

WARD: Bowdon

98788/FUL/19

DEPARTURE: No

Erection of 9 no. retractable floodlighting columns with a maximum height of 6.7 metres high supporting 11 no. luminaires with LED lamps; 3 no. luminaires to be attached to existing lighting columns to courts 9 and 10; all to provide lighting to courts 11-13.

Bowdon Lawn Tennis Club , Elcho Road, Bowdon, WA14 2TH

APPLICANT: Bowdon Lawn Tennis Club

AGENT: CT Planning

RECOMMENDATION: GRANT

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

EXECUTIVE SUMMARY

The application relates to 3 no. courts within the established tennis club accessed from Green Walk, Bowdon. The club is located within the Devisdale Conservation Area.

Permission is sought for the erection of floodlighting to the 3 no. courts which are situated closest to Green Walk and the club car park. The proposal would consist of the erection of 9 no. retractable floodlighting columns supporting 11 no. luminaires and an additional 3 no. luminaires to be fitted to existing lighting columns on neighbouring courts.

The proposal is considered to result in 'less than substantial' harm to the significance of the designated heritage asset which would be outweighed by public benefit. In NPPF Paragraph 11 d) i) terms, there is no 'clear reason for refusal' of these proposals.

Given that the Council's Core Strategy heritage policy is out of date, the "tilted balance" in NPPF paragraph 11(d)(ii) is engaged.

The cumulative impact of the proposal alongside existing floodlighting at the club has been taken into consideration.

The proposal is further considered to be acceptable in regard to design, residential amenity, highways and parking and ecology impacts.

As such the application is recommended for approval.

SITE

The application site comprises an existing tennis club with a total of 13 no. courts (a mix of 8 no. grass and 5 no. all-weather surfaces). There is an existing car park accessed off Green Walk with parking for approximately 40 cars. Bowdon Lawn Tennis Club was established in 1877.

The surrounding area is predominantly residential and is bounded by residential properties on all sides with the exception of the north east boundary which adjoins Altrincham Grammar School for Girls.

The club is accessed from Green Walk with the car park fronting onto Green Walk. A separate locked pedestrian entrance is located on Elcho Road.

This application relates specifically to courts 11-13 which are located to the south west of the site, immediately adjacent to the car park.

The site is located within Character Zone C, 'Southern Residential' of the Devisdale Conservation Area.

PROPOSAL

Permission is sought for the erection of 9 no. retractable floodlighting columns with a maximum height of 6.7 metres high supporting 11 no. luminaires with LED lamps; 3 no. luminaires to be attached to existing lighting columns to courts 9 and 10; all to provide lighting to courts 11-13. When retracted the lighting columns would have a maximum height of 3.3 metres.

The application documents state that the floodlights are only to be used during the hours of 15:30 to 21:30 hours on any day. The floodlighting columns are to be retracted when not in use.

The floodlighting columns are to be painted dark green (RAL 6007).

Delays in the determination of this application have been the result of the application being put on hold whilst other matters in relation to existing approvals have been addressed. Further information is provided within the background of this report.

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

L5 – Climate Change

L7 – Design

R1 – Historic Environment

R2 – Natural Environment

R5 – Open Space, Sport and Recreation

PROPOSALS MAP NOTATION

Protected Open Space

The Devisdale Conservation Area

SUPPLEMENTARY PLANNING DOCUMENTS

SPD5.10 Devisdale Conservation Area Appraisal (July 2016)

SPD5.10a Conservation Area Management Plan (July 2016)

PLACES FOR EVERYONE

Places for Everyone (PfE) is a Joint Development Plan Document being produced by nine Greater Manchester districts Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023 and the Inspectors issued IN39 on 11 September 2023 advising that they are satisfied at this stage of the examination that all of the proposed main modifications are necessary to make the Plan sound and/or legally compliant, and would be effective in that regard. Consultation on the Main Modifications started on 11 October 2023 and closed on 6 December 2023. Consequently the plan is at a very advanced stage in the plan making process and substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-S1: Sustainable Development

JP-P2: Heritage

JP-P7: Sport and Recreation

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25th August 2022. The NPPG will be referred to as appropriate in the report.

OTHER LEGISLATION

Planning (Listed Buildings and Conservation Areas) Act 1990

RELEVANT PLANNING HISTORY

112273/FUL/23 – Creation of 1 no. Padel Court, erection of canopy and installation of floodlighting.
Under consideration

107813/FUL/22 – Proposed alterations and works to an existing car park to provide a defined layout, EV charging points, lighting and associated landscaping.
Approved with conditions 20/03/2023

Condition 5 restricts the use of the car park lighting outside the hours of 0900 to 2230 on any day.

106713/CND/22 – Application for approval of details reserved by conditions of grant of planning permission 102117/FUL/20 (Condition numbers: 3 (Materials), 4 (Construction and Environmental Management Plan), 5 (Bin and Cycle Store) and 7 (Hard and Soft Landscaping)
Full discharge of conditions issued 01/02/2023

102117/FUL/20 – Resurfacing of grass courts 10-13 (previously courts 1-4), resurfacing of existing 4 no. mini junior grass courts and repositioning of one of the mini junior grass courts together with associated works, including amendments to current site entrance at Elcho Road and installation of fencing, including 3.5m high fencing set off from the south-east and south-west boundaries.
Approved with conditions 14/05/2021.

For clarification, the above approval relates to the courts to the south of the clubhouse.

100556/CND/20 – Application for approval of details reserved by conditions of grant of planning permission 93998/FUL/18. Condition no: 5 (lighting verification report).

Condition 5 set out that the floodlighting was not to be brought into use until a verification report had been submitted/approved confirming that the lighting scheme

detailed within the Sports Lighting UK report dated 25/01/2018 and associated plans had been installed in accordance with this approved scheme.

Full discharge of condition 01/12/2022

100555/CND/20 – Application for approval of details reserved by conditions of grant of planning permission 91426/VAR/17. Condition numbers: 6 (verification report).

Condition 6 set out that the floodlighting was not to be brought into use until a verification report was submitted/approved confirming that the lighting scheme detailed within the Pro Lighting Scheme report reference 4074C had been installed in accordance with the approved scheme.

Full discharge of condition issued 01/12/2022

93998/FUL/18 – Erection of 17 no. floodlighting columns with a maximum height of 7 metres supporting 26 no. luminaires with LED lamps to provide lighting to courts 6-9. Approved with conditions 10/08/2018

Condition 4 restricts the use of the floodlights outside the hours of 15:30 to 21:30 hours on any day.

89582/FUL/16 – Works in conjunction with new court surface to include new kerbing, retaining wall, steps, patio area, ramp for disabled access, ramp for machinery access and new fencing. Approved with conditions 18/12/2017.

86115/FUL/15 – Erection of 9 no. floodlighting columns (10 no. luminaires) at 6.7 metres high to courts 4 and 5. Approved with conditions 14/03/2016

Condition 4 restricts the use of the floodlights outside the hours of 15:30 to 21:30 hours on any day.

84577/FUL/14 – Resurfacing of courts 6-9 with an artificial grass surface. Approved with conditions 30/03/2015

84338/FUL/14 – Erection of 12 no. floodlighting columns with maximum height of 8m. Approved with conditions 30/03/2015

Condition 4 restricts the use of the floodlights outside the hours of 15:30 to 21:30 hours on any day.

H/CC/54983 – Conservation Area Consent for the demolition of the existing clubhouse in connection with the erection of a new clubhouse. Approved 21/09/2016

H/54978 – Demolition of existing clubhouse and erection of new clubhouse comprising clubroom and bar, kitchen, changing accommodation and ancillary facilities.

Approved with conditions 05/11/2002

H/47151 – Construction of an additional all-weather tennis court to south west of existing court, with 3.6m high chain link fencing to north west and south east sides and 2.7m high chain link fencing to south west side. Hard surfacing of remaining car park area with concrete blocks to provide 48 spaces.

Approved with conditions 19/05/1999

H/42226 – Erection of 9 no. 6m high lighting columns and lightfittings to illuminate 2 no. existing all weather tennis courts.

Appeal against non-determination dismissed 22/05/1996

H/40641 – Erection of 18 no. 6m high lighting columns and lightfittings to illuminate 4 no. existing all weather tennis courts.

Refused 26/05/1995 for the following reasons:

- 1. The proposed floodlights by reason of the columns and lightfittings, and the effect of the illumination would be detrimental to the amenities presently enjoyed by nearby residents. In addition the increased noise and disturbance which would be created by the intensification of the use of the courts over longer hours would conflict with the residential amenities of nearby residents when peace and quiet would reasonably be expected.*
- 2. The proposed columns, lightfittings and illumination would introduce an incongruous feature into this predominantly residential part of The Devisdale Conservation Area. It is considered that this is out of character with the area and would be detrimental to the locality, the character of which the Local Planning Authority is required to preserve or enhance.*

Subsequently dismissed at appeal

H/32447 – Construction of an all-weather tennis court and erection of 3.5m high chain link fence surround.

Approved with conditions 19/12/1990

H/27497 – Erection of 9 ten metre high columns to floodlight two tennis courts.

Refused 17/08/1988 for the following reasons:

- 1. The proposed floodlights by reason of their height and the extent of the illumination would be detrimental to the amenities of nearby residents. The potential to extend the hours of use of two of the tennis courts would lead to increased disturbance to nearby residents from the use of the courts and the coming and going of players.*

- 2. The proposed floodlighting would introduce an incongruous feature into a predominantly residential part of The Devisdale Conservation Area which would be detrimental to its character.*

APPLICANT'S SUBMISSION

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

- Lighting Schedule (including cumulative lighting contour plans);
- Planning Statement (including heritage assessment);

CONSULTATIONS

Heritage – The increase in lighting and the cumulative impact of this is a concern. Policy is clear that 'lighting columns should be lower than surrounding planting.'

The works will cause minor harm to this area of open space and the contribution it makes to the wider Devisdale Conservation Area. This harm 'should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' [208 NPPF] taking into account the statutory requirements of S.72 P(LB&CA) Act 1990.

Pollution and Licensing (Nuisance) – raise no objection subject to conditions relating to the requirement of a verification report and hours of use of floodlights.

Pollution and Licensing (Contaminated Land) – No comments or objections in relation to contaminated land.

REPRESENTATIONS

Letters of objection have been received from Bowdon Conservation Group and 16 different neighbouring addresses. A further letter of objection was received with no address given.

In addition to the above individual representations, an objection was received from DPP Planning on behalf of residents of Green Courts and a lighting commentary has been received, commissioned by a consortium of residents living close to the application site.

The main points raised in all representations received are summarised below:

Residential Amenity

- Previous application for floodlighting on these courts was refused amenity grounds resulting from nuisance from the lights;

- Proposals would seriously adversely impact on the use and enjoyment of the neighbouring residential properties and related amenity levels, which they have a right to expect to be maintained and protected by the planning system;
- Harm to neighbouring properties from light shining into habitable rooms, altering existing views and glare and skyglow and loss of privacy;
- Neighbouring dwellings are already subjected to glare and light spill from the existing lights. The current proposal would make this situation worse;
- No boundary treatment on the court side by way of protection from the glare overspill and skyglow and no mitigation measures are offered;
- Lights will enable year round play with impact of lights and increased noise and disturbance being felt more during the winter and darker months;
- Neighbouring properties are incorrectly depicted on the application drawings;
- Question why the lighting contour plan shows no contours touching neighbouring windows when the light on the outside is bright enough to read in;
- Neighbours feel it should not be their responsibility to plant and maintain trees to reduce lighting impacts on their amenity;

Character and Conservation Area

- Eroding the amenity of the area;
- There are already enough lights at the club which have caused harm to the amenity of the Conservation Area;
- Degrading of peaceful and safe conservation area;
- The position of the courts in relation to Green Walk means that the lighting will intrude even more on the Conservation Area;
- Incongruous in what used to be a quiet and intrinsically dark part of the Devisdale Conservation Area;

Parking and Highways

- Exacerbation of existing traffic congestion with the availability of 3 more lit courts;
- Car parking situation is not fit for capacity;
- Exacerbation of existing parking issues around Green Walk and Green Courts caused by Bowdon Lawn Tennis Club and the recent development at Altrincham Girls Grammar School;

Other Matters

- Adverse impact on wildlife;
- Misleading drawings showing the boundary vegetation at 13 metres whereas in reality it is between 2.5 and 8m. It is also shown as being denser than in reality;
- Boundary treatment is on the residents' side of the boundary;
- Should be refused to be consistent with decisions at Urmston Tennis and Hockey Club and Sale Sports Club;
- The current application is for a standalone scheme but the lux levels should take account of the cumulative effect of all three schemes;
- Plans show a 3m high fence that will hide the masts when down. It is not clear what this is for;

- Plans for the development of the tennis club should have been presented in a single application;
- An objective analysis from an independent lighting consultant should be sought;
- In the interests of transparency Trafford is requested to make available information on any familial, social or other relationship anyone involved in the decision making process has with Bowdon Lawn Tennis Club or its members;
- The proposal represents a significant increase to the overall lighting scheme across the courts;
- Plans should have been presented to neighbours before submitting a planning application as a matter of courtesy;
- Question the need for the proposal as the courts that are already floodlit don't seem to be used to their full capacity;
- The proposed lights are little better than those which were banned under the abatement order upheld by Trafford Magistrates Court. To approve even more will only make the situation even worse;
- A very similar application to this was refused on these courts some years ago;
- Existing lights are often left on when no one is playing;
- Non-fulfilment by the club of conditions attached to previous planning permissions 91426/VAR/17 and 61115/FUL/15 and no approval obtained by BLTC for changes to lights at Courts 9 and 10;
- The lighting design takes no account of existing street and court lighting or the lights along the boundary wall;
- BLTC have already installed and seek to install here, the most intense level of lighting, suitable for professional play;
- Lack of information provided in the application in relation to levels of junior coaching provided and the need for the additional floodlit courts;
- Light levels are considered only in isolation, without factoring in the impact of the existing lighting on other courts or other lighting in the environment;
- Lights should be confined to specific hours and only lit when the courts are in use;
- Arguments regarding light spillage are based on ground level illumination levels. The negative impact of floodlights come from the area/volume illumination and which can be seen from considerable distance;
- Application submission incorrectly states that there are no habitable windows on the facing window of 32 Green Courts;
- No weight should be given to the fact that the principle of erecting floodlights at the club has been established and each application should be considered on its own merits;
- No weight should be given to the Club's claims that the application proposals would offer benefits to the community in that they would facilitate greater participation in tennis and in particular coaching for juniors for the whole year;
- No aspect of the profile nor the design of the proposed lighting system can or should be relied on for support; the key issue is not the design, width or colour or the retractable nature or retracted height of the proposed floodlights rather their impact when fully extended and operated;

- The proposals fail to comply with relevant Development Plan policy;
- The lighting levels are too high for the usage proposed and would exceed the value in the ILP document if the vegetation were not present;
- Should planning permission be granted a more permanent shield should be conditioned to be provided on land within the tennis club;
- Incorrect depiction of neighbouring properties and screening within the application submission;
- Proposal is excessive and unnecessary;

OBSERVATIONS

BACKGROUND

1. Bowdon Lawn Tennis Club is an established club with a total of 13 courts, 8 of which are grass and 5 with an all-weather surface.
2. There is a detailed history of applications (and appeal decisions) relating to improving the facilities at the club with floodlighting and resurfacing of some of the courts.
3. There has been a significant delay in the consideration of this planning application.
4. When making an assessment of the current application upon initial submission, historical applications relating to the site were reviewed. It was found that the information submitted was not up to date and that a number of previous planning permissions had not been complied with. It was also found that the orientation of some of the courts had changed and was different from that which had been granted planning permission. In particular, Conditions 3 and 6 of planning permission 91426/VAR/17 and condition 5 of 9399/FUL/18 required the submission of verification reports prior to lighting being brought into use for both approved schemes. This had not occurred in either case.
5. In order to make an accurate assessment of the proposals contained in the current application, the outstanding issues relating to the site as set out above were required to be dealt with. Discharge of condition applications 100555/CND/20 and 100556/CND/20 were submitted and subsequently fully discharged in December 2022 as detailed in the Planning History section of this report.
6. Further to the original submission, an updated lighting assessment has been submitted which takes into consideration the cumulative impact of the current lighting scheme together with existing floodlighting on neighbouring courts within the club.

PRINCIPLE OF DEVELOPMENT

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF 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-taking process.
8. 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 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version.
9. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.
10. The NPPF, at paragraph 11, introduces the 'presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11 (c) explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11(d) advises that planning permission should be granted unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
11. As per NPPF paragraph 11, where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.
12. Policies controlling the development's heritage/design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
13. Core Strategy Policy L7 relating to design and amenity 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.
14. Policy R1 of the Core Strategy, relating to historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial harm' in the NPPF.

Thus, in respect of the determination of planning applications for designated heritage assets, Core Strategy Policy R1 is out of date.

15. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Building and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
16. Policies L5, R2 and R5 are considered up to date for the purpose of determining this application.
17. Paragraph 96 (c) of the NPPF advises that *“Planning policies and decisions should aim to achieve healthy, inclusive and safe places ... which ... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*
18. Paragraph 102 continues *“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.*
19. PfE advises in paragraph 9.35 that *“Sports participation in Greater Manchester is slightly lower than the national average. 72.0% of adults in Greater Manchester (16+) were ‘active’ or fairly ‘active’ as of May 2018. This represents an increase of 0.5 percentage points compared to May 2017 but is 1.9 percentage points below the England average. Nationally, there is a major problem of inactivity amongst younger people, with only 32% of 5-15 year olds being defined as active, and just 9% of 2-4 year olds.”*
20. Paragraph 9.38 continues to say that *“Ensuring the continued availability of and easy access to a high-quality range of sport and recreation facilities would therefore help to achieve key objectives such as improving the health of residents, and making Greater Manchester a more attractive place to live and visit. The appropriate level of provision will often depend on local circumstances such as the type and scale of demand, and the availability of suitable land.”*
21. PfE Policy JP-P7 ‘Sport and Recreation’ follows that *“A network of high quality and accessible sports and recreation facilities will be protected and enhanced, supporting greater levels of activity for all ages ..”*
22. Policy R5 of the Trafford Core Strategy (Open Space, Sport and Recreation) advises that the Council should seek to protect existing, and secure the provision

of, areas of open space and outdoor sports facilities and protect and improve the quality of open space and outdoor sports facilities so they are fit for purpose.

23. The submitted Planning Statement advises at paragraph 3.11 that *“The introduction of floodlighting on Courts 11-13 would enhance the ability of Bowdon Lawn Tennis Club to further develop its membership and encourage juniors to participate in the sport. The provision of floodlighting will ensure that the best use is made of an existing sporting facility in order to maintain and provide greater opportunities for healthy recreation and leisure activities in line with the objectives of sustainable living contained in the framework.”*
24. Improvements to existing sport facilities are acceptable in principle and the principle of floodlighting has been previously established at the site. The main considerations in this application are the impact on residential amenity, design and impact on the character of the Conservation Area and on the street scene more generally, both individually from the floodlights in this application and cumulatively when taken with existing and / or already consented floodlights at the site.

IMPACT ON THE DESIGNATED HERITAGE ASSET

25. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, “special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area” in the determination of planning applications.
26. The Government has set out its planning policies for the historic environment and heritage assets in the NPPF and the accompanying Planning Practice Guidance. Both the NPPF and the PPG are a material consideration 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.
27. The NPPF states at paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives which includes an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.
28. Of relevant to the determination of this application is paragraph 201 which states that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid*

or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

29. Paragraph 205 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."*
30. Paragraph 206 continues: *"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."*
31. 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 (NPPF paragraph 209).
32. The application site is located within the Devisdale Conservation Area. The relevant Conservation Area documents are the Devisdale Conservation Area Appraisal (July 2016) and the Devisdale Conservation Area Management Plan (July 2016).

The Significance of the Heritage Asset

33. Significance (for heritage policy) is defined in Annex 2 of the NPPF as: *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*
34. The setting of a heritage asset is defined as: *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
35. The special character of the Devisdale Conservation Area derives from its value as an historic area of enclosed land on the summit of Bowdon Hill. The topography and landscape of the area is important, and includes the wooded north slope of Bowdon Hill and the gentler west slope descending towards Dunham Massey. The residential properties are characterised by large plots, grand houses and magnificent gardens, sweeping drives, coach houses, tree-lined streets and a vast mix of revival architectural styles. The area is also characterised by gradients and associated views, and the open space of The

Devisdale is much valued as common land, used extensively today by pedestrians. The area also has high ecological and arboricultural value in particular.

The application site

36. The CAA and CAMP subdivide the area into different character zones. The application site falls within Character Zone B: The Devisdale (the car park is within Character Zone C: Southern Residential Area). The part of the site to which this application relates falls fully within Character Zone B.

37. The Conservation Area Appraisal identifies that the majority of Character Zone B *“is made up of open space, park, gardens and woodland, combining considerable variety of habitat and thereby encouraging bio-diversity. ... Bowdon Lawn Tennis Club combines a car park screened by trees along the Green Walk boundary, with herbaceous borders in front of the courts and within the car park. Beyond this are five Astroturf courts surrounded by high green netting with a thick beech hedge separating them into two sections. Further north, the clubhouse is located in the middle of the grass courts, which are surrounded by a well-maintained leylantii hedge and timber fence on two sides.”*

The proposal

38. Policy R1 states that “All new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.”

39. Policy L7 of the Trafford Core Strategy states that development should be appropriate in its context; make best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and be compatible with the surrounding area.

40. The following policies of the CAMP are relevant:

Policy 5

Ensure those adaptations to 21st century uses are sensitive to the historic character and appearance of the building; balancing the need for new facilities with the retention of original features, detailing and decorative materials.

Policy 28

The open spaces within the Conservation Area, including the Memorial Garden, sports grounds, the Dunham Road woodland, The Devisdale and Denzell Gardens, are to be maintained and conserved.

Policy 47

Lighting for sports pitches within the Conservation Area should not spill over into surrounding residential areas. Lighting from the Bowdon Lawn Tennis Club or Grammar School should not be visible from The Devisdale or surrounding housing estates. Lighting columns should be lower than surrounding planting and should make use of energy-efficient LEDs with warm bulbs.

Consideration of harm

41. The Devisdale Conservation Area is spacious and characterised by low density development with landscaping dominant, resulting in the darkness of the area surrounding the application site at night time.
42. The tennis club is an established facility within the Conservation Area and it is acknowledged that the club has changed in character incrementally over time with the introduction of floodlighting and all-weather surfacing.
43. Furthermore, it is acknowledged that the proposal together with existing floodlighting on neighbouring courts, contributes to an area of light or 'skyglow' which would be visible from outside of the site. Nevertheless, it should be recognised that this has been accepted under previous approvals on neighbouring courts and that this is currently restricted through hours of use conditions with no floodlighting to be in operation past 21:30 on any day.
44. In respect of CAMP Policy 47 therefore it is recognised that light spillage would occur outside of the site to a degree, however this is not considered to have a significant additional impact on the character or significance of the Conservation Area. A similarly worded condition is recommended to restrict the hours of operation for the floodlighting to ensure that the 'darkness' is continued to be experienced during the later hours.
45. Further consideration regarding the impact on the character of the Conservation Area should take into consideration the impact of the physical structures themselves as well as the impact of the light on the character of the area.
46. Permission is sought for the installation of 9 no. retractable lighting columns with a maximum height of 6.7 metres. As has been the case with previously approved lighting at the club, a condition is recommended to require the lighting columns to be retracted at all times outside of any authorised hours of use.
47. It is acknowledged that the proposal would introduce lighting and columns onto courts where there are currently none, and would also have a cumulative impact

when taken with the existing courts and lighting. The consultation comments from the Heritage Officer attribute 'minor harm' which is considered to equate to 'less than substantial' harm at the lower end of the scale in NPPF terms. There are degrees of less than substantial harm. A greater or lesser level of harm could be experienced to the heritage asset and it remain 'less than substantial' harm in NPPF terms. The level of harm arising from light spillage, glare and skyglow on the character and appearance and therefore the significance of the Conservation Area is therefore considered to be 'less than substantial' both individually and cumulatively.

48. It is therefore necessary to have regard to paragraph 208 of the NPPF and weigh the public benefits of the scheme against the less than substantial harm caused. The public benefits of the proposal, namely assisting with the continued provision and enhancement of the leisure facility within this part of the Conservation Area which is characterised by its open space and community use are considered to outweigh the identified 'less than substantial' harm. The use of LED lights in accordance with CAMP policy is also considered to be a benefit.
49. In accordance with the NPPG, "public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF." It is considered that the proposal is in line with the social role described in paragraph 8 of the NPPF in that it supports the community's "health social and cultural well-being."
50. The NPPG continues to say that public benefits "should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
 - Reducing or removing risks to a heritage asset;
 - Securing the optimal viable use of a heritage asset in support of its long term conservation.
51. The tennis club itself is identified as contributing to the significance of the Conservation Area. It is clear that the provision of a leisure facility for the community (albeit a private member's club) is a public benefit in supporting health and the contribution of the club to the significance of the Conservation Area. This proposal will enable the club to maximise use of its facilities over an increased period which is considered to be a public benefit and securing its optimal viable use. Furthermore as stated earlier within this report, the proposal would support the provision of sports facilities for residents in the interest of delivering healthy communities in accordance with NPPF, PfE and Core Strategy policy. As such this should be given weight as a public benefit.

52. It is therefore considered that the public benefits of the proposal would outweigh the 'less than substantial' harm identified to the heritage asset, particularly taking into consideration the fact that any harm would only be present during the hours of operation of the lights on any day.

53. In arriving at this decision, considerable importance and weight has been given to the desirability of preserving this designated heritage asset. The proposal is considered to be in compliance with policies L7 and R1 of Core Strategy and the NPPF with regard to heritage matters.

DESIGN AND VISUAL AMENITY

54. 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."*

55. Given the siting, number and scale of floodlights it is considered that within the tennis club setting they would be an appropriate addition to the site character. The proposal is therefore considered to be acceptable in terms of its visual impact and the proposed development would comply with Policy L7 of the Trafford Core Strategy and guidance in the NPPF in terms of design.

RESIDENTIAL AMENITY

56. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of future occupants of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.

57. 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.

58. The main considerations for this application are therefore in relation to the impact of the lights and any noise and/or disturbance associated with an increase in usage of the courts.

Noise

59. It is acknowledged that use of floodlighting to allow sport to take place can impact on neighbouring properties through noise issues associated with the extended play of tennis.
60. It is noted from representations received that existing floodlit courts are often unused during the approved periods of play. It is not expected therefore that the cumulative impact of noise from players, spectators and comings and goings would be excessive.
61. Hours of use/play have not been restricted at the club historically through planning conditions and would therefore have been constrained to a large extent by weather conditions and hours of daylight. Approved floodlighting at the club has already extended these hours of play on specific courts during the darker months to a cut off time of 21:30 hours. The current proposal would increase the number of courts in use and therefore the associated noise with play at this time. Nevertheless, it is considered that the proposed limitation on the hours of use and use of the 3 additional courts would not cause a level of disturbance and loss of amenity to neighbouring properties that would be so great to warrant a refusal on these grounds.
62. To prevent noise nuisance from playing of sport into the evening and night time a condition is recommended preventing the floodlights being illuminated outside of 15:30 to 21:30 hours on any day. These hours of use are consistent with previous permissions at the site.

Lighting

63. The National Planning Policy Guidance (NPPG) provides advice on Light Pollution and acknowledges that artificial light *provides “valuable benefits to society, including through extending opportunities for sport and recreation and can be essential to a new development.” It recognises however that it can be “obtrusive and cause disturbance and harm through the creation of light pollution.”*
64. Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy L7 of the Trafford Core Strategy states that in relation to matters of amenity protection development must not prejudice the amenity of adjacent properties. Core Strategy policy L5 also states that development that has the potential to cause adverse pollution of light will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.
65. Guidance Notes for the Reduction of Obtrusive Light GN01:2011 prepared by the Institution of Lighting Professionals identify five different Environmental Zones from E0 (protected) to E4 (urban) based on the individual characteristics of the

site. These guidance notes relates to best practice and state that within a suburban location (E3) the maximum spillage into neighbouring windows should not exceed 10 lux and this is reduced to 5 lux for a rural location (defined as a village or relatively dark outer suburban, E2, location).

66. In assessing the current proposals, the Council's Pollution and Licensing service (EHO) have assessed the impacts of the proposed development on residential receptors taking into account:

- The cumulative impact of the floodlighting on the application site including the impact of the lighting from the existing approved lighting schemes on site in addition to the impact of the lighting from the lighting scheme proposed as part of this application;
- Light into window levels;
- Consideration against up to date plans of residential properties where possible;

67. An updated lighting schedule has been received which takes into consideration the cumulative impact of the proposal alongside existing and approved lighting at the club. Lighting contour plans submitted demonstrate that the lux levels experienced at neighbouring windows would be acceptable in accordance with the ILP guidelines.

68. The design of the lighting is considered to be such that light spill and glare is reduced. A condition requiring light temperature details to be provided for the lighting is recommended to ensure that a warm bulb is used in the interests of visual and residential amenity and in accordance with NPPG which advises that white light is more intrusive.

69. In considering the proposals, the Council's EHO has concluded that the lighting design and assessment provided is satisfactory and demonstrates that the proposed installation will not create adverse impacts to neighbouring properties from light ingress.

70. Having regard to the above the proposed lighting scheme is not considered to result in any significant harm to residential amenity, and as such is considered to be in accordance with Policy L7 of the Core Strategy.

71. Site visits have been carried out over the course of the application with the nature of boundary screening noted and taken into consideration.

Similar applications

72. One letter of representation refers to a refused application for the erection of 12 floodlighting columns at Urmston Tennis and Hockey Club (Planning Application No 98898/FUL/19 and a further application for Sale Sports Club (application number 102054/FUL/20).

73. As with all planning applications, the current proposal must be determined on its own merits and in line with current policy and guidance. It is important to address each scheme on a case by case basis, having regard to the specific context of that site. Neither of the above schemes are considered to be directly comparable.

Conclusion

74. Having regard to the above, it is considered that the proposal would not result in any significant harm to residential amenity (through light spill, sky glow and glare or noise impacts) to justify a refusal on these grounds.

PARKING AND HIGHWAYS

75. Policy L7 of the Trafford Core Strategy requires development to incorporate a vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety, the provision of sufficient and appropriate off-street car and cycle parking, the provision of, and access to, waste recycling facilities. Matters of accessibility are also a material consideration in the promotion of sustainable forms of transportation.

76. Paragraph 112 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.”*

77. The proposed development has been considered against Policy L7 of the Core Strategy with regard to parking and highways. The proposal would not result in an overall increase in the number of players able to use the club at any one time, it would instead allow for the same level of use during extended hours of the day. The proposal would therefore not result in any increased parking requirement and it is considered that the development would not have any impact on parking or highways.

78. Furthermore, it is noted that approval 107813/FUL/22 which has been determined since the submission of this current application, for “Proposed alterations and works to an existing carpark to provide a defined layout, EV charging points, lighting and associated landscaping” is expected to likely increase the capacity of the existing car park by formalising the width of bays.

ECOLOGY

79. The proposal would not have any additional impact on ecology and wildlife over and above the previous approved schemes due to the temporary nature of the lighting over a 24 hour period.

CLIMATE CHANGE

80. Core Strategy Policy L5 advises that new development should mitigate and reduce its impact on climate change factors, such as pollution and flooding and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.
81. The use of LED lighting is recognised as being energy efficient and an environmentally friendly solution and is therefore considered to be in accordance with this policy.

EQUALITIES

82. 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.
83. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act) and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must in the exercise of its functions have due regard to the need to:
- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
84. 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.
85. No specific benefits or dis-benefits have been identified to persons with any protected characteristics.

DEVELOPER CONTRIBUTIONS

86. The proposal would not result in the creation of any new floorspace and as such there are no CIL contribution requirements.
87. No other planning obligations are required.

PLANNING BALANCE AND CONCLUSION

88. 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 indicated 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.
89. Policies relating to the proposal's heritage/design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they determine the principle of the development. However one of the Core Strategy Policies relation to these matters, specifically Policy R1 regarding Historic Environment, is out of date. Paragraph 11d) of the NPPF is therefore engaged and should be taken into account as an important material consideration.
90. As noted above the proposed floodlighting proposals would result in 'less than substantial harm' to the significance of the Conservation Area with this harm considered to be at the lower end of the scale as 'minor' harm.
91. Considerable importance and weight has been given to the desirability of preserving the setting of the designated heritage asset (the Devisdale Conservation Area). The proposals are considered to result in less than substantial harm which is outweighed by the public benefit of the development. The proposal complies with Policy R5 of the Core Strategy in terms of providing community benefits through improved sports facilities and promoting participation.
92. Applying NPPF paragraph 208 the proposal's public benefits are considered to acceptably outweigh this established minor harm. The proposals would therefore comply with the requirements of the NPPF tests, which in the absence of up-to-date development plan policy, are a primary material consideration. In NPPF Paragraph 11 d) i) terms, there is no 'clear reason for refusal' of these proposals.
93. All other detailed matters have been assessed, including design, amenity and highways/parking impact. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition. The proposal complies with the development plan when taken as a whole and policy in the NPPF i. in terms of paragraph 11 d) ii) (the 'tilted balance'), it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission.

94. It is therefore recommended that planning permission should be granted, subject to conditions.

RECOMMENDATION

GRANT subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with details shown on the submitted plans and supporting information:

- 5243.99 'Location Plan'
- 1453-15 'Site Plan Showing Existing and Proposed Lighting Stanchions'
- 1453-16 'Proposed Lighting Sections'
- 1453-17 Rev C 'Court Numbering Masterplan'
- 'Retractable Flood Lighting Mast' details received 12 September 2019
- 'Lighting Design' details received 16 November 2023

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

3. Notwithstanding the details submitted to date, no development shall be carried out unless and until details (including details of its colour temperature (Kelvin)) of the proposed bulbs for the LED lamps have been submitted to and approved in writing by the Local Planning Authority. The bulbs for the LED lamps shall be maintained in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and to ensure a warm bulb is used, having regard to Policies L7 and R1 of the Trafford Core Strategy.

4. The floodlight columns hereby approved shall be powder coated prior to their installation in dark green (RAL 6007) or an alternative colour which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the columns shall be retained in that colour.

Reason: In the interests of visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

5. The floodlights hereby approved shall not be illuminated outside the following times:
15:30 to 21:30 hours on any day.

Reason: In the interests of public and visual amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

6. The floodlighting hereby approved shall not be brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority, which confirms that the lighting scheme detailed within the Sports Lighting UK report dated 25/01/2018 and associated plans has been installed in accordance with this approved scheme.

Reason: In the interests of visual and residential amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

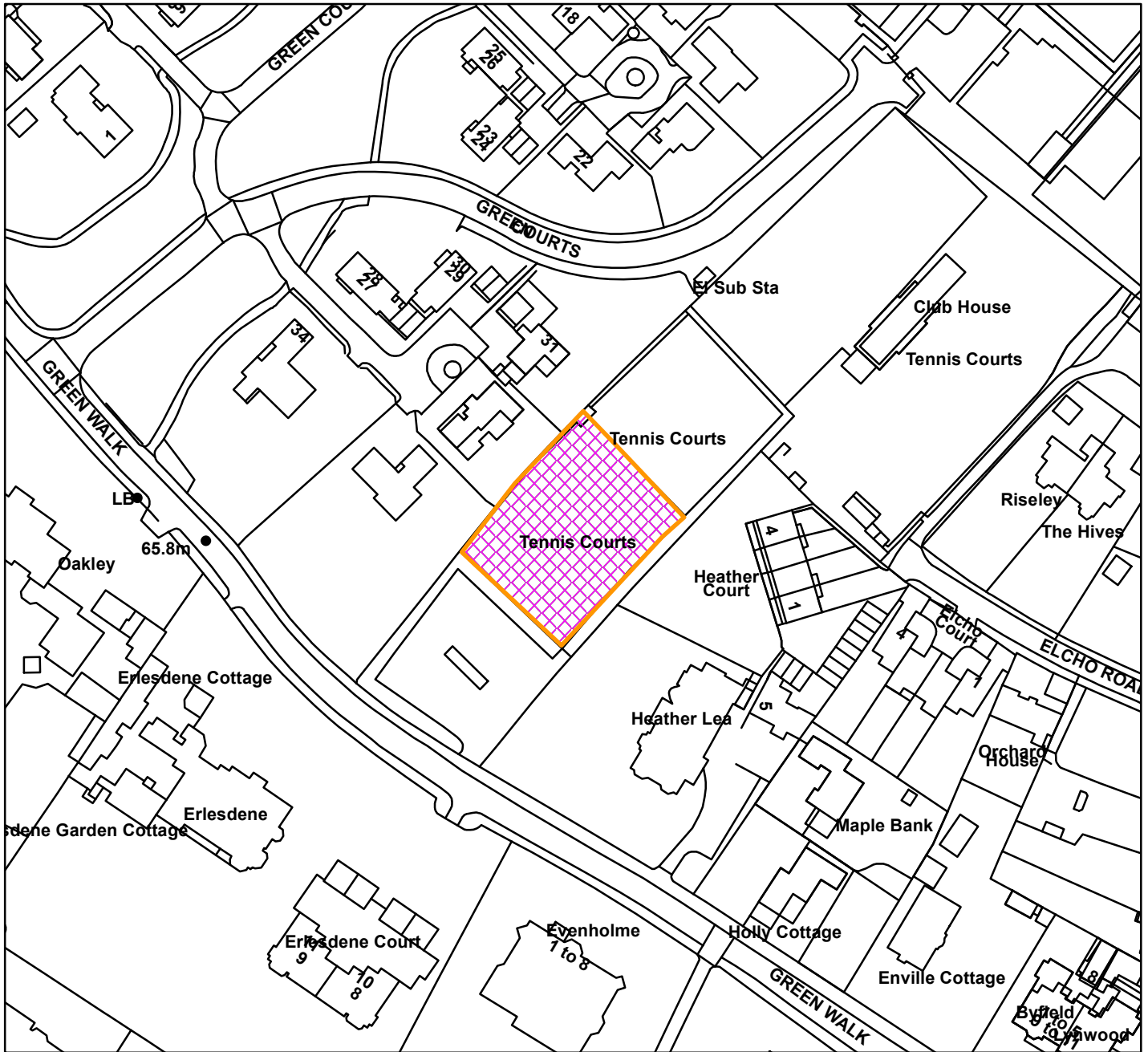
7. The approved lighting columns shall be kept in their retractable position at all times outside of the authorised hours of use.

Reason: In the interests of visual and residential amenity, having regard to Policies L7 and R1 of the Trafford Core Strategy.

JE



Bowdon Lawn Tennis Club, Elcho Road Bowdon (site hatched on plan)



Scale: 1:1,550

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 18/01/2024
Date	08/01/2024
MSA Number	AC0000809316 (2022)

WARD: Broadheath

109314/HHA/22

DEPARTURE: No

Erection of two single storey side extensions, three rooflights to the front elevation with other external alterations

2 Vetchwood Gardens, Altrincham, WA14 5ZG

APPLICANT: Dr Saeed Rahman

AGENT: Mr Rashid Mehmood

RECOMMENDATION: GRANT

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

SITE

The application site relates to a two-storey, detached dwellinghouse north of Vetchwood Gardens, Altrincham. The property is surrounded by residential land uses on all sides. Off-street parking provision is provided by the garage to the side of the property.

PROPOSAL

Planning permission is sought for the erection of two single storey side extensions (one on each side of the property), three rooflights to the front elevation and other external alterations. The application had originally proposed the erection of two two-storey side extensions (one on each side of the property), a single storey front extension and alterations to the original roof shape including a front gable feature.

The proposed single storey side extension to the west of the application dwelling is to project 2m beyond the original side elevation of the dwelling. The proposed extension is to be set back 300mm from the existing front and rear elevations of the property. A minimum separation distance of at least 3.8m is to be retained between this proposed side extension and the side boundary at its closest point.

The proposed single storey side extension to the east of the application dwelling is to project 2.31m beyond the original side elevation of the dwelling. This side extension is also to be set back 300mm from the existing front elevation and have a depth of 5.49m to meet flush with the original rear elevation of the property. A 2.2m gap is to be retained between the proposed side extension and the front garden wall at the property.

The proposed side extensions are both to have a gable roof with a maximum ridge height of 3.99m and an eaves height of 2.75m. There would be 2no. ground floor windows to the west-facing side elevation. To the east-facing side elevation there would be 1no. set of French doors and 1no. ground floor window. To the front elevation there would be 3no. roof lights within the main roof space to the house.

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

DEVELOPMENT PLAN

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

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

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 – Design

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

OTHER LOCAL POLICY DOCUMENTS

SPD4 – A Guide for Designing House Extensions and Alterations

PROPOSALS MAP NOTATION

None

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the revised National Planning Policy Framework (NPPF) in December 2023. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

DCLG published the National Planning Practice Guidance on 6 March 2014 and was last updated on 1 October 2019. The NPPG will be referred to as appropriate in the report.

PLACES FOR EVERYONE

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). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023 and the Inspectors issued IN39 on 11 September 2023 advising that they are satisfied at this stage of the examination that all of the proposed main modifications are necessary to make the Plan sound and/or legally compliant, and would be effective in that regard. Consultation on the Main Modifications started on 11 October 2023 and will close on 6 December 2023. Consequently the plan is at a very advanced stage in the plan making process and substantial weight can be attached to its policies.

Emerging policies relevant to this application are:

JP-P1 - Sustainable Places

RELEVANT PLANNING HISTORY

H/69346. Erection of 162 residential units with associated landscaping and parking on land to the north of the railway line. Approve with Conditions. 17/100/2008.

H/ARM/57082. Approval of Reserved matters pursuant to outline planning approval H/OUT/41981 for 375 residential units with associated local access roads, drainage infrastructure and landscaping. (Duplicate application of H/ARM/56989). Application Withdrawn. 11/08/2005.

H/ARM/56989. Approval of Reserved matters pursuant to outline planning approval H/OUT/41981 for 375 residential units with associated local access roads, drainage infrastructure and landscaping. Approve with Conditions. 17/05/2005.

H41981. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (APPROX 645 HOUSES) & OPEN SPACE, WITH CONSTRUCTION OF LINK ROAD BETWEEN MANCHESTER ROAD & SINDERLAND ROAD INCLUDING DIVERSION OF PUBLIC FOOTPATH WITHIN THE SITE. Approve with Conditions. 04/07/2000.

APPLICANT'S SUBMISSION

None

CONSULTATIONS

None

REPRESENTATIONS

Seven objections have been received from neighbouring properties in response to this application. These objections are summarised below:

- Vetchwood Gardens is a private access way not adopted by the Council. The existing houses are already sited in close proximity to one another.

- There are no pavements and only a narrow tarmac shared access pathway. The front elevation of a neighbouring property is only 12 metres from the applicant's property.
- The submitted proposed plan drawings are inaccurate. From the proposed front elevation drawing, it appears that the applicant wants to build upwards to create a new gable /dormer as part of the loft conversion. Is it acceptable to project outwards from the existing roofline to the front elevation?
- There is a large tree above roof height that is missing on the submitted block plan. This tree sits to the front elevation of the property in front of the kitchen window. If the plan for the single-storey utility room is granted, the tree would only be few centimetres from the exterior wall, which may impact on the foundations of the proposed extension.
- We were informed by Redrow (the original builder) that the roof height and shape does not give sufficient heights for a loft conversion. How is the applicant achieving this with their plans?
- Parking can be an issue on Vetchwood Gardens. The house currently only has enough parking for one car, although they do have a garage, therefore any further cars whether belonging to, or visiting the property must park on the street.
- The current layout of the properties within the immediate vicinity give a feeling of space and openness. Extending 2 metres east and west means that all that the neighbours will be able to see from their front windows will be brickwork and they will lose both natural light and views of Vetchwood Gardens.
- There will be a loss of some green space and the two largest trees on Vetchwood Gardens are likely to be removed.
- The proposed plans to extend east, west and upwards into the roof space feel excessive, disproportionate and not in keeping with the existing surroundings.
- There is very poor drainage to the lawns of the properties in the immediate vicinity, including the application dwelling, to the point that for much of the year the lawns are completely sodden/submerged. Permitting this development would further reduce the drainage capacity of the collective outdoor area, as well as reducing the amount of sunlight that reaches the area helping to evaporate the water.
- There are no windows currently on the side of the development that faces Over Ashberry. The property was designed this way on purpose as they would overlook the gardens and bedrooms of 5 and 3 Over Ashberry significantly. The proposed development shows four new windows on this elevation.
- Extending the property to the east would block a significant amount of light from reaching the neighbours' garden and south-facing windows.
- There isn't the height available to put a staircase into the roof space as shown without altering the rear external elevation. There also isn't 2.14m of height available on the top floor (our property has the same floor levels) due to how much insulation there is.
- The staircase would not achieve the minimum 2.0m headroom because there isn't space shown for a sufficiently sized joist to support the roof.
- The proposal is to nearly double the size of the property which is certainly not in-keeping with the properties in the area, (particularly with regards to light) and there is no proposal to add extra parking which is sorely lacking on this side of the estate.

- The size of the proposed plans are excessive and not in keeping with the overall development.
- Vetchwood Gardens is a very narrow road with no pavements and is always littered with parked cars making it very difficult to manoeuvre through the road, often forcing drivers to squeeze through very tight spaces to get passed the parked cars. This is not only very inconvenient, but a hazard if an emergency service vehicle needs access to the road. Children play on the road, and this can cause hazards for them also.
- The location of this house on the corner/bend of Vetchwood Gardens means that any extra cars parking on the street will affect many surrounding properties. The road is also narrow between this property and 7 Vetchwood Gardens, which could lead to the blocking of the road if cars are parked outside the front of this property and will just add to the pressure of an already busy road.
- The proposed extension will affect the light into all 3 floors of the neighbours' house and will impede the view from all of the front windows.
- Privacy will be affected as not only will the property be closer but with the addition of a 3rd floor this will have a direct view into the neighbours' 3rd floor bedroom which currently has no one overlooking it.
- There is already an ongoing issue with cars being parked at the side of this property which regularly prevents the refuse collectors from access to our road and would also cause an issue should the fire department require access.
- The proposed 2 meter two storey extension on the west side of the property will block the sunlight the neighbour's garden receives from the south in the afternoon and will cause extensive shade impacting the evaporation of water from our lawn. This will also make the lawn unusable during summer.

The neighbouring properties were re-consulted for 10 days on the 1st June 2023 following the submission of amended plans in which the scale of the proposed scheme was significantly reduced to that described in the Proposal section. Five objections were received during this neighbour re-consultation period. These objections are summarised below:

- The applicant has their plans in order to make it more appealing to the planning department, however they are currently converting their garage into an en suite bedroom, which, if they get planning for a four bedroom house, will now make the property a 5 bedroom dwelling with their converted garage, and they now only have 1 sole parking place.
- Vetchwood Gardens is already littered with cars. It can be dangerous to children who play on the street and it's difficult for refuse collection vans and emergency vehicles to get through. The parking situation will be worse as they already have 2 cars at the property and already have to park on the busy street.
- An extension in this small cul-de-sac will make the environment feel crowded and change the landscape of the small cul-de-sac. The proposed/amended extension plan will be completely incompatible with the original site plan with the existing buildings.
- The size of the proposed plans are excessive and not in keeping with the overall development. If the plot was suitable for a house the size of the proposed application, the original developer would have built it that way.
- The proposed single storey extension will significantly impact the privacy of the

residents of 14 Vetchwood Gardens as this will now look directly into the lounge of that property. As there is no pavement in the road, any extension to the side of the property will be overbearing. The extension will also significantly impede the view from the front window.

- The proposed extension will be completely incompatible with the design of existing buildings in the road and will represent excessive bulk in a very small, narrow road.
- There is limited green space in the road as it is but with the loss of the tree and further green space this will significantly impact the outlook for the road. The estate was originally built on National Trust land with an agreement to maintain green spaces and trees. This proposed planning application is in direct conflict with the original planning signed off by the Council for the Stamford Brook Estate.

An enforcement complaint has previously been raised at the application property in relation to the unauthorised conversion of the existing side garage into habitable living accommodation. That enforcement case has now been closed with no action being taken.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

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

DESIGN AND VISUAL AMENITY

2. Paragraph 131 of NPPF states 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'
3. Policy L7 of the Core Strategy requires that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
4. Policy JP-P1 of the emerging Places for Everyone (PFE) Joint Development Plan states that developments should have a clear identity that, "respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used".
5. The design has been considered in line with Policy L7 and guidance contained within SPD4.

6. The proposed single storey side extension to the west of the application dwelling is now to project just 2m beyond the original side elevation of the dwelling. The proposed extension is to be set back 300mm from the existing front and rear elevations of the property. A minimum separation distance of at least 3.8m is to be retained between this proposed side extension and the side boundary at its closest point. Two windows at ground floor level are proposed in the west elevation.
7. The proposed single storey side extension to the east of the application dwelling is to project 2.31m beyond the original side elevation of the dwelling. This side extension is also to be set back 300mm from the existing front elevation and have a depth of 5.49m to meet flush with the original rear elevation of the property. A 2.2m gap is to be retained between the proposed side extension and the front garden wall at the property. The extensions are considered to be of an acceptable scale and proportionate and complementary, in height and width, to the size of the original dwelling.
8. The proposed side extensions are both to have a gable roof with a maximum ridge height of 3.99m and an eaves height of 2.75m. There would be 2no. ground floor windows to the west-facing side elevation. To the east-facing side elevation there would be 1no. set of French doors and 1no. ground floor window. The proposed gable roofs do not match the pitch of the original roof of the dwelling but this has been designed to minimise the extent to which the extension would cut across the existing window surround and rendered panel on the west elevation. The front elevation of the western extension does not include any windows, whilst the submitted drawings are not accurate in their depiction of the position of the existing ground and first floor windows to the western side of the house - revised, accurate drawings are expected to be received prior to the committee meeting, a matter that will be reported in the Additional Information Report. Notwithstanding this, while the house and western side garden occupy a prominent position in the streetscene, given the limited size of the extension and the scope for introducing new tree and shrub / hedge planting to help screen or soften the appearance of the extension, it is not considered the extensions will create sufficient harm as to warrant a refusal of planning permission.
9. To the front elevation there would be also be 3no. roof lights in the front roofspace of the main house. These do not require planning permission in themselves.
10. It is therefore considered that the proposed extension would be acceptable in design terms and would not have a detrimental impact on the visual amenity of the street scene or the surrounding area. As such, it is considered that the proposal would comply with Policy L7 of the Core Strategy and the NPPF in relation to good design.

RESIDENTIAL AMENITY

11. Policy L7 of the Core Strategy states that in relation to matters of amenity, development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
12. SPD4 also sets out detailed guidance for protecting neighbouring amenity (paras 2.14 to 2.18) as well as under the relevant sections for particular types of development.

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

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

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

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

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

Neighbouring properties to the front

14. The proposed single storey side extensions are both to be set marginally back from the original front elevation of the property with no windows proposed to the front elevation. As such, they are not considered to cause any unacceptable overlooking impact in relation to the neighbouring properties to the front.

12 and 14 Vetchwood Gardens

15. No. 12 and 14 Vetchwood Gardens are the two neighbouring properties located to the west of the application dwelling.
16. A minimum separation distance of at least 15m is to be retained between the proposed single storey side extension and the front elevation of these two

neighbouring properties and there are two ground floor windows proposed to the side elevation facing these properties.

17. Given the modest 2m side projection of the proposed extension, it is not considered that the proposed ground floor windows would cause any undue overlooking impact upon these neighbouring properties, having regard to the fact that there are already two existing first floor bedroom windows in the side elevation of the application dwelling facing these neighbouring properties and similar relationships between properties on the corner of Vetchwood Gardens and Over Ashberry to the north of the application property.

Neighbouring properties to the rear

18. The proposed single storey side extensions are not to project beyond the original rear elevation of the property with no windows proposed to the rear. As such, they are not considered to cause any unacceptable overlooking impact upon the neighbouring properties to the rear along Over Ashberry.

3 Pineacre Close

19. There would be two ground floor windows in the extension facing this property. There would be no undue overlooking as result of this, given that screening is provided by the garage and boundary wall.
20. As such, it is considered that the proposal would not have any unacceptable impact on the residential amenity of any neighbouring dwellings and would comply with Policy L7 of the Core Strategy and guidance in the NPPF.

PARKING

21. The single storey side extensions would not result in the creation of any additional bedrooms and would not have any impact on the existing parking provision at the application property. It is noted that the garage has been converted to living accommodation with one parking space retained to the front of this. However, the conversion of the garage does not form part of the current application proposals. It is therefore considered that there would not be any unacceptable parking impacts as a result of the proposed development.

TREES

22. The proposed development would result in the loss of a tree on the western side of the application property. This is not protected by a Tree Preservation Order and could be removed without permission in any case. Given the open nature of this part of the site, it is nevertheless recommended that a landscaping condition is attached to seek a replacement tree, shrub and hedge planting within this side garden area.

DEVELOPER CONTRIBUTIONS

23. The proposed development will increase the internal floor space of the dwelling by less than 100m² and therefore will be below the threshold for CIL charging.

PLANNING BALANCE AND CONCLUSION

24. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development will result in an acceptable form of development with regard to the amenity of neighbouring residents, and the impact on the street scene and the surrounding area more generally.

25. All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. The application is therefore recommended for approval.

RECOMMENDATION:

Approve Subject to Conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number IPS/R/02/WA145ZG (Sheet 1, Sheet 2 – Rev.D and Sheet 3 – Rev.D).

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

3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

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

4. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both a soft landscaping scheme, which should comprise tree, shrub and hedge planting to help soften the appearance of the extension, has been submitted to and approved in writing by the

Local Planning Authority. The details shall include planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing of the implementation of the scheme.

(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 extension hereby permitted, whichever is the sooner.

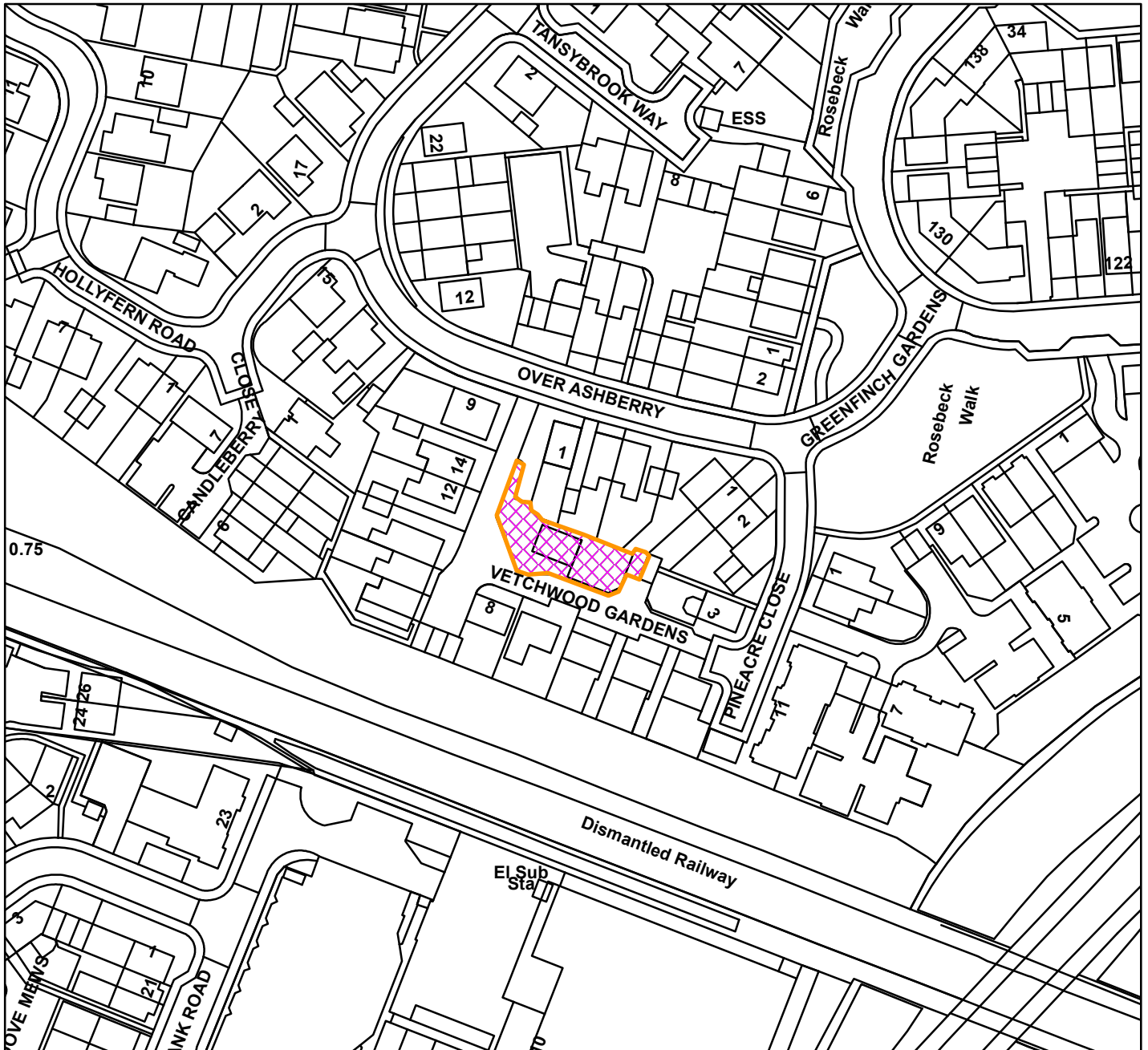
(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species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

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

DC



2 Vetchwood Gardens, Altrincham (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
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