale, siting and materials of the extension, the impact on the appearance of the street scene is considered to be acceptable. The development would not appear unduly prominent, or incongruous in its context. The proposal is considered to develop the site in a style which is sympathetic to both the existing building and the wider public realm.

27. The landscaping works are considered to be acceptable with the open playing fields retained to the north. The existing pathways to the south-western and north-eastern area of the building would be retained and the additional hardstanding to the south-eastern corner located closely to the main built development. A green wire-mesh fence would physically delineate the car-park extension and main recreational grounds of the school. This is welcomed given the encroachment of informal parking upon some areas of soft landscaping witnessed on-site. The tree lined frontage along Broad Road would be retained, which provides an attractive setting to the street scene.
28. LED Lamps are sought to the external elevations of the building which would provide 20 lux illumination in the immediate setting of the extension. The level of illumination would diminish to 0.5 lux before the site boundary as demonstrated on the submitted lighting plan. This is considered to be acceptable having regards to amenity of this area. This plan shall be conditioned.
29. The proposed works are considered to be acceptable having regard to the character of this area and the visual amenities of both Temple Road and Broad Road.
30. Subject to conditions detailed above, the proposal is considered to be aligned with the aims of policy L7 of the Core Strategy and the NPPF.

### **Residential Amenity**

31. 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.
32. Owing to the single storey scale of the proposed extension and its siting in relation to adjacent residential properties, the extension would not be significantly overbearing nor would it significantly prejudice light levels. The existing grassed areas of the school are associated with play/recreation and whilst pupils may congregate near to the boundaries of the site, this is not considered to represent a significant invasion of privacy when compared to the existing site layout.
33. The key concern is the impact of noise and disturbance from the re-located MUGA. The application is accompanied by a noise impact assessment dated March 2022. This has been assessed by Environmental Health Officers.
34. The replacement MUGA would be sited approximately 22m from the nearest residential property. The southern corner of the MUGA would be sited approximately 19.0m from the boundary which borders a designated parking

area/access. The hours of use of the MUGA (08.30 – 17.30 Monday to Friday) would not be changed.

35. Environmental Health Officer have advised that it is logical to expect that the change in location of the MUGA will bring about some degree of change in the noise impact experienced by some of the closest residents; however it is acknowledged that residents living close to a school should reasonably expect that development within the grounds could reasonably include the development of areas such as play grounds, MUGAs, car parks, sports fields for games and associated school activities.
36. The development is wholly consistent with use as a junior school and introduces nothing that could be considered out of character or inconsistent with its current established/permitted use. The replacement MUGA would not cause a significant adverse change in the noise environment, nor would this directly cause significant disturbance to residential amenity.
37. The external plant sought is well set-back from the site boundaries, although the submitted noise report does mention the possible installation of an air source heat pump which has the potential to generate additional noise. It should be noted that this would require separate planning permission if this was to be erected. A condition shall ensure that the external plant associated with the development achieves a rating level of 5dB below background noise levels (LA90T). Details shall be submitted to, and approved in writing by, the local planning authority prior to first use of the plant, including any possible mitigation measures. This is necessary to protect residential amenity having regard to noise/disturbance and policy L7 of the Core Strategy.
38. Subject to the above condition, the proposal would comply with policy L7 of the Trafford Core Strategy (2012).

### **Highways, Access and Parking**

39. 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”*.
40. 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 is broadly up to date and can be afforded substantial weight.

41. The concerns of residents are acknowledged in respect of the existing impact on the surrounding highway network. However, the Local Planning Authority is unable to solve or mitigate existing issues through the planning process. The test in planning terms, as set out above, is whether those impacts upon the surrounding highway network would be made materially worse by the development resulting in an unacceptable impact on highway safety, or whether the cumulative impact on the road network would be severe.

### *Car Parking*

42. The existing site benefits from six designated parking spaces. The proposal seeks to increase this to fourteen spaces, an increase of eight. The percentage increase in car parking is therefore +133%. This is in contrast to the increase in staff (+37%) and the increase in pupils (+50%).
43. SPD3 sets out a maximum parking provision of two spaces per classroom. The school extension would provide four additional classrooms in addition to the existing ten classrooms. There would be no shortfall in parking related to the extension alone. The shortfall in relation to the wider school (including the extension) would be fourteen.
44. Whilst a significant parking shortfall is noted with the existing school, it is not considered that this development would make that situation materially worse. The extension would provide eight additional spaces, more than double the existing parking provision. This is despite the extension increasing the amount of classrooms by only 40%.
45. The existing school supports a 30% provision (6 spaces for 10 classrooms (20 spaces)) of the maximum SPD3 standards. The proposed school development would support a 50% (14 spaces for 14 classrooms (28 spaces)) achievement of the maximum SPD3 standards.
46. The proposed school, as a result of this extension, would still support a shortfall in parking when compared to SPD3. Despite this, there would be a clear proportional improvement in the amount of car parking in relation to the parking demands of this site as set out above.
47. Inevitably there would be an increase in pick-ups and drop-offs. This, would however, be temporary during the morning and afternoons. This is typical

around school development sites and it is not reasonable that all associated drop-offs could be accommodated on this site. It is considered that parents picking up and dropping off pupils should do so in a manner that does not create an unacceptable highway risk.

48. For these reasons, the proposed development would not result in an unacceptable highways risk nor would the cumulative impacts on the road network be severe having regard to the NPPF and policies L4 and L7.

### *Access*

49. The existing vehicular site access would not be changed through this development nor would the visibility from the site access. It is considered that the site access would remain acceptable for the proposed development.

### *Cycle Parking*

50. SPD3 sets out standards of cycle space per three students, and one space per five staff. This would result in an on-site demand of 130 (127 +6) cycle spaces.

51. Five Sheffield stands are proposed which would provide secure cycle parking in that the bike frame would be attached to the stand. This would replace an existing cycle parking stand in which the front wheels would be solely attached to the stand. This would provide ten cycle spaces and a similar amount to the provision currently on-site.

52. Whilst the amount of cycle parking would remain similar, it is considered that the proposed Sheffield stand would be more secure. This could indirectly encourage cycling to work.

53. In addition to this arrangement, forty push-scooter spaces are proposed within the grounds of the school. This would be suitable for pupils, but nevertheless it promotes a method of transport other than private car in terms of pupil drop-offs.

54. As witnessed on-site, the existing cycle parking was not used to capacity. It is not considered that there is a significant demand for the 130 cycle spaces required by SPD3. Given that the pupil age is 4-11 years, it is not considered that the amount of cycle parking set out in SPD3 is appropriate here for this age range of pupil. A significant number of push-scooter places are also proposed as an alternative which is considered to be a benefit of this proposed development.

55. On this basis, the cycle parking is considered to be acceptable

### *Accessible Parking*

56. Two accessible spaces would be provided which equates to a provision of 14% of the total provision. No disabled spaces are available on-site at present. This is considered to create an appropriate provision of accessible parking spaces, which are appropriately located having regard to the main entrance. Level access would be achieved between these spaces and the building entrance. SPD3 outlines that the amount of disabled parking for school developments shall be defined on a 'case by case' basis. In this case, it is considered that a 14% provision would be acceptable.

### *Travel Plan*

*57. It is likely that a school travel plan will be required for the scheme given the increased floorspace of the development. No comments have been received from the LHA at the time of writing this report, and additional comments will be report within the additional information report.*

### *Summary*

58. A significant number of objections have been received on highways grounds, which have been duly noted and considered. However it is considered that the development would be satisfactorily serviced in terms of car parking and cycle parking. In particular, for the reasons set out above, the impact on highway safety as a result of this development is considered to be acceptable and the cumulative impact upon the highway network would not be severe. The proposal would comply with policies L4 and L7 of the Core Strategy and the NPPF.

### **Servicing**

59. Bin storage would be retained at the rear of the brick store adjacent to the existing parking area. It is expected that during bin-collection days, these would be positioned within the car-park at the front of the site, suitable for collection. The arrangement proposed is practical and suitable both in terms of servicing and visual amenity. As set out in the submitted waste strategy, the refuse would be managed by either the site manager, kitchen staff or other staff members.

60. The proposal would accord with policies L6 and L7 of the Core Strategy and the NPPF.

### **Impact on trees**

61. Policy R2 of the Core Strategy outlines the significant protection afforded to the natural environment within the Borough. Development is required to protect and enhance the landscape character and conservation value of its natural urban assets. The Borough's assets including woodland, hedgerows and hedgerow trees including street trees and ancient trees. A pleasant and visually attractive

environment is important to the quality of life enjoyed by residents, and adds to the visual amenities associated with environments within the Borough.

62. None of the trees within the site are afforded formal protection (either via a Tree Preservation Order, or Conservation Area).
63. The school has irregularly shaped grounds but the school buildings sit towards the corner with Temple Road and Broad Road. The tree population is mostly confined to the boundaries of the site and comprise mature, broadleaf specimens in reasonable overall condition. The grassed area between Temple and Broad Roads has a cluster of trees of varying sizes and species which provide overall high amenity.
64. The client has submitted an Arboricultural Impact Assessment which states that three trees are to be removed to facilitate the development. These include trees T4 (Cyprus) and T6 (Spruce) of moderate Arboricultural value and tree T5 (Birch) of low Arboricultural value. These trees are growing behind prominent trees and as such their removal will largely go unnoticed.
65. These trees can be replaced within the site where they can obtain a more prominent position. Additionally, tree T7 (Sycamore) will have construction within its root protection area, however, the client has submitted an Arboricultural Method Statement detailing how this impact can be minimised. The Councils Arboriculturist is confident that this will be the case and that the remaining trees will be protected as long as the advice within the reports are followed. This shall be strictly conditioned.
66. During this application, the applicants have submitted a landscape plan as part of this application which includes the planting of 6no. Acer campestre trees (14-16cm girth). These would be sited between the playing fields and area of hardstanding associated with the main school building complex. This would provide a visual buffer and achieve some prominence within the site. The quantity and specimen of these trees is considered acceptable having regard to the landscape character of this site. The Councils Arboriculturist has raised no objection, and therefore this landscape plan shall be conditioned alongside a maintenance plan.
67. Subject to the above conditions, the proposal would accord with policy R2 of the Trafford Core Strategy and the NPPF.

## **Nature Conservation**

68. The application is not accompanied by a preliminary ecological appraisal, nor has one been considered necessary for the development. The proposed works do not involve significant works to any green infrastructure and the site is in active



use. Nevertheless, significant weight is afforded to the safeguarding of protected species as required under policy R2 and the NPPF.

69. A condition shall be necessary outlining that no removal of, or works to, shrubs or trees shall take place during the main bird breeding season (1<sup>st</sup> March to 31<sup>st</sup> August inclusive) unless an appropriate survey and mitigation measures have been submitted to, and approved in writing by, the Local Planning Authority.
70. A condition shall require the provision of at least two bird boxes to be attached to retained trees within the site and the provision of two bat boxes. This would be alongside the replacement tree planting within the site as set out on the submitted landscape plan. This would provide a small net gain for biodiversity on-site in accordance with the NPPF.
71. An informative shall be added to the decision notice reminding the application that under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to disturb, harm or kill bats, and that if a bat is found all work should cease immediately and Natural England be informed.
72. Subject to the above conditions, the proposal is considered to accord with policy R2 of the Core Strategy and the NPPF.

## **Air Quality**

73. The site, and immediately adjoining roads, are not contained within an Air Quality Management Area (AQMA). However, there are numerous AQMAs interspersed along Old Hall Road, in particular towards Junction 6 of the M60 motorway and at the Broad Road – Old Hall Road junction. It is highly likely that staff, parents, and visitors to this school would traverse through some of these AQMAs to access this school and therefore the development is likely to have an impact on the air quality within the wider context. It is acknowledged that this impact would be slight given the small increase in parking provision.
74. Applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The provision such infrastructure within the proposed site would be safe, accessible and convenient.
75. A condition will require details of two Electric Vehicle Charging points (15% of the total on-site parking provision) to be provided for the proposed parking area. This shall seek to future-proof the site, whilst making a small contribution to improving air quality within the Borough. This condition is reasonable and necessary in accordance with paragraphs 112(e) and 186 of the NPPF through contributing towards compliance with national objectives for pollutants and taking opportunities available to improve air quality.

76. The infrastructure shall be provided to the following specification:

- Mode 2 compliant Electric Vehicle Charging Point for the site with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW charging or the best available given the electrical infrastructure.

77. Subject to this condition, the proposal would comply with policy L5 of the Core Strategy and the NPPF.

## **Flood Risk**

78. The site is contained within Flood Zone 1 which indicates a low probability of flooding (less than 1 in 1,000 annual probability). The development, whilst reducing the extent of soft landscaping within the site, is not considered to exacerbate flood risk in the area. Significant areas of permeable surfacing would be retained within the site for drainage during storm events. The Council's Flood Risk Officer has been consulted, raising no objection to the development.

79. The proposal would comply with policy L5 of the Core Strategy and the NPPF.

## **Equalities**

80. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

81. 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.

82. 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.

83. The proposed single storey extension includes level access into the building to allow access for all users and visitors of the building. All circulation spaces are also wide enough to accommodate wheelchair users and accessible 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 Part M of the Building Regulations.

84. No other specific benefits or disbenefits have been identified to any other protected group.

85. The equalities impacts of the proposals are considered to be acceptable.

### **Construction Impact**

86. A construction and environmental method statement (CEMP) has been submitted as part of this application which sets out a list of appropriate measures to mitigate the effects on the surrounding environment during construction. This includes hours of operation, parking of site operatives, site security, waste management and environmental management.

87. This CEMP has been assessed by Environmental Health Officers who have confirmed that the construction impact, subject to the implementation of these measures, would be acceptable. This condition is necessary in the interests of protecting residential amenity and minimising disruption to the surrounding highway network having regard to policies L4 and L7 of the Core Strategy and the NPPF.

### **Developer Contributions**

88. 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).

89. No other planning obligations are required.

### **Conclusion**

90. The development would provide four additional classrooms alongside ancillary space which would provide a wider choice in education within the Borough, whilst accommodating existing and future residents. As per paragraph 95 of the NPPF, great weight is attached to the principle of this development.

91. The letters of objections received have been acknowledged and considered. Whilst a number of objections have raised concerns about the impact on the surrounding highway network, the proposed development would be appropriately serviced in terms of car parking. Furthermore, the development is not considered to not cause an unacceptable highway safety risk nor would the cumulative impact upon the highway network be severe. For these reasons, the development would be acceptable in respect of the highways impact having regard to the NPPF and policies L4 and L7.
92. With regards to open space, the retained playing fields would remain capable of accommodating two full-sized grassed playing pitches alongside the re-located MUGA, of which Sport England raise no objection. In addition, all other material considerations are considered to be satisfactory, including design, residential amenity, trees, air quality ecology and accessibility.
93. The proposal would accord with the development plan as a whole and the National Planning Policy Framework. Paragraph 11 requires developments that accord with an up-to-date development plan to be approved without delay and thus the application is recommended for approval.

### **RECOMMENDATION:**

Grant 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, numbers

MLD-EWA-XX-XX-GA-A-09000 (rev.P1) - Location Plan;  
MLD-EWA-ZZ-00-DR-A-10400 (rev.P4) - Level 00 - GA;  
MLD-EWA-ZZ-R1-DR-A-10402 (rev.P0) - Proposed Roof Plan GA Overview;  
MLD-EWA-ZZ-R1-DR-A-10403 (rev.P0) - Proposed Roof Plan;  
MLD-EWA-ZA-00-DR-A-10500 (rev.P4) - Proposed Elevations;  
MLD-EWA-ZZ-ZZ-DR-L-79001 (rev.P8) - Landscape Plan  
MLD-EWA-XX-XX-DR-L-79002 (rev.P2) - Fencing Layout;  
9003 (rev.P1) - Extension External Lighting.

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

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

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

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

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

5. (a) The development shall be carried out in strict accordance with the submitted Landscape Plan ref. MLD-EWA-ZZ-ZZ-DR-L-79001 (rev.P8).  
(b) The soft landscaping works shall be carried out no later than within the next planting season following final occupation of the development hereby permitted.  
(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.

6. 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.

7. Prior to the first occupation of the development hereby approved a scheme detailing the provision of no fewer than two bat boxes and two bird boxes within 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.

8. 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.

9. No part of the development hereby approved shall be brought into use until a scheme detailing the provision of two 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.

10. Prior to the development hereby permitted 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 5dB 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.

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

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

12. No development of the Multi Use Games Area shall take place until details of the design and layout of the Multi Use Games Area have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Multi Use Games Area shall be designed and constructed in accordance with guidance from both Sport England and the Sports and Play Construction Association and shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy R5 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The development shall be constructed in strict accordance with the submitted Construction Method Statement referenced: 304.207.01 Construction Phase Plan 26-05-16 (5) (rev.01), received by the Local Planning Authority on 22nd July 2022.

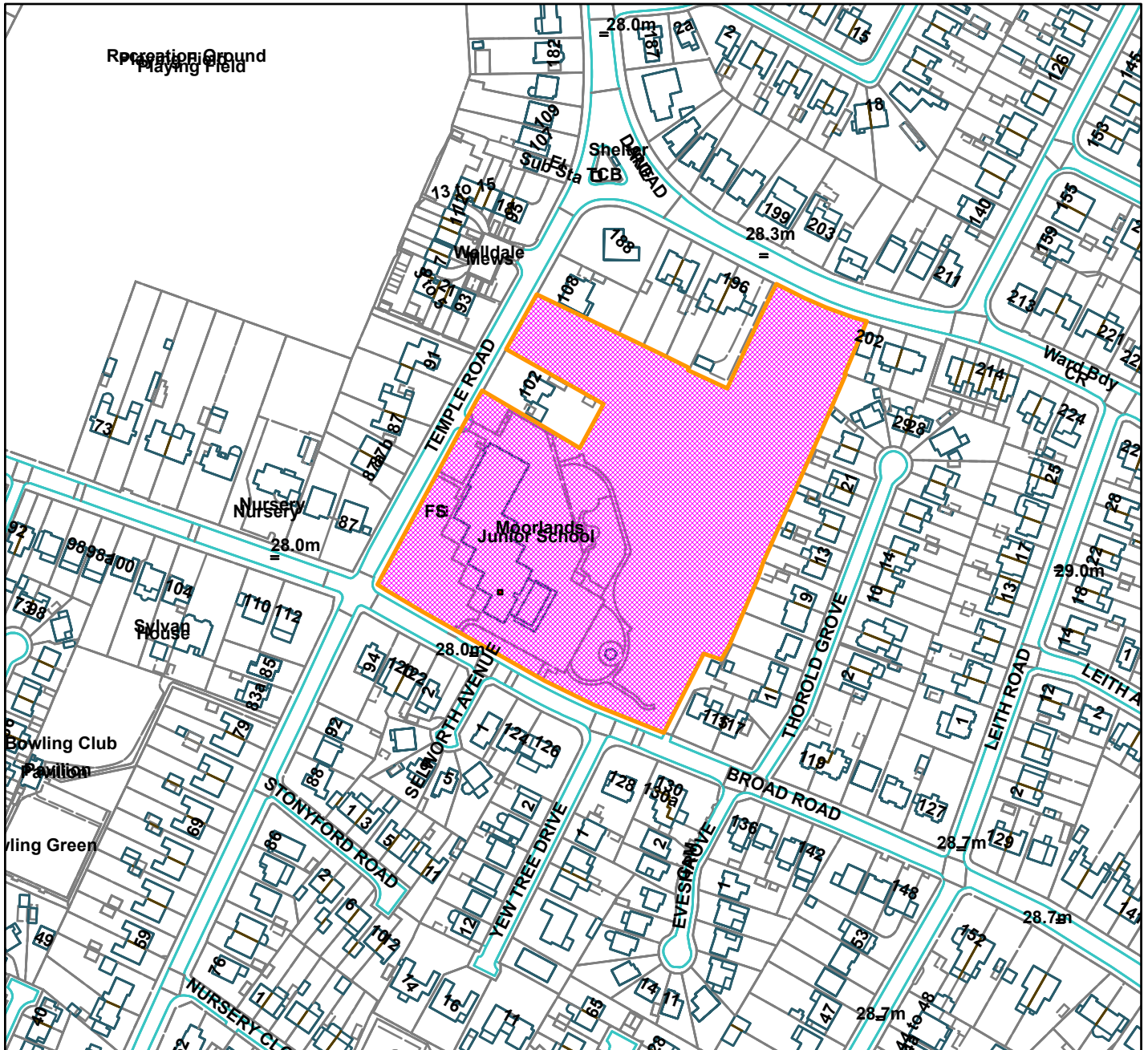
Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L4 and L7 of the Trafford Core Strategy.

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RC



Moorlands Junior School, Temple Road, Sale, M33 2LP (site hatched on plan)



**Scale:** 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date-11/08/2022
Date	01/08/2022
MSA Number	100023172 (2012)



**WARD:** Flixton

**107960/FUL/22**

**DEPARTURE: No**

**Retrospective application for detached 2.5 storey dwelling with accommodation in a mansard roof.**

3A Marlborough Road, Flixton, Manchester, M41 5QQ

**APPLICANT:** Mr Ralph

**AGENT:** Acer Town Planning

**RECOMMENDATION: REFUSE**

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**This application is reported to the Planning and Development Management Committee as the application has been called-in by Councillor Thomas.**

### **SITE**

The application site comprises land which originally formed part of 3 Marlborough Road and its side garden area. Prior to the works commencing on site there was a large detached double garage and single storey side extension relating to 3 Marlborough Road on this part of the site which have since been demolished.

The site is located at the junction of Marlborough Road and Easedale Close with a front and side boundary comprising of a low level brick wall with piers and railings between. Fronting onto Marlborough Road, there is a vehicular access and dropped kerb allowing access to hardstanding area.

Towards the rear, the site is bound by 7a Easedale Close which is perpendicular to the application property. This is a bungalow which was built pursuant to planning application 80804/FULL/2014.

The plot is bound by residential properties to all sides. Marlborough Road is characterised by two storey detached and semi-detached dwellinghouses. Easedale Close is predominantly characterised by semi-detached and terraced bungalow properties.

The house subject of this application is substantially constructed, with the brick work complete and windows and doors installed. The roof tiles are in place however the roof is yet to be finished and the render on the upper floors is still to be applied.

### **PROPOSAL**

The applicant seeks retrospective permission for a six bedroom detached dwelling with living accommodation over three levels including the roofspace following partial demolition of extensions to 3 Marlborough Close. A playroom is shown at second floor but this would be capable of use as a bedroom. The dwelling would be accessed via

Marlborough Road off the existing vehicular access and hardstanding is available for 3no. vehicles. This access previously served the existing dwelling at 3 Marlborough Road.

The front elevation of the as built dwelling aligns with the principal elevation of 3 Marlborough Road and retains 9.5m between its front elevation and the front boundary. There is a 1.5m separation distance between the dwelling and the southern side boundary shared with 3 Marlborough Road. 10m is provided between the single storey rear element of the dwelling house and the rear boundary, this increases to 12m when measured from first floor level.

The third level of accommodation has been created in what is effectively a mansard structure, with a steeply pitched roof to front and rear, gable ends, and a flat roof between. The habitable space within the roof is illuminated by two skylights to both front and rear elevations. The elevations of the dwelling have been constructed in brickwork at ground floor level, render at first floor level (still to be applied) and black upvc windows and doors throughout. Flat concrete dark grey tiles are used on both the single storey monopitched element and the mansard roof system.

The total floorspace of the proposed new dwelling would be 196.7m<sup>2</sup>.

### Background

Planning permission was granted for a four bedroom two storey detached property in January 2015. This permission has expired and is no longer extant. Officers consider there is no planning permission for any of the works that have taken place on the site and the whole development is consequently unauthorised. This planning application seeks to regularise the development as built.

The scheme under consideration within this application differs significantly from that approved scheme and includes an enlarged single storey rear element which spans the entire width of the property; the removal of a canted bay window within the principal elevation; alterations to fenestration details to both front and rear elevations; and the creation of a third level of habitable accommodation within the roofspace. The roof as a result of this has been altered from a hipped pitched roof as approved in 2015 to a gabled roof with large mansard and flat roof element.

The applicant states within the application form that the works commenced on 1 March 2017, thus within the time limit of the 2015 permission. No other evidence has been put forward to support this and the date of commencement for Building Regulations purposes is 7 May 2021, when the foundations were inspected. However, even if development had commenced in 2017, none of the conditions were discharged on the 2015 permission, which means this was not a lawful commencement. Consequently, none of the development on site is authorised.

The Council's Building Control officer has also confirmed that for Building Regulations purposes the building is a three storey dwelling. In its current form it would not comply with the Building Regulations in respect of fire safety and accessibility.

## **DEVELOPMENT PLAN**

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

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

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

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

## **OTHER LOCAL POLICY DOCUMENTS**

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

## **PROPOSALS MAP NOTATION**

None

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

None.

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

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

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

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20<sup>th</sup> July 2021. The NPPF will be referred to as appropriate in the report.

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

DCLG published the National Planning Practice Guidance on 6 March 2014 and is regularly updated. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

### Land adjacent to 3 Marlborough Close

106164/HHA/21 - Retrospective application for erection of rear extension, alteration of roof from hip to gable, loft conversion and including part render of the property. Withdrawn.

95022/FUL/18 - Demolition of existing garage to allow for the erection of a new detached house. Application withdrawn

93369/VAR/18 - Application for variation of condition 2 on planning permission 83893/FULL/2014 (Erection of two-storey detached dwellinghouse with associated parking and landscaping following partial demolition of no.3 Marlborough Road and existing detached garage.). To change the approved plans to allow for alterations including: internal alterations, new windows and side door, enlargement of the rear extension along the whole rear elevation, change of the roof shape from a hipped to gabled roof for a loft conversion with rooflights and part render of the property. Withdrawn January 2018.

83893/FULL/2014 - Erection of two-storey detached dwellinghouse with associated parking and landscaping following partial demolition of no.3 Marlborough Road and existing detached garage. Approved with conditions 13.1.15. (PD rights removed).

### 3 Marlborough Road

H43744 - Erection of a detached double garage in side garden. Approved June 1997.

H42423 - Erection of single front extension to form additional living accommodation. Approved June 1996.

H12412 - Erection of double garage and extension to form games room. Approved September 1990

H12412 - Erection of double garage and extension to form games room. Approved September 1980.

### 7a Easedale Close

81648/COND/2013 - Application for approval of details reserved by conditions of grant of planning permission 80804/FULL/2014. Conditions 3, 4 and 8. Conditions discharged January 2014. Permitted development rights removed via Condition 5.

## **APPLICANT'S SUBMISSION**

The applicant has submitted Planning Statement in support of their proposal.

## **CONSULTATIONS**

**Local Highway Authority** – No objections on highway grounds to the proposals subject to the provision of a minimum of two car parking spaces within the curtilage of number 3 Marlborough Road.

## **REPRESENTATIONS**

Councillor Thomas has called the application in on the grounds that he considers it has no detrimental impact on the street scene, with similar properties and roof design nearby. The call in highlights that permission has previously been granted for detached dwelling following demolition of detached garage had lapsed. Also there have been no objection representations at any stage of this and previous applications. The proposed development is less impacting than others passed within the ward, (precedent), and rendering to building ceased whilst the applicant waits for the application decision to be made.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. 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. The NPPF reinforces this requirement and at paragraph 11 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. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
3. Paragraph 11(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.
4. The Council does not, at present, have a five year supply of immediately available housing land, so paragraph 11(d) and the tilted balance is therefore automatically engaged.

### Housing Land

5. The latest housing land supply calculation suggests that the Council's supply is approximately 3.75 years, including a 20% buffer for historic underdelivery.
6. The application is for the retrospective permission for a detached dwellinghouse. The application site is in part greenfield and part brownfield, given its location on part previously developed land (area of extensions and garage) and on part of the private rear garden area of No.3 Marlborough Road.
7. The NPPF within its glossary excludes residential gardens from the definition of previously developed land, and therefore it is of note that part of this site is Greenfield land. Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land. In order to achieve this target, the Council details within the Core Strategy that it will release previously developed land and sustainable urban area greenfield land in order of priority. The part of the site which previously hosted the garage and extension to no.3 is considered to be previously developed for the purpose of this application.

8. Policy L1 of the Core Strategy states at L1.10 that where development proposals would involve the use of domestic gardens, due regard will need to be paid to the local character, environment, amenity and conservation considerations. Policy L2.2 states that new development should not be harmful to the character or amenity of the immediately surrounding area.
9. Whilst the redevelopment of greenfield residential garden areas for is not entirely restricted, planning policy specifically identifies that careful consideration should be given to the impact any development would have on the character and appearance of an area.
10. The design, siting and external appearance of the previous scheme was carefully considered and negotiated (this will be discussed further in the design section below) to ensure it was a form of development which would have integrated well within the streetscene, drawing on the wider character and appearance of the area. The changes to the design of the property during construction, have, in a number of respects, moved away from a form of development which would integrate well into the area and do not reflect the design and character of surrounding properties. This is discussed further in the design section of this report.
11. Whilst the proposal would contribute towards the Council's housing land target through the addition of a single additional dwelling, this would make a very limited contribution to addressing the shortfall in housing land supply. In doing so however it would not pay sufficient regard to local character, contrary to Policies L1 and L2 of the Core Strategy. This issue will be returned to when considering the planning balance. .

## DESIGN

12. Paragraph 126 of the NPPF (July 2021) states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
13. 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.*

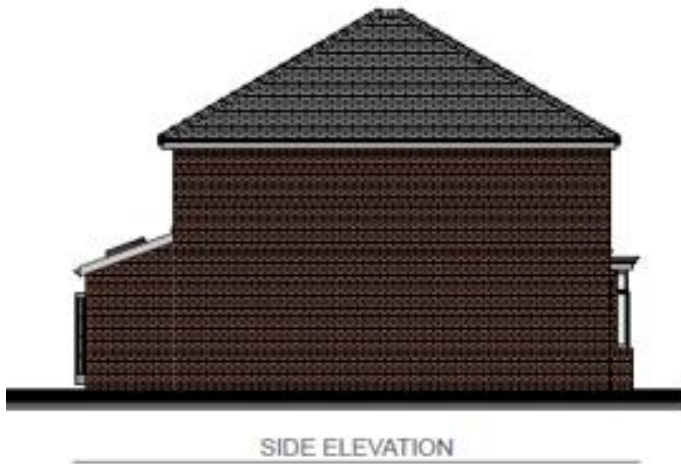
14. Policies L1 and L2 of the adopted Core Strategy also require new housing development to consider design and character as identified in Paragraph 8 above.
15. The Councils New Residential Development PG1 states that infill development can be acceptable provided it satisfactorily relates to its context in terms of design and amenity impacts. This type of development will not be accepted at the expense of the amenity of surrounding properties or local area character. The resulting plot sizes and frontages should be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene.
16. Paragraph 2.4 states that *“Development of small vacant sites or the retention of buildings and construction of new dwellings within their garden areas are all possible forms of development. Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a valuable contribution towards the supply of new housing in the Borough, the way in which the new buildings relate to the existing will be of paramount importance. This type of development will not be accepted at the expense of the amenity of the surrounding properties or the character of the surrounding area. The resulting plot sizes and frontages should, therefore, be sympathetic to the character of the area as well as being satisfactorily related to each other and the street scene. Both the new property and the retained dwelling should comply with the standards set out in these guidelines.”*
17. The application seeks permission to retain a detached dwelling within the grounds of No.3 Marlborough Road. The plot is within an established residential area comprising single storey bungalows towards the north and two storey semi-detached properties towards its western and southern boundaries. There are modest detached properties opposite and further to the south on Marlborough Road. Properties are set within relatively standard sized plots with low level front boundaries providing a relatively spacious streetscene. The dwellings themselves are constructed in brickwork, some with rendering at first floor level. There are open views of site from various vantage points in the immediate area given its corner location. These views are highly visible especially when approaching from Moorside Road from the north due to the site exposed position at the junction of Marlborough Road and Easedale Close.
18. The granting of the previous permission in 2015 followed a series of negotiations and amendments to arrive a suitably designed development which respected of the character and context of the application site. Originally the applicant proposed a roof form with a gable end (Figure 1), which was considered to be out of keeping with the immediate context of the site no.3 Marlborough Road which has a hipped



roof. Further proposals included a half hipped roof, until a proposal which included a full hipped roof was proposed (Figure 2). This is the development that was approved and was considered to be reflective of the character and appearance of the application site and wider area.



**Figure 1:** Initial scheme submitted in 2015 – deemed unacceptable by officers and superseded.



**Figure 2:** Scheme as approved in 2015, with a hipped roof, bay window detail and clearly 2 storey in height.



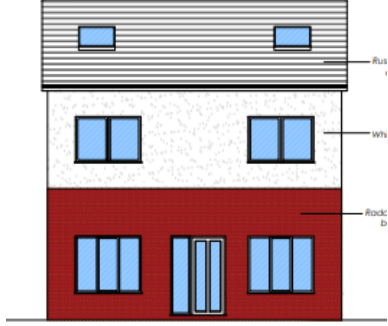
The constructed dwelling is sited in a similar position to that approved in the 2015 permission, with 2.5m retained to the side boundary and 1.5 m to the boundary with No.3. The footprint of the development would reflect that of the scheme granted in 2015, with the addition of a single storey element to the rear. The front elevation of the dwelling follows the general building line along the eastern side of Marlborough Road. There is no objection to the footprint or siting of the development as now proposed.

19. Whilst the overall footprint and height of the dwelling are in line with the previous approval, there have been a number of other significant changes to the design, which mean that the development as built appears highly incongruous, poorly

designed, and out of character with the surrounding area. The highly visible position of the site on the corner with Marlborough Road and Easedale Close exacerbates the visual impact of the development.

20. Members should also be cognisant of the emerging Trafford Design Guide and Design Code. The Trafford Design Guide seeks to draw on local character and distinctiveness to form the basis for the design of new development, and this is a principle already found in Policy L7 of the Core Strategy and government policy and guidance on design. Additionally, there are a number of distinctive elements of the existing housing typology here which would be part of future design coding. The following table identifies those elements and whether they were incorporated into the 2015 permission or the current proposals.

Design Element	2015 permission	Current proposal
True two storey development, or bungalows, without accommodation in the roof space.	Yes	No
Gable ends or hipped roofs and a relatively shallow roof pitch, rising to an apex.	Yes	No
Front bays either at ground floor level or across both storeys (the latter with gables and planted timber detailing).	Yes	No
Brickwork elevations or half rendered.	Yes	Yes
First floor window lintels at or close to the eaves height and ground floor window lintels close to break in brick / render.	Yes	No
Keyhole or expressed porches.	No	No

Windows divided into vertically proportioned elements.	Yes	No
Outcome		
	 <p data-bbox="618 869 857 905">2015 permission</p>	 <p data-bbox="1040 856 1284 892">Current proposal</p>

21. It can be seen that the current proposals only pick up one of the elements of local character – that of a half rendered property. In all other respects it moves completely away from elements of local character when compared to both existing development and the 2015 permission. This results in a building, which particularly with regard to its roof design, appears extremely incongruous in the street scene. It is also poorly designed in general, with no articulation or expression in the elevations, poor proportions, and designed to maximise the level of accommodation in the roof as a first priority. There are no other buildings with flat roofs in the surrounding area (there are flat roofed extensions, but these are the exception and are not examples of good quality design, nor are they the dominant roof form on the properties they are attached to).

22. There is no need for a design code to be adopted for the elements which make up local character to be identified and harm to be caused if a development does not

reflect those elements.

23. The 2015 permission was carefully considered and negotiated by officers, in order to ensure the development of appropriate for the location and reflective of its character and appearance. There has been a long standing intention by the applicant to obtain additional accommodation in the roof, as two further applications for the development including this accommodation were withdrawn in 2018. Neither would have been found acceptable by officers had they proceeded to a decision. There is no objection to a new dwelling at this site, but it must, if it is to be acceptable, properly reflect local character and distinctiveness.
24. In conclusion, the design of the dwelling as constructed does not reflect local character and distinctiveness, and appears as a visually intrusive and incongruous element in the street scene, harmful to the character and appearance of the area. The development is therefore contrary to Policies L1, L2 and L7 of the adopted Core Strategy, the emerging Trafford Design Guide and government policy and guidance on design.

## **LANDSCAPING**

25. The proposed development includes the provision of a substantial proportion of hardstanding to the property's frontage with sufficient space for 3no. parking spaces and a small section of soft landscaping adjacent to the junction with Easedale Close. 3no. trees are proposed within the rear garden area however their species and size are currently unknown, with an existing 1.8m fence along the side and rear boundaries. This is considered insufficient with relation to the relatively verdant streetscene that contributes to the established character of the streetscene. If Members were minded to grant permission a condition would be necessary to provide a more robust landscaping scheme in accordance with the relevant policies of the Core Strategy.

## **IMPACT ON RESIDENTIAL AMENITY**

26. 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.
27. New Residential Development PG1 requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring

properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

### Privacy and Overlooking

28. The property is located at the junction of Marlborough Close and Easedale Close. The nearest residential dwelling to the application site are nos. 2 and 4 Marlborough Road along the western side of Marlborough Road, 3 Marlborough Road directly towards the south; and 1a Easedale Close towards the north.
29. The proposed dwelling would introduce front and rear facing ground and first floor habitable room windows; and roof lights at second floor level.
30. The front facing windows would face the highway and a private access directly opposite. There would be some angled views towards 2 and 4 Marlborough Road but given the separation distances provided between the principal elevation and these properties of 26m and 28m respectively, which complies with the Council's adopted guidance, the proposal would not result in overlooking to a level at which harm would result.
31. The proposed rear facing windows at ground floor level would be set 10m off the rear boundary, slightly short of the 10.5m in the Council's adopted guidance, but given the boundary treatment in place it is not considered this would lead to any harmful impact on the neighbouring property at 7a Easedale Close, or on the garden area which would be retained to 3 Marlborough Road, which would wrap around the proposed curtilage of this dwelling. The first floor rear facing windows would be set 12m from the rear boundary and therefore in excess of the recommended 10.5m within the New Residential Development guidelines. As such, no detrimental harm would occur to the occupiers of this property from overlooking.
32. The bungalow at 1a Easedale Close has a kitchen window facing towards the side elevation of the proposed dwelling at a distance of approximately 10.5m. The recommended distance in the Council's SPD4 states for two-storey side extensions with a blank gable wall that would face a neighbouring main habitable room window, is a 15m minimum separation distance. However, it does indicate that there are exceptions and every application will be considered on its own merits. Given this window lies across Easedale Close and already faces onto fencing and trees at no.3, it is considered the reduction in the recommended distance would not be so detrimental to amenity as to warrant a refusal of planning permission. However, it is recommended that if planning permission is granted then a condition is to be attached removing permitted development rights for openings in the north (facing)

elevation of the proposed dwelling, with associated landscaping also considered to be improved.

33. The proposed development would also include one bathroom window to both side elevations at first floor level. It is considered that no overlooking would occur to 3 Marlborough Road or the bungalow to the north (1a Marlborough Road). If planning permission were to be granted, these would need to be subject to a condition requiring obscure glazing.

### Overbearing

34. The proposed dwelling has its principal elevation aligned with 3 Marlborough Road; with that property having no habitable room windows facing the southern gable within the northern and side elevation of that property. As such the proposed development would not appear overbearing to that dwellinghouse.
35. Given angled views and the interface distances in excess of 21m provided between the development and 2 and 4 Marlborough Road the overall size, scale and massing of the proposed dwelling would comply with relevant guidance and would not cause detrimental harm to current or future occupiers.
36. 1a Easedale Close is located directly towards the north of the application site. It is a small single storey bungalow with its principal elevation facing west towards Marlborough Road. Its side gable has a kitchen window with an open aspect towards the application site. Although it is located 10m from the side elevation of the development and therefore less than the recommended 15m within SPD4, it is set back from the principal elevation of the dwelling and across a highway. On balance, this is considered sufficient not to cause an overbearing impact upon the occupiers of this neighbouring property.
37. In respect of 1a Easedale Close, the same conclusion was reached in terms of the acceptability of the relationship with the proposed development when the 2015 application was considered.

### Overshadowing

38. The siting of the dwelling within the application site and its relationship to its boundaries is considered to be acceptable and would not result in undue loss of light or overshadowing. The orientation of the dwelling relative to the junction and staggering of its footprint with relation to 1a Marlborough Road would allow for sufficient indirect and direct sunlight to that property without undue harm. No other



dwellings within the immediate vicinity would be directly affected by the massing of the proposed house due to their position with relation to the application site.

### Occupant Amenity Space

39. The plot would have total area of 370sq.m with the footprint of the property and parking being 182sqm. Therefore approximately 63sqm would be provided as amenity space for future occupiers.
40. PG1 states that three bedroom semi-detached dwellings should normally have around 80 sq. m in an area of similar properties. This is a six bedroom dwelling (as the second floor playroom is capable of use as a dwelling). The proposed dwelling would have slightly less than the recommended amount of amenity space but this is not considered to represent such a significant shortfall that a refusal of planning permission would be justified on this basis.

### Noise/Disturbance

41. The proposal would not result in the introduction of a driveway or parking area close to neighbouring boundaries or back gardens. It would not result in an unacceptable impact in this regard.
42. The development would not have any unacceptable impact on the residential amenity of the neighbouring residential properties and would provide an acceptable level of amenity for future occupants, although less amenity space than is recommended by PG1. If planning permission were to be granted it is proposed that conditions restricting future occupant domestic permitted development rights relating to external amendments and that windows were obscurely glazed would be added to ensure acceptable future privacy and amenity impacts. As such, it is considered that the proposed development relating to privacy and overlooking would comply with Core Strategy Policy L7, PG1 New Residential Development and the NPPF.

## **HIGHWAYS, PARKING AND SERVICING**

43. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
44. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and*



*laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*

45. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's parking standards indicate that the provision of three off-road car parking spaces is appropriate for five bedroom dwellings in this location, albeit these are maximum standards.
46. The proposed six bedroom dwelling would have three parking spaces and the existing vehicle entrance would be retained. Although the parking provision for the proposed property is considered to be acceptable, the existing property, No.3 Marlborough Road would have a 1.2m fence line along the common boundary between it and the new dwelling as shown on the proposed site plan (no elevations submitted). Therefore no.3 would not have access to either communal parking provision with No.3A or its own independent access to Marlborough Road.
47. The Council's Supplementary Planning Document, SPD3: Parking Standards and Design, normally requires two parking spaces for a three bedroom property. Whilst it is recognised that these are maximum standards, SPD3, paragraph 5.1.3 states that *"Parking provision which meets the maximum standard will be appropriate in most circumstances...The provision of adequate parking facilities and their design should be appropriate to the scale, nature, location and users of the proposal. Where a developer seeks to provide a lower or higher level of parking than the standard set down in the Core Strategy this will need to be fully justified and will need to demonstrate what measures e.g. design, location or operation are to be taken to minimise the need for parking."* The lack of parking provision for 3 Marlborough Road would represent a shortfall in relation to the provision of two spaces that would normally be expected in this location, having regard to the Council adopted Supplementary Planning Document, SPD3 Parking Standards and Design. This would result in additional on-street parking in the vicinity of the site which is considered to result in harm to highway safety. It is noted that this could be addressed through the provision of onsite parking within No.3, and an amended plan could be provided to demonstrate this, if the proposal was otherwise found to be acceptable.

## **DEVELOPER CONTRIBUTIONS**

48. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate' zone for residential development, consequently private market

houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

49. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure in the form of three additional trees. If planning permission were to be granted, a landscaping condition would need to be attached to make specific reference to the need to provide 3no. additional trees net of clearance on site as part of the landscaping proposals.

## **OTHER MATTERS**

50. The Council's Building Control officer has also noted that they are concerned about that development and suggest that it does not comply with the Building Regulations for either fire safety or accessibility, particularly in relation to the second floor. For the purposes of the Building Regulations, this is a new, three storey dwelling with three full floors of accommodation, as opposed to the two floors of accommodation which were granted planning permission in 2015.
51. Although non-compliance with the Building Regulations is not a material planning consideration, it should be noted that changes to the development will need to be made in order to comply with those Regulations.

## **CONCLUSION**

52. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. A primary material consideration here is the application of the 'tilted balance' in NPPF Paragraph 11(d)(ii), as the Council does not have a 5 year supply of housing land. Planning permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.
53. The development would provide one additional housing unit. Although great weight should be given to proposals for housing development, particularly within existing settlements, the contribution this site would make to housing supply is negligible, which significantly limits the benefit to housing supply which would accrue from its development. A suitably designed scheme would also bring forward this benefit without harm to local character. This benefit therefore carries limited weight. There would also be a small contribution to the local economy through the construction process, which is given moderate weight, but again a suitably designed scheme would also generate this benefit.

54. On the other hand, the design of the dwelling as constructed does not reflect local character and distinctiveness, and appears as a visually intrusive and incongruous element in the street scene, harmful to the character and appearance of the area. The development is therefore contrary to Policies L1, L2 and L7 of the adopted Core Strategy, the emerging Trafford Design Guide, adopted guidance in PG1 – New Residential Development and government policy and guidance on design. The proposal would result in a clear conflict with adopted, up to date development plan policy and a clear direction of travel in both local and national policy to improve the design of new developments, supported now by numerous appeal decisions in this Borough and elsewhere. This is consequently an adverse impact which should carry very substantial weight.
55. Any other adverse impacts identified (e.g. in terms of the level of amenity space or car parking) either would not lead to significant harm, or could be mitigated by planning conditions such that there would be an overall neutral impact. These other adverse impacts therefore attract limited weight.
56. However, overall the adverse impacts of the development would significantly and demonstrably outweigh the benefits. There is a conflict with up to date adopted development plan policy and the NPPF would also suggest that this development should be refused. The application is therefore recommended for refusal.

**RECOMMENDATION:**

**REFUSE** for the following reason:

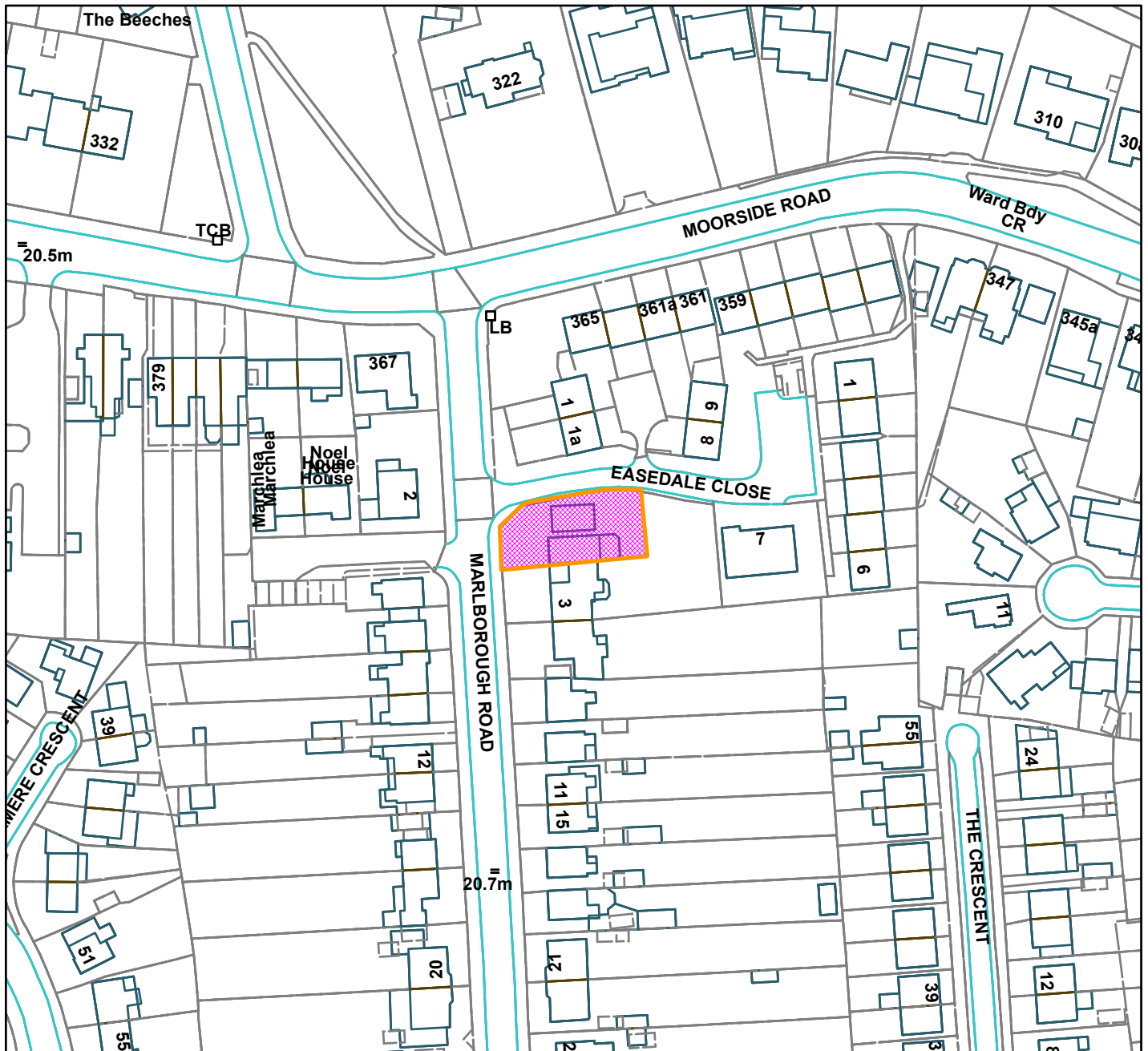
1. The design of the dwelling as constructed does not reflect local character and distinctiveness, and appears as a visually intrusive and incongruous element in the street scene, harmful to the character and appearance of the area. The development is therefore contrary to Policies L1, L2 and L7 of the adopted Core Strategy, the emerging Trafford Design Guide, adopted guidance in PG1 – New Residential Development and government policy and guidance in the NPPF and National Design Guide.

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GD



3A Marlborough Road, Flixton, M41 5QQ (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 11/08/2022
Date	29/06/2022
MSA Number	100023172 (2016)