

# Public Document Pack



**TRAFFORD**  
**COUNCIL**

## **AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**Date: Thursday, 9 May 2024**

**Time: 6.30 pm**

**Place: Committee Suite, Trafford Town Hall, Talbot Road, Stretford, Manchester  
M32 0TH**

PLEASE NOTE: A link to the meeting can be found below:

<https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>

<b>AGENDA</b>	<b>PART I</b>	<b>ITEM</b>
<b>1. ATTENDANCES</b>		
To note attendances, including Officers and any apologies for absence.		
<b>2. DECLARATIONS OF INTEREST</b>		
Members to give notice of any Personal or Prejudicial Interest and the nature of that Interest relating to any item on the Agenda in accordance with the adopted Code of Conduct.		
<b>3. MINUTES</b>		
To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 11 <sup>th</sup> April, 2024.		
		<b>3</b>
<b>4. QUESTIONS FROM MEMBERS OF THE PUBLIC</b>		
A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be within the remit of the Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.		

5. **ADDITIONAL INFORMATION REPORT**

To consider a report of the Head of Planning and Development, to be tabled at the meeting.

6. **APPLICATIONS FOR PERMISSION TO DEVELOP ETC**

To consider the attached reports of the Head of Planning and Development, for the following applications.

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<b>Applications for Planning Permission</b>	
<b>Application</b>	<b>Site Address/Location of Development</b>
<a href="#"><u>111026</u></a>	Dunham Forest Golf Club, Oldfield Lane, Altrincham WA14 4TY
<a href="#"><u>112477</u></a>	Land Off Barton Road, Davyhulme M41 7NL
<a href="#"><u>112795</u></a>	Ross Mill Farm, Rossmill Lane, Hale Barns, Altrincham WA15 0EU
<a href="#"><u>113092</u></a>	35 Green Drive, Timperley, Altrincham WA15 6JW

7. **APPLICATION FOR OUTLINE PLANNING PERMISSION 111172/OUT/23 - 9 BOW GREEN ROAD, BOWDON WA14 3LX**

To consider the attached report of the Head of Planning and Development.

7

8. **DISCHARGE OF PLANNING FUNCTION TO MANCHESTER CITY COUNCIL IN RELATION TO DETERMINATION OF PLANNING APPLICATION 139133/FO/24**

To consider the attached report of the Head of Planning and Development.

8

9. **URGENT BUSINESS (IF ANY)**

Any other item or items which by reason of special circumstances (to be specified) the Chair of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

10. **EXCLUSION RESOLUTION**

Motion (Which may be amended as Members think fit):

That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

11. **PLANNING APPLICATION 112477/FUL/23 - LAND OFF BARTON ROAD, DAVYHULME M41 7NL**

For information.

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12. **URGENT BUSINESS (IF ANY)**

**SARA TODD**

Chief Executive

Membership of the Committee

Councillors B.G. Winstanley (Chair), L. Walsh (Vice-Chair), Babar, M. Cordingley, Z.C. Deakin, P. Eckersley, W. Hassan, D. Jerrome, S. Maitland, M. Minnis, T. O'Brien, S. Procter and M.J. Taylor.

Further Information

For help, advice and information about this meeting please contact:

Michelle Cody, Governance Officer

Tel: 0161 912 2775

Email: [michelle.cody@trafford.gov.uk](mailto:michelle.cody@trafford.gov.uk)

This agenda was issued on **30<sup>th</sup> April, 2024** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0TH

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# Agenda Item 3

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**11<sup>th</sup> APRIL, 2024**

### **PRESENT:**

Councillor Winstanley (In the Chair),  
Councillors Babar, Cordingley, Deakin, Eckersley, Hassan, Jerrome, Maitland, Minnis,  
S. Procter, M. Taylor, Thomas (Substitute) and Walsh.

In attendance: Head of Planning and Development (Ms. R. Coley),  
Head of Major Planning Projects (Mr. D. Pearson),  
Planning and Development Manager (East) (Ms. H. Milner),  
Senior Highways & Traffic Engineer (Amey) (Ms. E. Hendren),  
Solicitor (Planning & Highways) (Ms. C. Kefford),  
Democratic Officer (Miss M Cody).

### **APOLOGY**

An apology for absence was received from Councillor O'Brien.

### **80. DECLARATIONS OF INTEREST**

No declarations of interest were made.

### **81. MINUTES**

RESOLVED: That the Minutes of the meeting held on 14<sup>th</sup> March, 2024, be approved as a correct record and signed by the Chair.

### **82. QUESTIONS FROM MEMBERS OF THE PUBLIC**

No questions were submitted.

### **83. ADDITIONAL INFORMATION REPORT**

The Head of Planning and Development submitted a report informing Members of additional information received regarding applications for planning permission to be determined by the Committee.

RESOLVED: That the report be received and noted.

**Planning and Development Management Committee**  
**11<sup>th</sup> April, 2024**

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**84. APPLICATIONS FOR PERMISSION TO DEVELOP ETC**

- (a) Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined

<u>Application No., Address or Site</u>	<u>Description</u>
110695/FUL/23 - Victoria Warehouse, Trafford Wharf Road, Trafford Park.	Reconfiguration of existing hotel (eastern warehouse) to provide 200 rooms and external alterations; erection of roof extension to eastern warehouse to create roof terrace area; erection of 7 storey multi storey car park (181 spaces) and associated site alterations. Reconfiguration of western warehouse to facilitate change of use of 2nd and 3rd floors for corporate event space including glazed extension to roof, new glazed entrance, external lifts, and other internal and external alterations (including demolition of canopy structure). Erection of new roof to existing event space building (central warehouse). Installation of solar photovoltaic (PV) panels and glazed PV panels to roofs and southern elevations of western warehouse, central warehouse and multi-storey car park, and the provision of high-level footbridges.
112536/FUL/23 - La Valette, 8 Broadway, Hale Barns, Altrincham.	Demolition of existing dwellinghouse and garage and erection of 1 no. 4 storey dwellinghouse with associated parking, access and landscaping.
112666/FUL/24 - Orchard House, Orchard Place, Sale.	Conversion of first and second floors of the building into 5no. apartments. Erection of first and second floor rear extension, side gable extension, removal of render/paint to the front and side elevations, external alterations and installation of replacement windows. Proposed front and side dormers, side entrance lobby with internal lift access and bicycle storage and rear yard bin storage.
112687/FUL/24 - Town Hall, Talbot Road, Old Trafford, Manchester.	Replacement of existing timber bin store with new metal bin store and installation of new auto arm car park barrier and erection of 2m high fence.

The meeting commenced at 6.30 pm and concluded at 7.23 pm.



## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 9<sup>th</sup> MAY 2024**

### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

#### **APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.**

#### **PURPOSE**

To consider applications for planning permission and related matters to be determined by the Committee.

#### **RECOMMENDATIONS**

As set out in the individual reports attached. Planning conditions referenced in reports are substantially in the form in which they will appear in the decision notice. Correction of typographical errors and minor drafting revisions which do not alter the thrust or purpose of the condition may take place before the decision notice is issued.

#### **FINANCIAL IMPLICATIONS**

None unless specified in an individual report.

#### **STAFFING IMPLICATIONS**

None unless specified in an individual report.

#### **PROPERTY IMPLICATIONS**

None unless specified in an individual report.

Further information from: Planning Services

Proper Officer for the purposes of the L.G.A. 1972, s.100D (Background papers): Head of Planning and Development

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Trafford Local Plan: Core Strategy.
2. The GM Joint Waste Development Plan Document.
3. The GM Joint Minerals Development Plan Document.
4. The Revised Trafford Unitary Development Plan (2006).
5. Supplementary Planning Documents specifically referred to in the reports.
6. Government advice (National Planning Policy Framework, Circulars, practice guidance etc.).
7. The application file (as per the number at the head of each report).
8. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
9. Any additional information specifically referred to in each report.

These Background Documents are available for inspection on the Council's website.

**TRAFFORD BOROUGH COUNCIL**

**PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 9<sup>th</sup> MAY 2024**

**Report of the Head of Planning and Development**

**INDEX OF APPLICATIONS FOR PERMISSION TO DEVELOP etc. PLACED ON THE AGENDA FOR DECISION BY THE COMMITTEE**

<b>Applications for Planning Permission</b>				
<b>Application</b>	<b>Site Address/Location of Development</b>	<b>Ward</b>	<b>Page</b>	<b>Recommendation</b>
<a href="#"><u>111026</u></a>	Dunham Forest Golf Club, Oldfield Lane, Altrincham WA14 4TY	Bowdon	1	Grant
<a href="#"><u>112477</u></a>	Land Off Barton Road, Davyhulme, M41 7NL	Davyhulme	33	Minded to Grant
<a href="#"><u>112795</u></a>	Ross Mill Farm, Rossmill Lane, Hale Barns, Altrincham, WA15 0EU	Hale Barns and Timperley South	121	Refuse
<a href="#"><u>113092</u></a>	35 Green Drive, Timperley Altrincham, WA15 6JW	Timperley North	138	Grant

**Note:** This index is correct at the time of printing, but additional applications may be placed before the Committee for decision.



**WARD:** Bowdon

**111026/FUL/23**

**DEPARTURE: No**

**Erection of 2no. padel tennis courts with associated means of enclosure and floodlights.**

Dunham Forest Golf Club, Oldfield Lane, Altrincham, WA14 4TY

**APPLICANT:** Dunham Forest Golf and Country Club

**AGENT:** Paul Butler Associates

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee as 8 representations contrary to Officer recommendation have been received.**

**EXECUTIVE SUMMARY**

The application relates to a piece of land currently used as a service area and additional parking within the grounds of Dunham Forest Golf Club. The club is located within the Devisdale Conservation Area.

Permission is sought for the erection of 2no padel tennis courts, with associated means of enclosure and 8no floodlights.

The proposal is considered inappropriate development within the Green Belt as it cannot be said to preserve the openness of the Green Belt. The applicant has put forward a number of Very Special Circumstances, some of which the Council have accepted. Furthermore, 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.

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, subject to conditions.

**SITE**

The site is comprised of a rectangular piece of land located within Dunham Forest Golf Club. The land was formerly used as tennis courts with the majority of it covered in hardstanding and is at present utilised as a service area/additional parking. At the

southern end, there is a hedge forming the current boundary of the parking area, a small area of grass and an access track. Bound to the west and north by trees and shrubbery, and to the east by existing buildings associated with the Golf Club. Further south, west and east lies the full golf course. Access to the club is gained off Oldfield Road, which splits off into Oldfield Lane – where access is provided to 2no dwellings that sit immediately north of the Club, named ‘Westacre’ and ‘Byeways’.

The site is within the Devisdale Conservation Area to which the clubhouse is identified as being a positive contributor. Most of the golf course falls within the Grade II\* registered park and garden of Dunham Massey however the area around the club house and the adjacent section of golf course to the west, fall outside of this designation. The site is also within the Green Belt.

## **PROPOSAL**

The application seeks full planning permission for the erection of two padel tennis courts, with associated enclosure, to the western side of the Club House and Health Suite. The majority of the site of the proposed development is currently hardstanding, previously used as tennis courts, over 20 years ago and since then has formed additional car parking space.

The proposed courts would each measure 20.3m in length and 10.8m wide. The proposed courts would lie end-to-end with a 1m gap between. The courts would each be enclosed by toughened glass panels and a steel mesh fence. The glass panels and central mesh fencing would measure 3m high. A further 1m high section of mesh fencing would be situated above the end glass panels, resulting in a total height of 4m at each end of the proposed courts. The submitted plans propose a dark green colour to the mesh fencing, though the agent has confirmed that the colour is to be agreed with the Council.

The proposed development would also include the siting of four 6m high floodlights to each padel court, resulting in a total of eight floodlights.

The applicant has detailed that the sport of ‘Padel’ is a game that is a mix between tennis and squash that is usually played in doubles on an enclosed court. The court is one third of the size of a tennis court and the ball can bounce off any wall, though can only hit the playing surface once before being returned. The sport uses a short, stingless Padel racquet with an elastic surface with holes and a low compression tennis ball, the service is made underarm. The applicant has also confirmed that *“The Lawn Tennis Association has produced a ‘Padel Development Plan’ to facilitate growth in the game”*.

## **Value Added**

The applicant has submitted amended plans on Officer advice, which increases the level of replacement planting proposed to the south of the proposed padel courts, that

would help to soften the setting of the proposed courts when viewed within the context of the Club House and the wider site. The amended plans also show the planting of five new trees to the northern boundary of the site, adjacent to Oldfield Lane and four new trees further south within the site, which would compensate for the loss of three existing trees and a hedge that would be removed to facilitate the proposed development.

## **DEVELOPMENT PLAN**

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

- The **Places for Everyone Plan (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced.
- The **Trafford Core Strategy**, adopted 25<sup>th</sup> January 2012; the Trafford Core Strategy partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19<sup>th</sup> June 2006; A number 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 the new Trafford Local Plan.

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

L4 – Sustainable Transport and Accessibility

L7 – Design

R1 – Historic Environment

R2 – Natural Environment

R3 – Green Infrastructure

R4 – Green Belt, Countryside and Other Protected Open Land

R5 – Open Space, Sport and Recreation

JP-G7: Trees and Woodlands

JP-G8: A Net Enhancement of Biodiversity and Geodiversity

JP-G9: The Green Belt

JP-P1: Sustainable Places

JP-P2: Heritage

JP-P7: Sport and Recreation

JP-C8: Transport Requirements of New Development

## **PROPOSALS MAP NOTATION**

Wildlife Corridor – UDP ENV10

Areas of Landscape Protection – UDP ENV17

The Devisdale Conservation Area – UDP ENV21

Green Belt

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

ENV10 Wildlife Corridors (replaced by CS Policy R2)

ENV17 Areas of Landscape Protection (replaced by CS Policy R2 and R3)

ENV21 Conservation Areas (replaced by CS Policy R1)

## **OTHER PLANNING GUIDANCE DOCUMENTS**

SPD3 – Parking Standards and Design

SPD5.10 – Devisdale Conservation Area Appraisal

SPD5.10a – Devisdale Conservation Area Management Plan

Trafford CIL Charging Schedule

Draft Trafford Design Code

National Design Guide

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

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 19th 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 14th February 2024. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

111993/FUL/23 Retrospective application for installation of photovoltaic panels to a flat roof area at Dunham Forest Golf Club – Approved with Conditions 12-12-2023

111545/PRJ/23 Application for the installation of 12no roof mounted solar arrays totalling 48kWp for determination as to whether prior approval is required under Schedule 2 Part 14 Class J of the Town and Country Planning (General Permitted Development) Order 2015 – Prior Approval Approved 16-10-2023

103864/FUL/21 Retrospective application for erection of training and physiotherapy treatment building – Approved with Conditions 18-12-2021

H/64417 Erection of a single storey compound building and associated hardstanding to house course management equipment and staff facilities – Approved with Conditions 07-06-2006

H/48773 Erection of single storey side extension to existing toilet facility to provide shelter and refreshments area for members of golf and country club only with no sales to the general public – Approved with Conditions 20-03-2000

H39963 Erection of single storey building to provide toilet accommodation – Approved with Conditions 04-01-1995

H38780 Erection of single storey building to provide toilet and catering facilities – Approved with Conditions 11-05-1994

H38248 Erection of part single, part two storey extensions to Professional's shop to form increased storage and sales area at ground floor with visitors changing area at first floor; erection of single storey extension to link Professional's shop to clubhouse and erection of pitched roof to existing Professional's shop – Approved with Conditions 20-01-1994

H38192 Erection of 10 metre high lighting column incorporating six floodlights – Approved with Conditions 10-12-1993

H25462 Erection of extension to existing clubhouse – Approved with Conditions 30-06-1987

### **APPLICANT'S SUBMISSION**

The applicant has submitted a Planning Statement, a Design and Access and Heritage Statement, a Noise Impact Assessment, a Preliminary Ecological Appraisal, an Arboricultural Impact Assessment and a Lighting Report in support of the application. Following comments from the LPA's Environmental Health Team, further information relating to technical details and calculations used in the lighting report was submitted on the 16<sup>th</sup> Feb 2024 and the 15<sup>th</sup> April 2024. The information provided within these documents is discussed where relevant within this report.

The agent has responded on behalf of the applicant to the objections received, stating: -

- The Preliminary Ecological Appraisal (PEA) submitted with the application was undertaken by a qualified ecologist and states that all trees were assessed as providing negligible potential to support a bat roost. The habitats on site were also assessed as providing limited value for foraging bats due to the heavily managed nature of the surrounding land reducing the availability of invertebrate prey. There are no substantial linear features with good direct connectivity to high quality habitat onsite, and as such the site is anticipated to provide limited value to commuting bats also.
- The submitted lighting report shows a drastic reduction in illuminance once beyond the site boundaries. From the perspective of neighbouring properties, the lighting will appear as a dull glow in the distance. The illumination levels do not take into account obstructions such as fencing, trees, shrubs etc which are widespread to the north of the courts and between the residential properties.

- There are also existing flood lights on the site attached to the trees adjacent to the court location which when used will create more harm than the proposed lights.
- The beech tree is not proposed to be removed and mitigation techniques are outlined in the proposed tree report to protect this tree during works.
- Do not find that a blanket TPO would be justified.
- The noise generated by the proposal is minimal and the walls of the court will provide a form of noise screening. A noise report has been submitted, which uses evidence in the form of noise recordings from another Padel Tennis Court. This shows that the recommended external and internal noise levels at the nearest residential property would not be exceeded. The Noise Consultant advised that the results would be applicable to the use of the courts up to 11pm. The noise measured included any talking and on-court noise from players.
- The padel courts will be a member's only facility and whilst members may travel to the facility just for a game, anticipate that a large proportion may coincide the use of it with a round of golf or the use of other facilities.
- On entering and leaving the golf club premises at Oldfield Lane there is a long line of visibility both ways in a north east direction and also westerly direction. This is aided by a mirror next to the entrance and a street lamp just to the west of the entrance. There is no reason to suggest that this arrangement will be made worse by a negligible increase in traffic.
- The existing car park is of a significant size and never at full capacity. Any additional patrons visiting the site will therefore have ample parking opportunities. Parking on Oldfield Lane is not as a result of parking from members but due to parking from the public when visiting the wider area.

## **CONSULTATIONS**

### Heritage Officer

No objections. The proposal will result in minor harm to the Conservation Area and negligible harm to the setting of the Registered Park & Garden Grade II\*. Furthermore, the proposal will cause minor harm to the setting of the Golf Club and negligible harm to the setting of 'Byeways' and 'Westacre' to the north, all NDHAs. Full comments are discussed in the Observations section below.

### Environmental Health – Nuisance

No objections, subject to conditions.

The updated LIA includes an assessment of impact demonstrating compliance with Institution of Lighting Professionals' (ILP) Guidance Note 01 for the reduction of obtrusive light 2021 (GN01/21) both in terms of lux level (a measurement of light overspill) and candelas (a measurement of source intensity i.e. potential glare caused by the brightness of the luminaire).

It is important to ensure that the proposed lighting is installed entirely in accordance with the specifications of the Lighting Impact Assessment since any deviation from this could have a negative impact on the level of obtrusive light received at the residential positions. It is requested that any granted permission is subject to the following conditions:

- Prior to the first use of the approved padel courts, a verification report shall be submitted to and approved by the Local Planning Authority to confirm and to demonstrate that the lighting is installed in accordance with the specifications in the Lighting Impact Assessment prepared by SHD Lighting Consultancy Ltd, Document reference: SHD1319-SHD-HLG-DUNH-RP-EO-Lighting Assessment Report-R1.
- All floodlighting to the padel courts hereby permitted shall be switched off outside the hours of 09:00 to 21:00 on any day.

In terms of noise, the application and supporting documentation have been reviewed. Several queries relating to the submitted Noise Impact Assessment and Lighting Report were raised and have been responded to. It is noted that the proposals form part of an existing established golf club which includes a health and fitness centre, club house, marquee area and car parking facilities, all of which form part of the overall activity and noise in the area for the duration that the facility is open to the public. The proposal to introduce 2no. padel courts as an additional noise source is likely add to the level of activity in the area and impact upon the nearest noise sensitive properties at the more sensitive times of the day. The applicants noise consultant concludes in their follow up submission, 'Based on AEC's findings (including the preliminary report and above assessment), we would class the site as having a noticeable yet not intrusive perception on the nearest noise sensitive receptor. Whilst it is agreed that noise from the site may be heard, it would not be anticipated to cause any change in behaviour or attitude as a result of the previously proposed noise level limits not being exceeded. Therefore, in line with the table above, there would be 'no observed adverse effect'."

Recommend a condition requiring a Noise Management Plan.

#### Greater Manchester Ecology Unit

Have some concerns regarding the impact of lighting proposals on bats. The row of mature poplar trees adjacent to the planned development is likely to be used by

foraging bats, and the lighting contours supplied indicate that bats will be deterred from using this area when the floodlights are in use. There would likely therefore be a functional loss in available foraging habitat for bats when the floodlights are in use during the spring and summer months, when bats are most active.

It is however noted that there is extensive, alternative excellent bat foraging habitat nearby, such that the temporary loss of the row of trees as feeding habitat is unlikely to affect the overall conservation status of local bat populations and the site is already subject to lighting and disturbance pressures, given its location next to existing buildings and facilities. If permission is granted, conditions should be set to restrict the use of the floodlights, including restricting use to only when the planned courts are in use, and only between the hours of dusk and 22.00 in spring and summer months. This restriction will allow the row of trees to be available for bats for at least some hours of darkness. Further advise that, as compensation for potential losses in bat feeding habitats, new tree planting is required elsewhere on the golf course.

#### Local Highways Authority

No objections, full comments are discussed in the Observations section below.

#### Arboriculturist

No objections, subject to compliance with the submitted Arboricultural Method Statement. Trees within the proposal site lie within The Devisdale Conservation Area, there are no TPOs within or adjacent to the proposal site. The proposal will affect several high quality trees. The submitted Tree Constraints Plan, No.UG\_1989\_ARB\_TCP\_01, shows that the proposals are within the root protection a number of high quality poplar trees G2 and G3, and a high quality beech tree T6, which is offsite. The area of the root protection area (RPA) of the Beech tree 'T6' that will be directly affected by the construction is already under the car park, so the area of hard standing is not being increased. Construction will affect less than 20% of the total RPA, which is generally acceptable within BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. Also, roots will generally grow towards easier soil conditions, such as the adjacent garden, so significant root growth under existing hardstanding will be less likely. The RPA is a theoretical estimate of root location and often, as in this case, includes areas that are likely to be unfavourable for root growth.

#### Sport England

No objections.



## **REPRESENTATIONS**

Eight letters of objection have been received from six neighbouring residents, who are located on the neighbouring roads of Oldfield Road and Foxhill. A summary of their comments are: -

- The proposal will alter the character of the immediate area where no noisy sporting facilities exist with floodlighting, in this quiet, rural environment which is a haven for wildlife.
- The installation of glass walls, mesh fencing and lighting is not in keeping with the area.
- There is no assessment of the effect of increased numbers of cars entering the golf club, the effect of a reduction of 20 car parking spaces or the effect on the safety of the access roads.
- If used by members, they will be coming and leaving the club more frequently than for a round of golf.
- There is a dangerous bend at the road junction of Bradgate Road and Bonville Road, which is a known accident risk. A significant increase in the frequency and number of vehicles using the Bradgate Road/Bonville Road junction and the narrow portion of Oldfield Lane can only pose more of a safety risk on the surrounding roads.
- Since Oldfield Road (Lane) has been partly closed off to road traffic, the lane has become a safe haven for the public to use and exercise along without any vehicles. The speed and volume of traffic to the golf course currently is high and a danger to the general public.
- Having experienced padel courts in the US, it is an outdoor activity with a ball against hard court sides with solid (non-sprung) bats, the noise is loud, repetitive and travels far.
- The average noise level of one padel court is at least 66dbs, which will carry not only over the golf club but to the surrounding areas. It will also be detrimental to the membership and the use of the clubhouse facilities, especially in the summer when the noise would be constant during playing hours.
- The proposed hours of 08:00am to 22:00pm seem very excessive and intrusive.
- Concerned about the impact of the development on the root system of a Beech tree on the boundary of their property, which is likely to go into the area of the development.
- Concerned about the impact on drainage, which could affect property located to the side of it.
- The constant banging of racquets and ball against a hard surface will scare away many birds and contribute to being a statutory nuisance for residents. Floodlighting will also cause issues and disturbance to the local area and wildlife.
- Erection of high enclosure walls and flood lighting will be seen from the Dunham village and beyond.
- Dunham Forest has a tennis court base, it has not been used as a tennis courts in the 22 years they have lived there.
- It has no benefit to the community it affects.

- It is a commercial venture and no particular reason why it has to be there.
- If the application is approved, safety measures at the dangerous junction and final narrow access road should be required as part of the approval to reduce the accident risk.
- If the application is approved, there should be a condition that the club should not be allowed to increase its membership numbers and should not be allowed to introduce a 'Padel Membership' or rent the courts out for use by members of the public, in order to ensure that the increase in the number of cars using the local roads is kept to a minimum.

An objection has also been received from the Trafford Green Party, who raise the following concerns: -

- Lighting could scare off bats and the late-night glow could be visible for neighbours.
- The proposed floodlights do not appear to follow the recommendations of the Ecological Society.
- They share the concerns from The Bowdon Conservation Group about the trees impacted. TPOs should be served on all the trees, especially the Beech, given this is Green Belt and part of a Conservation Area.
- The noise generated by the courts is likely to be much more intense and localised than that emitted by golfers. The courts are unroofed and noise late in the evening is intrinsically non family friendly. They would be in favour of time restrictions being imposed and suggest a cut-off time of 7pm.
- Immediate neighbours who live in Oldfield Lane itself are very worried about the extra traffic this proposal could generate. The traffic use on Oldfield Lane will increase significantly, making the road dangerous to use. Residents in Oldfield Lane have to take great care when leaving their homes by car. Residents report frequent near misses with cars pulling out of the golf club entrance.

An objection has also been received from Bowdon Conservation Group, who are concerned that the proposed lighting scheme will result in overspill and light pollution with an adverse impact on neighbours and wildlife. They are also concerned that the overall scheme will threaten the high-quality trees which surround the site of the proposed new courts. They believe that as the site is in the Devisdale Conservation Area, that TPOs should be placed on all trees affected and in particular the Beech. They further state that if planning permission is granted, there should be: -

- No floodlighting or a lighting scheme consistent with the recommendations of the Ecological Survey.
- Timing restrictions to allow the use of the courses and for the floodlighting only within specified hours.
- Full compliance with a detailed Arboricultural Method Statement, which is monitored by the Council's Tree Protection Officers.

Eleven letters of support have been received from eight addresses within the south of Trafford, two addresses from the Borough of Warrington and one who has not provided

an address. Of the Trafford residents, one representation of support is from a resident of Oldfield Road. A summary of their comments are: -

- This would be a low impact, high value addition to the facilities at Dunham Forest. All golf clubs are keen to attract new members and Dunham is no exception.
- The facility would offer no outside noise or lighting nuisance and there is plenty of parking within the grounds.
- The proposed location would be in keeping with the character of the existing club and not affect neighbouring properties.
- The location of the proposal is much unused at the moment. The proposal would lift the aesthetic appeal of what is currently a car park in need of re-tarmacking and would modernise the feel of this small part of the club, whilst also retaining the wonderful character.
- There is extensive parking facilities at the club and never full.
- The bottom car park where the courts would be sited are infrequently used.
- Regarding concerns about parking issues on Oldfield Road, can attest that parked cars are not related to club members. The increase in parked vehicles is likely due to pedestrianisation of Oldfield Road and higher parking fees at Dunham Massey.
- The proposed lighting system is designed to minimise light spillage, focusing primarily on the courts.
- The lighting will be a significant improvement on the current lights in place on the same area and sounds are retained inside the courts due to the materials and construction.
- The area surrounding the site is already well-screened by trees and further planting will be undertaken to enhance the screening.
- Any potential environmental impact will be effectively mitigated.
- Padel tennis is a fast growing sport and would be a great asset to the area.
- The introduction of Padel tennis would benefit existing members and potentially expand the membership.
- The proposed Padel courts will be on the land that has already been used as a tennis court so it is hard to see why this facility should be any different to its previous use or cause any more disruption.
- This can only be good for the long term of their community and club and those members engaging in getting fitter.
- Like many golf clubs, Dunham Forest faces the challenge of an aging membership, resulting in natural decline in members. Introducing new facilities can be instrumental in attracting younger members, ensuring the club's sustainability and success.
- Dunham Forest Golf Club is renowned as one of the premier courses in Cheshire, attracting visitors from across the country to the Altrincham area. Losing this esteemed club would undoubtedly have adverse effects on the local community.
- The benefits of physical sport and exercise are widely accepted and any project that encourages greater participation for local residents of all ages is positive.

- Many senior members of the club have expressed an interest to play as a good form of exercise.
- Observations of padel tennis games abroad, the sound remains confined to the playing area.
- It is currently impossible to play locally as the nearest facility is Handforth Dean, which is always full.
- There is a significant financial issue at the club. The age of membership is increasing and a natural loss of members as a result; it is essential to attract new and younger members.

## **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 at paragraphs 2 and 47 reinforces this.
2. The NPPF, at paragraph 11, explains how the 'presumption in favour' should be applied in the decision-taking process. It means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting planning permission 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.
3. The Places for Everyone Joint Development Plan was adopted on 21 March 2024. As development plan policies in Places for Everyone are very recently adopted they are up to date and should be given full weight in decision making.
4. The policies which are 'most important' for determining this application are those relating to the Green Belt, and those relating to heritage, as the site sits within the Green Belt and within the Devisdale Conservation Area (as well as adjacent to 2no non-designated heritage assets) as well as those relating to design and amenity.
5. For the purposes of NPPF Paragraph 11, the relevant development plan policies are considered to be up to date. Whilst there are aspects of Policy R1 that have not been superseded by PfE policies that are not consistent with the NPPF, the inconsistency in R1 does not render the relevant development plan policies 'out of date' in NPPF terms. The tilted balance (as set out in paragraph 11d of the NPPF) is

therefore not engaged, and paragraph 11c and paragraph 12 provide the decision-taking framework for this application.

## Green Belt

6. Policy JP-G9 of PfE states that *‘the Green Belt serves the five purposes set out in national policy:*
- *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another;*
  - *to assist in safeguarding the countryside from encroachment;*
  - *to preserve the setting and special character of historic towns; and*
  - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*The beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high quality green spaces that will support economic growth.’*

7. Matters relating to the Green Belt are also addressed within the NPPF. The NPPF states at Paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Paragraph 143 sets out the five purposes of Green Belts which are as set out above.
8. Paragraph 152 of the NPPF states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’* Paragraph 153 goes on to state that *‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*
9. Paragraph 154 states that *‘a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’.* A number of exceptions are listed including:
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use (for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

## Assessment – Green Belt

10. The proposal involves the erection of 2 no padel tennis courts, with associated means of enclosure and floodlights, on the site of the existing Dunham Forest Golf Club. As such it is pertinent to consider this against the details of NPPF Paragraph 154 (b) which is outlined above.
11. The tests outlined in 154 (b) are two-fold. LPAs should regard the construction of new buildings as inappropriate in the Green Belt, with an exception for the provision of appropriate facilities in connection with the existing use of land or a change of use (for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is evident that the proposals would provide appropriate facilities, in connection with the existing use of land, for outdoor sport and outdoor recreation.
12. As regards any conflict with the purposes of including land within the Green Belt – these purposes are set out within Paragraph 6 of this report. Officers do not consider that there would be any conflict with these purposes. The application is sited entirely within an existing outdoor recreational facility and would cover a site of existing hardstanding presently used for car-parking and servicing.
13. As regards the proposed facilities preserving the openness of the Green Belt; it is accepted, in *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC* [2018] EWCA that green belt openness has both a visual and a spatial dimension. It is also accepted in the same Court of Appeal decision that *preserving* the openness of the Green Belt does not mean that the Green Belt is left entirely unchanged, and that ‘preserving’ in this context is interpreted as keeping safe from harm, rather than maintaining a state of things. As such, openness can be preserved even if a proposal incorporates additional built form in the Green Belt where there was previously none.
14. In this sense it is important to note the existing context in which the site sits. The application site is made up largely of hardstanding and is bound to the west and north by sizeable tree cover, although the proposed southernmost court would extend further to the south than the existing trees. The application site is therefore relatively well enclosed and currently offers a limited visual and spatial contribution to the Green Belt. As part of the proposal, the tree cover to the north and west is to be retained, and whilst the hedge would be removed to facilitate the provision of the padel courts, mitigation tree planting is proposed to the southern boundary to lessen any visual impact in this regard. It is noted that the proposed development would be within the root protection areas of a significant number of trees and, as discussed further below, the Council’s Arboriculturist has advised that the development would need to be implemented in accordance with the submitted Arboricultural Method Statement, which includes tree protection measures, excavation by hand tools and special surfacing.

15. Despite the well screened location of the site, the proposed padel courts are not insignificant in scale and appearance. Each court is 10m wide and approximately 20m in length, sited adjacent to one another and including a small 1m gap between the two courts. The courts are also enclosed by a variety of materials, notably 12mm toughened glass panels and a steel mesh fence to be coloured dark green. Furthermore the 8no. flood lights would measure 6m high, and would be relatively prominent and visible in this regard. It is evident that this is a fairly substantial level of additional built form both in height and in floor area, with the impact increased in visual terms by the varied use of new materials and contrasting materials.
16. As such, Officers consider that – whilst the site is relatively well screened as a result of its enclosed location and surrounding plant and tree cover – there is likely to be some impact on the openness of the Green Belt, particularly due to the scale of the structures. As a result, it is considered that the proposal cannot be said to preserve the openness of the Green Belt and it ultimately would not fall within the exception outlined in Paragraph 154 (b) of the NPPF.
17. Having further reference to Paragraphs 152 and 153 of the NPPF, the applicant has put forward a number of ‘very special circumstances’ (VSC). These are detailed below:
- Increased participation in sport and outdoor activity has significant social and health benefits, allowing participants to take exercise and meet new people.
  - Padel Tennis is suitable for persons of all ages and abilities, as it is both quick and easy to pick up. Played in groups the sport is fun and will promote social interaction appealing to a wide range of people.
  - The Padel courts will provide a recreational facility that will encourage participation in a new sport which is also considered to be a gateway into other racket sports such as tennis, squash and badminton.
  - There is significant demand for the courts from the existing club membership. Many members have tried to play at nearby facilities and have reported not being able to get on the courts due to popularity.
  - The NPPF states at paragraph 92 that 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 sports facilities (amongst other things).
  - The use of the courts also has the benefit of contributing towards sustaining the future of the club and promoting the use of other facilities at the club such as the restaurant.
  - The courts will diversify the offer of the Golf and Country Club thereby attracting new members and sustaining this leisure facility for the future.
  - The development will include the planting of 15 new trees in and around the club house / practice range location which will enhance biodiversity.

18. Following assessment, Officers consider that there are a number of elements outlined above that contribute towards the proposal having very special circumstances. Most notably, it is evident that there is a national desire to integrate, build, accelerate and scale Padel as a sport in the UK, as driven by the Lawn Tennis Association. There are also significant health and social benefits arising from the sport, which is highly accessible and allows people of all ages, abilities and genders to pick up and play.
19. The Framework is clear, within Paragraph 102, that *'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.'* The opportunities of the proposal for promoting physical and mental well-being are a fundamental benefit of the proposal, which attracts very substantial weight in favour of the development.
20. Relevant to these proposals is an appeal decision of 16 March 2022 APP/J1915/W/21/3272506 (Bishops Stortford Lawn Tennis Club) which involved the provision of padel tennis courts on green belt land. In this decision the inspector found that the contribution of the proposal towards community health and well-being attracted substantial weight and clearly outweighed the harm that would be caused to the Green Belt.
21. Whilst each case must be considered on its own merits, having regard to the specific proposal and the specific impact on the openness of the Green Belt and any other identified harm, it is clear that substantial weight should be given to these benefits. It is recognised that the benefits in this respect are reduced to some extent as a result of the fact that, in this case, the use of the proposed courts would only be open to members of the golf club rather than the wider public but nevertheless it is considered that the benefits to community health and well-being remain substantial.
22. As discussed above, following assessment, Officers consider that there is likely to be a relatively limited impact on the openness of the Green Belt as a result of the proposed development (albeit not such as to pass the test of preserving the openness of the Green Belt for the purposes of NPPF paragraph 154). As such, when assessed in the context of paragraph 153 of the NPPF, it is considered that, subject to conditions to protect the existing trees and provide replacement landscaping, this would result in limited harm to the openness of the Green Belt in addition to the harm by reason of inappropriateness. It is noted that, as discussed further below, there would also be some minor harm to the character and appearance of the Devisdale Conservation Area and negligible harm to the setting of the Grade II\* registered park and garden of Dunham Massey as well as minor and negligible harm to non-designated heritage assets, which must also be considered in the balance.
23. As outlined above the opportunities of the proposal for promoting physical and mental well-being are a fundamental benefit of the proposal, which attracts very



substantial weight in favour of the development. This is reinforced by the national drive to introduce Padel as an accessible and social sport within the UK. It is therefore considered that, having regard to these factors and the support for in NPPF policy, this justification does represent “very special circumstances” which would be sufficient enough to outweigh the harms identified above. It is therefore considered that the application passes the test engaged in Paragraph 153 of the NPPF and that the proposed development would be acceptable in terms of Green Belt policies in the NPPF and Policy JP-G9 of PfE.

#### Impact on Heritage Assets

24. 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.
25. 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.
26. Para 195 states *‘heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.’*
27. In accordance with paragraph 200 of the NPPF, the applicant has described the significance of the heritage asset, submitting a level of detail within the design and access statement which is proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
28. Of relevance 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. Para 203 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

30. The NPPF indicates at para 205 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.’*
31. It further advises at paragraph 206 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.’*
32. Furthermore at para 208, 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.’*
33. Paragraph 209 of the NPPF requires the *‘effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.*
34. Policy JP-P2 within the Places for Everyone plan is more strategic in nature but aims to positively conserve, sustain and enhance the historic environment, heritage assets and their settings. It also states that *‘development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy’*, and as such the key driver in this regard is considered to be the NPPF.
35. Policy R1 states that *‘all new development must take account of surrounding building styles, landscapes and historic distinctiveness.’*

#### Significance of Heritage Assets

36. The special interest of the Devisdale Conservation Area is summarised within the Conservation Area Appraisal, and derives from the following elements:
- The Conservation Area is named after The Devisdale, an historic area of unenclosed flat land on the summit of Bowdon Hill. The Conservation Area includes the steeper, more wooded northern slope of Bowdon Hill and the

gentler west slope descending towards Dunham Massey. The area was located within the township of Dunham Massey and its identity can be seen as an extension of Dunham Park.

- The planning of the area was closely controlled by the Earl of Stamford to create an appropriate social neighbourhood to nearby Dunham Park. Its development in the second half of the 19th century was characterised by houses on a grand scale, set in large plots at a low density with magnificent gardens, sweeping drives and coach houses for the 'Cottontots'. This development was a consequence of the advent of the railway to nearby Altrincham in 1849 and Hale in 1862, prosperity in Manchester and the desire to move to healthier surroundings among those who could afford to.
- There are many large, fine, individual residences in the area, in a variety of architectural styles. Some of the houses are the work of renowned architects.
- The area was from Victorian times characterised by a lively and vigorous social, sporting, intellectual and artistic community life. While there was extensive social mixing between Bowdon and Dunham, social events would have taken place in the large houses. The spacious grounds often included croquet lawns, later tennis courts – apparently at one time there were over 70 private croquet lawns in Bowdon.
- While some of the roads and paths date back to earlier periods, many of the roads were laid down at the time of the Victorian development and bear the names of the ancestors and place names associated with the Stamford family
- The area is characterised by its gradients and associated views. There are important views out to the north across the Mersey Basin. Similarly St. Margaret's Church Tower is a landmark from outside and inside the area. The wide tree lined roads within the Conservation Area, such as St. Margaret's Road and Green Walk, also offer important views.
- The area is characterised by the boundary treatment of the properties and the mature trees both on the roads and in the spacious gardens of the houses. Streets are lined with low garden walls of large stone blocks, with hedges of various species above and trees along the boundary.
- The Conservation Area provides numerous and varied habitats for wildlife.

37. The site is within the immediate setting of the Dunham New Park element of the Dunham Massey Historic Park and Garden (Grade II\*; a walled deer park landscaped with avenues, water features and structures of the late C17 to mid C18, and gardens which retain C18 and C19 features).

38. The site is within the Devisdale Conservation Area (Character Zone B). The Devisdale Conservation Area Appraisal (SPD5.10) identifies the mid-C20 clubhouse and early C20 dwellings 'Byeways' and 'Westacre' to the north to be Positive Contributors to the character and appearance of the Conservation Area. Open space to the east and its northward views are identified as Important.
39. It is noted that the applicant amended the scheme during the consideration of the application, to provide additional landscaping and planting to the north and south of the courts that would sufficiently screen the courts from the adjacent positive contributors. As a result of this, the Conservation Officer confirmed that they held no objection, and that *'the proposal will result in minor harm to the Conservation Area and negligible harm to the setting of the Registered Park & Garden Grade II\*. Furthermore, the proposal will cause minor harm to the setting of the Golf Club and negligible harm to the setting of 'Byeways' and 'Westacre' to the north, all NDHAs.'*
40. As less than substantial harm has been identified, it is necessary to engage the test outlined within Para 208 of the NPPF which 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.'*
41. The identified harm would constitute minor and negligible harm respectively and would therefore be at the lower end of the spectrum of less than substantial harm. It is clear that the public benefits – as explored within the Green Belt assessment – are substantial in weight particularly in relation to the national drive to introduce Padel as an accessible and social sport within the UK as well as its contribution towards community health and well-being. In this case, Officers therefore consider that this substantial weight, realised as a public benefit for the purposes of Para 208, outweighs the minor (less than substantial) harm to the designated heritage assets.
42. Likewise, in respect of the non-designated heritage assets, having regard to the test in paragraph 209 of the NPPF, the benefits of the proposed development would outweigh the identified harm.
43. As such the proposal is considered to have passed the test in Paragraph 208 of the NPPF and would comply with the heritage policies of the NPPF, Policy JP-P2 of PfE and Policy R1 of the Core Strategy. In making this assessment, great weight has been given to the desirability of preserving the designated heritage assets.

## DESIGN AND VISUAL AMENITY

44. NPPF Paragraph 131 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."

45. NPPF Paragraph 135 states that decisions should ensure that developments adhere to a number of design-oriented criteria.
46. NPPF Paragraph 139 states “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”
47. PfE Policy JP-P1: Sustainable Places outlines a number of key attributes that all development, wherever appropriate, should be consistent with. The relevant attributes are outlined below:
1. Distinctive, with a clear identity that
    - a. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture
    - b. Enables a clear understanding of how the place has developed; and
    - c. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.
  3. Socially inclusive:
    - a. Responding to the needs of all parts of society;
    - b. Enabling everyone to participate equally and independently;
    - c. Providing opportunities for social contact and support; and
    - d. Promoting a sense of community
  6. Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained.
  10. Functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage
  16. Incorporating high quality and well managed green infrastructure and quality public realm, with:
    - a. Opportunities for recreation and outdoor play for children, and interaction between the generations;
    - b. Public and private spaces clearly distinguished;
    - c. Development clearly defining, and promoting activity within, public spaces;
    - d. High quality landscaping with schemes
48. The National Design Guide (C1) states that *development should understand and relate well to the site, its local and wider context. Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative*

*ones. Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it; patterns of built form...to inform the form, scale, appearance, details and materials of new development.*

49. The draft Trafford Design Code's anticipated adoption is in summer 2024. The LPA accept that the Trafford Design Code is not an adopted guide or code and therefore cannot carry significant weight at the time of the application. However the LPA consider the Trafford Design Code to be a material consideration in the assessment of the proposal. The importance of high quality design is further reflected in the Core Strategy, NPPF, NPPG and the National Design Guide.

50. In this sense the proposal is considered to have been designed sensitively and appropriately. Significant elements of the design are dictated by the functions which the court and playing area are required to perform. For example, the 12mm reinforced glass panels are sited at the ends of each court and allow the player to hit the ball flush off the wall. The ball can also hit the metal cage and create awkward rebounds for the opponent. These elements are designed as a function of the sport and as such their appearance is functional in this regard. Likewise all padel courts require rebound ends to a total height of 4m (the walls to the side can be slightly shorter). The flood-lights are also overtly functional in their appearance and are considered acceptable in this regard.

51. Where possible the LPA has sought visual improvements to allow the scheme to assimilate sympathetically to its surroundings. This includes a dark green colour treatment both to the surface of the court and to the steel mesh fencing to be secured by condition. Furthermore, additional planting has been secured to the north and south of the courts to mitigate any adverse visual impact when viewed from these directions.

52. Given the above, Officers consider that the proposal has been appropriately and sensitively designed and as such is compliant with the relevant design criteria found within PfE Policy JP-P1, the NPPF, the National Design Guide and draft Trafford Design Code.

## RESIDENTIAL AMENITY

53. Core Strategy Policy L7 states that *development must 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.*

54. The closest residential receptors would be occupiers of the dwelling known as 'Byeways' (dwelling sited approx. 60m north-east, rear boundary approx. 9m north) and the dwelling known as 'Westacre' (dwelling sited approx. 90m north/north-east, boundary approx. 60m north).

#### Impact on Byeways and Westacre

55. Officers note that Westacre sits beyond Byeways to the north, some distance away from the site of the proposed development. As a result of this, the assessment is largely focused on the impact to the closest residential receptor (Byeways) as, if the proposal is considered acceptable in relation to this property, it is considered that it would also be acceptable in relation to Westacre.

56. It is noted that the southern-most fence-line bounding the garden of Byeways is located approximately 9m from the northern-most court. Within this space there is significant amount of existing tree cover as well as an existing footpath to the practice ground. As such Officers consider that there would be no impact on the amenity of occupiers at Byeways by way of the development appearing dominant or overbearing, or causing any overshadowing. Furthermore Officers do not consider any element of the proposal brings with it any increased risk of overlooking, or loss of privacy, for the occupiers of Byeways.

57. The application has been submitted with a Noise Impact Assessment, which has been assessed by the Council's Environmental Health Officer. The NIA concluded that *'we would class the site as having a noticeable yet not intrusive perception on the nearest noise sensitive receptor. Whilst it is agreed that noise from the site may be heard, it would not be anticipated to cause any change in behaviour or attitude as a result of the previously proposed noise level limits not being exceeded. Therefore...there would be 'no observed adverse effect'.*

58. Following assessment from the EHO, no objection has been raised to the proposed development although a condition has been requested relating to the submission and approval of a Noise Management Plan prior to the first use of the Padel court. Subject to appropriate implementation of this condition, the application is considered acceptable with regards to any undue impact on the amenity of the occupiers of Byeways.

59. Furthermore, it is noted that the application includes the provision of 8no LED floodlights, standing 6m high and sited either side of each court (4no per court). The application has been submitted with a Lighting Impact Assessment (LIA) which has also been assessed by the Council's Environmental Health Officer. Following the submission of additional requested technical details, the submitted lighting scheme has been considered acceptable with regard to any impact on the amenity of the closest adjacent residential receptor (Byeways). This is subject to the imposition of a condition requiring the submission of a verification report, submitted to and approved by the LPA, confirming and demonstrating that the lighting is installed in accordance

with the specifications with the LIA. A further condition is requested that requires all floodlighting to the padel courts to be switched off outside the hours of 09:00 to 21:00 on any day. Subject to appropriate implementation of these conditions, the application is therefore considered acceptable with regards to any impact on amenity by way of light spillage in respect of the occupiers of Byeways and Westacre.

60. It is therefore considered that, subject to appropriate conditions, the proposed development would not have any unacceptable impact on the residential amenity of neighbouring properties and would comply with Policy L7 of the Core Strategy in this respect.

## ECOLOGY, TREES AND LANDSCAPING

61. As per CS Policy R3, the Council are committed to *working with local communities, developers and partners [to] develop an integrated network of high quality and multi-functional green infrastructure (GI)*. This high quality and multi-functional GI will help the Council achieve a number of objectives, most notably:

- *Improve health and well-being;*
- *Protect and connect existing and potential sites of nature conservation value and historic landscape features, and seek to create new wildlife habitats as recommended in the GM Ecological Framework;*
- *Protect and provide appropriate natural space to connect landscapes and allow wildlife to move through them to adapt to climate change;*
- *Mitigate the negative effects of climate change and support biodiversity, for example inclusion of green roofs, green walls and tree planting.*

62. PfE Policy JP-G8 outlines that a net enhancement of biodiversity resources will be sought and also outlines a number of measures that development will be expected to adhere to.

63. With regard to ecology, it is noted the application has been submitted with a Preliminary Ecological Appraisal which included a number of recommendations to fully mitigate the impact on any local ecological features or species of note.

64. Following consultation with the Greater Manchester Ecology Unit, there is an element of concern regarding the impact of the proposed lighting on bats. Specifically, it is stated that *'I have some concerns about the impact of the lighting proposals on bats. The row of mature poplar trees adjacent to the planned development is likely to be used by foraging bats, and the lighting contours supplied indicate that bats will be deterred from using this area when the floodlights are in use. There would likely therefore be a functional loss in available foraging habitat for bats when the floodlights are in use during the spring and summer months, when bats are most active.'*



65. However, it is further noted by GMEU that there is extensive, alternative excellent bat foraging habitat nearby, such that the temporary loss of the row of trees as feeding habitat is unlikely to affect the overall conservation status of local bat populations. Furthermore, the site is already subject to lighting and disturbance pressures, given its location next to existing buildings and facilities. As such, GMEU offer no objection so long as conditions are imposed relating to restricting the use of floodlights between the hours of dusk and 10pm in the spring and the summer months, which will allow the row of trees to be available for bats for at least some hours of darkness. It is noted that, in any case, it is recommended that a condition is included to restrict the use of the floodlights between the hours of 09:00 and 21:00 as requested by Environmental Health.
66. Furthermore, it has been requested that compensatory tree planting is included for potential losses in bat feeding habitats. This has been included within the application and seeks to provide 5no new trees behind the practice ground teeing area, and 4no new trees to be planted to the right hand side of the practice ground.
67. With regards to the impact on trees, the Council's Arboriculturist has stated that the submitted Tree Constraints Plan, No.UG\_1989\_ARB\_TCP\_01, shows that the proposals are within the root protection areas of a number of high quality poplar trees G2 and G3, and a high quality beech tree T6, which is offsite. However, the Arboriculturist has raised no objections subject to compliance with the submitted Arboricultural Method Statement, which includes tree protection measures, excavation of some areas by hand tools and the use of special surfacing to avoid compaction and damage to roots. Whilst three trees and a length of hedgerow would be removed, replacement tree and hedge planting is proposed, the details of which would be controlled by a landscaping condition. It is therefore considered that, subject to appropriate conditions, the proposed development would be acceptable in this respect.

## HIGHWAY AND PARKING IMPACTS

68. Policy L4 of the Core Strategy states that the Council's adopted SPD3 guidance sets out maximum parking standards. Policy L7 of the Core Strategy states development must incorporate sufficient off-street car and cycle parking, manoeuvring and operational space. The car parking standards set out in the Core Strategy specify the requirements which each development will normally be expected to provide, although these are maximum standards and every planning application is treated on its own merits depending on the circumstances of the site.
69. Paragraph 115 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.*
70. The application would result in the loss of 20no parking spaces for the club. However, the Local Highway Authority has raised no objections, stating that *the*

*proposed development is not expected to attract significantly more visitors. Nevertheless, the padel tennis courts are adjacent to a small car park and there is a much larger car park adjacent to the site's vehicular access which remains unaltered with a total of 170 spaces retained. There are therefore no concerns on parking and highway safety grounds.'*

71. The LHA did request details of secure and covered cycle parking. This has been provided and would be sited adjacent to the padel courts, adjacent to an existing outbuilding. It is therefore confirmed that there are no objections on highway grounds to the proposal.

## DRAINAGE

72. CS Policy L5 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. This will involve a sequential approach to determining the suitability of land for development and application of the exception test, as outlined in national planning policy, where necessary.

73. The policy goes on to state that developers will be required to improve water efficiency and reduce surface water run-off through the use of appropriate measures such as rain water harvesting, water recycling and other Sustainable Drainage Systems (SUDS) appropriate to the various parts of the Borough, as mapped in the Council's Strategic Flood Risk Assessment.

74. This is supported by CS Policy R3, which states (in regard to surface water management) the Council will seek to maximise the potential climate change benefits of the network and deliver, where appropriate, the opportunities and requirements set out in Policy L5, including enhanced flood risk management through water storage or run-off protection, integrating mitigation measures such as SUDS into the design, controlling temperatures through shade and other cooling effects, and reducing air and water pollution.

75. The courts have a permeable surface with a catchment drain running the full internal perimeter of each court. These will disperse water onto the extensive grassed grounds. This is considered acceptable.

## EQUALITIES

76. PfE Policy JP-P1 states that development should be consistent with a number of key attributes, with the relevant attributes in this case outlined below:

- *Socially inclusive:*
  - o *Responding to the needs of all parts of society;*
  - o *Enabling everyone to participate equally and independently;*
  - o *Providing opportunities for social contact and support; and*

- *Promoting a sense of community*
- *Incorporating inclusive design within all spaces with support for tackling inequality and poverty to form part of creating sustainable places*
- *Easy to move around for those of all mobility levels, particularly by walking and cycling, with enjoyable routes free from obstacles and disorienting stimuli, and with places to rest*

77. The Public Sector Equality Duty (PSED), contained in the Equalities Act 2010, requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

78. Section 149 – Public Sector Equality Duty (PSED) of the Equality Act 2010 states:

- i. A public authority must, in the exercise of its functions, have due regard to the need to—
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

79. Disability is a ‘protected characteristic’ under the Equalities Act 2010 and the Act states that meeting different needs involves taking steps to take account of disabled people’s disabilities.

80. The application would create 2no padel courts. Officers are aware that ‘adapted padel’ or ‘wheelchair padel’ is a well-established variation to the traditional game, with the only additional equipment required being a specially adapted wheelchair. As such the provision of 2no padel courts is considered to represent an improvement with regards to advancing equality of opportunity. No particular benefits or drawbacks have been identified in relation to any of the other protected characteristics in the Equality Act.

## PLANNING BALANCE AND CONCLUSION

81. The proposed application seeks to erect 2no padel courts, floodlights and undertake alterations to the landscaping layout. Following assessment against national Green Belt policy, the application is not considered to comply with the relevant exception

(Paragraph 154 (b)) and as such it is necessary for the applicant to demonstrate the proposal merits 'very special circumstances'.

82. Officers lend significant weight to the benefits of the proposal, particularly where they relate towards community health and well-being, as well as a national drive to grow Padel as a sport in the UK. These benefits are considered to represent "very special circumstances" which would outweigh the harm by reason of inappropriateness, harm to openness and minor and negligible harm to heritage assets.
83. Furthermore, following assessment by the Council's Conservation officer, the application is considered to result in negligible to minor harm to a number of designated and non-designated heritage assets and as such the test found within Paragraph 208 of the NPPF is engaged. As noted above it is clear the public benefits are substantial in weight particularly when viewed against the minor level of harm. Officers consider that this substantial weight, realised as a public benefit for the purposes of Para 208, outweighs the minor and negligible (less than substantial) harm (respectively) to the designated heritage assets.
84. With regards to residential amenity, the Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions including restrictions on the hours of operation, a verification report in relation to the implementation of the approved lighting details and a Noise Management Plan, and, on this basis, the proposal is therefore considered acceptable with regard to any potential noise and lighting impacts on nearby residential properties.
85. The application is also considered acceptable in terms of design, ecology and landscaping. The design is largely functional in nature but utilises a number of sympathetic design features to soften any impact it may have, and following positive responses from GMEU and the Council's Trees Officer, it is considered that the application would have an acceptable impact on the local green infrastructure.
86. All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. In the overall balance, Green Belt harm and any other harm is outweighed by very special circumstances. The application complies with the development plan when taken as a whole and with policies in the National Planning Policy Framework. The application is therefore recommended for approval.

### **RECOMMENDATION:**

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans:
  - Location Plan Dwg no 2313(08)01
  - Proposed Site Layout Dwg no 2313(08)05 Rev C
  - Proposed & Existing Site Elevations Dwg no 2313(08)07
  - Proposed & Existing Site Elevations Dwg no 2313(08)08
  - Proposed Court Plans & Elevations Dwg no 2313(08)06
  - High Level Planting Scheme Dwg 102
  - Planting Plan - Padel Court Mitigation Dwg no 101
  - Padel Court Lighting Assessment Dwg no SHD1319-SHD-HLG-DUNH-DR-EO-Lighting Layout-R0 Dated 15/02/2024

Reason: To clarify the permission, having regard to PFE Policies JP-P1 and JP-P2, Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

3. The padel courts hereby permitted shall be constructed entirely of the materials detailed on the following plans:
  - Proposed & Existing Site Elevations Dwg no 2313(08)07
  - Proposed & Existing Site Elevations Dwg no 2313(08)08
  - Proposed Court Plans & Elevations Dwg no 2313(08)06

Upon first installation, the steel mesh fencing hereby approved shall be powder coated or painted dark green. The surface of the padel courts hereby approved shall be coloured dark green. Thereafter the fencing and court surface shall be retained in those colours.

Reason: To ensure that the appearance of the development is acceptable, having regard to PFE Policies JP-P1 and JP-P2, Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. The landscaping works detailed within plan reference 'High Level Planting Scheme Dwg 102' and 'Planting Plan - Padel Court Mitigation Dwg no 101' shall be carried out within the first available planting season prior to or following completion of the development hereby permitted.

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 PfE Policies JP-P1, JP-P2, JP-G7 and JP-G8, and Policies R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

5. The development hereby approved shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to PfE Policies JP-P1 and JP-P2 and, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

6. The development hereby permitted shall be implemented wholly in accordance with the submitted Arboricultural Method Statement, plan numbers (UG\_1989\_ARB\_AMS) 01, 02, 03, and Signoff, received by the local planning authority on 5 September 2023. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with the submitted Arboricultural Method Statement reference UG\_1989\_ARB\_AMS\_01. 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 PfE Policies JP-P1, JP-P2, JP-G7 and JP-G8 and Policies R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The floodlighting to the padel courts hereby permitted shall not be illuminated at any time outside of the hours of 09:00 to 21:00 on any day.

Reason: To safeguard the amenities of the area including the residential amenity of nearby properties and to limit the impact of the development on protected species having regard to Policy L7 and R2 of the Trafford Core Strategy, PfE Policy JP-G8 and the National Planning Policy Framework.

8. The development hereby permitted shall not be brought into use unless and until a Noise Management Plan (NMP) for the use of the padel courts has been submitted to and approved in writing by the local planning authority. The NMP shall be implemented at all times that the courts are in use and shall be subject to change in

response to any complaints received by the local authority. The NMP shall include the following:

- i. Organisational responsibility for noise control
- ii. Hours of operation
- iii. Prohibition of music, sound, speakers, loudhailers and any other noise making equipment
- iv. Physical and managerial noise control processes and procedures, including dealing with noisy players or spectators and management of noise relating to matches/competitions.
- v. Measures to limit noise and disturbance from all site activities upon any noise sensitive premises in the vicinity of the site.
- vi. Details of arrangements for review of the NMP
- vii. Details of community liaison and complaints logging and investigation.

The operator shall regulate the use of the premises in accordance with the approved NMP.

Reason: To safeguard the amenities of the area including the residential amenity of nearby properties, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The development hereby permitted shall not be brought into use unless and until a verification report has been submitted to and approved in writing by the Local Planning Authority to confirm and to demonstrate that the lighting has been installed in accordance with the specifications in the Lighting Impact Assessment prepared by SHD Lighting Consultancy Ltd, Document reference: SHD1319-SHD-HLG-DUNH-RP-EO-Lighting Assessment Report-R1. The lighting shall be retained as such thereafter.

Reason: To safeguard the amenities of the area including the residential amenity of nearby properties and to limit the impact of the development on protected species having regard to Policy L7 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The development hereby permitted shall not be brought into use unless and until cycle parking has been provided on site in accordance with the details shown on the approved plan number 2313(08)05 Rev. C. The cycle parking shall be retained thereafter.

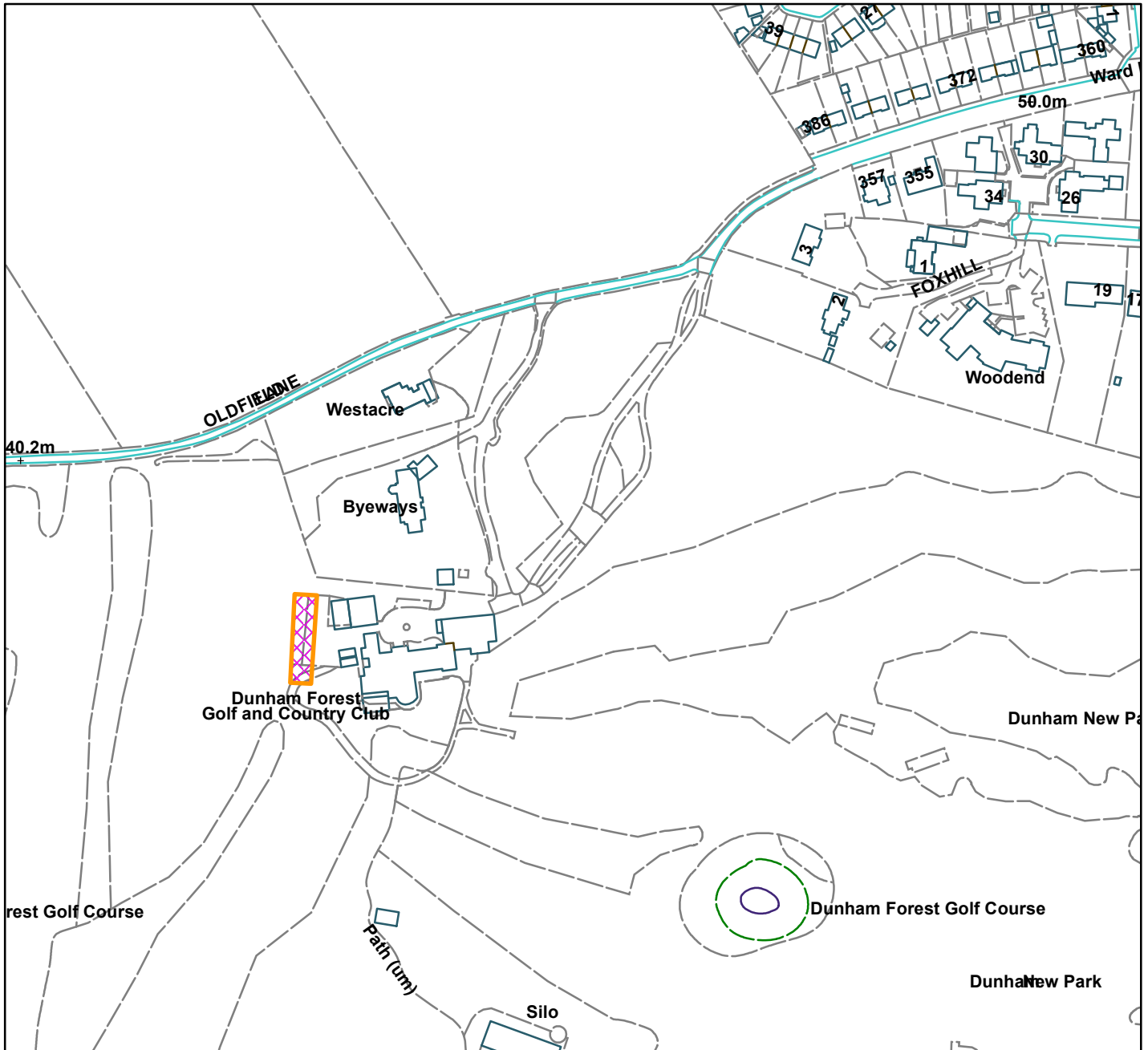
Reason: In the interests of promoting sustainable modes of transport, having regard to Policies JP-C1, JP-C5, JP-C6 and JP-C8 of PfE and policies in the NPPF.

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WH



Dunham Forest Golf Club, Oldfield Lane, Altrincham (site hatched on plan)



Scale: 1:2,900

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 09.05.2024
Date	30/04/2024
MSA Number	AC0000809316 (2022)



**WARD:** Davyhulme

**112477/FUL/23**

**DEPARTURE:** No

**Demolition of existing buildings and erection of 57 new homes including a mix of houses and apartments, together with associated infrastructure, access, internal roads, footpaths, landscaping, open space and all other associated works.**

Land Off Barton Road, Davyhulme, M41 7NL

**APPLICANT:** Eccleston Homes Ltd

**AGENT:** Eden Planning & Development

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

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**The application is reported to the Planning and Development Management Committee since six or more representations have been received which are contrary to the officers' recommendation.**

#### **EXECUTIVE SUMMARY**

The site is a large plot of land to the west of Barton Road, last in use as a scrap/storage area and accommodating vegetation, cleared ground, shed/warehouse structures and brick buildings in a state of some dereliction. The planning application seeks to secure the site's redevelopment for residential purposes, comprising 57 new homes (a mix of housing and apartments) and other ancillary works. The application is a significant variation to an earlier proposal for 37 houses which was refused in 2022 on design grounds; a decision upheld by a subsequent appeal Inspector. Considerable effort - on the applicant's part and with officer input - has been applied in addressing previous concerns and in arriving at a bespoke, contextual design solution for the site.

The application has been assessed against the relevant provisions of the statutory development plan (chiefly the Core Strategy and the new Places for Everyone), along with the National Planning Policy Framework (NPPF) and relevant local and national planning guidance. The decision-taking structure that has been applied is the presumption in favour of sustainable development (and specifically the 'tilted balance' as contained in paragraph 11dii of the NPPF).

Some representations in opposition to the application have been received (with a range of planning concerns referred to). Some harms and adverse impacts have also been identified through the officer assessment, although these have been found to be relatively limited in their magnitude (and with no clear-cut policy conflicts). Conversely, it has been recognised that there would be a range of public benefits, including through

the provision of housing (inclusive of a policy-compliant level of affordable homes) and the establishment of a well-designed place which would be socially inclusive. The proposal would deliver new green infrastructure (on and off site) and public open space and would provide new walking and cycling routes and facilitate wider connections. It would support and enhance biodiversity (on and off site), and it has been designed - and would be operated - in order to reduce its environmental impact. There would be some other environmental, economic and social benefits.

In the context of paragraph 11dii, it has been concluded that the harms accruing from the proposed development would not significantly and demonstrably outweigh the benefits. Accordingly, the proposal is considered compliant with relevant policies of the statutory development plan, as well as national policy in the NPPF and also other relevant guidance. Approval is recommended, subject to a legal agreement and conditions.

## **SITE**

The application site, which extends to 1.7 hectares, is located in the Davyhulme area of the borough, close to the Davyhulme Circle and directly to the west of the B5214 Barton Road. To the north, Barton Road leads to the Trafford Retail Park and junction 10 of the M60. The site, which is irregular in shape, is accessed from Barton Road via an unadopted access.

The site contains a collection of buildings principally towards its southern half. This includes two brick-built properties (Brook House and Willow Bank) which were last in use for residential purposes. Both properties, which are showing signs of dilapidation, are currently vacant. These are non-designated heritage assets. Other buildings comprise warehouse/shed structures which are also in a state of some disrepair. They are associated with a former commercial use which operated at the site which was understood to chiefly entail the storage of scrap, plant and machinery. Whilst the site has appeared largely inactive for a number of years, application documentation explains that this commercial use officially ceased in December 2022.

Beyond the buildings, the site is largely cleared. However, up until relatively recently (approximately 2020/2021), large parts of the site (including surrounding Willow Bank and in the site's northern half) were covered with mature trees and vegetation. A small proportion of tree cover has been retained (at the northern and western peripheries). There are pronounced level changes within the site associated with past tipping (and with the higher ground generally located at the western edge and in the north-western corner of the site).

To the west of the site is the large playing field of Broadway Park, separated by trees. To the north of the site is a culverted brook (Longford Brook), a tree belt and then a wide grass verge before the highway of Broadway is reached. There is also a recreational footpath which leads to/from Barton Road to Broadway Park to the site's north. Residential properties are situated beyond Broadway. To the east of the site (on

the western side of Barton Road) is a row of terraced properties (Brook Terrace), which are predominantly in residential use but there is also one shop unit (a bicycle exchange). Some cars parked within the application site are understood to belong to the occupiers of these properties. On the eastern side of Barton Road there is a further residential terrace and an adjacent recent apartment development (Spinning Gate), and beyond this the open space of Kingsway Park. To the south of the site is a cleared site, which previously accommodated a residential care home, and the Lady of the Rosary Roman Catholic Primary School. The Davyhulme Circle, to the site's south-east, has a number of shop units (catering for local needs) around its perimeter, and there is also the Nags Head Public House (which is a non-designated heritage asset). The war memorial in the centre of the Davyhulme Circle is Grade II listed.

It should be noted that the site subject of the current application is the same as that which affected an earlier application for a similar development (ref. 103696/FUL/21) with a small exception: this being the now exclusion of a small area of land immediately to the east of Brook Terrace.

## **BACKGROUND**

The earlier application referred to above (ref. 103696/FUL/21), submitted by the same applicant (Eccleston Homes Ltd), involved the demolition of all buildings on site and the erection of 37 dwellings. It was refused under delegated powers in January 2022 on design grounds (one reason for refusal only). A subsequent appeal to the Planning Inspectorate, dealt with via the written representations procedure, was dismissed (in September 2022). Since February 2023 and following the submission of a pre-application enquiry, officers have been working with Eccleston Homes and a newly appointed planning, architectural and landscape team in an attempt to address previous concerns and to secure a more suitable and contextual design response for the site.

## **PROPOSAL**

The current application, which again is made in full, involves - in summary - the erection of 57 residential units. All existing buildings would be demolished (comprising the former residential buildings of Brook House and Willow Bank, and then the collection of sheds/warehouses connected with the past storage use). The proposed residential units comprise 38 houses (including terraces, semi-detached, detached and townhouse-style) and 19 apartments with a selection of 1, 2, 3 and 4 bedroom properties. 14 of the units (25%) are proposed as affordable homes (4 houses and 10 apartments). The remainder are intended for open market sale.

Vehicular access to the development would be provided from Barton Road via the existing access to the south of Brook Terrace (which would be upgraded). The proposed site layout plan illustrates the arrangement of vehicular and non-vehicular routes within the site. It includes a main estate road (with footways) which follows an irregular alignment and shorter 'no-through routes' (for vehicles). This is in addition to some shared recreational pedestrian/cycle paths which are generally concentrated in

the northern part of the site and with some of these providing links off site. The application submission confirms the intention for the internal road network to remain in private ownership and not to be offered to the Council for adoption.

The proposal involves a combination of 2, 2.5 and 3 storey properties. The proposed site layout includes a terrace of dwellings positioned towards Barton Road, two apartment blocks to the north of the main internal estate road and a row of townhouses opposite, and semi-detached dwellings organised around a loop in the estate road. Parking is provided by means of detached and integral garages, private driveways, parking courts, and some on-street parking. The site layout plan also shows the provision of six parking spaces to the rear of Brook Terrace for existing residents' use (although this area is now outwith the application site). Also provided within the site is an area of public open space (including children's play equipment) to the west of the two apartment blocks. The layout also shows private gardens to the houses, new areas of soft landscaping throughout the site, and the provision of some street trees.

As indicated within a series of site sections, there would be some levelling out of the site, including the building up of land in the southern portion of the site. However, some variations in levels would remain, with a retaining wall required between the apartment blocks and the (lower) adjacent parking court.

### **Value Added**

During the course of the application there has been the need for a number of plan revisions to be submitted, as well as updates to supporting documents, in order to address issues raised by consultees, to respond to new policy requirements (following the adoption of Places for Everyone, for instance) and in the interests of further improving the quality of the scheme and increasing the benefits that would be secured.

### **DEVELOPMENT PLAN**

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

- **Place for Everyone Joint Development Plan Document (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced;
- **The Trafford Core Strategy**, adopted 25<sup>th</sup> January 2012; the Trafford Core Strategy partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy; and
- **The Revised Trafford Unitary Development Plan (UDP)**, adopted 19<sup>th</sup> June 2006; A number 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 the new Trafford Local Plan.

### **PRINCIPAL RELEVANT PFE POLICIES**

Policy JP-Strat14: Sustainable and Integrated Transport  
Policy JP-S1: Sustainable Development  
Policy JP-S2: Carbon and Energy  
Policy JP-S4: Flood Risk and the Water Environment  
Policy JP-S5: Clean Air  
Policy JP-J1: Supporting Long-Term Economic Growth  
Policy JP-J4: Industry and Warehousing  
Policy JP-H1: Scale, Distribution and Phasing of New Housing Development  
Policy JP-H2: Affordability of New Housing  
Policy JP-H3: The type, size and design of new housing  
Policy JP-H4: Density of New Housing  
Policy JP-G6: Urban Green Space  
Policy JP-G7: Trees and Woodland  
Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity  
Policy JP-P1 Sustainable Places  
Policy JP-P2: Heritage  
Policy JP-P7: Sport and Recreation  
Policy JP-C5: Streets for All  
Policy JP-C6: Walking and Cycling  
Policy JP-C8: Transport Requirements of New Development  
Policy JP-D1: Infrastructure Implementation  
Policy JP-D2: Developer Contributions

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

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

### **PROPOSALS MAP NOTATION**

Protected Open Space  
Protected Linear Open Land  
Wildlife Corridor  
Site of Importance for Nature Conservation

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

ENV9 – Sites of Importance for Nature Conservation

ENV10 – Wildlife Corridors

OSR6 – Protected Linear Open Land

## **SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

Revised SPD1: Planning Obligations (2014)

SPD3: Parking Standards and Design (2012)

SPG1: New Residential Development (2004)

SPG24: Crime and Security (2002)

Consultation Draft Trafford Design Code

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

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20<sup>th</sup> 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 it was last updated on 14 February 2024. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

103696/FUL/21 - Demolition of existing buildings and erection of 37 dwellings together with associated infrastructure, access, internal roads, footpaths, landscaping and open space as well as the provision of 6 no. parking spaces for residents of Brook Terrace.

Refused – 26.01.22

Appeal dismissed – 16.09.22

## **APPLICANT'S SUBMISSION**

The following documents have been submitted in support of the application and will be referred to as appropriate within this report:

Air Quality Assessment

Arboricultural Impact Assessment

Archaeological Assessment

Bat Surveys

Biodiversity Net Gain Metric

Carbon Budget Statement

Crime Impact Statement

Design and Access Statement

Ecological Appraisal

Equalities Statement

Flood Risk Assessment and Drainage Strategy  
Green Infrastructure Statement  
Ground Investigations Report  
Habitat Survey  
Heritage Assessment  
Invasive Species Method Statement  
Noise Assessment  
Planning Statement  
Structural Survey  
Transport Statement  
Waste Management Strategy

## **CONSULTATIONS**

**Electricity North West** – No objection, subject to informative (to advise of the presence of electricity distribution assets)

**Environment Agency** – No objection, subject to condition/informative (to fix finished floor levels, to request an updated remediation strategy and the provision of a subsequent verification report, to prevent piling, to secure details of surface water drainage, and several advisory notes for the applicant)

**Greater Manchester Archaeological Advisory Service** – No objection, subject to condition (to secure a programme of archaeological works)

**Greater Manchester Ecology Unit** – No objection, subject to legal agreement/condition/informative (to secure off site biodiversity net gain in accordance with the submitted Biodiversity Impact Assessment (via a financial contribution), to secure updated bat surveys dependent on the timing of onsite works, to ensure implementation of the Bat Method Statement for Felling Trees, to ensure implementation of a protected species Mitigation Strategy, to request a copy of a Natural England licence, to request details of external lighting, to ensure that invasive species would be appropriately dealt with, to secure a Construction Environmental Management Plan, to secure a Landscape and Ecological Management Plan, to prohibit tree felling during the bird nesting season, to request further details regarding onsite biodiversity enhancements, and to advise the applicant of the actions to be followed in the event that protected species are discovered during on site activities)

**Greater Manchester Police** – No objection in principle but some remaining concerns (as developed further within the report)

**Trafford Council Climate Change and Sustainability Team** – No objection, subject to condition (to ensure the provision of electric vehicle charging infrastructure, and to ensure the development proceeds in accordance with the Carbon Budget Statement)

**Trafford Clinical Commissioning Group** – No objection

**Trafford Council Education** – No objection

**Trafford Council Environmental Protection (Contaminated Land)** – No objection, subject to condition (to request an updated remediation strategy and the provision of a subsequent verification report)

**Trafford Council Environmental Protection (Air Quality)** – No objection, subject to condition (to request a Construction Environmental Management Plan)

**Trafford Council Environmental Protection (Nuisance)** – No objection, subject to condition (to request a light impact assessment, to ensure the implementation of noise mitigation measures, and to request a Construction Environmental Management Plan)

**Trafford Council Heritage Development and Urban Design Manager** – Objection when having regard to the impact on heritage assets (as developed further in the report)

**Trafford Council Housing Strategy** – No objection

**Trafford Council Lead Local Flood Authority** – No objection, subject to condition/informative (to request details of surface water drainage, to secure the drainage infrastructure's management and maintenance, and to ensure an application is made to divert a land drain)

**Trafford Council Local Highway Authority** – No objection, subject to legal agreement/condition/informative (to secure a Traffic Regulation Order (via a financial contribution), to request a Car Park Management Plan, to ensure all internal movement corridors and parking facilities are provided, to request full cycle details, to ensure that the private garages remain available for the parking of a car, to secure a Travel Plan, to ensure the provision of street lights, to request a Construction Environmental Management Plan and to advise of the need for a Section 278 agreement)

**Trafford Council Tree Officer** – No objection, subject to condition (to provide protection to retained trees, to ensure services would be laid to avoid street trees, and to request details of landscape management)

**Trafford Council Waste Team** – No objection, subject to condition (to request a Car Park Management Plan, and to ensure the Waste Management Strategy is complied with)

**Transport for Greater Manchester** – No objection, subject to condition (to secure a Travel Plan)

**United Utilities** – No objection, subject to condition/informative (to request details of surface water drainage, to ensure the drainage infrastructure's management and maintenance, to request separate systems for foul and surface water, and to advise of the proximity to assets and infrastructure)



## **REPRESENTATIONS**

Eight representations raising objections have been received. The main issues cited can be summarised as follows:

- The development should incorporate an active travel connection to its north onto Broadway and also to its south into the site of the former Shawe Lodge. This adjacent site should also be safeguarded as part of the establishment of a new route to enable people to walk and cycle between Davyhulme Circle and Broadway whilst avoiding Barton Road;
- The local active travel community is aware of the importance of this site in delivering improved pedestrian and cycle links as an alternative to Barton Road;
- Barton Road itself will never be viable for active travel due to the amount of traffic it accommodates and the restricted width;
- The development should include a gated pedestrian entrance to the primary school to the south;
- Residents living in the proposed residential estate would almost certainly choose to drive since the proposal doesn't go far enough in offering alternatives;
- The proposed cycle paths would not be useful for commuting, only for leisure purposes;
- The submission relies on Traffic for Greater Manchester's online cycle map of the area, but this is not accurate in its descriptions of the quality and condition of cycle routes in the area;
- The applicant has underestimated the amount of new traffic that would be generated;
- Existing local roads are already congested and the proposed development would make matters worse;
- Barton Road in particular experiences heavy traffic and is at a complete standstill from 4pm onwards on most days. It is also impacted by any issue on the M60;
- It is already virtually impossible to turn right onto Barton Road due to the existing volume of traffic;
- 57 dwellings is too great a number due to the extra traffic generated;
- The point of vehicular access should be moved away from Barton Road;
- A second vehicular access should be introduced;
- The number of road traffic accidents is likely to increase;
- It is recommended that the proposed access, which would be opposite the existing access to Spinning Gate, is changed to a mini-roundabout, and that on-street parking outside Bents Terrace is prohibited;
- The development must incorporate sufficient car parking to ensure that no further parking on Barton Road takes place;
- Air pollution is already a problem due to standing traffic and the proposed development would worsen this;
- Any deterioration in air quality is a particular concern due to the site's proximity to a primary school;

- Following the Spinning Gate development, the houses on Bent Terrace and on Brook Terrace have flooded annually. The drainage system would not be able to cope with the additional pressure from this development, and the removal of vegetation would further increase the potential for flooding;
- There is no evidence that the proposed drainage system would be able to cope and would be appropriately maintained;
- The proposed apartment block would block light to both Bent Terrace and Brook Terrace;
- The gardens and internal spaces of Brook Terrace would be overlooked;
- The proposed boundary treatments and planting would not provide the same level of privacy as existing mature vegetation;
- Providing a handful of parking spaces for existing residents is not adequate compensation for the wider impacts; The number of dwellings proposed has increased since the last application and is now too many for the site; and
- The development would place further burdens on local services (schools, doctors and hospitals).

It should be noted that, whilst such representations were objecting to the proposal, some incorporated supportive comments at the same time. These can be summarised as:

- Any development on the site would rid the area of an unsightly piece of wasteland which is a health hazard; and
- If the development is done correctly then it would add much needed housing to the area.

## **OBSERVATIONS**

### **The Decision-taking Framework**

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. 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.
2. The NPPF, at paragraph 11, introduces 'the presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11c explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
  - ii) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole.
3. Where a planning application conflicts with an up-to-date development plan, planning permission should not normally be granted, paragraph 12 of the NPPF explains.
4. For applications involving the provision of housing, Footnote 8 to paragraph 11 confirms that 'out-of-date' includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Places for Everyone (PfE) joint development plan document was adopted on 21<sup>st</sup> March 2024 and thus its contents are acutely 'new'. In accordance with paragraph 76 of the NPPF, for the first five years of PfE's adoption, this Council is no longer required to identify a five year housing land supply. In effect, for decision-taking purposes, it should be assumed that Trafford now has a five year supply of specific deliverable housing sites. The Council's housing land supply position therefore no longer triggers 'the presumption in favour' as conveyed by the NPPF at paragraph 11d, which was a situation which had persisted for some time. That being the case, paragraph 79 of the NPPF states that where a housing delivery test (HDT) result falls under 75% then 'the presumption in favour' would still apply. Trafford's latest HDT figure, from December 2023, is only 65%. This means that within Trafford an average of only 65% of the Council's housing requirement was delivered over the three year period to March 2023. Footnote 7 to paragraph 11d confirms that the policies of the NPPF referred to in paragraph 11di covers those that relate to designated Local Green Space.
5. On account of the HDT figure, and notwithstanding the improved housing land supply position, paragraph 11d of the NPPF provides the decision-taking framework for this application. The same applied in respect of the earlier application (ref. 103696/FUL/21).
6. The Core Strategy, which was adopted (in January 2012) two months prior to the publication of the original NPPF, remains part of the statutory development plan. Some of its policies have been replaced or part-replaced by PfE whilst others remain in force. Prior to the adoption of PfE, some Core Strategy policies had been formally recognised as being out of kilter with current NPPF policy; policies R1 (Heritage) and L4 (Sustainable Transport and Accessibility) for instance. Whilst such inconsistency remains (and with the relevant policies not wholly superseded), PfE has introduced new policies on these topics which are consistent with national policy (see policies JP-P2 (Heritage) and JP-C8 (Transport Requirements for New Development)).

## The Principle of the Development Proposed

7. In summary, the application proposes the demolition of existing buildings and the erection of 57 residential units comprising a mix of houses and apartments. Other elements of the proposed include internal access roads, footpaths and cycle ways, private amenity space, new landscaping and boundary treatments, public open space, car parking (including communal parking courts) and cycle parking.
8. With reference to the Proposals Map accompanying the statutory development plan (which has not been changed upon adoption of PfE), the northern part of the site is subject to a number of overlaying annotations, as follows: Protected Open Space 'POS' (and Policy OSR5 of the Revised Trafford Unitary Development Plan, 'RTUDP', is cited); Protected Linear Open Land 'PLOL' (and RTUDP OSR6 is referred to); Areas of Nature Conservation Value (see Policy ENV9 of the RTUDP); and a Wildlife Corridor (under Policy ENV10 of the RTUDP). In all cases the site forms part of a wider designation. This is the part of the site where the mature vegetation/tree planting – removed in recent years – was focussed. The remainder of the site, chiefly the southern portion, is unallocated. This is where the existing buildings are contained and where the former storage use operated from.
9. The Council's assessment and determination of the last application, and the subsequent appeal decision, provides the starting point in the consideration of this current application. This includes on matters of principle wherein it was accepted that a residential development was acceptable. This was despite the longstanding (albeit not active) commercial use of the site, and the presence of the open space and ecological designations within parts of the site. When having regard to the date of the appeal decision (September 2022), and notwithstanding wider changes to policy and to guidance in the interim, there has been no material change to relevant matters justify the comprehensive revisiting of matters of principle.
10. In summary, firstly on the issue of the loss of employment premises, full account was taken of the NPPF (for example, at paragraph 85) in it urging local planning authorities to take planning decisions which help create conditions in which businesses can invest, expand and adapt. The same applies in respect of the Core Strategy in Policy W1 (Economy). This policy provides support for existing employment uses on unallocated employment sites (akin to the application site). However, the policy does allow for non-employment uses on such sites subject to certain criteria being met (as covered in paragraph W1.12), and it was concluded by means of the last application that the specified conditions within the policy had been satisfactorily demonstrated in this instance. This took into account: that any employment use had been winding down for many years and that it did not support any existing jobs; that any re-use of the site for commercial uses would have required wholesale redevelopment given the site's poor condition; the site's

relative proximity (3.5 kilometres) from the expansive industrial area of Trafford Park; that this comprises an isolated and small-scale employment location and one which has been under-utilised; and that there are no adjacent employment uses whose operations could be compromised as a consequence of a diminished commercial cluster. More broadly, this debate recognised that the site is located where residential uses are established (including, historically, on the application site at Willow Bank and Brook House) and where there is an existing residential community. Indeed, it was concluded that this is a suitable location for a new housing development; it is sited within an existing built up area, within walking distance of public transport links, on a main vehicular and pedestrian route, and close to local amenities at Davyhulme Circle. Therefore, on this 'in principle' matter, the transference of the site from an employment to a residential use was accepted (at both application and appeal stage), in compliance with the exceptions criteria in Policy W1. The same conclusions now apply. Whilst parts of Policy W1 have been replaced upon adoption of PfE (by Policy JP-J4 (Industry and Warehousing) for example), the elements of Policy W1 which were previously applied (including the criteria in Policy W1.12) remain in force.

11. Secondly, on the issue of the site's open space and wildlife status, in general terms these allocations could be viewed as posing a significant constraint to development. However, opportunities exist – within the relevant policy frameworks at both national and local level – for development to occur in such locations subject to it being robustly demonstrated that the resultant loss in those particular circumstances would be suitably justified and/or appropriately mitigated for. On both subject areas, by means of the last application (as upheld at appeal), comprehensive proposals were put forward (which were prepared in conjunction with relevant consultees) which served to unlock the initial policy impediments and to satisfy the respective policy tests. On open space it was recognised that the site is not (and never has been) publically accessible and thus doesn't provide any direct recreational benefit. Moreover, much of what had enabled the site to perform an open space function had been regrettably lost through extensive tree clearance. That the site forms part of a wider designation and that its residential development would not result in the absolute loss of an individual area of open space was further observed. Furthermore, the application itself provided scope for new tree planting to reinstate some of which had been lost. A financial contribution to support improved greenspaces off-site (within the locality) and to provide for the open space needs of the development was also successfully negotiated. In turning to ecology, the last proposal involved the provision of some new habitat features and measures to support wildlife species within the new residential estate and then – added to this – a scheme of offsite compensation and enhancement was agreed, which would have delivered a 10% net gain in biodiversity (and which also involved a financial contribution). Thus, the two designation-related impediments, which otherwise generated very foundational objections, were suitably addressed in a bespoke manner applicable to that particular development.

12. How (and whether) the current proposal – for a different and more intensive form of development – has been formulated to overcome the site’s policy-led constraints on open space and ecology will be covered in due course within this report. However, the endeavours of the last application (as corroborated by the appeal process) demonstrate that these ‘in principle’ matters are capable of being satisfactorily dealt with on this site and by this applicant. It is for this reason that the site is identified as a suitable and deliverable housing site within the Council’s latest Strategic Housing Land Availability Assessment (SHLAA). Therefore, in concluding on matters of principle, a residential redevelopment of the application site is again regarded as supportable despite the site’s longstanding commercial use and the restrictions presented by policy designations.

### Residential Development

13. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. Local planning authorities are required to support the Government’s objectives 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. The responsibility of local planning authorities in supporting the Government’s ambitions includes identifying and updating annually a supply of specific deliverable sites to provide five years’ worth of housing against their housing requirement. This is in addition to the housing delivery test (HDT) which is intended to measure a local planning authority’s performance in facilitating the delivery – rather than merely planning for – new homes.

14. Historically Trafford’s housing requirement was laid out in Policy L1 (Land for New Homes) of the Core Strategy. This identified that a minimum of 12,210 new homes over the plan period to 2026 were to be planned for (leading to a typical annual requirement of 587 new units). However, this figure was then regarded as being out-of-date due to the aging nature of the Core Strategy, and a new housing requirement for Trafford was established, formulated by the Government and calculated using the standard method for ‘local housing need’ (LHN). This produced a minimum annual requirement of 1,652 new homes net, which was far in excess of the previous L1 requirement. Against this requirement, this Council had not been able to demonstrate a rolling five year supply of deliverable land for housing (although the position was starting to improve). It was in this position of a housing shortfall that the last application was considered. However, PfE has introduced a new housing requirement for Trafford, which replaces the previous LHN figure. This is set out in Policy JP-H1 (Scale, Distribution and Phasing of New Housing Development) and it comprises a lower average annual (net) figure of 1,122 (minimum) between the period 2022 and 2039 (and with this in fact factoring in a lower figure - in the order of 800 units - in the first few years of PfE

which would subsequently increase). This reduced figure reflects the joint nature of PfE and the decision to focus a significant proportion of housing growth in the northern areas of Greater Manchester. This is in order to encourage investment in these areas' housing markets and to achieve a better spread of prosperity overall. In applying this new figure and when accounting for current supply data, Trafford can now identify a supply of specific deliverable sites to provide the necessary five years' worth of housing. This represents a highly positive step in demonstrating this Council's commitment to supporting the Government's efforts in encouraging high levels of new housing growth.

15. The positive housing land supply that the Council can now draw upon includes the application site, indicative of the acceptance that this site represents a suitable location for new housing. The ability of this proposal, in its provision of 57 units, to contribute to Trafford's latest housing requirement and to provide much needed accommodation for the borough weighs heavily in its favour. Whilst Trafford's housing balance is presently restored, it is accepted that a favourable housing land supply has to be maintained and that its continuation is not guaranteed. Moreover, it is also accepted that Trafford's recently announced HDT figure presents a worsening rate of housing delivery (and the existence of this has served to maintain the titled balance, it has been explained). Against this backdrop, the bringing forward of this site to application stage and at an early stage in the PfE plan period, in accordance with the SHLAA and the PfE evidence base, is gladly received. Moreover, the amount of new units that are proposed to be accommodated has risen from the last proposal by 20. The appropriateness of this uplifted density of development and its arrangement within the site will be examined within this report in due course. Nonetheless, it is concluded that the proposal is in line with national policy on advancing housing delivery, it would honour the Council's SHLAA conclusions surrounding this site and it is also true to Policy JP-H1 of PfE.

#### Meeting Housing Needs (including Affordable Housing)

16. The NPPF requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement of balanced and sustainable communities (paragraphs 63 and 64). This is supported by Policy L2 of the Core Strategy, which refers to the need to ensure that a range of house types, tenures and sizes are provided. PfE Policy JP-H3 (The type, size and design of new housing) also remarks about the importance of new housing developments incorporating a range of dwelling types and sizes to meet local needs, although the policy defers to each authorities' local evidence to determine an appropriate housing mix (and thereby Policy L2 remains in force).
17. The application offers one and two bedroomed apartments (19 in number), and three and four bedroomed houses (38 in number). This is a more varied mix than the last application (which was restricted to three and four bedroomed houses only). In the period since the last application was determined, the

Council has updated its assessment of housing need. The Trafford Housing Needs Assessment (2023) identifies a most acute requirement for three bedroomed houses within the Urmston sub-area, and also (while slightly reduced) for one and two bedroomed apartments. Some demand exists for four bedroomed houses, according to the assessment, although to a lesser level. The views of the Council's Housing Strategy team on this application have again been sought. Whilst not wholly aligning with this most up-to-date data regarding local housing needs, the consultation response acknowledges that the scheme as a whole would introduce much needed new residential accommodation to the Urmston sub-area and which is suitably diverse to respond to the area's population.

18. Another important component in contributing to the objectives of creating mixed and balanced communities, as required by the NPPF, is the provision of affordable housing. Paragraph 65 states that affordable homes should be sought within all new residential proposals for major development (ten units or more). Policy JP-H2 (Affordability of New Housing) identifies increasing the delivery of affordable housing across the PfE plan-area as a high priority: '...it will be essential that new residential developments play a full role in supporting this', the accompanying text explains. 'Local plans will set targets for the provision of affordable housing for sale and rent as part of market-led residential schemes', it continues. Accordingly, at the local level, the requirement to secure an affordable housing contribution is still covered by Policy L2 of the Core Strategy. The policy is clear that – in respect of all qualifying development – appropriate affordable provision should be made. In recognising that the borough does not perform as a single uniform property market, the policy explains that Trafford is split into three broad market locations which have different percentage requirements for the provision of affordable housing. As corroborated by Revised SPD1: Planning Obligations, the application site is located within a 'moderate market location.' Policy L2 and Revised SPD1 also acknowledge that different market conditions can apply throughout a development plan period which also impact upon the level of affordable provision that a new residential development can successfully sustain. As of November 2018, 'good market conditions' have been in force. The combined effect is that in this location at this time, a 25% affordable housing target is applied, which would amount to 14 units (of the 57).
19. The applicant has consistently offered a level of affordable housing which is policy compliant (including in relation to the last application): 4 of the three bedroomed houses are intended as affordable, and 10 of the apartments (2 being one-bedroomed and eight being two-bedroomed). However, one criticism of the last application's affordable offer was that the provision was focussed in one area of the site and that there was no variety in the size of the affected units. A much more diverse offer, with regard to the distribution within the site and also the unit size and type, is now intended. In relation to the tenure of the affordable housing, 8 would be shared ownership and 6 would be affordable rent. This is



slightly out of kilter with Policy L2, which seeks a 50/50 split. However, it is considered passable as an exception in these circumstances when having regard to the benefits of the affordable package as a whole (although the deviation from Policy L2 on this point is placed on record). In addition, it is to be noted that the affordable housing mix is also not consistent with Government policy regarding First Homes, as explained in the Written Ministerial Statement (WMS) of 24<sup>th</sup> May 2021. However, this is because in actual fact the affordable package will be more affordable in the context of Trafford's specific housing market. A Section 106 legal agreement is required to ensure that the affordable units would be provided in accordance with this proposal and that they would be subsequently retained.

20. Overall, officers are satisfied that the detail of the housing submission adequately reflects a broad range of housing needs (including for affordable homes) and would therefore contribute to the creation of an inclusive and mixed community, in compliance with Policy L2, PfE (policies JP-H2 and JP-H3) and the NPPF on this important matter.

### Design and Visual Amenity

21. The NPPF, since its introduction in 2012, has referred to the Government attaching great importance to the design of the built environment. However, in recent years – as the Government has sought to introduce reforms to the planning system – there has been a re-focussing on design quality. In October 2019 the Government launched a National Design Guide (NDG), and in July 2021 it published a revised NPPF which, through text amendments, gave a clear indication of the Government's drive towards 'beauty' and improved design. Maintained in the most recent update to the NPPF (in December 2023), this NPPF also provides strengthened wording to enable local planning authorities to reject poorly-designed developments (see paragraph 139). The Government's wish for reform reflects wider concerns about the overall standard of design in new developments, including in relation to housebuilding.

22. Consistent with the Government's agenda, high quality design has become paramount to planning decision-taking and plan-making in Trafford. It has been recognised that designing well, particularly in relation to housebuilding, creates better economic outcomes (as well as social and environmental) and that it should not be perceived as a barrier to investment. Both the NPPF and the NDG encourage local planning authorities to produce design codes, which are defined by the NDG as a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. In 2022, this Council embarked upon the production of its own design code, following a successful application to the Government's Design Code Pathfinder Programme for a share of £3m funding. Since that date the preparation of the Trafford Design Code has been fast-tracked. It has been largely produced in-house under the supervision of the Department for Levelling Up, Housing and

Communities, and it has undergone several rounds of widespread public consultation including with residents, developers and architects. Final engagement sessions concluded in Autumn 2023, remaining representations have been reviewed and addressed where possible, and adoption of the Trafford Design Code as supplementary planning guidance is expected in Summer 2024.

23. It was against this backdrop of a reinvigorated design agenda that the last application was assessed. Concerns regarding the design philosophy, which it was felt comprised a typical, generic design solution adopted by a volume housebuilder, had been raised in earlier pre-application discussions. Particular design concerns associated with the last application included the scheme's failure to reflect and reinforce the site's existing character and its wider context, the use of standard house types which all followed a similar suburban and well-used style, and a one-route internal access road which had an unfortunate dominating influence and limited the arrangement of the rest of the development. This led to the refusal of the application, as it would be contrary to Policy L7 of the Core Strategy as well as the NPPF and the NDG (the Trafford Design Code was embryonic at that stage). The appeal Inspector was in agreement; it was commented that the lack of resemblance to the surrounding built form would result in a development which would jar with the wider area, and that the central estate road would exacerbate the suburban character of the development. Further concerns were raised regarding the formation of two separate character areas (one made up of affordable homes) which would limit the potential for social interaction, and also the disconnected siting of the area of open space. Collectively, the Inspector concluded that: 'The proposed development would be of poor design which would harm the character and appearance of the area.' 'Very substantial weight' was afforded to such harm, and the appeal was dismissed.
24. Subsequent to that decision, the applicant in conjunction with a new design team (including an independent architect's practice (not in-house) as well as landscape architects), has worked with officers in order to overcome the previous scheme failings and to produce a fitting, high quality residential development which is widely different from the appeal proposal. Such discussions commenced at pre-application stage and have continued during the application process, with the final development presented in this report reflecting the outcome of a collaborative and iterative design process. This activity has been grounded in a desire to produce a development which has very evidently drawn inspiration from the site's character and would relate well to its surroundings, and which would support community inclusion and integration.
25. It has been explained that the appeal scheme was refused with reference to Policy L7 of the Core Strategy. Policy L7 has operated as the leading design policy within the development plan since 2012. It covers matters of design quality and aesthetics as well as issues surrounding accessibility, security, functionality and residential amenity. PfE also attaches importance to the design

and quality of Greater Manchester's built environment, reflecting the content of the NPPF. PfE similarly has a design policy – Policy JP-P1 – and this has replaced a significant portion of Policy L7, including that which relates to the visual aspects of design. Policy JP-P1 catalogues the expected attributes of new development in the interests of creating beautiful, healthy and varied places. Its leading requirement is for new development to be distinctive, with a clear identity which: conserves and enhances the natural environment, landscape features, historic environment, local history and culture; enables a clear understanding of how the place has been developed; and respects and acknowledges the character of the locality in terms of design, siting, size, scale and materials used. It continues that development should be visually stimulating, creating interesting and imaginative environments which raise the human spirit, including through the use of green space. Policy JP-P1 has thus become part of the framework of design policy and guidance considerations to be applied to this application, replacing the previous Policy L7.

26. A common thread of all relevant existing and emerging policy and guidance is that a new development that is well-designed would respond positively to the site and its surroundings. The NDG explains why 'context' is an important component of good design, and with it listed first within its ten essential design characteristics. Context is defined as 'the location of the development and the attributes of its immediate, local and regional surroundings'. These features can include existing built development (including layout, form, details and appearance), landscape character, local heritage, landform and topography, and views inwards and outwards. 'Well-designed places are based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design,' the NDG explains. One of the key reasons for the last application's failure was the absence of a connection between the characteristics of the site and its setting and then the proposal's design philosophy that was subsequently pursued.

27. A Design and Access Statement (DAS) is an invaluable tool in any successful design process in, firstly, facilitating an appraisal of a site and its locality and then allowing for a demonstration of how a development has evolved and has been designed to take that context into account. This time around, at the request of officers, a very comprehensive and exemplary DAS has been prepared, which includes a detailed description of the conditions of the site and the wider neighbourhood. It recognises that the application site, whilst under-utilised and neglected in parts, has some important and unique characteristics. Much of this is derived from its undeveloped and green nature (the latter more pronounced before site clearance), and whilst this is concentrated in the northern part of the site, the southern half also contains some mature trees, particularly at its boundaries. This green character then continues beyond the site, to the adjacent parks (Broadway Park and Kingsway Park), recreational playing fields, street trees and wooded brook corridor (Longford Brook), and with this green attribute serving to enhance the quality of the local environment. These qualities are

reflected in the open space and ecological designations affecting the site and further afield. Another important characteristic of the site is its inherent heritage value. The farmhouse of Brook House illustrates a previous agricultural land use in the area, which has since disappeared but which ties in with the site's natural features. In addition, the adjacent terraces of Brook Terrace and Bent Terrace, and the onsite property of Willow Bank, also provide some historic context and comprise other examples of historical building typologies which positively influence the character of the area. The same applies to the Nags Head public house. Set amongst this, however, there is a recent development opposite the site consisting of two blocks of three storey flats (Spinning Gate) separated by parking. Another influencing factor, when looking beyond the site, is the adjacent carriageway of Barton Road. Whilst tree-lined, it is a well-trafficked thoroughfare and it leads to the nearby roundabout of Davyhulme Circle which is a wide disc of green lawn. Around the roundabout there is a mix of characterful buildings, principally in commercial use, and with further tree planting. There is also a vacant, former care home site (now demolished). Slightly further afield, in all directions, there is a predominance of semi-detached interwar dwellings.

28. All in all, in terms of physical attributes, the wider locality has a very mixed character with no one particular architectural style present. Notwithstanding the open and natural features and the rural history of the site itself, the appeal Inspector concluded that the site's immediate locality has a strong urban feel (by virtue of the busy carriageway and roundabout, the local centre with its commercial uses, and the variety in the built form). As a proposal involving wholesale redevelopment, this description is important since it is within this setting that the new development would be assimilated and would be observed. Having appraised the site's context and when accounting for the Inspector's conclusions, the submitted DAS then picks up on the 'landscape-led', 'place-making' principles that are advocated by the Trafford Design Code. In explanation, the code explains that the landscape-led concept is not about landscaping the space that is left over after a site layout has been produced (and which sought to optimise the development capacity of the site). On the contrary, it serves to ensure that landscaping has influenced the proposal from the outset by retaining, enhancing and reinforcing the existing landscape. Meanwhile, place-making seeks to focus on creating quality places for the people who live, work and play there, and to create a sense of community, rather than solely provide for the necessary physical infrastructure.

29. Accordingly, the DAS explains how the site's affinity with the natural landscape – in view of its former condition and its proximity to Broadway Park and the tree belt to the north - has helped inform the overall structure of the new development. It describes different character areas within the site: this includes the 'woodland edge' to the north whereby the attributes of the tree-lined brook corridor have been drawn into the site by eliminating any built form and providing informal footpaths which would weave through an area of semi-natural open space with further tree planting. It also describes a 'park edge' to the site's west

at the interface with Broadway Park. The DAS explains the development's desire to embrace this adjacent green asset and with the opportunity for the houses to be arranged to turn towards the park to take advantage of the views and in turn to be welcoming to users of the park (as opposed to promoting a sense of it being a private place with a separating barrier). The careful treatment of the transition is referred to with new boundary planting to provide a degree of delineation while complementing the natural character of the adjacent park. The DAS also refers to the development's desire to deliver a functional linkage with Broadway Park through the establishment of two cross-boundary pedestrian and cycle paths which would invite park-users into the development to access its onsite open space and play area and to provide an onward recreational route. The document continues by describing the 'green heart' of the development, which is the main area of on-site public open space and which would be a community focal point. Its central positioning would allow it to feel social and fully inclusive; the arrangement of houses and apartments on three of its four sides would cause it to be safe and overlooked; and the incorporation of attractive planting, surfacing and natural play equipment would create a pleasant place that people (including the wider public) would be drawn to and would want to use. Finally, the DAS describes the 'green spine' character area which is the main movement route through the site. Whilst the layout has been drafted to support all forms of movement, it is explained how a pedestrian-focussed design has been used with wide pavements, measures to reduce vehicles speeds (such as beds and raised tables), and pedestrian-friendly infrastructure. A high degree of soft landscaping as an integral part of the green spine has also been incorporated, it is explained, including street trees, low-level planting and rain gardens and SuDS (Sustainable Drainage Systems) planters.

30. Of course, the need to address the previous proposal's shortcomings regarding the site layout, which was governed by the central estate road and which gave way to a unsatisfactory sense of the car dominating, has been a driving factor in the current proposal, the DAS outlines. A different development grid has been devised which incorporates much greater variety in the route network and which, for instance, from Barton Road would provide an attractive westward-facing scene into the site of housing and soft landscaping rather than a view down a wide vehicular carriageway. Indeed, the layout incorporates separate route options (rather than one main carriageway) which provides some hierarchy to the road structure and allows for the formation of different housing clusters to introduce a sense of variety. Different built frontages, supplemented by selected tree planting, have been provided at key junctions in order to enhance and frame particular views, it is explained. The objective to create as permeable a structure as possible has further informed the positioning and quantity of movement corridors, it is reported. This is in the interests of facilitating easy and convenient orientation and navigation, and offering a choice of routes both within the site and to destinations beyond it (including Broadway Park to the west and Barton Road/Broadway to the east and north). Such permeability plays a key role in encouraging walking and cycling, it is continued.

31. It is to be noted that the current proposal involves an uplift in development density relative to the last application (an increase of 20 residential units). However, concerns surrounding 'overdevelopment' were not levelled at the last application despite the wider design objection, and in the interim the appeal decision has emphasised the urban character of the site's surroundings. In the context of the positive attributes of the new development that has taken shape as described in the DAS, it is considered that the provision of 57 units (including houses and apartments) has in fact added another layer of character to the development by allowing for the establishment of different building groups. It has also made more of the opportunity afforded by the site to deliver a new residential development of an order that would support more activity and promote a community atmosphere.
32. A leading concern associated with the last application was the reliance on generic house types - very suburban in their appearance - and which had been used by the housebuilder on numerous sites across the north-west region. This clearly did not represent a bespoke approach. The submitted DAS contains a rigorous analysis of the different architectural styles that are prevalent in the wider locality. It explains how the historic residential character, observed on the application site and in the traditional terraces opposite, is increasingly being interspersed with more modern developments and that the townscape is evolving. Whilst there is an absence of a strong architectural precedent, there are nonetheless some common features within the townscape which contribute to a sense of local character, it is explained. This includes the use of red brick and grey roof tiles as the main building materials, areas of brick detailing, deep window reveals, the incorporation of bay windows, pitched roofs, projecting gables, dormer windows, recessed porches, and modest buildings heights (typically two to three storeys). The DAS then describes how these characteristics have been used as reference points in creating a set of new housing typologies for the proposed development, whilst allowing for some contemporary interpretation in reflecting the principles of modern place-making and catering for 21<sup>st</sup> century living requirements. Seven different house styles have been designed – each one original for this development – together with two different apartment blocks (also unique) and with this allowing for an appropriate degree of variety in order to be visually stimulating whilst also factoring in some commonality in approach in the interests of promoting a strong sense of identity and coherence.
33. The DAS continues by explaining that each house type has been designed to respond to its particular location. In that part of the site which is most observable to the public and passing traffic – fronting Barton Road – a row of brick built terraced properties are proposed. These would continue the building line established by the existing Brook Terrace and would helpfully contribute towards reintroducing a sense of enclosure to the street scene. The DAS and accompanying elevation drawings demonstrate how these properties would

reflect the traditional terraces (including of Bent Terrace opposite) in their materials, scale, form and design. This includes in the use of a brick dentil course, gabled roofs, pitched dormers, stone cills, window proportions and window arrangements. Elsewhere within the site – in locations which are somewhat less constrained by their surroundings – the house and apartment designs nevertheless make positive references to this local vernacular (through the palette of materials, the roof shape and building height, and the configuration and dimensions of windows, and the use of projecting gables and bays). The DAS describes how certain house types have been designed with tall, feature windows in order to provide an engaging and active frontage along the main access road. Another house style has been designed to take advantage of its aspect over the on-site green space through the provision of a balcony at the upper floor. Careful attention has been paid to the architectural treatment of those properties and groups of properties which would be accommodated in particularly prominent locations, where views into and within the site would be channelled, or for those buildings which buttress a key junction and would serve to ‘turn a corner’, the DAS describes. Overall, in stark contrast to the refused application, it is evident that each building type has been designed with appropriate diligence in order to relate positively to the site’s setting and to each other. The proportions of buildings, their openings, their roof shape and silhouette and their materials would all complement the site’s context whilst also presenting a more modern response in reflecting today’s lifestyles, it is considered.

34. Careful planning and design of the hard spaces between the buildings proposed has also been allowed for, the DAS identifies. The proposed materials palette consists of surface finishes that are suitably robust and well-suited to their purpose, as well as being easy to replace and maintain, it is explained. It includes standard asphalt for the main vehicular carriageways and footways, and more visually appealing block paving and flag paving for car parking areas and in the location of raised pedestrian crossings. Self-binding gravel is proposed for the recreational foot/cycle-paths. In response, officers are satisfied that such materials would complement the wider design aesthetic whilst also being fit-for-purpose in allowing for safe, convenient and inclusive movement. In recognising that the upkeep of all carriageways, roads, footways, footpaths, cycle-paths would not fall to the Council (since they would not be adopted), it is suggested that a condition is applied to ensure no deviation or downgrading of such materials during subsequent repair and replacement work.
35. The DAS, as supported by the suite of plans, also explains the intended treatment of thresholds and boundaries. The strategy places much emphasis on the use of defensible planting to define front gardens and to soften building edges; this has been well-received in seeking to secure a development with a strong green character. Other boundary treatments include metal railings and brick walls, typically proposed in conjunction with complementary planting and soft landscaping, and of an appropriate height in reflecting the characteristics of

the specific location and the purpose of that particular boundary. A low, timber knee rail fence is proposed to the site's western boundary, together with tree planting, with the intention that it would present an informal, natural and inviting edge to the adjacent park. The use of close-boarded timber fencing would be limited to rear gardens in less conspicuous locations. Again, full details of all boundary treatments would be required via condition.

36. The architectural response has also sought to secure good visual integration of car parking, the DAS explained. From a position of acknowledging that the parking needs of prospective residents need to be catered for (amounting to a total of over 100 spaces in this case), parking has been situated and designed in order to support the street scene, it is described. Once more, the need for landscaping has taken priority; where larger zones of parking have been necessary (in providing the two parking courts, for instance), the proposed site layout plan illustrates that spaces would be punctuated by trees and that low level border planting would be provided. Integral and detached private garages have been designed and sited in order to be subordinate and to avoid dominance within the built frontage. Another feature of the proposal is on-street parking, which would be provided in bays parallel to the carriageway. The applicant's approach in retaining maintenance rights has enabled this car parking method to be utilised in full, with spaces interspersed by street trees (where possible) to further increase the development's aesthetic value.
37. As will be discussed further within this report, as this application has progressed, the applicant's commitment to delivering a carbon neutral development (or as close as possible) has increased, which has been supported. The positive energy strategy put forward includes roof-mounted photovoltaic (PV) panels. An indicative plan has been submitted which illustrates that the infrastructure could be accommodated across the site. Whilst the intention is for all buildings to be fitted with roof-based panels to provide each unit with its own renewable energy source, the details show that panels would be limited to a portion of one roof slope per building only. Notwithstanding the wider benefits, it is recognised that some PV installations can have adverse visual impacts. Full details of the PV system proposed, including the finalised locations and full product specifications (including appearance), would be secured by condition in order that all equipment would be well-integrated and to ensure that the scheme's wider design intent would not be compromised.
38. In concluding on this important matter of design – which was the sole reason for the last application's refusal and appeal dismissal – a very conscientious approach has taken place by the newly appointed design team, inputted by officers, of all relevant design considerations. This has focussed on the condition and character of the site and its environs but has also allowed for the appeal Inspector's commentary as well as the implications and aspirations of new policy and guidance (including PfE and the emerging Trafford Design Code). The design response – quite rightfully – has been considered afresh and it is evident



from the preceding content that the deep-seated design flaws of the last application have been overcome. Officers are satisfied that the scheme encompassed in this second application is now of a quality which would support positive place-making. The green landscape elements in this proposal are considered to be fundamental to its wider success – consistent with the objective of the design code – and equally it has been demonstrated that the architectural response would be well-assimilated into the surrounding context and that a development with a distinctive and coherent character would be delivered. In view of the quality of the design secured and when having regard to the weight afforded to the design in the subsequent planning balance, it is considered that there is a case for a condition to be used to remove permitted development rights in order that the original design intent is maintained and that the quality in appearance is not diminished in the longer term (through unsympathetic extensions and alterations). As such, it is concluded that the proposal is compliant with relevant design policies (including Policy L7, where relevant, and the more recent Policy JP-P1). It is also in keeping with the NPPF on the matter of design and the NDG, and is fully in the spirit of the emerging design code.

#### Impact on Heritage Assets (Built Environment)

39. Conserving and enhancing the historic environment is an important component of the NPPF (see chapter 16). The document introduces the term ‘heritage assets’ which are defined as: ‘a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions. It includes designated heritage assets and assets identified by the local planning authority (including local listing).’ It is the conservation of heritage assets in a manner appropriate to their ‘significance’ which is the focus of the NPPF, and with this significance defined (in the glossary) as: ‘the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence but also from its setting.’
40. In determining planning applications, paragraph 203 of the NPPF advises local planning authorities to take account of: ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.’
41. Within the Core Strategy Policy R1 seeks to ensure that the borough’s heritage assets are safeguarded for the future, where possible enhanced, and that change is appropriately managed and tested for its impact on the historic environment. However, Policy R1 has been recognised as being inconsistent with current government guidance. This is because the policy does not reflect the NPPF’s categories of ‘substantial’ and ‘less than substantial’ harm and their

corresponding tests (see paragraphs 207 to 209 of the NPPF). In summary these tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm. Elements of Policy R1 have been superseded by Policy JP-P2 (Heritage) of PfE. This policy defers to individual authorities' local plans to inform the positive management and integration of that area's heritage. Significantly, it also refers to development proposals affecting designated and non-designated heritage assets being considered in line with national policy. It thus subsumes the tests of paragraphs 207, 208 and most notably 209 of the NPPF which – as with the last application – falls to be applied here.

42. There are no designated heritage assets within the site boundary and the site is not within or in proximity to a conservation area. However, two buildings within the site have been identified by the Council as comprising non-designated heritage assets: Willow Bank and Brook House. The Nag's Head public house (also a non-designated heritage asset) and the Davyhulme Circle War Memorial (Grade II listed) are within the vicinity of the application site.
43. In considering the last application and its effect on the historic environment, the Council's Heritage Development and Urban Design Manager objected to the demolition of the two non-designated heritage assets within the site. This consideration of the application took into account the findings of a submitted Structural Survey which had been instructed by officers to ascertain the buildings' structural condition and their suitability for re-use (including, potentially, as part of a redesigned new housing development). However, the survey concluded that the properties were in a very derelict state, that works to return Willow Bank to a habitable condition would be prohibitively expensive, and that Brook House should be carefully demolished at the earliest opportunity to remove a health and safety hazard. In the absence of an independent audit of the survey, and with the loss of both properties in making way for the proposed development a guaranteed outcome, the Heritage Development and Urban Design Manager's position was that the proposed development would result in 'major harm' (through complete destruction) to the significance of Willow Bank and Brook House (thereby contrary to Policy R1). The Inspector, however - whilst dismissing the last application at appeal – formed a different view regarding the historic value of the two properties. She recognised both as non-designated heritage assets and with them possessing some local historic interest. However, it was felt that their poor physical condition had caused them to appear as dilapidated features within the streetscape and that any former association with the historical development of the locality had been lost as the area had expanded. This had compromised their significance, the Inspector concluded, and thus there would be limited harm from their loss.
44. Once again Willow Bank and Brook House, two non-designated heritage assets, are proposed for demolition. A Heritage Impact Assessment (HIA) has again been submitted which seeks to establish the significance of affected heritage

assets and to identify the proposal's potential effects on that significance (in accordance with NPPF requirements). This document emphasises the Inspector's conclusions that the significance and sensitivity of the two non-designated heritage is low, and it thereby concludes that the harm arising from the loss of the buildings is also low.

45. In considering the new proposal and in reviewing the HIA, the Heritage Development and Urban Design Manager has repeated the objection surrounding the loss of two non-designated heritage assets and the conflict with Policy R1. Whilst the Inspector's findings are assistive, even from a position of low significance, some measure of heritage harm would occur if the buildings were to be knocked down. This remains the Heritage Development and Urban Design Manager's professional opinion, including on account of the Inspector's comments wherein the buildings' overall status was not contested. It is reasonable to conclude, however, that the degree of harm has been reduced. For the avoidance of doubt, as with the last application, the Heritage Development and Urban Design Manager is satisfied that no harm to the significance of the off-site heritage assets would be caused.
46. The identification of heritage harm (to Willow Bank and Brook House) of some order triggers a requirement for the test at paragraph 209 of the NPPF to be undertaken. It should be noted that, in relation to the last application, it was determined that the harm to the significance of Willow Bank and Brook House, as had been identified through consultation with the Heritage Development and Urban Design Manager, would be offset by the public benefits of the scheme (with such benefits chiefly originating from the provision of new homes, although with other important, generally environmental-led gains). Thus, the test was passed and there was no heritage reason for refusal (which was maintained at appeal). In approaching the test again, the viewpoint of the Inspector is important and material since it calls into question the buildings' significance and serves to lessen the level of harm that would be derived from their demolition and thus the weight to afford to it.
47. The application submission, within its Planning Statement, seeks to identify the public benefits that would arise from the development. Again, a key benefit which can be granted considerable weight is the creation of new homes, with the proposed selection being sufficiently diverse and also including affordable provision. Even greater weight than before can be applied to this benefit since the number of units formed has increased (by 20), the level of affordable homes has been uplifted proportionately, and more variety in the housing mix has been introduced. However, beyond housing creation there is a wide-ranging list of other public benefits (as will be covered again in the concluding planning balance section of this report). These relate to the proposal possessing high architectural quality and the ability of the scheme to deliver place-value. In addition, it would accommodate considerable green infrastructure onsite (including tree and other planting, and play and amenity space), it would provide new recreational cycling

and walking routes (available to the public) and would facilitate linkages to other local green spaces, and it would support offsite recreational enhancements. Furthermore, the development has been designed to exploit as much as possible the site's biodiversity resource whilst also making a meaningful contribution to new habitat creation in the local area (achieving a 10% net uplift in biodiversity units). The application has also taken a very positive approach in relation to the incorporation of both renewable and low carbon energy technologies to serve the residential units, together with a range of energy efficiency measures, in an attempt to achieve a zero carbon (in operational terms) position. The proposal would secure the site's remediation, would remove a vacant and degraded site, and would provide a more compatible land use for surrounding residential properties. Some other, albeit modest, economic-based benefits are also anticipated, associated with the development supporting some (temporary) construction jobs, signalling further investment in the area, and increasing the customer base for surrounding businesses.

48. The exercise of balancing harm to heritage assets against public benefits is a matter of planning judgement. From the summary above, it is evident that there is a very broad collection of benefits that would arise and which would be welcomed, particularly those arising from new housing (including affordable homes) and the environmental and community-led gains. On the reverse side, there would be complete loss of significance to two heritage assets, but the Inspector's previous reasoning, that 'insignificant weight' should be afforded to their loss, has to be taken on board. With this in mind, necessary weight has been afforded to the heritage harm that would arise; it is concluded again that the policy test at paragraph 209 of the NPPF has been fulfilled and that the heritage harm would be outweighed. The proposal is thus in accordance with Policy JP-P2, and also Policy R1 (notwithstanding the latter policy's remaining inconsistency with the NPPF).

#### Impact on Heritage Assets (Archaeology)

49. The reference to heritage assets as referred within the NPPF also includes those with an archaeological interest, and policies R1 and JP-P2 similarly refer to sites of archaeological significance. The application was also accompanied by a desk-based archaeological assessment with the purpose of identifying any archaeological potential of the site and to establish whether there would be any impact upon buried remains. The assessment explains that parts of the site have undergone significant disturbance and with this impacting upon the survivability of any below-ground archaeology in these areas. However, in the vicinity of Brook House, historic mapping indicates that there could have been a cluster of early 19<sup>th</sup> century farm buildings (now demolished), it records.
50. As with the last application, the Greater Manchester Archaeology Advisory Service (GMAAS) has been consulted on the application and has reviewed the desk-based assessment. As before, GMAAS recommends that a scheme of

archaeological works in the form of trial trenching is undertaken since there is sufficient evidence regarding the site's heritage value. However, the consultee is satisfied that any remains uncovered are likely to be of no more than local or regional significance, and thus the trial trench could take place once the principle of the site's development has been established (to be secured by condition). Following on from the trial trench an accurate record would be made of any remains that would be harmed or lost. This approach is considered by GMAAS to be proportionate to the potential assets' importance. The condition suggested by GMAAS also allows for 'historic building recording' of the two standing properties that would be demolished (and with this request supported by the Heritage Development and Urban Design Manager). Accordingly, the proposal is considered to accord with Policy R1, Policy JP-P2 and the NPPF on the issue of archaeology.

### Protected Open Space, Protected Linear Open Land and Spatial Green Infrastructure

51. It has been explained that the site includes land, in its northern half, which is the subject of a dual allocation on the topic of open space: Protected Open Space (POS) and Protected Linear Open Land (PLOL). It covers some 0.51 hectares (approximately one-third of the site). In both cases, the site forms part of a wider designation. The existence of POS/PLOL within the site should be regarded, in principle, as a constraint to development. However, it has been explained that – by means of the last application – the loss of POS/PLOL was accepted on the basis of a bespoke package of mitigation which included both onsite recreational and access enhancements, and a financial contribution towards complementary improvements offsite. This approach is in accordance with the NPPF which, whilst it is clear that existing open space should not be built upon, sets out in paragraph 103 some circumstances wherein it may be permitted. These are where: an assessment has been undertaken which has clearly shown the affected open space to be surplus to requirements; 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 the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current use. As such, the principle of this method, which was not contested at appeal, has been followed through in this application, although with it tailored to reflect the current proposal in the context of layout changes and an increase in the amount of development proposed.

52. The Proposals Map designations for both POS and PLOL refer to the original policies of the Revised Trafford UDP: Policy OSR5 and Policy OSR6. These have since been replaced in part or in full by Policy R5 (Open Space, Sport and Recreation) and Policy R3 (Green Infrastructure) of the Core Strategy respectively. In the interests of completeness, it is reported that Core Strategy policies R3 and R5 have not been superseded upon adoption of PfE. The main purpose of Policy R3 is to conserve and manage Trafford's existing green infrastructure network, and also to create new green infrastructure. The policy

recognises that the borough contains a range of physical environmental assets which provide multiple social, economic and environmental benefits. Enhancing the functionality, quality, connectivity and accessibility of this green infrastructure is a key policy objective in the interests of improving quality of life for residents and visitors. Allied to this, Policy R5 recognises that the availability of open space, sport and recreation facilities are also key factors to physical and mental well-being, and similarly add to the attractiveness of the borough. At sub-section R5.3, it is made clear that the Council will protect and enhance Trafford's open spaces and sports facilities, as identified on the Proposals Map. Further to this, a commitment is given to addressing key areas of deficiency in the quality and quantity of open space. This will be achieved by a number of means, it is stated, including protecting existing and securing new provision of open space and outdoor sports facilities, and protecting and improving the quality of open space and outdoor sports facilities so they are fit for purpose.

53. However, the existence of POS/PLOL within the site and the need to address the policy obstacles of policies R3 and R5 associated with those designations comprises only one demand placed on this proposal on the matter of open space. Indeed, in order to contribute to the objectives of policies R3 and R5, qualifying development proposals are expected to proportionately contribute to the borough's green infrastructure network and to its open space facilities. These requirements are expanded upon in Revised SPD1, which refers to both 'Specific Green Infrastructure' and 'Spatial Green Infrastructure'. The former category includes trees and other forms of planting, whilst the 'Spatial' aspect – which is discussed here – relates to the more open and natural functions of green infrastructure (such as local open space, semi-natural greenspace, children's play areas, and outdoor sports facilities). As a residential development of over five dwellings, the application scheme is a qualifying development for Spatial Green Infrastructure since it is recognised that the new population would place a demand on local recreational and social infrastructure. The development is not of a scale, however, that would generate a need for new formal sports facilities. Therefore, as with the last application, there are two policy strands to the requirements for open space – one bespoke to the site and the other a universal requirement – although such requirements have once more been amalgamated in seeking to put forward a suitable mitigation scheme. The proposal's Specific Green Infrastructure offer – for which it also needs to address – is covered subsequently within this report.

54. The application is accompanied by a Green Infrastructure Statement. The statement describes the proposal's strategy for delivering green spaces and supporting new and enhanced Spatial Green Infrastructure when taking account of the two strands of policy applicable to the scheme. The document refers to Policy R5 which – alongside Revised SPD1 – sets out the standards for the scale of provision that is sought, which is calculated on the basis of the expected residential population of the development proposed. From a population estimate of some 140 residents, the statement refers to a total requirement of 0.47

hectares of Spatial Green Infrastructure under the terms of policies R3 and R5. The statement continues by explaining that the proposed site layout plan has allowed for the majority of such provision to be contained onsite. It refers to the inclusion of a dedicated area of open space; this is now more centrally located when compared with the last application and would be surrounded by built development on three of its four sides (thus allowing it to benefit from good natural surveillance). It is illustrated as accommodating some low-level play equipment and it is explained that this would function as a Local Area for Play (a 'LAP') designed for young children. Aside from this key open space feature, the Green Infrastructure Statement also refers to the widespread provision of more incidental semi-natural greenspace. This is chiefly located in the western and northern parts of the site where the site adjoins existing greenspace sites, including Broadway Park and the tree lined corridor of Longford Brook. Within these areas a network of shared pedestrian/cycle routes would weave, including to the outer edge of the LAP and towards the site's northern boundary. The latter would provide a new connection to Broadway Park in the site's north western corner, and also (in the site's north-eastern portion) would serve to link up with the existing recreational footpath which travels through the tree-lined corridor from Barton Road to Broadway Park. This existing track is poorly-surfaced in parts, and the development would provide an alternative passage for part of the route. A second route into Broadway Park is shown from the south-western corner of the site. The plans indicate that the routes would be appropriately hard-surfaced, flanked by grassed areas, and with some seating furniture. However, the statement acknowledges that this extent of Spatial Green Infrastructure (amounting to some 0.37 hectares in totality) would not meet the full requirement, and furthermore this does not yet address the second strand of policy associated with the need to compensate for the loss of POS/PLOL. Accordingly, the Green Infrastructure Statement explains that the onsite provision would, again, be complemented by a commitment to offsite open space and green infrastructure enhancements which would address the remaining gap. This would take the form of a financial contribution secured via a legal agreement under Section 106 of the Town and Country Planning Act.

55. The proposal's approach to open space and green infrastructure has been very carefully considered, and with the constructive and sound position reached in the last application providing very useful context. Advice has also been sought, once more, from the Council's Greenspace officer. It is noted that the application strategy again relies on some level of offsite provision, which Revised SPD1 advises should only be used in exceptional circumstances. However, when having regard to the ratio of developed versus non-developed space that the proposed site layout plan conveys, it is considered that the scale of onsite provision is sufficiently generous and embodies a development density that is reflective of the site and its surroundings. The principle of accepting POS/PLOL loss and agreeing to mitigation in its place was not accepted lightly last time around and a serious and diligent approach was taken to ensure that it represented the right strategy. However, it has been explained that the decision

to accept this method accounted for a number of factors particular to this site, including the prior removal of many of the site's POS/PLOL virtues, that it is presently a closed site with no active recreational function, that the wider POS/PLOL swathe would remain, and the opportunity afforded by the site's redevelopment to address some of these deficiencies (both on and off site). Such justification remains equally valid, and thus what remains is to ensure that any contribution towards offsite provision would be proportionate to the POS/PLOL loss whilst also simultaneously addressing the remaining deficit under policies R3 and R5. Accordingly, in consultation with the Council's Greenspace officer a financial contribution of £73,017 has been calculated. This is based on the cost of providing new open space in accordance with the formula contained in Revised SPD1 and its technical note, and is a higher figure than with the last application since it reflects the specifics of the current proposal (including its expected residential capacity). This level of contribution has been accepted by the applicant. The monies would be received by the Council as a commuted sum to fund or part-fund new open space or to improve and enhance existing provision.

56. The NPPG is clear that planning obligations may only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms. One of the tests which must be passed is to ensure that the obligation is directly related to the proposed development. A key component of successfully passing this test is to ensure that the monies received would be capable of being used in the locality of the application site in order to ensure that the resultant mitigation would benefit the same community that experienced the original loss. It has been explained that the site is located adjacent to Broadway Park and that there are other greenspace sites within the vicinity, including the Longford Brook corridor and Kingsway Park on the other side of Barton Road. As was concluded in relation to the last application, there are a number of possible receiving schemes in the local area that the contribution could help to support. This could include improvement projects within either Broadway Park or Kingsway Park (for example to the play equipment, sports pitches/courts, footpaths, and landscaping) or – and notwithstanding the new pedestrian and cycle paths within the site – it could also include the upgrading (in full or in part) of the footpath which runs adjacent to the site's northern boundary and which passes through the woodland (and which the site layout plan provides a link to). Overall, from discussions with the Council's Greenspace officer, it is evident that there are several potential initiatives within the environs of both Broadway Park and Kingsway Park which could be supported by the financial contribution. Moreover, more schemes could emerge following any future local community engagement (which the Greenspace officer suggests should be carried out). In any case, it is considered that the exploratory work undertaken to date constitutes the basis of a scheme of local mitigation that would adequately compensate for the POS/PLOL loss and provide for residual Spatial Green Infrastructure requirements. At this stage, and with the level of contribution agreed, it is suggested that the general location is ring-fenced but that some



flexibility is afforded in terms of the programme of works. This could be achieved through the wording of the legal agreement. In terms of the Spatial Green Infrastructure features contained within the site, including the LAP, it has been agreed that the legal agreement would also be used to secure the applicant's appointment of a management company who would be responsible for managing and maintaining all public spaces within the development.

57. In conclusion, the proposal would again remove 0.51 hectares of land from the borough's open space and green infrastructure resource. However, using the model accepted via the last application (which was corroborated through the appeal process) with updates made to reflect the particulars of this proposal, a suitable remedy has been negotiated. When also allowing for the greenspace demands placed on the local area by the new residents, the solution again involves a mixture of onsite and offsite enhancements. Officers are satisfied that the proposal as a whole would support qualitative improvements to existing local facilities to suitably offset the loss in quantity whilst simultaneously addressing new pressures. Most significantly, the development would facilitate public access, which is presently prohibited despite the POS/PLOL status. With this in mind, and subject to the legal agreement, it is concluded that the proposal is in compliance with policies OSR5, R3 and R5, and the NPPF. That being the case, it is to be acknowledged that there would still be some harm inflicted upon existing POS/PLOL.

#### Landscaping, Arboriculture and Specific Green Infrastructure

58. The NPPF is clear that the creation of well-designed places is also dependent on the incorporation of appropriate and effective landscaping (paragraph 135). The importance of quality landscape treatment in all new development proposals is further acknowledged by Policy L7 of the Core Strategy. In addition, Policy JP-P1 of PfE, which has partially replaced Policy L7, outlines that new developments should include high quality landscaping in aspiring to deliver beautiful, healthy and varied places across Greater Manchester. Most pronouncedly, the emerging Trafford Design Code brings landscaping to the fore with its landscape-led approach. Heeding the guidance within the NDG, it seeks to improve the quantity and quality of landscape elements within development proposals in recognising the crucial role played in establishing a positive sense of place, as well as offering health benefits, supporting enhanced biodiversity, and improving water management.

59. Whilst the design shortcomings associated with the last application were deeply felt on the Council's part, as reflected in the decision to refuse the proposal, there were some aspects (limited in number and scope) of the wider design approach which were welcomed. This included the soft landscaping strategy, in terms of the extent and arrangement of planting. In embarking on this new proposal, and with the added momentum for landscaping provided by the Trafford Design Code, the need to follow through and amplify this attribute has been recognised.

Of course, discussions surrounding landscaping on the part of officers have commenced in the context of the site's original condition; that is prior to the significant tree felling which has taken place in recent years. To confirm, the trees which were removed (which had generally advanced to a mature state) were chiefly concentrated in the site's northern half, contiguous with the adjacent tree-lined brook corridor. Until their clearance, these trees – which had amenity value – comprised positive elements of the site's character. Some trees do remain on site (focussed at the site's edges), but an Arboricultural Impact Assessment submitted with the current application shows that the majority of these are proposed to be removed as part of a further stage of clearance works.

60. The need for development proposals to incorporate new planting is also covered, separately, by Core Strategy Policy R3. The requirements of Policy R3 (and allied Policy R5 together with Revised SPD1) were covered in the preceding section of this report regarding Spatial Green Infrastructure. In line with the stance of the new Trafford Design Code, Policy R3 and Revised SPD1 have been drafted in recognition of the wider functions – aside from visual appeal – that landscaping can fulfil. This includes improved flood risk management, benefits to wildlife, climatic resilience and clean air, on health and well-being grounds, and providing for shading. In addition to contributing on an appropriate scale to the provision of Spatial Green Infrastructure, qualifying proposals are also expected to deliver Specific Green Infrastructure, Policy R3 and Revised SPD1 set out. The supplementary guidance document explains that Specific Green Infrastructure could include tree planting, but could also extend to cover new hedgerow planting (of native species), wildflower meadows, green roofs, green walls or forms of sustainable drainage. The scale of provision should be tailored to the details of the proposal, since the intention is that it would mitigate specific issues in that area. This could include the effects of urban heat or of air and water pollution, or to address local surface water management needs or ecological impacts, it is explained.
61. The applicant's Green Infrastructure Statement also describes the proposal's delivery of Specific Green Infrastructure. This would be accommodated exclusively onsite, in compliance with the guidance. For the avoidance of doubt, it is confirmed that the trees which have been felled (and more which are proposed to be felled) – and which supported the POS/PLOL function as well as the site's ecological worth – have been compensated for via the £73,017 financial contribution. The new trees and other planting that the proposed development offers are treated, in totality, as forming the new Specific Green Infrastructure package. Whether sufficient Specific Green Infrastructure is incorporated is a matter of judgement when having regard to the details of the proposal and the requirements of Policy R3 and SPD1; there is no set formula to be applied. That being the case, the guidance document includes some pointers regarding what might be regarded as a suitable level of provision: 3 trees for 1 new house or one tree for one new apartment is suggested, or 5 metres worth of new hedging per one house/two apartments. The statement explains that the proposed site layout

has allowed for the provision of 131 new trees, which almost meets the suggestions for trees alone. However, this would then be supplemented by some 480 metres of new hedgerow planting. On this basis (and subject to the use of native species), it is considered very reasonable to conclude that – from a quantitative position – the development has made more than adequate provision of Specific Green Infrastructure, and in fact the guidance levels have been exceeded (as with the last application).

62. The landscape proposals referred to in the Green Infrastructure Statement are also presented in a series of landscape and planting plans. These have been reviewed by the Council's Tree officer in the interests of ensuring that the new planting would complement the scheme's design philosophy, would link well with adjoining landscaping, and would thrive in decent planting conditions. The landscape/planting plan shows that new trees would feature across the site. Particular concentrations (especially of larger specimens) are shown towards the northern and western boundaries and within and surrounding the new central area of public open space. Other areas for new tree planting include: both sides of the internal estate road in the form of street trees; within private gardens and the parking courts; to the Barton Road edge, and at the southern boundary. A small number of existing trees would be retained, the plans illustrate. Added to this, the plans show widespread hedge planting (comprising a high proportion of native species), including to define the edges of hard surfaces areas, to mark the limits of garden areas, and between adjoining car parking spaces. This is often showed as being matched with adjacent low-level planting which would include flowering plants. Other planting typologies include 'streetscape' planting which would take the form of planting strips to separate the main internal carriageways and the footways, and lawns to the rear gardens. Finally, there would be broad sections of more informal woodland planting to those parts of the site which would assimilate with the adjacent park.
63. The Tree officer's response confirmed at the outset that there were no concerns regarding the additional and limited tree loss given that the majority of these, according to the AIA, have been left unmanaged, are not quality specimens and disease is often present. This conclusion was also reached when having regard to the potential of proposed new tree planting which would serve to raise tree cover across the site in the medium and longer term, akin to its previous condition. Some revisions were requested, however, which were accepted by the applicant. This included the use of a greater number of larger tree species in locations where space allows, a reduction in the number of trees with a columnar form and the introduction of a variety of tree canopy shapes, some adjustments to ground-level species selection to provide greater diversity, and confirmation that planting support systems would be used to provide sufficient rooting space for trees planted within hard-surfaced areas. Accordingly, the final consultation response from the Tree officer positively responds to the proposal's landscape design. Conditions are requested, however, in order that retained trees would be adequately protected during construction activities, to ensure that all utilities

infrastructure would be laid such that they would not interfere with the planting support systems, and to secure a scheme of landscape management and maintenance.

64. Overall, therefore, it is considered that the proposal has made sufficient allowance for Specific Green Infrastructure and that the resultant development would be suitably landscaped and would provide green character in the manner envisaged by the Design Code. In fact, as a matter of judgement, it is considered logical to conclude that there would be overprovision of such green infrastructure relative to guidance amounts. As such, there is no requirement for a further financial contribution towards off-site provision to compensate for paucity on site. The proposal is therefore considered to comply with Core Strategy policies R3 and R5 in this respect, as well as SPD1 and PfE Policy JP-P1.

### Highways Matters

65. The NPPF (paragraph 108) explains that transport issues should be considered from the earliest stages of plan-making and of development proposals. Significant development should be focussed on locations which are or which can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, paragraph 109 continues. However, development should only be prevented or refused on transport grounds if there would be an 'unacceptable impact on highway safety', or 'the residual cumulative impacts on the road network would be severe', it advises (paragraph 115). Policy L4 of the Trafford Core Strategy is the relevant policy at development plan level (on the matter of traffic impact). This is clear that planning permission will not be granted for new development that is likely to have a 'significant adverse impact' on the safe and efficient operation of the strategic road network (SRN), and the primary and local highway network. It has been concluded that the severe reference within the NPPF is a more stringent test for residual cumulative impacts, and thus it is the NPPF test which takes precedence over Policy L4 (on the issue of traffic impact). Parts of Policy L4 have been replaced by a number of its transport-related policies of PfE (including policies JP-Strat 14 (Sustainable and Integrated Transport), JP-C6 (Walking and Cycling) and JP-C8 (Transport Requirements of New Development)), however the component of Policy L4 which covers traffic impact remains. That being the case, PfE Policy JP-C8 refers to the need for planning applications to be accompanied by a Transport Assessment/Transport Statement in order to assess impacts and to determine whether mitigation is necessary, and thus this policy is also relevant.
66. It should be noted that highways matters were not in dispute by means of the last application and appeal, albeit that scheme's reduced quantum of development is noted. Moreover, this proposal departs from the last proposal on one key matter: the internal road network is now intended to remain private and not offered to the Council for adoption (although the footpaths and cycle routes which connect

beyond the site would be available for public use). This has served to alter aspects of the local highway authority's (LHA) assessment of the proposal. For example, the internal roads do not need to be designed to an adoptable standard (including requirements relating to safety), and concerns surrounding maintenance and responsibility are of lesser significance.

67. In accordance with Policy JP-C8 the application is again accompanied by a Transport Statement (TS) which has been reviewed by the LHA together with Transport for Greater Manchester (TfGM) acting in an advisory capacity. There has been some additional submissions and further rounds of consultation (chiefly with the LHA) in response to initial queries identified. In terms of traffic impact, it has again been concluded that the uplift in traffic associated with the development of the site – now for a 57 unit residential estate - could be safely and comfortably absorbed by the local highway network without the need for transport infrastructure improvements or highways mitigation measures. The TS, which estimates the trip generating potential of the development, concludes that the uplift in traffic would be barely perceptible during peak hours, and this conclusion has been agreed with by the LHA. The TS also refers to the proposal offering the opportunity to eliminate movements from heavier industrial-type vehicles associated with the site's storage use, or a similar, more active employment use which could be introduced. When having regard to an overview of collision data in the area of the application site as contained within the TS, the LHA is also satisfied that there is no evidence of a particular road safety concern in this location.

68. Vehicular access would again be taken from Barton Road via the existing access and which would lead to the new internal road layout. The TS explains that the access would be upgraded to provide a 5 metre carriageway and 2 metre footways to both sides. The LHA has confirmed acceptance with these access proposals (in noting that the existing arrangement does not provide footways and nor tactile paving across the Barton Road junction), and is also confident that the necessary minimum visibility splays of 2.4 metres by 43 metres can be achieved. The maintenance of visibility at this junction is, however, dependent on the implementation of a Trafford Regulation Order (TRO), which is covered below as part of the car parking discussion. Notwithstanding, that the roads within the estate would remain private, the comments of the LHA remind the applicant of the need for a Section 278 Legal Agreement for the works at the Barton Road threshold of the site which would be within the existing adopted highway. Whilst this process would control the type of surfacing and other materials in this location, elsewhere within the development the LHA would have less influence, the consultation response advises. That being the case, no concerns have been raised by the LHA regarding the hard surfacing materials that are proposed across the site (which includes the use of durable asphalt, concrete block paving and concrete flag paving, all being conventional materials).

69. If the roads were to be adopted, the LHA as a matter of course, would wish to be satisfied that the internal road design would allow for safe vehicular (and pedestrian and cyclist) movement in the site. Despite the intention for the applicant to retain full ownership, some review of these characteristics of the scheme has been undertaken. This has been approached on the basis that the LHA does not need to satisfy itself on all technical and detailed points, but nevertheless such matters have been regarded as important. This is particularly the case since the development would still be available for wider access, by pedestrians, by cyclists and those visiting the open space, and that on these terms it would not be in the public (nor the applicant's) interest to overlook critical safety concerns. Moreover, the LHA has also been aware of the applicant's intention for the development to be served by the Council's household waste collection service (whose refuse vehicles would enter the site) and thus it has been necessary to check that the scheme layout would allow for such vehicles to safely and conveniently move and manoeuvre within the site, as well as when entering and leaving to/from Barton Road.
70. Initially the LHA had raised some concerns that the internal roads were not wide enough to accommodate two vehicles passing each other and that refuse vehicles in particular may experience difficulties when navigating the interior road network. It was also commented that cars parked on some of the on-street spaces could impact upon drivers' visibility when exiting driveways (and likewise in relation to the effects of some street trees). Accordingly, the applicant was asked to provide additional tracking diagrams as well as to commit to the undertaking of a Road Safety Audit (RSA). An RSA is a procedure adopted as part of the design process for new roads that involves an independent scrutiny of a proposal with the focus being on safety issues. The completed RSA – and its accompanying analysis provided by the applicant's transport consultant - confirms that there are no overriding safety concerns that are not capable of being addressed at the detailed highways design stage. A subsequent consultation response from the LHA acknowledged this conclusion. Nonetheless, some LHA concerns were unresolved at this point regarding whether refuse vehicles could safely and conveniently move around the site specifically as a consequence of cars being parked outside of designated bays and which in turn could cause an obstruction (and thus the Council would be prevented from emptying bins). The applicant's response has been to confirm that all parking bays, garages and courts would be provided, clearly marked and signed, and retained for resident and visitor use, and also to identify that the site in full (including the internal roads) would be managed by a private management company. Such an arrangement would allow for the preparation and implementation of a Car Park Management Plan (CPMP), it has been made clear. The intention is that the CPMP, which would include contact details of the site management company, would be shared with the LHA and the Council's Waste team, and would also be provided to residents to inform them of their individual parking locations (including private garages where appropriate) and to outline the implications of parking indiscriminately. Subject to the CPMP being

secured by condition, the LHA has ratified this approach, and has confirmed on this basis that it is now satisfied that all vehicles could safely and conveniently negotiate the internal roads which should serve to provide a safe – in road safety terms - development for all site users.

71. In turning to car parking provision, for the 57 residential units the proposed site layout incorporates a total of 103 spaces. A plan submitted with the application identifies the allocated space/s for each unit, and with the allocation assuming that 9 of the 103 spaces would be available for visitor use. The CPMP, as referred to above, would be used to remind residents of the space/s dedicated to them and of their responsibilities in adopting a considerate approach to parking, including by their visitors. The 103 spaces are provided by a number of means, including in-curtilage driveway parking (for the dwellings), detached and integral private garages (for the dwellings), on-street parking, and parking courts (for the apartments and the dwellings to Barton Road). Where parking is provided on-street, it is located adjacent to the dwelling it is intended to serve. The nine visitor spaces take the form of on-street parking, and with these located across the site. The parking allocation also includes some accessibility spaces (4 in total), provided on-street and within one of the parking courts. It is reiterated that whilst the site layout plan also indicates the provision of replacement parking for the residents of Brook Terrace, this does not form part of the application proposal and the parking quantum cited does not include such parking. [For the avoidance of doubt, the applicant has confirmed that the necessary agreements are in place to undertake this work, alongside the implementation of any planning permission, although the land is not in the applicant's control].

72. SPD3: Parking Standards and Design, adopted in 2012, sets out the Council's expectations regarding the quantity of parking (of varying types) that application proposals should provide in order to meet the parking needs of a development. In relation to residential applications, one dedicated car parking space is sought for one-bedroomed properties, two spaces for two and three bedroomed properties, and three spaces for four bedroomed properties. However, the rigid application of these standards would result in a cumulative requirement of 132 spaces for the residents, and thus the provision of 103 spaces (including for visitors) represents a parking shortfall. However, the requirements of SPD3, which were prepared over a decade ago, even at that time represented maximum standards (and with the direction of policy that has emerged in the intervening period seeking to shift further away from supporting car dependency). Indeed, the use of maximum, rather than minimum, standards is intended to discourage excessive parking provision which could otherwise promote car use. The parking allocation that this proposal embodies would ensure that each of the proposed 38 houses had between one and two parking spaces, and that all of the residential units (including the apartments) would have at least one space. The LHA's assessment of this proposal has involved a very careful review of the quantity of parking, whilst also having regard to the level of accessibility that the site affords, other aspects of the proposal intended to prevent unauthorised,

overspill parking, and the scope offered by the proposal to promote sustainable transport choices. The accessibility overview contained within the TS has been drawn upon. This highlights the site's close proximity to local shops and amenities at the Davyhulme Circle (including a primary school), to Trafford Retail Park which is slightly further afield, and then Urmston town centre – with its more wide ranging services offer – still being within what might be regarded as a reasonable walking distance (approximately 1.5km). Pedestrian links to and from these destinations are regarded by the TS as good. The TS also refers to the wider network of local cycle routes, although it is considered fair for officers to highlight that there is a paucity of quality cycle infrastructure in this location and that this stretch of Barton Road only includes a 'within carriageway' cycle path and which is not continuous nor dual direction. In terms of public transport, the TS is able to refer to bus stops on Barton Road and on Broadway and which provide services to Urmston town centre, to Trafford Retail Park, the Trafford Centre, other Trafford towns (including Stretford) and Manchester city centre. The TS recognises that a location which benefits from good levels of accessibility can positively impact upon car usage for specific journeys that can be made via sustainable means. This does not necessarily transfer, however, to a reduction in car ownership, it is continued. However, the TS includes some analysis of car ownership levels obtained for the output area which includes the application site, and with this (with reference to 2011 census data) indicating that the number of households with multiple vehicles has reduced in recent years and that the provision of a total of 80 car parking spaces for this development (and not 103) would in fact better reflect local ownership levels, it is claimed.

73. Notwithstanding this, it is acknowledged that a lack of car parking within a development to meet resident needs can lead to excessive, inappropriate and also potentially dangerous overspill parking. For this site in this circumstance, it is to be expected that such parking could take place internally along the estate road or on the main Barton Road beyond the site boundary. However, the LHA is also mindful of the applicant's long-term commitment to active management of the site and to the use of a car park management regime - as has previously been described - in control and monitor parking habits within the development. This should also ensure that – where garages are provided - these remain available for the parking of a vehicle for the lifetime of the development (and not converted to a home office, for instance). This would be secured by the condition, previously referred to in the design discussion, which would remove certain categories of permitted development rights. In addition, most significantly, the applicant has accepted the need to fund a TRO – as with the last application which generated similar concerns - in order to prevent a scenario in which the residents of the new houses facing Barton Road would park in this location. A figure of £10,000 has been agreed, which would be secured via a Section 106 legal agreement and which would involve the provision of parking restrictions (double yellow lining, or equivalent) over a short stretch of the Barton Road highway in order to: prevent parking in what would otherwise be the most convenient location; protect the site access junction; and eliminate risks on the



well-trafficked Barton Road. Taken collectively, and when also considering what the proposal does offer in terms of cycle parking (which is covered subsequently), the LHA has confirmed that it is satisfied with the quantity and availability of car parking that this proposal incorporates (and with this conclusion including the level and location of the accessible spaces). However, a condition is requested in order to ensure that all car parking spaces - along with all internal carriageways, footways and footpaths as indicated on the proposed site layout plan – are laid out and made available for use prior to any occupation of the development (and subsequently retained).

74. SPD3 also sets out expectations regarding cycle parking, although these are minimum and not maximum standards in order to stipulate no limit and to provide additional support for cycling as a mode of transportation. Increasing the capacity of cycling infrastructure, including parking facilities, to help deliver a higher proportion of journeys made by cycling is recognised by PfE, particularly by Policy JP-C5: Walking and Cycling. For one bedroom properties, the SPD requires a minimum of one allocated space and one communal space, for two and three bedroomed properties two allocated and 1 communal space, and for four bedroomed properties 4 allocated and two communal spaces. Following some adjustments, the proposal incorporates a level of cycle parking to meet these standards. Each dwelling is shown as being provided with a cycle store within the garden area (or an integral cycle store within the unit itself) and with the garages to the larger dwellings also providing additional storage space. The apartment blocks are illustrated as being served by an external communal cycle store which would offer two spaces per unit. Provisional details of private and communal cycle stores have been provided, which confirm that they would offer shelter, be secured, and – in the case of the apartment cycle store - would provide internal racks. Accordingly, the LHA has given its approval to the intended cycle facilities but has requested that a condition is applied in order to ensure the delivery of the facilities in accordance with the details reviewed and to ensure their subsequent upkeep.

75. The LHA has further expressed support for the requirement, secured by means of the legal agreement, for the applicant to appoint a site management company with responsibility for managing and maintaining all publically accessible external areas within the site. This would cover all vehicular, pedestrian and cycling roads and routes, not solely the public open space, and would ensure – for instance – that highway hazards associated with fallen down trees and defective surfaces and trip hazards would be swiftly dealt with akin to the duties of a highway authority. Other matters identified by the LHA include the need for a condition to ensure that the development is suitably lit with street lights (as would be the case if the internal roads were to be adopted), and a condition to secure a Construction Method Statement to manage and control any adverse impacts during the demolition/construction phases which could otherwise impact on highway safety.

76. TfGM has also provided its observations in respect of the proposed development. On a number of issues (including the access, parking and servicing arrangements), their comments defer to the position of the LHA. On other matters, where queries have been raised (on traffic impact, for instance), their comments have been discussed with the LHA, and the advice of the LHA – as statutory consultee – has been heeded. On several topic areas, the comments of TfGM and the LHA dovetail (for example, the need for a TRO to prevent parking on Barton Road, the provision of tactile paving across the modified site access junction, the need for an incentivising level of cycle parking, and the requirement for a Travel Plan to further encourage sustainable travel options). It can be confirmed that there are no outstanding issues raised by TfGM that have not been appropriately considered.
77. Dependent on the highways-led conditions and obligations (including those which would serve to enforce the applicant's responsibilities regarding site management and the maintenance of roads, footways, footpaths and cycle tracks) together with the financial contribution, it is concluded that the proposed development would not have an unacceptable impact on highway safety and nor would it have residual cumulative impacts on the road network which could be deemed severe. Thus, the NPPF tests at paragraph 115 are met. It follows that the development is also compliant with Core Strategy Policy L4 since it would not have a significant adverse impact on the highway network, and also with PfE Policy JP-C8. The proposal is also supportive of the aims of Policy JP-C5 of PfE in its incorporation of cycle parking infrastructure and in it providing a layout which is permeable to walking and cycling.

### Residential Amenity

78. In addition to ensuring that developments are designed to be visually attractive, the NPPF (paragraph 135) also advises that planning decisions should create places that provide a high standard of amenity for existing and future users. Policy L7 of the Core Strategy contains a similar requirement, and with it made clear that new development must not prejudice the amenity of future occupiers of the development or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise/disturbance, odour or in any other way (and with this element of Policy L7 not affected by PfE). The last application concluded acceptably on the matter of residential amenity (and with this maintained at appeal), although it is accepted that this was based on a different design and scale of development. Moreover, in the intervening period, the Trafford Design Code has been progressed, and with this promoting high quality residential amenity - as well as design - standards.
79. Once more, a number of issues have been considered under the broad topic of residential amenity. In terms of considering the impacts on adjoining residents, again it is the occupiers of Brook Terrace who have the potential to be most impacted upon given their proximity. This row of five houses (plus bike shop) in

effect forms part of the same land parcel, and the site's vehicular access road is used by Brook Terrace residents when parking to the rear. Accordingly, there is some recognition that the application site has been in longstanding commercial use (which could become more active again) and that – in general terms – a move to a residential use may be more agreeable. The site layout has been arranged such that the nearest component of the proposed development to Brook Terrace would be a parking court to serve the two apartment blocks (which is the area of highest flood risk). This is shown on the proposed site layout plan as being contiguous with the replacement parking for Brook Terrace residents outwith the site (which the applicant is contractually obliged to deliver, it is stated). Also in this area, separated by the access to the parking court, are the two apartment blocks, with Block 1 being the closest to the existing terrace. In view of site levels being variable in this area, a retaining wall would separate some higher level amenity space to the rear of Block 1 from the lower level parking court. Block 1 would extend to three storeys of development, plus a pitched roof, and thus would be elevated relative to the two-storey Brook Terrace properties (and with the height difference further emphasised through the topographical changes). However, a separating distance of over 23 metres has been provided for between the side (gable) elevation of Block 1 and the rear elevations of the Brook Terrace properties (and with the two respective building blocks adopting a non-parallel relationship).

80. In addition to the guidance contained in the emerging design code on the topic of residential amenity, the contents of the more established SPG1: New Residential Development (2004) have also been consulted (along with SPD4: A Guide for Designing Housing Extensions and Alterations (2012) which also contains some helpful transferrable guidance). It is noted that the siting of Block 1 is such that it is the southern-most units of Brook Terrace (most notably the shop) where the closest relationship with the new apartment block would exist. The majority of units within the terrace would look towards the open view of the car park. Furthermore, whilst windows are proposed in the side elevation of Block 1, these comprise secondary windows which are very limited in their quantity. In addition, the 23 metres distance refers to the nearest element of built form which comprises a rear outrigger to the Brook Terrace properties and not the main rear elevation. Accordingly, in the context of the 23 metres (plus) separating distance (as a minimum), and when adapting the SPG1/SPD4 guidance to the circumstances of this proposal (in accounting for the precise on-site relationship which introduces a number of variables as described above), it is concluded that Block 1 would not introduce any undue overshadowing, or overlooking issues for existing residents, and nor would it appear as being overbearing to a significant degree. It follows that no other elements of built form, which would then be positioned at a greater distance, would have such impacts.

81. In turning to the impact of the proposal on other existing residents, as with the last application, a distance of between 23 and 26 metres would be provided between the proposed new houses fronting Barton Road and the residential units

on the opposite side of Barton Road (comprising Bent Terrace and the new Spinning Gate development). This exceeds the suggested 21 metres separating distance between two storey dwellings when across a public highway as advised by SPG1 and also the suggested 24 metres for three storey properties (applicable for Spinning Gate). It is in fact comparable to the relationship which presently exists between Brook Terrace and Bent Terrace, as well as Willow Bank and Spinning Gate, across the Barton Road carriageway. As such, good standards of privacy for existing residents would be maintained, and residents of the prospective development in this location would also be protected from any adverse overlooking from beyond the site.

82. In acknowledging that the demolition and construction process may give rise to impacts which could adversely affect the living conditions of surrounding residents, upon the advice of the Council's Environmental Health (Nuisance and Pollution team), a condition is suggested which would request a Construction and Environmental Management Plan (CEMP). This would serve to determine a range of site management procedures and practices (such as suitable hours of activity) in order to minimise impacts (associated with noise, dust, construction traffic, for instance) to the neighbourhood and the wider environment.

83. In turning to whether the development would provide prospective occupiers with good levels of amenity, other issues raised in the consultation response of the Nuisance and Pollution team are considered first. The application submission includes a Noise Impact Assessment (NIA). This concludes, as with the last application, that the site is acceptable as a new residential location when having regard to environmental noise conditions. The NIA identifies road traffic as being the most significant source of noise affecting the site, associated with vehicles using both Barton Road and Broadway. Intermittent noise from school pupils when using the outdoor teaching areas at the adjacent primary school (to the site's south) is also referred to. Accordingly, the document recommends the implementation of some noise mitigation measures in the interests of providing prospective occupiers with comfortable living conditions in so far as noise exposure is concerned. The measures include the use of higher specification glazing to the units facing Barton Road, and alternative means of ventilating habitable rooms to prevent the opening of windows. In addition, the provision of acoustic fencing on parts of the site's southern boundary at the interface with the school is recommended. A fence height of 2.8 metres is referred to in order to protect garden areas from excessive noise. The Nuisance and Pollution team is in agreement with the suggested mitigation and has recommended conditions to secure it. This would include full specifications details of the acoustic fencing (since only its location and height is presently known). Whilst this fencing would be higher than the standard 1.8 metres, when accounting for its proposed location (which would not affect any existing residential properties), it is not considered that it would generate any knock-on amenity concerns associated with overshadowing or being overbearing. The design and appearance of the fencing would be scrutinised at condition stage and with a condition used to

secure climbing plants to soften its appearance for the prospective residents. The Nuisance and Pollution team, in its provision of feedback on this application, has also referred to the need to control the potential impacts of obtrusive light from any new exterior light installations installed at the development. This would be to the benefit of new residents but also for existing, surrounding residents given some prospect of light overspill towards sensitive site boundaries. Some details of external lighting have been submitted during the course of the application, in response to the LHA's request for confirmation that street lights would be provided to provide necessary illumination to the roads and pathways within the site. No overriding concerns regarding any polluting-implications of this lighting scheme have been raised. However, in the final consultation response, the Nuisance and Pollution team has advised on a condition to request a light impact assessment which would seek to demonstrate that any exterior lighting (including, but not confined to, street lights) would be within acceptable margins to protect and maintain residential amenity.

84. In continuing to consider the conditions the development would provide for its residents, the intra-separation distances within the development (i.e. house to house) have been scrutinised against the relevant existing and emerging guidance. This is in the interests of ensuring no adverse overshadowing effects or feelings of overbearingness brought about by built development being too close or of an unsuitable height, and also to protect privacy. In approaching this topic, without undermining the importance of ensuring that new developments provide for the amenities of future residents (as sought by existing supplementary guidance and the emerging design code), it is recognised that a prospective occupier can ordinarily choose to accept or decline the level of amenity afforded by a new property. This is a slightly different scenario to where an existing standard of amenity which a neighbouring occupier has already invested in could be prejudiced. To confirm, to prevent undue overlooking, SPG1 advises on a minimum separating distance of 21 metres between facing dwellings (their main elevations) when across a public highway, increasing to 27 metres across private gardens. This relates to two storeys dwellings, and the figures each increase by 3 metres for three storey dwellings. Where a main elevation faces a two-storey blank elevation, then a distance of 15 metres is advised to avoid overshadowing or a sense of visual dominance. The emerging design code adopts a little more leniency on the matter of overshadowing, with a 21 metre distance required across private rear gardens (in relation to dwellings), not 27 metres. What constitutes a suitable separating distance for dwellings across public highways is left to judgement in the context of site specific circumstances (although the inference is that it could be less than 21 metres). The design code utilises a different figure for new apartments in noting that, where residential densities are typically higher (for example, in multi-storey developments), there is some acceptance that amenity levels covering a number of different topic areas (including noise, outlook, and the extent and quality of private amenity space) are usually lower. A minimum separating distance of 18 metres between facing windows (across highways, amenity areas, car parks and

any other situation) for buildings up to six storeys in height is advised. Of course, the application scheme has been designed in full cognizance of the separating requirements of SPG1 and the design code, as the Design and Access Statement demonstrates. Accordingly, in general terms, the arrangement of the dwellings and apartments as reflected on the proposed site layout plan delivers the separating distances advised by the design code and SPG1.

85. There are in fact instances of much wider gaps being provided (for example, when allowing for the intervening open space and the depths of some of the generous rear gardens). Equally, however, there are locations where the recommended separating distances would not be achieved, even when allowing for the more permissive stance of the emerging design code. Such instances are typically in the core of the development where dwellings and apartments are proposed either side of the internal roads. The inclusion of units with a dual-aspect to the street scene (as the respective dwelling turns a corner), and which have been welcomed in design terms, has also served to introduce some shortfalls. In some cases, the extent of deviation from the guidance figure is very marginal, whilst in others it is more acute (a separating distance between two facing elevations down to only 15 metres across the highway, for example). In some situations the implications of the breach could be suitably rectified through the use of a condition to require the use of obscure glazing in affected secondary windows (and which it is suggested is utilised). In other occurrences, however, the problem could only be overcome through the loss of individual units and the provision of a looser knit scheme. The opportunity for a minor reduction in housing numbers (proportionate to the scale of the issue) was discussed with the applicant. However, in view of the high design specification upon which this revised application has been underpinned, it has been made clear that a 57 unit scheme is at the limit of development viability. Moreover, as explained in the preceding discussion regarding the proposal's design merits, there are no corresponding concerns that the proposal would result in a cramped form of development which in turn would have a detrimental visual impact. Indeed, it is reiterated that this scheme, in contrast to that which was proposed in the refused application and dismissed appeal, has demonstrated that a higher density *and* higher quality development could be successfully delivered on this site, thus making better use of a previously development site in an urban location. Hence, in summing up and resolving on this residential amenity matter, it is evident that there are a number of factors particular to this site and this application. This includes that: for a development of approaching 60 units, in the majority of cases the required separation distances would be achieved; where a particular deficit exists there is no parallel design concern associated with overdevelopment and in fact there are some design merits supporting its retention; the distance shortfalls would be experienced exclusively by prospective residents who may be prepared to accept the implications of closer built form in the context of the predominantly very positive characteristics of the development as a place to live; even the largest breach in the required distance (as referred to above) would not be excessive and there are no instances of a unit experiencing multiple breaches

from all angles; conditions could be used to mitigate some effects; and; the proposal more closely conforms with the flexible approach of the design code which has been prepared in the context of government policy which contemplates more intensive patterns of development (in appropriate situations) in order that space is used more efficiently. With this in mind, and whilst it may be preferable to be able to state that the separating distances in SPD1 and the design code would be achieved, it is not considered that the proposed layout would provide unsuitable and unacceptable living conditions for any future residents on matters of outlook, privacy and overshadowing.

86. Also in the interests of securing decent living standards for prospective occupiers, the amount of outdoor amenity space that has been incorporated into the development has been examined. Access to private outdoor amenity space is needed for a variety of functional and recreational requirements and it provides important amenity value (and with this recognised by SPG1). Whether the amount of proposed private outdoor space is adequate will depend on the type and size of the residential unit and the nature of its surroundings, the document advises. Around 80 square metres of garden space will normally be acceptable for a three-bedroom semi-detached house in an area of similar properties, the SPG continues, but smaller houses, such as terraced properties, may be acceptable with somewhat less. Front or side gardens and areas for parking should not be included, it is explained. For flats, the provision of 18 square metres per unit is advocated by SPG1, which may comprise shared amenity space, private balconies or both. The Trafford Design Code adopts a more demanding requirement on this topic, however. Some private amenity space – whether it be a garden, balcony, or terrace – should be provided for each apartment, the document advises. The benefits of additional communal space are also referred to. The design code advises that balconies should have a minimum depth of 1.5 metres and a minimum area of 5 square metres and which should be increased when the space is intended to cater for more than two residents.

87. In considering, firstly, the 38 houses, the site layout provides a private rear garden for all of the units, including the terraces, semi-detached, detached and townhouse-style dwellings (which contain between 3 and 4 bedrooms). There is some variance in the size and shape of the gardens in reflecting the irregular shape of the site. In general terms, the units towards Barton Road (the affordable units) and at the entrance to the site (which have three bedrooms) are provided with smaller gardens than the units within the core of the estate (the four bedroomed, detached houses). The largest gardens are provided to the dwellings sited towards the southern boundary, whereas the gardens to the centrally positioned units are more constrained. It is evident that the guidance within SPG1 is somewhat loose and does not account for every house type and house size encompassed by the proposed development (for example, the treatment of terraces with three bedrooms, and larger dwellings with four bedrooms). It is thus clear that some judgement needs to be applied. On the

whole, it is considered that the proposed layout offers decent private garden space for the three bedroomed houses. The range of garden sizes is quite vast (between 35 to 120 square metres) with the smallest serving the terraced properties to Barton Road. It is noted, however, that these spaces would be comparable in size to the existing rear garden space on offer at Brook Terrace. Similar commentary can be applied to the four bedroomed properties, which generally have larger gardens proportionate to their internal size; some of these are below the 80 square metres guidance figure whilst some are above it (by more than half). One of the four bedroom house styles also includes a private roof terrace which would supplement the private garden space. More regularity in provision might seem preferable but is prevented when having regard to wider site constraints and, furthermore, the absence of uniformity on this matter is helpful in design terms in contributing to the establishment of a more interesting and imaginative residential environment, it is considered. In comparison, larger gardens were generally a feature of the last application, it is acknowledged, although that scheme's wider design failings have been well-documented.

88. In turning to the provision for the apartments, the submitted plans confirm that each unit would be provided with either a small ground floor patio/garden or a private balcony. Each balcony is shown as offering 5 square metres of space as a minimum (for those with one bedroom), and with this increasing to more than eight square metres for apartments with two bedrooms. All balconies are illustrated as having a depth of at least 1.5 metres, in accordance with the design code. The submitted landscape plans also indicate the provision of areas of lawn, with tree and shrub planting, adjacent to the two largest apartment blocks which it is intended would be utilised as additional outdoor communal space (and not for wider public access). Some such areas are rather restricted in space and configuration, and wouldn't in all instances provide a concealed environment. However, nonetheless, they would (in totality) provide some 120 square metres of additional outdoor space for residents use which would be distinguishable from the larger areas of open space where public access would be permitted. There is one instance, however, where two first floor apartments (in the smallest apartment block of only 4 units) would have access to a balcony only, with no complementary provision of outdoor, semi-private communal space. Of course, it is recognised that all residents of the development would have equal access to the wider natural and undeveloped areas of the site which would provide additional opportunities for play and relaxation.

89. On the whole it is considered that the proposed development would afford good standards of residential amenity for those residing within it. This conclusion has also been supported by the place-making attributes of the proposal and the successful design process that has sought to secure an environment which would promote community health and well-being. However, that there is some deviation from guidance (contained within SPG1 and the design code), regarding separating distances and communal amenity space for instance, is placed on record. The extent of discrepancy is not, however, of an order to trigger a conflict



with Policy L7, especially when having regard to the principle of 'buyer beware' which would apply. With this in mind, and when adopting an overall view which accounts for the proposal's protection of existing residents' amenities and very good observance on a number of matters relating to prospective occupiers, it is considered that the proposal is in compliance with Policy L7 and with the NPPF on the matter of residential amenity.

### Ecological Matters

90. The NPPF is clear that the planning system should contribute to conserving and enhancing the natural environment, including minimising impacts on, and providing net gains for, biodiversity (see paragraph 180). When determining planning applications, paragraph 186 advises local planning authorities to refuse planning permission in situations where significant harm to biodiversity interests cannot be avoided, adequately mitigated, or – as a last resort – compensated for. At the development plan level, Core Strategy Policy R2 similarly seeks to ensure that new development would not have an unacceptable ecological impact. Policy R2 remains in force in full despite the adoption of PfE.
91. It has been explained that there is a formal ecological designation affecting the site: its northern half forms part of a wider Wildlife Corridor. This designation corresponds with the POS/PLOL annotations; it covers the once wooded area towards the culverted brook. In addition, approximately half of the Wildlife Corridor within the site is also identified as a Site of Importance for Nature Conservation. As well as Policy R2, there are specific policies of the Revised Trafford UDP which cover these features and which were only part-replaced upon adoption of the Core Strategy (and thus also remain extant). Policy ENV10, concerning Wildlife Corridors, explains that the Council will seek to consolidate and strengthen the effectiveness of wildlife corridors. The impact of individual development proposals will be examined to ensure that the integrity of wildlife corridors is not destroyed, and development adjacent to such corridors should contribute to their effectiveness, the policy continues. Policy ENV9 establishes a hierarchy of areas/sites within Trafford with importance in nature conservation terms. It includes sites of national importance, sites of county and district importance, and then local nature conservation sites identified by the Council (the latter category affecting the application site and identified as 'Broadway, Davyhulme'). These sites are of interest as habitats in their own right and have value because they enable local residents to enjoy wildlife on their doorstep, the supporting text explains. Policy R2 of the Core Strategy includes both wildlife corridors and local nature conservation sites on its list of ecological assets to be protected. Notwithstanding these formal designations, it has been explained that – via the last application – a policy-compliant position was arrived at. In explanation, the impacts to both the Wildlife Corridor and the local nature conservation site were adequately mitigated through some replacement on-site provision but most notably by means of a commitment to a scheme of off-site

compensation which would, in fact, have delivered a surplus in mitigation in numerical terms.

92. This application, as with the last application, has been supported by a series of ecological-based studies prepared by the applicant's ecologist and which have been reviewed by the Greater Manchester Ecology Unit (GMEU). There have also been some revisions to documents to address initial queries raised. The submissions include bat surveys of buildings and trees on site. GMEU, in its consultation response, has advised that sufficient survey effort in relation to bats has been carried out, with this including preliminary roost assessments of the buildings and trees on site, activity surveys and transects, and tree inspections at various times over the last three year period. No bats or evidence of their roosts has been found during the survey work, although some bat activity has been recorded on site, and some buildings and trees on site have been identified as having potential to support roosting bats. With this in mind, the consultation response reminds the local planning authority that bats and their roosts receive full legal protection, and that the presence of a protected species is a material consideration when determining a planning application. As such, in the context of the survey findings, and the intent of the proposal to secure building demolition and further tree clearance, GMEU has advised on a number of measures in order to provide reasonable safeguards. This includes conditions to request comprehensive updates to surveys in the event that demolition and clearance has not taken place by June 2024, to secure implementation of a submitted method statement relating to the felling of relevant trees, and to ensure that any external lighting is sensitively designed and directed (which is required to avoid adverse impacts to all nocturnal wildlife, not just bats). An informative is also recommended to make the applicant aware that demolition and clearance works should cease immediately in the event that bats (or any other protected species) are unexpectedly discovered.
93. In terms of other protected species, the submitted surveys identify that the site has the potential to support breeding birds, and therefore GMEU has also advised on the need for a condition to restrict building demolition and vegetation clearance to outside of the bird nesting season. On other matters associated with onsite ecological features, a condition is recommended to secure the implementation of an Invasive Species Management Plan given the presence of various invasive plant species on site, as identified through survey work. The need for a Construction Environmental Management Plan, to be adhered to throughout the construction process (including during site preparatory work), is also flagged up in order to ensure that all habitats and species on and near the site are suitably protected (to cover hedgehogs for instance and also with reference to English bluebell which has been recorded on site). Finally, conditions are required (as advised by GMEU) relating to other protected species/habitats, including to secure the necessary mitigation.

94. The consultation response from GMEU, in responding to the full range of ecological matters material to this application, also refers to biodiversity net gain. In addition to the survey work identifying the site's ecological constraints, a further key area of the applicant's submission has been a Biodiversity Impact Assessment (BIA) and associated documents. A thread of ecology-related policy that has gained increased prominence in recent years is the concept of securing enhancements to biodiversity, as indicated in the previously cited extract from the NPPF (see paragraph 91 above). Whilst Policy R2 of the Core Strategy has not been replaced upon adoption of PfE, the joint development plan contains new requirements regarding biodiversity, by means of its Policy JP-G8, which are relevant to this planning application. In reinforcing the concept of 'biodiversity net gain' (BNG), which features in the NPPF, the policy advises that – via the planning system and other activities - a net enhancement of biodiversity resources will be sought. In providing further detail, it makes it known that new development will be expected to achieve 'a measurable net gain in biodiversity of no less than 10%.' The specific '10%' reference is consistent with the provisions of the Environment Act 2021 which was passed into law in November of that year, although its sections relating to BNG did not come into force until 12<sup>th</sup> February 2024. As of that date, achieving BNG for the majority of medium and large developments is now obligatory. In building upon the rhetoric in the NPPF, mandating BNG is regarded as providing a new opportunity to achieve substantial investment in nature and to restore green spaces in and around new development. Its purpose is to ensure that qualifying development leaves the natural environment in a measurably better state than before. Mandatory BNG applies to new applications as of the date of its February introduction. As an application submitted in 2023, this formal process does not apply to this proposal. Nonetheless, Policy JP-G8 – which had been drafted in anticipation of the introduction of BNG – and its requirement to achieve a measurable 10% net gain – is now an active policy which has to be afforded full weight. Moreover, even in the context of the last application from 2021, at a time when the 10% numerical reference was purely aspirational and BNG was more interpretative, the applicant was committed to achieving this level of biodiversity net gain (through a combination of on and off site measures). This was considered a proportionate response in the context of the ecological designations affecting the site which, in the absence of suitable mitigation and compensation, may otherwise have resulted in the development being resisted in principle.

95. Irrespective of this application not being officially captured by the Environment Act's requirements, it has nonetheless sought to achieve the same outcome in securing 10% BNG. This has been in the knowledge of the baseline established by the last application, which was tested and accepted through the appeal process, and also new Policy JP-G8 in which 10% BNG is expected from the point of PfE's adoption (March 2024). The BNG submission documents, prepared by the applicant's ecologist, have followed all up-to-date national DEFRA standards, methods and technical notes, GMEU has advised. This guidance supports a universal and highly quantitative approach to BNG in which

a unit value of a site (in biodiversity terms, and separately for 'habitats' and for 'hedgerows') pre and post development is established through the application of a standard metric. In circumstances where the calculations indicate that there would be net losses in biodiversity, then the expectation is that these would be resolved by design changes or compensated for on or off site to achieve a net gain result. As part of the process of establishing this site's baseline biodiversity value, the applicant has again accepted that this should reflect the site's condition prior to the recent clearance (circa 2020/2021) at a point when it supported a range of semi-natural habitats. In response, GMEU has confirmed that the 'existing' values put forward within the BIA - distinguished between 'habitat units' and 'hedgerow units' (in accordance with the DEFRA methodology) and which have been informed by old aerial photographs and historic survey data - are a reasonable reflection of the site's pre-2020 characteristics. The submitted BIA then draws upon the new habitats that the proposed development would deliver in the context of the submitted site layout and accompanying landscape plans. Of course, the aim of BNG is for gain to be achieved on site as much as possible, with off-site measures generally regarded as a secondary alternative. The BIA document favourably refers to the widespread provision of new trees and other forms of planting and grassland that the proposed development offers. Whilst some elements perform well in value terms (due to particular tree species selection within private gardens, for instance), the BIA has to accept a low score for some areas of provision (for example, in locations where new grassland is predicted to fail over time due to human disturbance). From this position, overall, the BIA acknowledges that the post development value of the site, for both 'habitat units' and 'hedgerow units,' would be less than the baseline scenario. In its consultation response, GMEU refers to the reduction in both values as comprising a 'significant loss' in the site's biodiversity. A similar conclusion at this stage in the assessment was reached in relation to the last application.

96. On account of this, the BIA refers to the applicant's commitment to redress this loss and to deliver the necessary biodiversity gains on land outside of the red line boundary of development. It refers to the similar agreement being reached on the last application in which the adjacent Council-owned Broadway Park (including the wooded corridor to the site's north) was identified as the potential receiving location. The BIA has also considered the baseline biodiversity value of this location and identifies the opportunity to secure enhancements through a range of provisional projects. This includes: new tree planting within the park to provide greater species diversity as well as to create new desire lines to focus recreational activity and to allow other grassland areas to thrive; further tree planting to replace existing fallen trees or those identified to be in poor condition; a scheme of tree removal in some areas to enable low-level shrubs to regenerate; new ground cover planting within woodland areas; the enhancement of the culverted brook to the site's north including its opening up and exposure in parts; new hedgerow planting to define the park's western boundary; and a longer-term management and maintenance regime. On account of this, the BIA estimates that the offsite initiatives, upon implementation, are capable of

delivering a gain of 10% in 'habitat units' and a gain of more than 30% in 'hedgerow units'. GMEU's response confirms that it is suitably confident in the practicality and deliverability of the applicant's proposals, and that there is sufficient evidence that the necessary 10% BNG could be secured within the receiving location. Indeed, GMEU has confirmed that the proposed strategy contained within the BIA could in effect deliver a net gain of more than 10% for hedgerows, which is welcomed. Achieving this level of gain overall would be on the basis of the chosen initiative/s providing - in totality - an uplift of 12.30 habitat units and 0.43 hedgerow units, when the DEFRA metric is applied. However, it has been accepted that responsibility for implementing this offsite scheme should rest with the Council as landowner (as well as decisions surrounding the precise measures to be selected and for subsequent maintenance). A further financial contribution from the applicant, secured by the Section 106 legal agreement, is therefore required to fund the selected works of habitat creation as outlined in principle in the BIA and also to provide for future monitoring and management to ensure that the offsite biodiversity gains would endure. Advice has been taken from GMEU on the adoption of an appropriate cost per biodiversity unit, and a figure of £15,000 has been suggested as reasonable. This translates to a total cost of £190,950, which the applicant has agreed to.

97. To confirm, the management of the offsite biodiversity works would fall to the Council (part-funded by the financial contribution, and as part of a wider park/recreational maintenance). In order to ensure that the *onsite* biodiversity gains would also be sustained, GMEU has advised on the need for an obligation placed on the applicant to secure the maintenance of new habitats created within the site boundary. Accordingly, it is recommended that a further condition is used to request a Landscape and Ecological Management Plan, 'LEMP' (which is also endorsed by the Tree officer's comments). Secured via condition, the expectation is that the LEMP would detail the applicant's initial, medium term and longer-term commitments (for a minimum of 30 years, subject to review) to manage the planting, landscaping and greenspace areas within the site (as identified within the BIA) and to provide for the monitoring of improvements in onsite biodiversity levels. Compliance with the LEMP would be supported by the scheme of site management of all public areas (as previously discussed and which would be covered via the legal agreement). A further condition is suggested (by GMEU) which would secure full details of wider ecological enhancements to be incorporated within the development (beyond those reflected in the BIA). A submitted Ecological Appraisal refers, for instance, to the intention to provide bird boxes on trees and integrated within the new buildings, as well as bat nesting features (including bat bricks), and to use of native and wildlife friendly species within the landscaping. The submitted details should also demonstrate that fences and barriers would be provided with holes and access points in order to allow for species movement and connectivity, GMEU has advised.

98. It is evident that a solid approach has been adopted – consistent with the last application – in the consideration of relevant ecological matters, particularly when having regard to the policy presumption in favour of protecting sites designated for their nature conservation value (such as the application site). The expertise of GMEU has been crucial in the interests of conserving what remains in terms of onsite biodiversity, and also in seeking to increase the quality, quantity and diversity of habitats within the application boundary. Most significantly, it has been demonstrated that biodiversity losses incurred within the site are in a position to be suitably compensated for in an adjacent location (the environs of Broadway Park). Available evidence suggests that this would secure - as a minimum – a 10% net gain in biodiversity in line with the industry standards identified in the Environment Act 2021. Whilst this application pre-dates the mandatory requirement for BNG, adopted PfE Policy JP-G8 has already prepared for its introduction. Overall, therefore – and contingent on a suite of conditions and a legal agreement to secure a financial contribution – officers are satisfied that biodiversity impacts have been suitably and robustly taken into account (including those already inflicted) and that the proposal would deliver biodiversity enhancements of a necessary and proportionate scale, and that the completed development would support wider ecological connectivity in the longer term. As a result, the proposal is regarded as being in compliance with policies R2 and JP-G8 together with the NPPF on the matter of biodiversity. That being the case, some harm to individual habitats and species - whilst adequately compensated for in accordance with policy – would occur (or has occurred).

### Flood Risk and Drainage

99. The application is also accompanied by a combined Flood Risk Assessment (FRA) and Surface Water Drainage Strategy. This document has been reviewed by a number of consultees in the context of their specific remit, comprising the Lead Local Flood Authority (LLFA), the Environment Agency (EA) and United Utilities (UU). It is to be noted that no issue was taken on these matters at the time of the last application's determination (nor at appeal), although this followed some discussions and scheme adjustments between the relevant parties to arrive at a satisfactory conclusion.

100. With reference to the EA's flood maps, the FRA confirms that the majority of the site is located in Flood Zone 1, which is described as having 'low probability' for river or sea flooding. However, parts of the site (in the north-eastern corner) are located in Flood Zone 2 ('medium probability') and even in Flood Zone 3 ('high probability'), specifically in the vicinity of the culverted brook (Longford Brook). The NPPF, through the application of the sequential test, aims to steer new development to areas with the lowest probability of flooding. A similar approach is embodied in Policy JP-S5 (Flood Risk and the Water Environment) of PfE. This policy has superseded much of Policy L5 (Climate Change) on the matter of flood risk, although some elements of Policy L5 on this topic remain. Policy JP-S5 advises that development should be located to

minimise the impacts of current and future flood risk. Higher risk locations should only be considered once areas with the lowest risk of flooding have been considered first, the policy advises. Furthermore, with reference to the NPPG which provides additional guidance on the application of flood risk policy, residential development is classified as a 'more vulnerable use' which should only be permitted in Flood Zone 3 if an exception test is also passed. However – akin to the last application - a more bespoke approach has been accepted in this instance given that the site encompasses land in all three flood zones (1, 2 and 3). The proposed site layout confirms that built development would be located away from flood zones 2 and 3, and would be contained within Flood Zone 1. Within the Flood Zone 2 and Flood Zone 3 areas, areas of car parking are concentrated (which is classed as a 'less vulnerable use'), together with a stretch of open space on the site's northern periphery (and which is categorised by the NPPG as 'water compatible development'). This method of addressing the sequential test is considered acceptable since its purpose is the same; this being to direct development away from areas at highest risks of flooding (in this case areas within the site rather than on a different site). This acceptability has been confirmed in the consultation response of the EA, which is consistent with the approach taken on the last application. However, the EA's acceptance of the proposal is on the basis of the development also being designed to minimise flood risk: a condition is recommended which would require the residential units to be constructed to specific finished floor levels such that they would be above any anticipated level of flooding (should it occur). The EA's response also contains some advisory notes for the applicant, which could be covered via an informative.

101. The LLFA has reviewed the application with its focus being on the proposed approach for managing and reducing the risk of surface water flooding, as contained within the submitted Drainage Strategy. Some adjustment from the last proposal has been necessary in view of the design changes. The Drainage Strategy seeks to demonstrate, again, that surface water run-off from the proposed development would be controlled for its lifetime and without increasing flood risk elsewhere. The NPPG advises that, generally, the aim should be to discharge run-off in the most sustainable way, which would commence with: into the ground (infiltration); then to a surface water body; to a surface water sewer, highway drain or another drainage system; and lastly to a combined sewer. There is some acceptance, however, that particular types of sustainable drainage systems may not be feasible in all locations. As with the last application, the Drainage Strategy identifies that infiltration is not deemed to be a suitable option in this case, and discharge to the culverted brook to the north of the site is also again dismissed. Accordingly, the proposal put forward involves discharging into an existing surface water sewer located within Barton Road which in turn discharges into the culverted brook. This approach – which was accepted previously - represents a safer route to the watercourse, it is explained. However, as with the last application, it has been necessary to secure a level of approval on this approach with UU (as water authority and sewerage

undertaker). Initial concerns were raised once more regarding the risk of sewer surcharge (i.e. the overloading of the existing sewer which could lead to unwanted sewer flooding and damage to a UU asset). However, these concerns have again been addressed on the basis of a maximum discharge rate for surface water entering the sewer being set (via a hydrobrake), and with this confirmed in the final set of comments from UU. As well as allowing for this controlled sewer discharge, the drainage strategy for the site also involves the installation of an attenuation tank to collect and store excess surface water run-off (prior to its onward discharge to the sewer) and the utilisation of a bespoke pipe network which would provide additional attenuation. The storage tank would be located beneath the parking court in the south-eastern corner of the site.

102. In its final consultation response, and when accounting for the outcome of discussions with UU, the LLFA has confirmed that it is again satisfied with the proposed approach: the Drainage Strategy's position that more sustainable methods of management (i.e. of infiltration) are unfeasible is regarded as reasonable, and it has been suitably demonstrated that the scheme put forward would effectively manage on-site surface water run-off without increasing the risks elsewhere (including when allowing for the necessary climate change adjustment). Conditions have been requested by the LLFA, however, in order to allow for the review and approval of final technical details – which should reflect what has been submitted and agreed to date – and also to ensure the appropriate maintenance and management of the on-site drainage systems once installed. Similar condition content has been requested by UU, including to cover foul drainage details, and also with some additional advisory notes for the applicant (which could be conveyed via an informative). Finally, the comments of the LLFA also refer to the Drainage Strategy's indication that – consistent with the last application – the design and delivery of the drainage system is dependent on an existing land drain within the site being diverted. No objection is raised to this course of action but an informative is recommended with the purpose of reminding the applicant that a separate application, under Section 23 of the Land Drainage Act 1991 and made directly to the LLFA, would be necessary in advance of any such diversion taking place.

103. With conditions providing necessary safeguards, it is concluded that the proposed development is appropriately flood resistant, would not increase flood risk elsewhere, and has satisfactorily addressed the need for sustainable drainage systems when having regard to site characteristics. The proposal is therefore in compliance with policies L5 and JP-S5, and also the NPPF on the matter of flood risk.

### Contaminated Land

104. The NPPF advises, at paragraph 189, that planning decisions should ensure that a site is suitable for its proposed use when taking account of ground conditions and any risks arising from land instability and contamination. Within



the Core Strategy, Policy L5 is clear that development that has the potential to cause adverse pollution (including water and ground pollution) will not be permitted unless adequate mitigation measures have been demonstrated and can be put in place. This component of Policy L5 remains in force despite much of this policy's content being replaced by various PfE policies. However, it is supplemented by PfE Policy JP-S5 which – in the context of the water environment - is committed to securing the appropriate remediation of development sites in order to minimise the potential for pollution.

105. No central concerns on the matter of contamination were raised via the last application and appeal process, although the relevant documentation was carefully evaluated (by the Council's Contaminated Land team and the EA) and conditions were advised. The application submission this time around contains comparable information in the form of a Ground Investigation Report and a Remediation Strategy, and both have been reviewed by the consultees. The first report refers to the presence of large refuse/slag heaps within the site from the early 20th century and also that the site was accepted for landfill in the 1980s. Uses comparable to the existing depot/haulage/storage use have been established at the site since the 1960s, and with multiple unbanded chemical/hydrocarbon containers still evident on site together with several unbanded above-ground storage tanks in varying conditions, it is stated. The initial consultation response of the Council's Contaminated Land team confirmed it was satisfied that the methodology contained within the submitted Remediation Strategy would adequately eradicate the widespread contaminants that could otherwise pose a risk to human health (subject to correct implementation, to be secured via condition). However, a later consultation response from the EA – in seeking to prevent pollution to groundwater – identified an information gap within the submitted information regarding the investigation and treatment of the storage tanks. The effect is that the EA's consultation response identifies the need for further site investigation and an updated remediation strategy in order to remove any prospect of tank contaminants being mobilised during the construction process to pollute groundwater. The EA is confident that this matter could be addressed at condition stage - as concluded with the last application - and further conditions have been requested to secure a subsequent remediation verification report and to prevent any unmonitored piling activity (this in addition to some advisory notes which could be covered by an informative).

106. The need for a revised strategy to be submitted has been discussed with the Contaminated Land team, and an amalgamated approach to conditions has been agreed in order to ensure that both consultees' requirements relating to the necessary, safe remediation of this site (in the combined interests of human health and to prevent pollution to groundwater) are assured. With the support of such conditions it is again concluded that the risk from contamination could be successfully mitigated, and thus the proposal is compliant with Policy L5, Policy JP-S5 and the NPPF on this topic.

## Crime and Security

107. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that development proposals create places that are safe, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience. These objectives are supported by Policy L7 of the Core Strategy which requires applicants to demonstrate that a proposed development would help to create a safe environment and reduce the potential for crime. A supplementary planning document (SPG24: Crime and Security) further develops these principles. Policy JP-P1 of PfE, which has part-replaced Policy L7, also covers this important topic. It explains that 'safe' developments should be delivered which have 'designed out' crime and have reduced the opportunities for anti-social behaviour.
108. The application package included a Crime Impact Statement (CIS). Regrettably, however, the applicant had not sought input from the Greater Manchester Police (GMP) prior to the application's finalisation and the submitted CIS – whilst prepared by a specialist consultant – was not a GMP drafted and endorsed document of the type that is encouraged. No issue was taken by GMP on the last application regarding the potential occurrence of crime, however it is clear that the current proposal embodies a wholly different design philosophy, particularly with regard to public access and movement, the layout, appearance and structure of the residential units, the extent of public activity, and site management. In its first consultation response, GMP raised a number of concerns regarding the scheme put forward. Whilst the redevelopment of the site to provide a new, vibrant residential location was supported in principle (in contrast to the site's present abandoned state), some key features of the development – which for the most part were regarded as beneficial in design terms – were identified as being capable of simultaneously increasing the vulnerability of the site to crime. This included the creation of a widespread movement network (for use by the wider public) and the making of connections beyond the site; the provision of a permeable and non-secure boundary to Broadway Park along the site's western edge; and the incorporation of non-curtilage parking spaces which it was felt provided uncertainty regarding ownership and which may lead to neighbour disputes. Further concerns were expressed regarding the location of the entrance to apartment Block 2 (at the rear, rather than to the front of the building where it would benefit from better natural surveillance), and the reliance on an external cycle store for the apartments (as opposed to an integral facility within the building envelope).
109. In response, the applicant made a number of plan changes in seeking to respond to some of these, and other, concerns. This included: the provision of security gates (with locks) along some internal pathways to prevent wider public access (including adjacent to the apartment blocks' cycle store); the incorporation of railings to demarcate the northern boundary of the apartment blocks' parking court; the installation of signage at the entrance to the two

parking courts to identify these as private spaces; and the re-routing of the recreational footpath along the site's northern boundary to move it away from the side elevation of the northern-most Brook Terrace property (which could have made it susceptible to a break in, it was considered). At the same time, the applicant also sought to highlight to GMP the unique characteristics of this proposal; the roads, footways, footpaths, cycle-paths would not be handed over for adoption and thus there is an opportunity to secure a superior system of site management. The response referred to the commitment to the Car Park Management Plan which would serve to ensure responsible parking practices by the residents, to the appointment of a management company to oversee all publically accessible external areas (as secured by a legal agreement), to a scheme of landscape management (as required by the conditioned LEMP), and to the use of property management companies for the apartments. Also referenced was the installation of an effective scheme of street lighting – in accordance with the consultation response of the LHA – to offer sufficient visibility for drivers as well as cyclists and pedestrians, and to the ability of the proposal to improve the safety and general usability of the recreational footpath to the site's north (which the development would connect with) through the financial contribution towards offsite open space enhancements (including vegetation clearance).

110. On some matters, however, the response stated that revisions would not be made. It was explained, for instance, that street-facing entrances to the majority of properties (including some apartments) had been incorporated where possible, and that apartment Block 2 (despite its rear building entrance) had been designed to present active frontages to its two principal elevations (to the main street and to the public open space, including private entrances to the ground floor units). However, the provision of a main rear entrance was a functional response when having regard to the building's unusual floorplate. In any event, this entrance would be accessed via a short, well-lit footpath from the adjacent parking court and with the entrance clearly observable, both from within the building (given the building's footprint) and externally by passers-by, it was explained.

111. A key vision for this development, as explained within this report as part of the 'design and visual amenity discussion', has been to create a legible and permeable environment in order to encourage movement, particularly by pedestrians and cyclists. Further to this, the provision of new off-site linkages has been incorporated with the purpose of connecting residents to the wider network of parks and green spaces in the area. The site's western boundary has been specifically designed to harmonise with the adjacent Broadway Park to give the sense of an uninterrupted semi-natural landscape as opposed to presenting a physical barrier which would be most uninviting and exclusive. Two new cross-boundary pathways are shown on the proposed site layout plan which would provide new access routes into the park. Of course, in providing usable linkages and in facilitating walking and cycling activity across and through the site

(including by the wider public), the level of natural surveillance would significantly increase. Officers were in agreement that full adherence to the initial concerns of GMP would have compromised some highly positive elements of the inherent design rationale, and thus no changes were made in respect of the proposed development's connections to, and relationship with, Broadway Park. The careful design of all pedestrians and cycling routes, through the use of lighting and their provision in visible locations, including from occupied buildings, was highlighted however.

112. The final consultation response of GMP acknowledges the positive changes and welcomes the efforts made. The ability of the development to increase activity and to encourage surveillance and to introduce a degree of 'self-policing' is recognised. In addition, the level of site and property management and maintenance that the new residential development would benefit from - which was not previously recognised - has provided a further degree of assurance for GMP. The response respects the innovative nature in the design of this residential scheme and acknowledges the need to achieve an appropriate balance between the accessibility of new developments and the security of people and property. Whilst good progress has been made in incorporating the principles of designing out crime, on account of the orientation of Block 2 and the inclusion of two off-site linkages to the west (with a second regarded as unnecessary), the response explains that GMP is still not in a position to lend its outright support to the development. However, a condition would go some way - it is explained - to further improve the security of the environment. This should be used to reserve the approval of details regarding the design and specification of the external cycle store, in order to allow for further GMP input to and to ensure that it would offer maximum security standards. GMP also asked for the condition to be drafted to require the development to achieve Secured by Design accreditation to a 'silver' standard. However, in the absence of a specific development plan policy (within the Core Strategy or PfE, for example) which refers to such a requirement, there is no policy hook on which to base this request. As an alternative therefore, the applicant has recently submitted a revised Crime Impact Statement (CIS). This presents an up-to-date picture regarding the crime prevention measures that have been incorporated into the proposal and which would be implemented and retained, and it also further commits the applicant to all aforementioned management and maintenance regimes (as well as providing the cycle store details). A condition to ensure that this CIS is adhered to for the lifetime of the development is recommended.

113. On account of this, officers are comfortable that a secure residential development would be achieved which would also still contribute to good urban design. The outstanding concerns of GMP are noted, although the consultee's moderate position of 'not supporting' the application (rather than objecting to it) is also recognised. The opportunity that the condition affords, to further boost community safety, is also acknowledged. The applicant may also, independently, seek to obtain Secured by Design accreditation for the

development's wider benefit. With this in mind, it is concluded that the proposal has been suitably and sufficiently designed to reduce opportunities for anti-social behaviour and that management practices and the development's functioning would also serve to support a safe community environment. Any discrepancy with PfE Policy JP-P1 is not of an order to support a potential reason for refusal on these grounds, it is considered. However, the failure to fully address GMP's concerns remains a shortcoming of this proposal. This issue shall be revisited as part of the planning balance.

### Sustainability and Climate Change

114. The NPPF is clear, at paragraph 7, that the overriding purpose of the planning system is to contribute to the achievement of sustainable development. In pursuing the environmental role of achieving sustainable development, the need for plan-making and decision-taking to work positively to mitigate and adapt to the effects of climate change is identified as a key objective (see paragraph 8).
115. The serious impacts of climate change have already been recognised by this Council. On 28th November 2018, the Council declared a Climate Emergency thus committing to tackling climate change and working towards carbon neutrality for Trafford by 2038. A Carbon Neutral Action Plan (CNAP) for Trafford was subsequently approved in December 2020. This contains a series of measures intended to reduce the borough's carbon footprint, and it aligns with the Greater Manchester 5 Year Environmental Plan (2019 – 2024). A new Climate Change and Sustainability team has recently been established in order to evaluate and advise on the wide-ranging climate and sustainability issues that Trafford is facing and to drive forward and promote the ambitions of the CNAP.
116. Whilst the Core Strategy also acknowledges the challenges posed by climate change, covered most notably in Policy L5 (Climate Change), relevant targets that it reflects have changed quite significantly in the period since its adoption as the climate change agenda has increased in priority. PfE, in contrast, has recognised the need to be ambitious in supporting the achievement of UK-wide decarbonisation targets by 2050. It incorporates positive policy change on the matter of climate change and sustainability, covering issues relating to the location of development, protecting key environmental resources, following the waste hierarchy, reducing waste generation, using sustainable construction techniques, reducing carbon emissions, and focussing on renewables and clean forms of energy. In the context of the current application, the requirements of Policy JP-S2 (Carbon and Energy) are most significant. This policy includes an expectation (unless it can be demonstrated that it is not practicable or financially viable) for new development to be 'net zero carbon' in its operation. The policy explains that this should be demonstrated through some form of energy statement which would focus on efforts to minimise energy demand, maximise energy efficiency, use renewable and low carbon energy, and utilise other energy sources. The policy also requires development to be net

zero carbon in its construction, although this criteria does not come into play until 2028.

117. The application submission package includes a Carbon Budget Statement. This explains the measures that the development has incorporated in order to improve the sustainability performance of the proposed residential scheme. The document acknowledges the requirements of the Core Strategy and PfE, and it also refers to the benchmark established by the Building Regulations (Part L) (2021). It is explained that this is an amended standard (relative to the earlier 2013 version) which aims to improve the energy efficiency of new and existing buildings. The energy strategy that has been adopted for this development prioritises a 'fabric-first' approach, in accordance with the regulatory framework, it is explained. This highlights the importance of insulation and airtightness in built elements like walls, doors, floors, roofs and windows, it is continued. Particular mechanical and electrical technologies have also been chosen to ensure the efficient servicing of the new dwellings and apartments, the document sets out. This includes the provision of energy-efficient LED lighting throughout the development, the installation of decentralised ventilation systems which rely on low-energy fans, and the inclusion within all properties of advanced heating controls which would allow for tailored temperatures per room. Each residential unit would be provided with in-curtilage electric vehicle charging infrastructure and/or communal provision within the parking courts.

118. The Carbon Budget Statement, upon its original submission, also explained the outcome of a feasibility exercise which had explored the potential to incorporate within the scheme renewable and/or low carbon technologies. Some commitment was given at that stage to the incorporation of roof-based photovoltaic (PV) solar panels. These would serve to convert sunlight into usable electricity to service the homes and to reduce energy demands from the wider grid network. Other technologies were dismissed as being unviable or impractical however, and the original Carbon Budget Statement presented a somewhat unclear and unsatisfactory picture regarding the performance of the development in sustainability terms when assessed against relevant standards and requirements (especially PfE). However, in the interim – and with Policy JP-S2 now adopted – the applicant's feasibility process has been revisited and the positive-energy package has been extended. An amended Carbon Budget Statement explains the intention to also provide air source heat pumps to serve the dwellings. Whilst not a form of renewable energy, an air source heat pump is a low carbon technology which extracts heat from the air and transfers it inside a home. Air source heat pumps also have the advantage of being able to provide for heating, cooling and hot water. Following further positive exploration, it has been concluded that this technology would also be achievable, the final Carbon Budget Statement advises (although all other options, such as solar hot water, wind turbines, ground source heat pumps and biomass boilers, remain unworkable). Further details have also now been provided regarding the PV system. An indicative plan illustrates the provision of panels to part of the roof

slope of each dwelling and to each apartment block, with each building projected to have a typical PV capacity of some 4.00 kilowatt peak (kWp, the unit of measurement). Provisional specification details of a potential product have also been supplied.

119. On the basis of this final energy strategy (which includes PV panels and air source heat pumps), the Carbon Budget Statement then predicts a representative energy demand for the development proposed. It concludes that the proposal – at this stage in the design process – has the potential to achieve a 63-95% reduction in carbon emissions which would very comfortably secure compliance with Part L of the Building Regulations. On whether the energy strategy proposed for the site would meet the specific requirements of Policy JP-S2 (in enabling the development to function as operationally net zero carbon) - notwithstanding the welcomed advancements made - the Carbon Budget Statement cannot categorically confirm this. The combination of air source heat pumps and energy efficiency measures would certainly enable the development to “work towards” achieving carbon neutrality in operational terms, the statement advises. The document also refers to the Government’s commitment to decarbonise the UK’s electricity systems by 2035 which – over the longer term - would further boost the development’s ability to achieve PfE’s net zero ambitions.

120. In concluding on this topic, it is clear that the applicant has taken a positive approach to operational energy demands through the inclusion of measures to improve energy efficiency, to generate renewable energy, and to utilise low carbon technology. Throughout the course of the application, the proposal has progressed very positively to align with the aspirations of the new PfE policy. Whilst achieving the ultimate objective of Policy JP-S2 cannot be expressed at this stage, available evidence indicates that the development would in fact score very highly against the policy’s credentials (and, in any event, the applicant has demonstrated why other technologies which may offer further scope would not be viable, in accordance with the policy’s exception). Accordingly, there is no suggestion of an outright conflict with Policy JP-S2. Moreover, there is some appreciation that the technology surrounding clean energy is improving at a rapid pace, and that some of the content of the Carbon Budget Statement may be out-of-date at the time of the development’s implementation. As such, it is considered that there is a prospect of further performance enhancements by virtue of more cutting-edge energy systems being available for this development at the time of investment and instalment. Thereby, it is suggested that a condition is imposed with the purpose of ensuring that the findings of the Carbon Budget Statement are taken forward and that the optimal low/zero carbon position that the development can viably and feasibly support is implemented. Full details of the selected PV system, including its capacity and output, should also be secured. With that in mind, it is concluded the proposal is capable of being fully in accordance with Policy JP-S2 of PfE on this matter, whilst exceeding outdated Policy L5 requirements.

## Impact on Local Services

121. As part of the objective of delivering sustainable and balanced communities, the NPPF advises on the importance for local planning authorities in taking an integrated approach in considering the location of new housing as well as community facilities and services (paragraph 97). Core Strategy Policy L2 identifies that all new development should be appropriately located in terms of access to existing community facilities and/or it would deliver complementary improvements to the social infrastructure (including schools and health facilities) to ensure the sustainability of a development. Allied to this, Policy L8 (Planning Obligations) explains that in circumstances where a proposed development would create a need for a particular facility or generate a specific adverse impact that cannot be provided for, then the Council will seek to negotiate appropriate planning obligations to make the development acceptable. Aspects of Policy L8 have been superseded by policies of PfE. Policy JP-D1 (Infrastructure Provision) recognises that the delivery of the vision and objectives of PfE is dependent on the parallel provision of necessary infrastructure to support the growth of sustainable communities, whilst Policy JP-D2 (Developer Contributions) makes it clear that developers will be expected to provide, or contribute towards, the provision of mitigation measures to make new development acceptable in planning terms.
122. Consultation has taken place on this application in the context of specific impacts on local health care facilities and on education provision. Trafford Clinical Commissioning Group has confirmed that a development of 57 new homes would not have a material impact on local health services, and thus there is no basis on which to seek a developer contribution (with this being the same conclusion as with the last application for a reduced scale of development). Consultation with the Council's Education team has also taken place and has also concluded agreeably. When having regard to the existence and rate of vacancies within schools within a maximum 3 mile walking distance of the site, the comments record that there is sufficient forward capacity to accommodate the expected pupil yield arising from the development (at both primary and secondary levels). Therefore, no adverse impacts are anticipated since the demand for school places could be catered for. This is a different conclusion to the last application (ref. 103696/FUL/21) wherein a financial contribution to support new/expanded primary school provision was sought given an expected shortfall in places. However, the current comments reflect the latest data and the most up-to-date methodology for seeking developer contributions towards education infrastructure. As such, and when having regard to the topic areas on which contributions can reasonably be sought, it has been found that no adverse pressure would be placed on local health care or on education facilities, and thus there is no requirement for mitigation. Thus, the requirements of Policy L8 and of Policy JP-D2 do not come into play. Accordingly, it is concluded that there are no barriers to granting planning permission in terms of the capacity of relevant existing social infrastructure facilities which the development is expected to make



use of. As such, there is no conflict with policies L2, L8, JP-D1 and JP-D2 on this matter.

### Waste and Refuse Management

123. In order to ensure that a new residential development is both functional and attractive, there is a need to ensure that an appropriate system for both waste storage and waste collection has been incorporated. This is recognised by both Policy L7 of the Core Strategy and also PG1: New Residential Development (with Policy L7 persisting as the most relevant policy on this topic despite the adoption of PfE). It should be noted that, by means of the last application, an entirely satisfactory solution, specifically on the matter of waste collection, was never achieved. The site layout proposed at that time assumed that some prospective residents would be prepared to wheel their bins exceptionally long distances when presenting them on collection day. Whilst the issue did not feature as a standalone reason for refusal, it was regarded as a further indicator of a substandard residential layout.

124. The Council's Waste team has again been consulted on the current application, and its review initially took account of information on waste storage and collection contained in the submitted Design and Access Statement. From the outset, the Waste team made it clear that the Council's refuse vehicles would be prepared to enter the site to undertake kerbside collections (rather than resorting to completing the exercise from Barton Road, which would have been wholly inadequate) – despite the lack of road adoption – provided that the internal layout had been designed to provide sufficient manoeuvring and operational space. As identified earlier within this report, some concerns were initially raised on this matter (as flagged up by the LHA). However, following the provision of additional tracking diagrams and an RSA, and the applicant's commitment to a CPMP to ensure that vehicle parking would take place in authorised parking areas only, queries regarding the ability of refuse vehicles to negotiate the internal road system have been dealt with.

125. In terms of the arrangements put forward for waste storage, some queries were initially raised regarding whether sufficient space had been allowed for (within the curtilage of each house and within the external bin stores for the apartments) to accommodate the number and size of bins used by the Council. However, an amended site layout plan addressed this matter. In addition, whilst the identified bin presentation points for the dwellings were accepted from the outset (which were regarded as reasonable for both residents and refuse collectors), some adjustment to the collection point for an apartment block was necessary in order to ensure a distance of no more than 30 metres for the movement of bins would be necessary. In the end the Council's Waste team has confirmed its satisfaction with the proposal; a position which was not fully achieved by means of the last application. However, this is subject to the development being delivered and operated in accordance with a submitted

Waste Management Strategy, which was provided during the course of the application to commit the applicant to the measures and practices agreed, and also on the expectation of the securing of a CPMP. On this basis, the proposal is considered compliant with Policy L7 on the matter of waste and refuse management.

### Accessibility

126. When assessing applications for development, it should be ensured – according to paragraph 114 of the NPPF – that safe and suitable access to a site can be achieved for all users. Whilst, at the local level, Policy L7 previously covered matters of accessibility, this aspect of the policy has since been superseded by Policy JP-P1 (Sustainable Places) of PfE. This emphasises the need for new development to respond to the needs of all parts of society, to incorporate inclusive design, and to offer ease of movement for all ability levels. On matters of accessibility and inclusivity as they relate to this application, Policy JP-H3 (Type, Size and Design of New Housing) is also important. This requires all new dwellings to be designed to meet Part M4 2 (Access to and Use of Buildings) of the 2010 Building Regulations, unless specific site conditions would make this impracticable. This is the higher standard that designs new dwellings so that they would be more easily accessed and could be adapted should that need arise in the future.
127. The Design and Access Statement explains the features that have been incorporated into the proposal in order to offer equal access to and within the development for all potential users. It refers to the installation of accessible car parking bays in close proximity to building entrances, the provision of level access at the principal entrance of each residential unit and similarly throughout the network of external pathways, the use of durable and non-slip surface materials to these outside routes, and the provision of lifts within the apartment blocks. Upon submission of the application, the Design and Access Statement could only claim that the houses had been built to the accessible and adaptable standard in Part M4 2 (and not the apartments). This was in view of the specifications of the apartment lifts, which did not meet the dimensions required by these Building Regulations. However, amended plans have since been submitted which show an enlarged lift space in order to provide a deeper lift car for wheelchair users. Following this amendment, the applicant has confirmed that the development in its entirety would meet the higher standard, thus in compliance with Policy JP-H3 of PfE.
128. Overall, officers are satisfied that the development has been designed to incorporate best practices for accessibility compliance, and thus it meets the requirements of PfE policies JP-P1 and JP-H3 as well as the NPPF on this matter.

### Equality Matters

129. Under the provisions of the Equality Act 2010 (specifically Section 149 of the Public Sector Equality Duty, PSED), all public bodies are required - when exercising their functions - to eliminate discrimination, advance equality of opportunity, and foster good relations. The PSED applies to local planning authorities when taking decisions on planning applications.
130. The application submission includes an Equalities Statement. This explains that the applicant – Eccleston Homes – is a prominent housebuilder in the north-west and that it has successfully delivered a succession of developments across the region. Since acquiring an interest in the site, the document refers to the public engagement that the applicant has undertaken, chiefly with immediate neighbours as well as with ward councillors. The statement summarises a number of positive features of the proposal, including that it would provide new residential accommodation to meet a variety of needs, that it contains areas of attractive and functional open space that would positively contribute to the well-being of all members of the community (including people living beyond the site), and that it has been designed to minimise opportunities for crime which could otherwise be experienced by the more vulnerable. The development's accessibility credentials are also referenced.
131. Overall, there is no evidence at this stage that the proposal could differentially or disproportionately impact upon groups with 'protected characteristics', as defined by the Equality Act (covering age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The submitted Equalities Statement would indicate that an environment would be created which would facilitate equal occupation and participation for all, including those with protected characteristics. However, the issue of whether due regard has been taken of the public sector equality duty is a matter for the decision-maker. For the avoidance of doubt, no concerns were raised on this issue in considering the last application.

### Other Planning Considerations

132. The purpose of this section of the report is to wrap up any remaining matters, including issues that have been raised in the letters of representation which have not been addressed to date.
133. Many of the objections raised are associated with the impacts of the additional traffic generated by the development, which would intensify an existing problem, it is asserted. However, it has already been stated that the LHA is satisfied that the highway network could cope, without the need to consider mitigation, and when also considering the prospect of HGV movements from the established use. In terms of the location of the vehicular access, the potential for this to be moved (or downgraded to enable the introduction of a new, main

access) was discussed at length as part of pre-application discussions (including to deliver an enhanced design). However, as corroborated by the LHA, it had to be accepted that the existing positioning – which the proposal would maintain – represents the optimum location in highway safety terms due to the presence of a series of other points of access/egress and the potential for vehicular conflict.

134. The internal street and footpath network that the proposal would deliver has been designed to create new opportunities for walking and cycling for wider public use. These would facilitate access to the open space within the site and would also link in with existing recreational footpaths which connect to Broadway Park and to Barton Road. These have been provided, in part, in recognition of the site's status as protected open space and the need to appropriately compensate for the loss incurred. A number of the objections enquire whether the opportunity to incorporate new cycle infrastructure could be further improved through, for example, the provision within the site of a dedicated cycle route for commuter use as an alternative to Barton Road. It has been suggested that this could pass through the site, connecting southwards to the site of the former Shawe Lodge care home and northwards over the brook to the highway of Broadway. The effect would be that a section of Barton Road would be avoided. This concept has been discussed with the LHA. However, when having regard to the relatively modest scale of the development and the absence of any identified harm arising as a result of vehicular traffic generation and which would otherwise need to be mitigated, it is not considered that a request for such a contribution – delivered directly by the developer through forfeiting land – would be justifiable. Furthermore, whilst it may be the case that the quality and condition of cycle routes in this location could be improved, it also has to be borne in mind that there is no transport strategy presently in place which has investigated the suitability of a new fully segregated commuter cycle route in this location. Had an options appraisal been undertaken which had concluded in favour of this approach and had identified the need for land to be safeguarded (and the implications discussed with affected third parties), then there would be justification to take this forward. However, without this and with no development-specific mitigation necessary, it is not considered that the suggestions made in these representations can be reasonably taken forward. For similar reasons, including the moderate scale of the proposal which would limit the intensity of use and the lack of evidence regarding appropriateness, effectiveness and safeness, a scheme amendment involving the introduction of a new pedestrian route into the grounds of the adjacent primary school has also not been pursued.

135. Matters relating to air quality, flooding and drainage, residential amenity, and the impacts on local services have been thoroughly explored including with relevant consultees (as covered within this report). No overriding concerns have been raised, or have been left unattended, which would justify a refusal of the application. However, nonetheless, a number of conditions on these issues are recommended in order to mitigate adverse impacts and to render the proposal fully acceptable in planning terms.

136. Finally, an informative has been requested by Electricity North West to advise of the nearby presence of assets and infrastructure which could be impacted upon.

## **DEVELOPER CONTRIBUTIONS**

137. The position regarding the onsite provision of Spatial Green Infrastructure and Specific Green Infrastructure has been explained within the report.

138. Financial contributions, to be secured via a Section 106 legal agreement, comprise:

- £10,000 for a Traffic Regulation Order;
- £73,017 for offsite enhancements to open space; and
- £190,950 for offsite biodiversity enhancements and monitoring.

139. The legal agreement should also be used to secure the provision of affordable housing in accordance with the terms of the application, and to ensure that such affordable housing would be retained. It should also secure a system of management of all publically accessible areas (comprising public open space and natural greenspace, and all vehicular, pedestrian and cycling roads and routes).

140. The development proposed is liable for CIL (Community Infrastructure Levy), although only the housing (and not the apartments) is chargeable. The site is located in a 'cold' zone for residential development, and thus a CIL charge rate of £20 per square metres plus indexation would apply. An exemption in relation to the affordable housing could be sought by the applicant.

## **PLANNING BALANCE AND CONCLUSION**

141. The application site is located in the Davyhulme area of the borough, to the west of Barton Road. It comprises, in part, a former commercial site (brownfield in nature) which accommodated a storage use (within existing shed-like structures) which endured for some time but ceased a short while ago. There are also three former residential properties (contained within two non-designated heritage assets). All buildings within the site are in varying states of disrepair. The northern part of the site was previously heavily treed but the majority of trees were felled in recent years. The proposal, which has been submitted in full, involves the site's redevelopment to provide 57 new homes, comprising a mix of houses and apartments. All existing buildings would be demolished. Other components of the development comprise access from Barton Road, internal access roads, shared footpaths/cycle-ways, landscaping, and onsite amenity space.

142. This application follows an earlier application, by the same applicant, for a 37 unit residential scheme (ref. 103696/FUL/21). In 2022 it was refused on design grounds. A subsequent appeal was also dismissed. This process established some very useful parameters for any revised submission, particularly regarding the importance of applying high standards of design in order to deliver high quality, liveable and inclusive environments for residents. Other helpful reference points were also determined, including regarding the acceptability of a residential use despite the site's policy constraints (subject to justification and mitigation), some definition of the area's existing character and how that should influence the architectural response, and the value to be placed on the heritage assets within the site.
143. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for application decision making. The NPPF is an important material consideration. In the period since the last proposal's determination, PfE has been adopted. It now forms part of the statutory development plan and has replaced, in part or in full, some policies of the Trafford Core Strategy. However, the Core Strategy remains a development plan document (other than those policies which have been fully superseded by PfE) along with the saved policies of the Revised Trafford UDP.
144. Following the adoption of PfE (in March 2024), this Council can demonstrate a five year housing land supply. Irrespective of this, on account of the latest HDT figure, the presumption in favour of sustainable development applies to the process of decision-taking. This means that planning permission should be granted unless either NPPF paragraph 11di or NPPF paragraph 11dii applies. These paragraphs are cited at paragraph 2 of this report.
145. In dealing first with paragraph 11di, it has been outlined within this report that the proposed development would impact upon existing onsite POS/PLOL. To confirm, policies covered by paragraph 11di includes those relating to Local Green Space. However – similar to the last application - a scheme has been negotiated with the applicant as part of the application process to ensure that the POS/PLOL loss would be adequately compensated for. In addition, and for the avoidance of doubt, there would be no harm to designated heritage assets. There is, thus, no clear reason for refusing the proposed development under paragraph 11di.
146. In these circumstances what remains is an assessment of the proposal under paragraph 11dii. The effect of the 'tilted balance' contained in paragraph 11dii is that the decision-maker should be satisfied that any adverse impacts arising from a proposed development would significantly and demonstrably outweigh the benefits. Indeed, paragraph 11dii is referred to as the 'tilted

balance' since it makes a presumption towards planning permission being granted.

147. At paragraphs 47 and 48 of this report, the 'heritage balance' test to be applied to this application was undertaken (in accordance with paragraph 209 of the NPPF). This accounted for the Inspector's lowering in status of the significance of the affected assets, and it concluded that the harm to significance would be outweighed by the package of public benefits that would arise. However, the assessment under paragraph 11dii requires the scheme harms – in their entirety – to be taken into consideration.

148. Accordingly, the harm to heritage has already been set out. Other harms are somewhat limited, however, and indeed no direct policy conflicts have been identified. However, there are some instances of departures from guidance, some areas of uncertainty regarding the extent to which all-embracing policy compliance could be demonstrated; there is an instance of a consultee being unable to pledge full scheme support; and there are examples of the option of mitigation being utilised when the first planning policy principle would be to avoid harm from the start. Indeed, in summary: the affordable homes tenure is marginally unaligned with Policy L2; the affordable provision does not include First Homes as sought by government policy via the 2021 WMS; the quantity of parking falls a little short when assessed against the maximum standards in SPD3; some of the unit-to-unit separation distances within the development do not meet the guidance figures contained in SPG1; and the scheme would not comprehensively deliver the suggested levels and types of private and communal amenity space as sought by the aforementioned guidance document and the emerging design code. In addition, it cannot be unreservedly guaranteed at this stage that the development would achieve net zero carbon in operational energy terms as sought by PfE Policy JP-S1 (although it is on course to do so). Notably, GMP is of the view that the proposed development still contains some features that inadvertently may increase opportunities for crime (in relation to a rear main entrance and a footpath connection to the adjacent park). Necessary weight, it is acknowledged, should be attached to this harm (although there is no suggestion that the proposed development would significantly undermine community safety). Additionally, despite robust and proportionate mitigation strategies (to account for POS/PLOL loss and the part removal of a wildlife corridor and site of local conservation value), harm to these established features in the first place would take place. In addition, the identification of protected habitats on site, which would nonetheless be replaced, would still inflict some harm.

149. The scheme benefits have already been described as part of the earlier heritage balance exercise. In summary, the proposal would advance the Government's objective of boosting the supply of housing through the provision of 57 new homes, 14 of which would be affordable. Whilst not a significant figure, nonetheless this scale of provision would deliver obvious social and economic benefits to this part of the borough. In accordance with SHLAA

conclusions, the site is favoured with easy access to nearby community and retail facilities, employment opportunities, and public transport. The development has been subject to rigorous design analysis and it would deliver a site-specific architectural response with visual interest and green character which would help to establish place identity and sociability. The proposal includes a package of green infrastructure, to be delivered both on and offsite. Whilst some of this would constitute mitigation it has been established that there would be some over provision of Specific Green Infrastructure (planting). The creation of new public walking and cycling routes within and through the site and the provision of new connections to the adjacent park would result in benefits to existing and future users (including those living beyond the site). The proposal would achieve biodiversity net gain, despite it predating the mandatory requirement, through a combination of on and offsite measures. The evidence indicates that a 10% net gain would be achieved, and with the potential for this to be higher in relation to 'hedgerow units.' The operation of the site would be supported by on-site renewable energy and low carbon technology and other energy-positive and energy-efficient technology. The proposal would address the currently neglected appearance of the site and would deal with longstanding contamination issues. It would provide a more neighbourly use for surrounding residential properties. There would be short-term, temporary jobs during the construction of the development, and long-term benefits on occupation of the development through support for local shops, services and facilities which would contribute to the local economy.

150. The scheme harms identified above – which have not been of a scale and concern to initiate policy conflict – have nevertheless been duly considered. However, it is evident that there are a number of factors that weigh heavily in favour of this application. With this in mind, it is considered that the adverse impacts that would occur - when accumulated and when accounting for the effects of the titled balance – would not significantly and demonstrably outweigh the benefits. Accordingly, it is concluded that the proposal comprises sustainable development in the manner sought by the NPPF. The proposed development is compliant with relevant policies of the statutory development plan when taken as a whole, as well as national policy and also other relevant guidance. Approval is recommended, subject to a legal agreement and conditions.

### **RECOMMENDATION:**

That Members resolve that they would be **MINDED TO GRANT** planning permission for this 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:



- The provision (and retention) of affordable housing on site of 14no units (comprising 8no shared ownership units and 6no units for affordable rent);
  - A financial contribution of £10,000 to support a Traffic Regulation Order to introduce parking restrictions;
  - A financial contribution of £73,017 to offset the loss of POS/PLOL and to contribute towards offsite recreational and greenspace enhancements;
  - A financial contribution of £190,950 to offset the loss of identified wildlife corridor/area of local conservation value and to contribute towards offsite habitat creation and long-term management and monitoring; and
  - To provide for the management for the lifetime of the development of all publicly accessible external areas within the site (including public open space and natural greenspace, and all vehicular, pedestrian and cycling roads and routes).
- (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.
  2. 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.
  3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans:

Location plan: ref. 22142 (SU) 001  
 Proposed demolition plan: 22142 (SU) 002  
 Proposed site plan: ref. 22142 (PL) 101 M  
 Proposed house types A and B: ref. 22142 (PL) 201 A  
 Proposed house type C1: ref. 22142 (PL) 202 D  
 Proposed house type C2: ref. 22142 (PL) 203 D  
 Proposed house type C3: ref. 22142 (PL) 204 D  
 Proposed house type D: ref. 22142 (PL) 205 C  
 Proposed house type E: ref. 22142 (PL) 206 C  
 Proposed house type H: ref. 22142 (PL) 208 B  
 Proposed house type J: ref. 22142 (PL) 209 B  
 Proposed house type K: ref. 22142 (PL) 214 C

Apartment block 1 – proposed floor plans: ref. 22142 (PL) 210 C  
Apartment block 1 – proposed elevations: ref. 22142 (PL) 211 B  
Apartment block 2 – proposed floor plans: ref. 22142 (PL) 212 B  
Apartment block 2 – proposed elevations: ref. 22142 (PL) 213 B  
Proposed detached single garage: ref. 22142 (PL) 215  
Proposed site section AA: ref. 22142 (PL) 150 B  
Proposed site section BB: ref. 22142 (PL) 151 B  
Proposed site section CC: ref. 22142 (PL) 152 B  
Proposed site section DD: ref. 22142 (PL) 153 B  
Proposed site section EE: ref. 22142 (PL) 154  
Proposed site section FF: ref. 22142 (PL) 155  
Façade analysis 1: ref. 22142 (PL) 300  
Façade analysis 2: ref. 22142 (PL) 301  
Proposed lighting plan ref. 25310-D-01 A

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application, no development shall take place (excluding demolition and vegetation clearance) unless and until samples and full specifications of all materials and surface finishes to be used externally on the new buildings hereby approved have been submitted to and approved in writing by the local planning authority. The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of the proposed brickwork illustrating the type of joint, the type of bonding, examples of brick eaves detailing (as shown on plan ref. 22142 (PL) 300), examples of brick feature panels (as shown on plan ref. 22142 (PL) 208 B), and the colour of mortar to be used, and with these sample panels available on site for inspection. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a high quality appearance in the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

4. No development shall take place (excluding demolition and vegetation clearance but including any ground levelling works and/or engineering operations), unless and until full details of all existing and proposed ground levels and existing and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a high quality appearance in the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

5. Notwithstanding the approved plans referred to at condition no. 2, all windows (excluding rooflights) and external doors provided within the new buildings throughout the development shall be installed to provide a minimum of 100mm recess from the outer skin of the building façade. Such a recess shall thereafter be retained.

Reason: In order to ensure a high quality appearance in the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

6. Notwithstanding the approved plans referred to at condition no. 2, no utility meter boxes to serve the development shall be installed unless and until a scheme for the provision of utility meter boxes has first been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a high quality appearance in the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

7. Notwithstanding the approved plans referred to at condition no. 2, no development associated with the provision of new hard landscape works shall take place unless and until samples and/or full specifications of all new hard landscaping to be used throughout the development have been submitted to and approved in writing by the local planning authority. The details shall include: materials for all vehicle, pedestrian and cycle routes; all other hard surfacing materials; means of enclosure and boundary treatments (including gates); refuse compound, cycle and other stores; any free-standing cycle parking facilities; seating furniture; signage structures; and an implementation programme for the provision of all hard landscape works. The submitted details shall include product dimensions, full details regarding appearance, materials and finishes, and it shall indicate the location of their provision within the site. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a high quality appearance in the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

8. Subsequent repair and maintenance work to the hard landscape works within all publically accessible external areas of the development (including within areas of public open space and to vehicular, pedestrian and cycle routes as shown on approved site plan ref. 22142 (PL) 101 M) shall be completed and delivered in accordance with the materials and details approved via condition no. 7.

Reason: In order to ensure a high quality appearance in the longer term in the interests of visual amenity, having regard to Policy L7 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

9. The development hereby approved shall be planted in full accordance with the submitted landscape plans (Landscape general arrangement plan ref. 3946-LB-ZZ-ZZ-D-L-200000 C05; Illustrative landscape masterplan ref. 3946-LB-ZZ-ZZ-D-L-100000 C02; and Landscape planting plan ref. 3946-LB-ZZ-ZZ-D-L-210000 C05). No planting or works of planting preparation shall take place unless and until the following additional soft landscaping details have been submitted to and approved in writing by the local planning authority; a planting implementation programme; confirmation that all below-surface utilities and services would be laid to avoid conflict with the approved locations for tree planting support systems (as shown on plan ref. 3946-LB-ZZ-ZZ-D-L-210000 C05); and details of additional planting within the development site to provide visual screening to the approved acoustic fencing referred to in condition no. 27. Development shall be carried out in full accordance with the approved details.

Reason: To ensure that the site is landscaped to a high quality in the interests of visual amenity and the need to enhance site biodiversity, having regard to Policy L7, Policy R2 and Policy R3 of the Trafford Core Strategy, Policy JP-G8 and Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

10. If any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs of similar size and species shall be planted in the next planting season.

Reason: To ensure that the site is continues to be landscaped to a high quality in the interests of visual amenity and the need to enhance site biodiversity, having regard to Policy L7, Policy R2 and Policy R3 of the Trafford Core Strategy, Policy JP-G8 and Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

11. The development shall be implemented in strict accordance with the tree protection measures as identified in the submitted Arboricultural Impact Assessment, prepared by Ascerta, dated 8th November 2023, ref. P.1359.20, rev. B.

Reason: In order to protect existing trees on and near the site in the interests of the amenities of the area, having regard to Policy L7, Policy R2 and Policy R3 of the Trafford Core Strategy, Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

12. No above-ground-construction works shall take place unless and until full details of the proposed Local Area of Play (as shown on plan ref. 22142 (PL) 101 M) have been submitted to and approved in writing by the local planning authority. The details shall include full specifications of the play equipment to be incorporated. Development shall be carried out in full accordance with the approved details prior to any residential use commencing, and thereafter the play equipment shall be retained and maintained.

Reason: To ensure that the development makes appropriate open space and recreational provision, having regard to Policy R5 of the Trafford Core Strategy, Policy JP-P7, Policy JP-D1 and Policy JP-D2 of Places for Everyone, and the National Planning Policy Framework.

13. No occupation of the development shall take place unless and until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The submitted Landscape and Ecological Management Plan, which shall be based upon the approved landscape plans referred to at condition no. 9, shall contain a scheme for the landscape and ecological management of all landscaped areas within the development hereby approved (including areas of hard and soft landscaping, tree planting, and the Local Area of Play but excluding private gardens). The submitted Landscape and Ecological Management Plan shall include:

1. A description and evaluation of features within the site to be managed;
2. Ecological trends and constraints on site which may influence management;
3. Aims and objectives of management (which shall include the achievement of biodiversity net gain in accordance with the approved Biodiversity Impact Assessment, prepared by Ascerta, ref. P.1359.20 version D, dated 25<sup>th</sup> March 2024);
4. Appropriate management options for achieving aims and objectives;
5. Prescriptions for management actions;
6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
7. Details of the party/parties responsible for the implementation of the plan;
8. Arrangements for all ongoing monitoring and long-term review mechanisms;
9. Details of how contingencies and/or remedial action will be identified, agreed, and implemented in order to meet the objectives of the plan (including, but not limited to, biodiversity net gain); and
10. Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured.

The Landscape and Ecological Management Plan shall be implemented as approved and shall remain in force throughout the lifetime of the development.

Reason: To ensure that landscaping, open space and biodiversity interests at the site are satisfactorily managed and maintained to a high quality including in the

longer term, having regard to the requirements of Policy L7, Policy R2, Policy R3 and Policy R5 of the Trafford Core Strategy, Policy JP-G8 and Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

14. The development shall be implemented in strict accordance with the submitted Method Statement for Felling Trees with Bat Potential, prepared by Ascerta, dated February 2024, ref. P.1359.20.

Reason: In order to provide protection to protected species and their habitats which may exist on site, having regard to Policy R2 of the Trafford Core Strategy, Policy JP-G8 of Places for Everyone, and the National Planning Policy Framework.

15. In the event that building demolition and vegetation clearance of those buildings and that vegetation identified in the submitted Bat Nocturnal Surveys report (prepared by Ascerta, ref. P.1359.20, version D, dated 5<sup>th</sup> June 2023) as having moderate or high bat roost potential has not taken place by 1<sup>st</sup> June 2024, building demolition and vegetation clearance of relevant buildings/vegetation shall not take place unless and until an updated bat survey of such locations has been submitted to and agreed in writing. The updated survey, which shall follow the survey methods and practices undertaken within the original Bat Nocturnal Surveys report, shall establish whether there have been any changes in the presence and/or existence of bats and their roosts, and shall identify any new ecological impacts that may arise from any changes, and any mitigation that may be required. Building demolition, vegetation clearance and construction of the development shall take place in full accordance with the recommendations of the updated bat survey.

Reason: In order to provide protection to protected species and their habitats which may exist on site, having regard to Policy R2 of the Trafford Core Strategy, Policy JP-G8 of Places for Everyone, and the National Planning Policy Framework.

16. No clearance of trees, hedgerows or shrubs, or demolition of buildings, shall take place during the bird nesting season (March to August inclusive) unless and until a competent ecologist has undertaken a careful, detailed check of the vegetation/buildings for active birds' nests immediately before the works commence. Should the check reveal the presence of any nesting birds, then no such works shall take place during the period specified above unless and until 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, Policy JP-G8 of Places for Everyone, and the National Planning Policy Framework.

17. REDACTED

18. REDACTED

19. The development shall be implemented in strict accordance with the submitted Invasive Species Method Statement, prepared by Ascerta, dated February 2024, ref. P.1359.20 A.

Reason: To ensure that invasive species identified on site are appropriately dealt with and to enhance the biodiversity value of the site, having regard to Policy R2 of the Trafford Core Strategy, Policy JP-G8 of Places for Everyone, and the National Planning Policy Framework.

20. No above-ground construction works shall take place unless and until full details of biodiversity enhancement measures to be provided within the development, as outlined in the submitted Preliminary Ecological Appraisal, dated 13<sup>th</sup> November 2023, prepared by Ascerta, ref. P.1359.20 rev. H, have been submitted to and approved in writing by the local planning authority. The approved enhancement measures shall be provided in full prior to any residential use commencing and shall thereafter be retained and maintained.

Reason: To enhance the biodiversity value of the site, having regard to Policy R2 of the Trafford Core Strategy, Policy JP-G8 of Places for Everyone, and the National Planning Policy Framework.

21. No development shall take place (including vegetation clearance or building demolition) unless and until the implementation of a programme of archaeological works has been secured. The works shall be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:

1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:
  - a. Archaeological evaluation trenching across previously demolished 19<sup>th</sup> century farm buildings and accessible areas;
  - b. Historic building recording to Historic England Level 2/3 for both Brook House and Willowbank;
  - c. Informed by the above, a soft-strip/demolition watching brief to record concealed historic fabric;
  - d. Informed by the historic building recording, further archaeological evaluation across the footprints of Brook House and Willowbank post-demolition to establish the presence of earlier archaeological remains (subject to an updated WSI);
  - e. Informed by the above, more detailed targeted excavation (subject of a new WSI).
2. A programme for post investigation assessment to include:
  - a. Analysis of the site investigations records and finds;

- b. Production of a final report/s on the investigation results.
- 3. Deposition of the final report/s with the Greater Manchester Historic Environment Record.
- 4. Dissemination of the results commensurate with their significance.
- 5. Provision for archive deposition of the report/s and records of site investigation.
- 6. Nomination of a competent person/s or organisation to undertake the works set out within the approved WSI.

Reason. To record and advance the understanding of heritage assets impacted upon by the proposed development and to make information about the heritage assets publicly available, having regard to Policy R1 of the Trafford Core Strategy, Policy JP-P2 of Places for Everyone, 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, irreversible heritage impacts.

- 22. No occupation of the development shall take place unless and until a Car Park Management Plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall cover (although shall not be limited to) the following matters:
  - 1. Confirmation regarding the car parking allocation per residential unit (accounting for private garages, private driveways, non-curtilage parking bays, and parking courts);
  - 2. Details of how residents will be informed of the site-wide terms and conditions of parking within the development (including by motor vehicles, cycles and motorcycles);
  - 3. Details of how residents will be informed of parking allocations per residential unit;
  - 4. Details of how residents will be informed of the shared use of visitor parking spaces;
  - 5. Details of how accessible spaces will be allocated and used;
  - 6. Details of any parking space notification measures to be installed;
  - 7. Details of the party/parties responsible for the implementation of the plan;
  - 8. Arrangements for ongoing monitoring and review mechanisms;
  - 9. Details of a reporting/complaints procedure (including contact details); and
  - 10. Arrangements for how breaches of the plan by residents and their visitors, and/or instances of indiscriminate parking, will be dealt with.

The approved Car Park Management Plan shall be strictly adhered to throughout the lifetime of the development.

Reason: To ensure an effective system of car park use and to prevent unauthorised car parking in the interests of the accessibility of the development, the free-flow of traffic and to promote safe conditions by all site-users, having regard to Policy L4 of



the Trafford Core Strategy, Policy JP-C5 and Policy JP-C6 of Places for Everyone, and the National Planning Policy Framework.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof) (i) no external alterations shall be carried out to the dwellings hereby approved; (ii) no extensions shall be carried out to the dwellings hereby approved; (iii) no garages or carports shall be erected within the curtilage of the dwellings hereby approved; (iv) no vehicle standing space shall be provided within the curtilage of the dwellings hereby approved; and (v) no windows or dormer windows shall be added to the dwellings hereby approved other than those expressly authorised by this permission, unless planning permission for such development (as covered by items i to v) has first been granted by the local planning authority.

Reason: In order to maintain a high quality appearance in the interests of visual amenity, and to ensure an effective system of car park use and to prevent unauthorised car parking in the interests of the accessibility of the development, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy, Policy JP-P1, Policy JP-C5 and Policy JP-C6 of Places for Everyone, and the National Planning Policy Framework.

24. No occupation of the development shall take place unless and until a full Travel Plan, which shall 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, the approved Travel Plan shall be implemented and shall thereafter continue to be implemented throughout a period of ten years commencing on the date of this first occupation.

Reason: To reduce care travel to and from the site in the interests of sustainability and highway safety, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy, Policy JP-Strat14 and Policy JP-C6 of Places for Everyone, and the National Planning Policy Framework.

25. Prior to occupation of the final residential unit within the development hereby approved, a verification report which demonstrates that all internal carriageways, roads, footways, footpaths, cycle-paths and all vehicular parking spaces (including non-curtilage parking bays, private driveways, parking courts, visitor parking, and accessible parking) and cycling and other parking facilities, as indicated on site layout plan (ref. 22142 (PL) 101 M), have been laid out and are available for use shall be submitted to and approved in writing by the local planning authority. The submitted verification report shall provide full details regarding the quantity and type of cycle parking for each residential unit. All such infrastructure and facilities, as referred to in the approved verification report, shall thereafter be retained and maintained for the lifetime of the development.

Reason: To ensure that the development is satisfactorily provided for in terms of access, servicing and parking in the interests of highway safety, and to reduce care travel to and from the site in the interests of sustainability, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy, Policy JP-Strat14 and Policy JP-C6 of Places for Everyone, and the National Planning Policy Framework.

26. No development (including vegetation clearance or building demolition) shall take place unless and until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The submitted Construction Environmental Management Plan shall provide for (although shall not be limited to):
1. Suitable hours of construction and pre-construction (including demolition) activity;
  2. The parking of vehicles of site operatives and visitors (all within the site);
  3. The loading and unloading of plant and materials (all within the site), including times of access/egress;
  4. The storage of plant and materials used in constructing the development;
  5. The erection and maintenance of security hoardings;
  6. Wheel washing facilities;
  7. Measures to control the emission of dust and dirt during demolition and construction, and procedures to be adopted in response to complaints of fugitive dust emissions;
  8. A scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
  9. Measures to prevent undue impact of disturbance from noise and vibration in accordance with the principles of Best Practicable Means as described in BS 5228: 2009 (parts 1 and 2), including from piling activity and plant including generators;
  10. 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;
  11. Contact information to be made available for members of the public;
  12. A risk assessment of potentially damaging construction/demolition activities to habitats/species on and adjacent to the site (which shall account for English bluebell which has been identified on site);
  13. Identification of 'biodiversity protection zones' within the site;
  14. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to habitats/species during construction/demolition;
  15. The location and timing of sensitive works to avoid harm to biodiversity features;
  16. The times during construction when specialist ecologists may need to be present on site to oversee works;
  17. The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
  18. Details of the use of protective fences, exclusion barriers and warning signs.

The approved Construction Environmental Management Plan shall be implemented in full throughout the vegetation clearance, demolition and construction process.

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 to users of the highway, and to minimise harm to biodiversity interests, having regard to Policy L4, Policy L7 and Policy R2 of the Trafford Core Strategy, Policy JP-G8 and Policy JP-C8 of Places for Everyone 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, highway and ecological impacts.

27. Notwithstanding the approved plans referred to at condition no. 2, no acoustic fencing shall be installed at the site, in accordance with the recommendations of the submitted Noise Impact Assessment (prepared by Professional Consult, dated 17<sup>th</sup> November 2023, ref. 23.184.1.R1), unless and until full details of the acoustic fencing have been submitted to and approved in writing by the local planning authority. The submitted details shall include the fencing's specification and performance, appearance, materials and finish, dimensions and the proposed location within the site. Prior to occupation of the final residential unit within the development, a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that all recommendations contained within the submitted Noise Impact Assessment (prepared by Professional Consult, dated 17<sup>th</sup> November 2023, ref. 23.184.1.R1), including but not limited to the acoustic fencing, have been implemented in accordance with the approved details. Thereafter such features shall be retained and maintained.

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

28. Notwithstanding the approved plans referred to at condition no. 2, upon first installation the four windows in the east-facing side elevation of residential Block A/B (which forms part of plots 10-13) and which are angled towards plots 1 and 2 as identified on approved site plan ref. 22142 (PL) 101 M, shall be fitted with non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent), and shall be retained as such thereafter.

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

29. No above-ground construction works shall take place unless and until a scheme detailing all external lighting equipment to be installed within the development has

been submitted to and approved in writing by the local planning authority. The scheme shall include details of the hours of operation, the location, size and design of luminaries and fittings, the type/output of light sources with lux levels (together with isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting beyond the site boundaries), and the location, design and colour of associated equipment. The submitted scheme shall demonstrate that all external lighting associated with the development would be designed and installed in order to minimise impacts on sensitive residential receptors within and adjacent to the site, it would also avoid negative impacts on bats and other nocturnal wildlife, including their breeding sites, resting places and movement corridors, and it would provide an appropriate level of lighting for motorists, pedestrians and cyclists to ensure safety. External lighting shall be installed and operated in accordance with the approved scheme prior to any residential use commencing, and shall thereafter be retained and maintained.

Reason: In order to minimise the impacts upon residential amenities, to ensure a high quality appearance in the interests of visual amenity, to create a safe night time environment for users of the development including in the interests of highway safety, and to prevent unnecessary disturbance to wildlife, having regard to Policy L5, Policy L4, Policy L7 and Policy R2 of the Trafford Core Strategy, Policy JP-C8, Policy JP-P1 and Policy JP-G8 of Places for Everyone and the National Planning Policy Framework.

30. The development hereby approved shall be implemented and operated in full accordance with the submitted Waste Management Strategy prepared by Eccleston Homes, as supplemented by the bin storage information contained on approved site plan ref. 22142 (PL) 101 M, for the lifetime of the development.

Reason: In the interests of highway safety and residential amenity and to ensure that satisfactory arrangements are in place for the disposal of refuse (including recyclables), having regard to Policy L4 and Policy L7 of the Trafford Core Strategy, Policy JP-S6 and Policy JP-C8 of Places for Everyone, and the National Planning Policy Framework.

31. Before the development is first occupied, electric vehicle charging infrastructure, in accordance with the details shown on submitted plan ref. 22142 (PL) 101 J, shall be provided and shall be made available for use. Thereafter the infrastructure shall be retained and maintained.

Reason: In the interests of sustainability and reducing carbon emissions, having regard to Policy L5 of the Trafford Core Strategy, Policy JP-S1 and Policy JP-S5 of Places for Everyone, and the National Planning Policy Framework.

32. The development hereby approved shall be progressed and constructed in order to meet the objectives for achieving carbon minimisation contained within the submitted Carbon Budget Statement (prepared by Element Sustainability, dated

14th March 2024, ref. 2023.231, rev. 1.3). Prior to first occupation, a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm the final package of technologies, infrastructure and measures implemented within the development to achieve the objectives. Thereafter the technologies, infrastructure and measures shall be retained and maintained.

Reason: In the interests of reducing carbon emissions and in combating and adapting to climate change, having regard to Policy L5 of the Trafford Core Strategy, Policy JP-S1 and Policy JP-S2 of Places for Everyone, and the National Planning Policy Framework.

33. No photovoltaic solar panels shall be installed at the site unless and until full details of a proposed photovoltaic solar panel scheme have been submitted to and approved in writing by the local planning authority. The submitted scheme, which shall be based upon the details contained in the Carbon Budget Statement referred to at condition no. 32 and as indicated on submitted plan ref. 22142 (PL) 102 A (proposed photovoltaic positions) and which show roof-mounted provision, shall confirm the proposed location of the infrastructure; the dimensions of the panels; the appearance, materials, colour and finish of the panels; full details of fixtures and fittings (including the appearance, materials, colour and finish); how the junctions of the panels would be treated; the appearance of any other associated equipment and installations; product specifications; proposed electricity distribution and storage systems; the methods of installation; and procedures for maintenance and management. Development shall be carried out in full accordance with the approved details.

Reason: In the interests of reducing carbon emissions and in combating and adapting to climate change, and in the interests of visual amenity, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy, Policy JP-S1, Policy JP-S2 and Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

34. No development (including vegetation clearance or building demolition) shall take place unless and until an updated remediation strategy which shall address in full the risks associated with contamination at the site has been submitted to and approved in writing by the local planning authority. The submitted updated strategy shall include the following elements:
1. It shall be based upon the documents submitted at application stage (including Desk Study Report prepared by Betts Geo Consulting Engineers and dated February 2021, ref. 20ECH022/DS Rev A; Ground Investigation Report prepared by Betts Geo Consulting Engineers and dated February 2021, ref. 20ECH022/GI Rev 4; and Remediation Strategy prepared by Betts Geo Consulting Engineers and dated January 2023, ref. 20ECH022/RS Rev B);
  2. Additional site investigation to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

3. The results of the site investigation and the detailed risk assessment referred to in item 2 and, based on these, a more detailed options appraisal and remediation strategy giving full details of the remediation measures required and how they would be undertaken; and
4. A verification plan providing details of the data that would be collected in order to demonstrate that the works set out in the remediation strategy in item 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future site occupiers, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy, Policy JP-S4 of Places for Everyone, 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 environmental and health impacts.

35. No occupation of the development shall take place unless and until a verification report demonstrating the completion of the works set out in the approved updated remediation strategy referred to in condition no. 34 and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The submitted report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan referred to at condition no. 34 to demonstrate that the site remediation criteria have been met.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future site occupiers, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy, Policy JP-S4 of Places for Everyone, and the National Planning Policy Framework.

36. No piling shall take place as part of the development hereby approved unless and until a piling method statement has been submitted to and approved in writing by the local planning authority. The submitted statement shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise any pollution risks to groundwater. Any piling activity shall be undertaken in strict accordance with the approved piling method statement.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future site occupiers, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy, Policy JP-S4 of Places for Everyone, and the National Planning Policy Framework.

37. No development shall take place (excluding vegetation clearance and building demolition) unless and until full details of a surface water drainage scheme and foul water drainage scheme, which is consistent with the submitted Flood Risk

Assessment (prepared by RSK LDE Ltd, dated 29<sup>th</sup> November 2023, ref. 681091-R1(02)-FRA version 02) and the Proposed Drainage Strategy Plan 'Engineering Appraisal' (prepared by RSK LDE Ltd, dated 16<sup>th</sup> February 2024, ref. 10-01 LDE, DR D 10-01, rev. P5), has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:

1. Confirmation that finished floor levels within the development shall be set in accordance with plan ref. 10-01 LDE, DR D 10-01, rev. P5;
2. Foul and surface water drained on separate systems;
3. A timetable for implementation of the drainage systems; and
4. A management and maintenance plan for the surface water drainage system which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company, and/or any other arrangements to secure the operation of the surface water drainage system throughout its lifetime.

The approved surface water drainage scheme and foul water drainage scheme shall be installed prior to any residential use commencing and shall thereafter be operated and retained throughout the lifetime of the development in full accordance with the approved management and maintenance details.

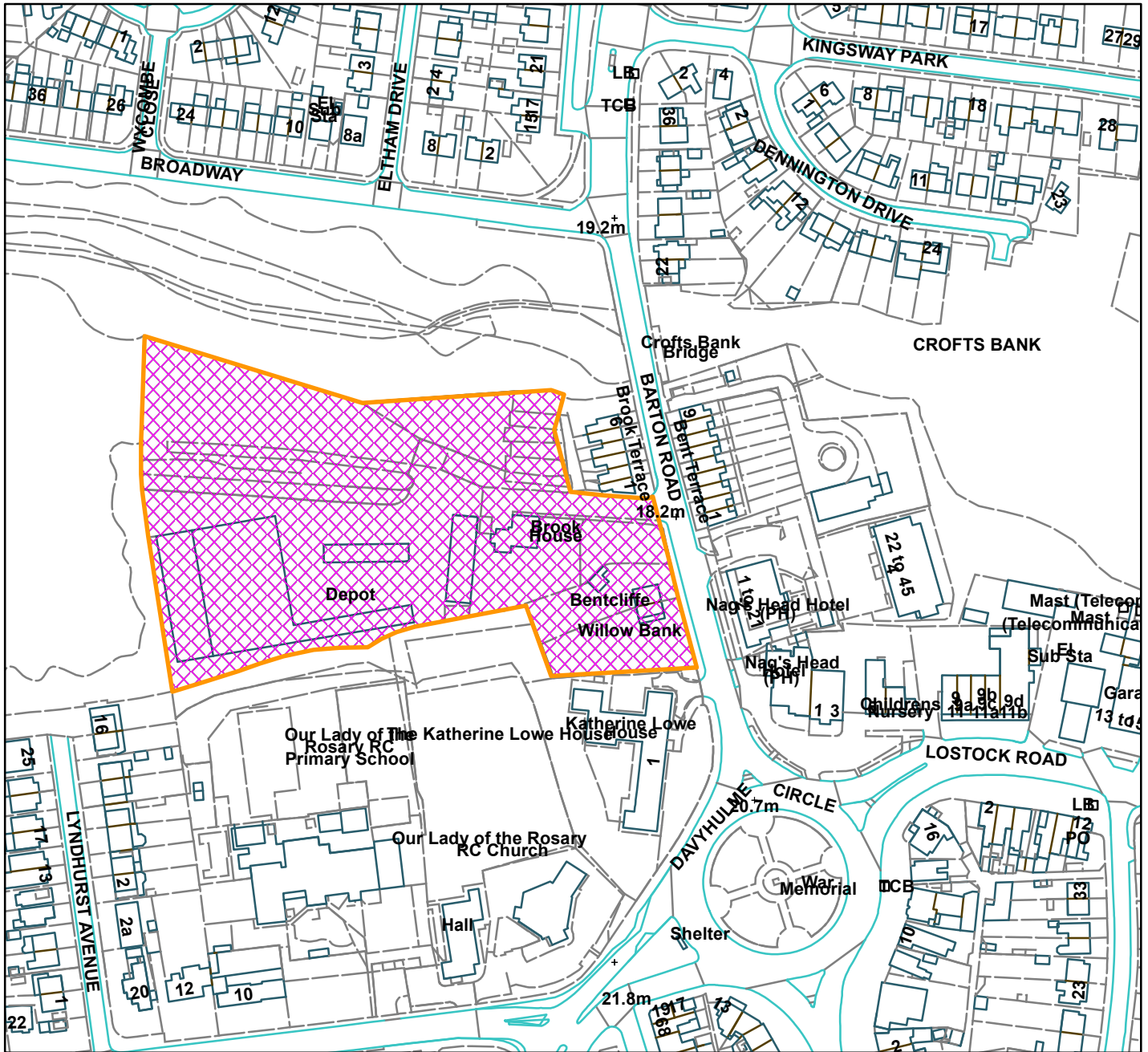
Reason: To secure a satisfactory system of drainage and to prevent any flood risk, having regard to Policy L5 of the Trafford Core Strategy, Policy JP-S4 of Places for Everyone, and the National Planning Policy Framework.

38. The development shall be implemented and operated in strict accordance with the submitted Crime Impact Statement (version 1.1, dated April 2024) for the lifetime of the development. No external communal cycle stores shall be provided unless and until full design and specification details of the cycle stores, which shall offer maximum security standards, have been submitted to and approved in writing by the local planning authority. External communal cycle store provision shall be delivered, retained and maintained in accordance with the approved details.

Reason: In the interests of crime prevention and the enhancement of community safety, having regard to Policy JP-P1 of Places for Everyone and the National Planning Policy Framework.



Land Off Barton Road, Davyhulme (site hatched on plan)



**Scale:** 1:2,200

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 09.05.2024
Date	30/04/2024
MSA Number	AC0000809316 (2022)



**WARD:** Hale Barns &  
Timperley South

**112795/HHA/24**

**DEPARTURE:** Yes

**Erection of part single storey, part two storey side/rear extension with roof terrace; single storey side/rear extension with part basement and infill link to existing garage; other associated external alterations.**

Ross Mill Farm, Rossmill Lane, Hale Barns, Altrincham, WA15 0EU

**APPLICANT:** Dr Ravindran

**AGENT:** McNulty Architects

**RECOMMENDATION: REFUSE**

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**This application has been brought to Committee at the discretion of the Head of Planning.**

### **Executive Summary**

The application seeks permission for extensions to the existing dwelling to create additional living accommodation. The host dwelling is a late 18<sup>th</sup> / early 19<sup>th</sup> century farmhouse that was previously Grade II listed. The property was de-listed in December 2021 by Historic England due to the level of internal alterations and thereby loss of interior fabric that had been lost. Nevertheless, there remains historic interest at a local level based on the external fabric of the property. In acknowledging the Historic England Advice Report which sets out that there remains interest at a local level, the Local Planning Authority recognizes the property as a non-designated heritage asset.

The site is located in the Green Belt and an Area of Landscape Protection.

The main issues to be considered are whether the proposal constitutes appropriate development within the Green Belt, any harm to the significance of the non-designated heritage asset, impact on the character of the host dwelling, the Area of Landscape Protection and the wider area more generally.

By virtue of the size of the extensions proposed within this application, together with previous additions to the property, it is considered that the proposal would be disproportionate to the size of the original dwelling and therefore would constitute "inappropriate development." A 'very special circumstances' case has been put forward by the agent outlining a fall-back position of approved extensions and outbuildings under Certificates of Lawful Development. The Council considers that there is additional harm to the openness of the Green Belt resulting from the current proposal alongside harm to the significance of the non-designated heritage asset, the character of the host

dwelling more generally, as well as the character of the landscape setting. For these reasons, the case of 'very special circumstances' would not be significant enough to clearly outweigh the harm to Green Belt and the other identified harm.

The application is therefore recommended for refusal on the grounds of constituting inappropriate development within the Green Belt, alongside harm to its openness, inappropriate design and impact on the character of the Area of Landscape Protection.

## **SITE**

The application site relates to a detached two storey dwelling known as Ross Mill Farm, located on the south west side of Rossmill Lane. The dwelling is a late 18<sup>th</sup> century, early 19<sup>th</sup> century farmhouse. Immediately to the north of the farmhouse is a former barn associated with the farm that has been converted to a dwelling. The site is accessed from Rossmill Lane which is a byway with a narrow track.

The surrounding area is rural in character with a small number of properties situated along Rossmill Lane to the north and east of the site. To the west of the site lies the River Bollin valley. The site is located in the Green Belt and within an Area of Landscape Protection.

The property was formerly Grade II listed however was de-listed in December 2021. Nevertheless, the Council has identified the application site as a non-designated heritage asset.

## **PROPOSAL**

Permission is sought for the erection of a part single storey, part two storey side/rear extension with roof terrace; single storey side/rear extension with part basement and infill link to existing garage; other associated external alterations.

## **DEVELOPMENT PLAN**

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

- The **Places for Everyone Plan (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced.

- The **Trafford Core Strategy**, adopted 25<sup>th</sup> January 2012; the Trafford Core Strategy partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19<sup>th</sup> June 2006; A number 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 the new Trafford Local Plan.

#### **PRINCIPAL RELEVANT PFE POLICIES**

JP-S1: Sustainable Development  
 JP-G8: A Net Enhancement of Biodiversity and Geodiversity  
 JP-G19: The Green Belt  
 JP-P1: Sustainable Places  
 JP-P2: Heritage  
 JP-C7: Transport Requirements of New Development

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

L4 – Sustainable Transport and Accessibility  
 L5 – Climate Change  
 L7 – Design  
 R1 – Historic Environment  
 R2 – Natural Environment  
 R4 – Green Belt, Countryside and Other Protected Open Land

#### **PROPOSALS MAP NOTATION**

Green Belt  
 Area of Landscape Protection

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

None

#### **SUPPLEMENTARY PLANNING GUIDANCE**

PG30 - Landscape Strategy  
 SPD4 – A Guide for Designing Housing Extensions and Alterations

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

The 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 in February 2024. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

111376/CPL/23 – Application for Certificate of Proposed Lawful Development for erection of single storey side extension.

Approved 01.09.2023

111375/CPL/23 – Certificate of Proposed Lawful Development for erection of leisure suite at rear of garden.

Approved 01.09.2003

110347/PAH/23 – Erection of a single storey rear extension with a maximum projection of 8.00 metres beyond the original rear wall, a maximum height of 3.00 metres and eaves height of 3.00 metres. Application for prior approval under part 1 of schedule 2 class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Prior Approval Not Required 31.03.2023

109731/CPL/22 – Application for certificate of proposed lawful development use for erection of two storey rear extension.

Approved 10.03.2023

108575/PAH/22 – Erection of a single storey rear extension with a maximum projection of 8 metres beyond the original rear wall, a maximum height of 3 metres and eaves height of 3 metres. Application for prior approval under part 1 of schedule 2 class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Prior Approval Refused 07.09.2022

Reason for refusal:

*The proposed single storey rear extension fails to comply with Schedule 2, Part 1, Class A.3(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

108409/CPL/22 – Application for Certificate of Lawful Development for a single storey ancillary leisure building to the rear of the property.

Refused 08.03.2023

Reason for refusal:

*The proposed leisure suite as shown on the submitted drawings 2010-110 Rev B; 2010-205 Rev B and 2010-1002 Rev C is not lawful permitted development under the provisions of Class E of Part 1 to Schedule 2 of the Town and Country Planning*

*(General Permitted Development) (England) Order 2015 (as amended). The proposed outbuilding would fail to comply with Class E (F) as the height of the eaves of the building would exceed 2.5m.*

107750/CPL/22 – Certificate of proposed lawful development for erection of single storey side/rear elevation.  
Refused 25.10.2023

Reason for refusal:

*The single storey rear extension as shown on the submitted drawings 2010-1001 rev B; 2010-101 rev D; 2010-201 rev A; 2010-202; 2010-203; 2010-204, would fail to comply with the provisions of Class A Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Specifically, the proposed extension would fail to comply with A.1 (F) (i) and A.3 (a). As such the proposed extension is not lawful permitted development and planning permission is required.*

76113/LB/2010 – Listed Building Consent for internal and external alterations to barn and outbuilding.  
Approved with conditions 25.10.2013

H/LB/71114 – Demolition of existing outbuildings and wall, erection of single garage and pedestrian gates between garage and existing house.  
Approved with conditions 11.05.2009

H/71113 – Erection of single garage and pedestrian gates between garage and existing house.  
Approved with conditions 11.05.2009

H/70407 – Erection of two storey detached dwelling incorporating double garage following demolition of existing dwelling.  
Approved with conditions 04.12.2008

H/LB/69711 – Listed Building Consent for replacement windows to farmhouse.  
Approved 30.07.2008

H/LB/69599 – Listed Building Consent for replacement staircase in farmhouse.  
Refused 11.07.2008

Reason for refusal:

*The proposed removal of the existing staircase and associated panelling and its replacement with a new staircase of inappropriate design would adversely affect the character and special interest of the building and the applicant has been unable to justify that these works are desirable or necessary. As such the proposed works are*

*contrary to Proposal ENV24 of the Revised Trafford Unitary Development Plan and PPG15 – Planning and the Historic Environment.*

H/69520 – Listed Building Consent for conversion of part of existing barn from store into garage ancillary to Rossmill Farmhouse, installation of oak garage doors.  
Refused 10.07.2008

Reason for refusal:

*The proposed works would result in removal of original fabric from the building and the proposed new doors by reason of the size of the opening would adversely affect the character and special interest of the building and the applicant has been unable to justify that these works are desirable or necessary. As such the proposed works are contrary to Proposal ENV24 of the Revised Trafford Unitary Development Plan and PPG15 – Planning and the Historic Environment.*

H/69519 – Conversion of part of existing barn from store into garage ancillary to Rossmill Farmhouse, with installation of oak garage doors.  
Refused 10.07.2008

Reasons for refusal:

*The proposed works would result in removal of original fabric from the building and the proposed new doors by reason of the size of the opening would adversely affect the character and special interest of the building and the applicant has been unable to justify that these works are desirable or necessary. As such the proposed works are contrary to Proposal ENV24 of the Revised Trafford Unitary Development Plan and PG15 – Planning and the Historic Environment.*

H/LB/67086 – Listed Building Consent for rebuilding of part of rear elevation.  
Approved 06.07.2007

H/LB/67085 – Listed Building Consent for works to roof of lean-to to porch comprising removal and reinstatement of stone flags.  
Approved with conditions 06.07.2007

H/LB/67084 – Listed Building Consent for removal of first floor ceilings to several rooms.  
Approved 06.07.2007

H/LB/67083 – Listed Building Consent for alteration and infilling of existing outbuildings to form orangery.  
Approved with conditions 11.07.2007

H/67082 – Alteration and infilling of existing outbuildings to form orangery.  
Approved with conditions 11.07.2007

H/LB/67081 – Listed Building Consent for internal and external alterations in relation to conversion of part of barn (south eastern end) into accommodation ancillary to the existing building.

Approve with conditions 25.03.2008

H/67080 – Conversion of part of barn (south eastern end) into accommodation ancillary to the existing dwelling.

Approved with conditions 25.03.2008

H/LB/67079 – Listed Building Consent for internal and external alterations, including demolition and rebuilding of single storey outrigger in relation to conversion of part of barn (north western end) to single dwelling.

Approved with conditions 04.11.2008

H/67078 – Conversion of part of barn (north western end) into single dwelling including demolition and rebuilding of single storey outrigger. Provision of landscaping and erection of gates and fencing.

Approved with conditions 04.11.2008

H/65413 – Conversion of barn into single dwelling together with store and accommodation ancillary to existing dwelling. Erection of detached double garage/wood store for proposed dwelling. Formation of landscaping areas and erection of gates and fencing.

Approved with conditions 28.03.2007

H/LB/65412 – Listed Building Consent for internal and external alterations to farmhouse, including demolition of outbuildings. Conversion of part of existing barn to single dwelling with internal and external alterations.

Approved with conditions 28.03.2007

H/LB/64469 – Listed Building Consent for single storey side extension, internal and external alterations and repairs to existing dwelling and demolition of outbuildings. Conversion of part of existing barn to single dwelling with internal and external alterations including new openings, rooflights and alterations to existing openings. Demolition of former cattery buildings. Erection of new boundary fencing, formation of hardstanding areas.

Refused 22.05.2006

Reasons for refusal:

- 1. The proposed development, by reason of the formation of a new boundary, including the erection of a new boundary fence, between the farmhouse and barn would seriously detract from the historic character and setting of the listed farmhouse and barn. As such the proposal would be contrary to Proposals ENV24 and ENV25 of the Trafford Unitary Development Plan and Proposed Adopted Plan.*

2. *The proposed development, by reason of the internal and external alterations involved in the proposed conversion of the barn, would seriously detract from the special interest of the curtilage listed barn. As such the proposal would be contrary to Proposals ENV24 and ENV25 of the Trafford Unitary Development Plan and Proposed Adopted Plan.*
3. *The proposed development, by reason of the internal and external alterations and extensions to the farmhouse would detract from the special interest of the listed farmhouse. As such the proposal would be contrary to Proposals ENV24 and ENV25 of the Trafford Unitary Development Plan and Proposed Adopted Plan.*

H/64433 - Conversion of barn into single dwelling and garage, store and accommodation ancillary to existing dwelling; external alterations including new openings, rooflights, infilling of existing openings. Erection of detached double garage/wood store for proposed dwelling; demolition of existing outbuildings. Formation of hardstanding areas; erection of boundary fencing to include delineation of curtilage of new dwelling. Single storey extension to existing farmhouse following demolition of outbuildings; internal and external alterations to farmhouse  
 Refused 07.06.2006

Reasons for refusal:

1. *The proposed development, by reason of the formation of a new boundary, including the erection of a new boundary fence, between the farmhouse and barn would seriously detract from the historic character and setting of the listed farmhouse and barn. As such the proposal would be contrary to Proposals ENV24 and ENV25 of the Trafford Unitary Development Plan and Proposed Adopted Plan.*
2. *The proposed development, by reason of the internal and external alterations involved in the proposed conversion of the barn and the extension to the farmhouse, would seriously detract from the historic character and special interest of the curtilage listed barn and listed farmhouse. As such the proposal would be contrary to Proposals ENV24 and ENV25 of the Trafford Unitary Development Plan and Proposed Adopted Plan.*
3. *The proposed development would add to the current over-supply of development land for housing within the Borough and as such would be contrary to Policy UR7 of Regional Planning Guidance for the North West (RPG13); Trafford's Proposed Adopted Unitary Development Plan Policies H1, H2 and Proposal H3; and Trafford's Supplementary Planning Guidance on "Controlling the Supply of Land Made Available for New Housing Development."*
4. *The conversion proposals for the barn do not satisfactorily respect the form and detailing of the existing barn. As such the proposed development is contrary to Proposal C6 of the Trafford Unitary Development Plan and Proposed Adopted Plan.*



H/62175 – Conversion of barn from storage in association with cattery business into single dwelling with integral garage and including office/study ancillary to the existing dwelling. External alterations including new openings, rooflights and infilling of existing openings. Demolition of outbuildings. Formation of new access and hardstanding areas. Erection of new boundary walls and fencing to include division of existing farmhouse curtilage.

Refused 09.01.2006

Reasons for refusal:

1. *The proposed development, by reason of the formation of a new boundary, including the erection of a new boundary fence, between the farmhouse and barn would seriously detract from the historic character and setting of the listed farmhouse and barn. As such the proposal would be contrary to Proposals ENV24 and ENV25 of the Trafford Unitary Development Plan and Proposed Adopted Plan.*
2. *The proposed development would add to the current over-supply of development land for housing within the Borough and as such would be contrary to Policy UR7 of Regional Planning Guidance for the North West (RSS 13); Trafford's Proposed Adopted Unitary Development Plan Policies H1, H2 and Proposal H3; and Trafford's draft supplementary planning guidance note "Controlling the Supply of Land Made Available for New Housing Development."*

H/LB/62174 – Listed Building Consent for internal and external alterations and repairs to existing dwelling; conversion of existing barn to single dwelling with internal and external alterations including new openings, rooflights and infilling of existing openings. Demolition of outbuildings. Erection of new boundary walls and fencing and formation of new access and hardstanding area.

Refused 09.01.2006

Reason for refusal:

*The proposed development, by reason of the formation of a new boundary, including the erection of a new boundary fence, between the farmhouse and barn would seriously detract from the historic character and setting of the listed farmhouse and barn. As such the proposal would be contrary to Proposals ENV24 and ENV25 of the Trafford Unitary Development Plan and Proposed Adopted Plan.*

H/28428 – Retention of shed used as a cattery.

Approved with conditions 04.01.1989

## **APPLICANT'S SUBMISSION**

A Design and Access Statement (including Green Belt Impact Statement) has been submitted as part of the application.

No Heritage Statement has been provided.

## **CONSULTATIONS**

Heritage – Harm to the significance of the non-designated heritage asset has been identified. This is set out in more detail within the main body of the report.

Local Highway Authority – Raise no objections on highways grounds.

Manchester Airport Group – No comments received at the time of writing this report. Any comments received will be provided in the Additional Information Report.

## **REPRESENTATIONS**

None received

## **OBSERVATIONS**

## **PRINCIPLE OF DEVELOPMENT**

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, two months 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. PfE represents a highly up-to-date development plan, having been adopted less than a month ago. However, it has been explained that – in view of the strategic nature of PfE – its content has served to replace (or partially replace) some but not all Core Strategy policies, and therefore many Core Strategy (and Revised Trafford UDP) policies remain in force (as explained in the relevant sections of this report).
3. When having regard to the nature of this proposal and its key considerations, Core Strategy and PfE policies on the topics of design and residential amenity (Policy L7 and Policy JP-P1), heritage (Policy R1 and Policy JP-P2), Green Belt (Policy JP-G9) and highways impact (Policy L4) are most central to its assessment. These policies are considered to be up to date and should be given

full weight, notwithstanding the fact that there is some inconsistency in the remaining wording of Core Strategy Policies L4 and R1. The tilted balance (as set out in paragraph 11d of the NPPF) is therefore not engaged and paragraph 11c and paragraph 12 provide the decision-taking framework for this application.

4. The main considerations with regard to this proposal relate to whether the development proposed is inappropriate development in the Green Belt (and if so whether there are any 'very special circumstances' to justify such a development), the impact of the development on the non-designated heritage asset, and the effect of the development on the character and appearance of the surrounding area and impact on the amenity of neighbouring properties. These issues are dealt with in turn below.

#### DEVELOPMENT IN THE GREEN BELT

5. Policy JP-G9 of PfE reflects NPPF in terms of protecting the Green Belt from inappropriate development alongside enhancement of its green infrastructure functions.
6. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 of the NPPF identifies the five purposes of Green Belt land:
  - To check the unrestricted sprawl of large built-up areas;
  - To prevent the neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
7. A Green Belt review of Greater Manchester was undertaken by Greater Manchester Combined Authority (GMCA) in 2016, which included a detailed review of Trafford Borough with an assessment of Green Belt purposes 1-4. Criterion 1a considers whether land has already been affected by sprawl and whether it retains an open character. Criterion 1b considers the role of features (e.g. boundary features, settlement form and presence of roads) in affecting the potential for urban sprawl to occur in the absence of Green Belt designation. This site sites within Green Belt parcel ref. TF54.
8. A summary of the ratings for each of the purposes is provided below.

<b>Purpose</b>	<b>Rating</b>	<b>Summary</b>
1a	Strong	The parcel is adjacent to Hale. There are existing urbanizing features within the parcel; development towards the centre of the parcel includes a hospital, a number of large detached residences, and the Hale Golf Course clubhouse, parking and access. To the west built

		development includes a small sewage works. There is a strong sense of openness within the parcel because urbanising features are set within an extensive mixed use landscape of managed golf course and woodland. The parcel contributes towards checking the unrestricted sprawl of Hale.
1b	Strong	The parcel is adjacent to Hale. There are no strong barrier features on the urban edge (or close to the urban edge) of the parcel that could prevent urban sprawl from taking place within the parcel. There are some strong barrier features such as the River Bollin on the southern outer edge and the railway line to the west which plays some role in preventing urban sprawl from occurring within certain areas of the parcel. The parcel plays a strong role in inhibiting ribbon development along Barrow Lane, Bollinway and along a number of further internal protruding roads to the west.
2	Weak	The parcel lies on the edge of Hale and Hale Barns but loss of openness within the parcel would not lead to reduction of gap between these settlements as coalescence has already occurred.
3	Moderate	There is a limited sense of urban encroachment within the parcel as a result of a number of large detached residence and Hale Golf Club with associated buildings, parking and access. However, the parcel still displays some of the characteristics of the countryside despite these urbanising influences. Neighbouring urban development has a limited visual influence on the rural character of the parcel.
4		Digital analysis, based on bare earth height data, indicates that this parcel is theoretically visible from the historic settlement of Hale. In practice, the relatively flat land within this parcel has limited intervisibility with the historic settlement of Hale and plays a limited role in its setting. This parcel is located adjacent to the South Hale Conservation Area.

9. With regard to the five Green Belt purposes, this area of the Green Belt performs strongly in terms of purposes 1a and 1b (to check unrestricted urban sprawl).

10. The site Green Belt allocation has not changed under PfE. It is critical that Green Belt policy is applied in accordance with the NPPF to ensure that this Green Belt land continues to perform strongly.

11. The Framework is clear that substantial weight is given to any harm to the Green Belt.

12. Within the Green Belt there is a presumption against inappropriate development which is, by definition, harmful to the Green Belt (NPPF paragraph 147) and should not be approved except in 'very special circumstances'. Paragraph 149 of the NPPF advises that the construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes including:

c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

13. The proposal relates to extensions and alterations to the existing building and therefore falls to be considered under c). The following assessments are therefore made:

- i. Whether the development would be inappropriate development in the Green Belt for the purposes of the NPPF and Core Strategy policy (in this case whether the proposal constitutes disproportionate additions over and above the size of the original building) and linked to that the effect on the openness and purposes of including land within the Green Belt;
- ii. Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the development.

### Inappropriateness

14. The proposal relates to extensions and alterations to the existing building and therefore falls to be considered under exclusion c). The NPPF does not provide a definition of "disproportionate." As such clarity of the Council's position is set out in guidance within SPD4 which advises that *"an extension which would increase the size of the dwelling to no more than 30% above the original floorspace would not normally have an undue impact because of its limited extent."* The guidance continues to explain that it is not simply a matter of calculating floorspace however and that *"this addition is subject to appropriate scale and design, its relationship with the host dwelling and the visual impact on the surrounding area."* Providing more guidance in relation to design and scale, SPD4 continues that *"In calculating this floor space the cumulative effect of any previous extensions will be taken into account. Much larger extensions than this are unlikely to be acceptable due to the harmful visual impact on the rural vernacular of disproportionately large extensions. For example, an extension that would change a small cottage into a large house would be a significant change in character, and even if well designed and screened, would still have a strong visual impact upon the rural character."*

15. The NPPF defines ‘original building’ as: “A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.”
16. OS maps (1945-1973) suggest that the farmhouse around 1948 would have taken a much smaller, rectangular form to that which exists today. It suggests that the pair of two storey gables to the front are extensions which post-date 1 July 1948.
17. The garage is a later addition to the property which replaced a previous outbuilding with a similar footprint. Assuming a first floor plan which matched that at ground floor, and removing the gables from the calculations, it can be assumed that the “original” floor area of the building was approximately 254 sqm. Adding the later gables and garage, the property would appear to have already been extended in the region of approximately 120sqm, therefore representing an increase of 47%.
18. The submitted Green Belt Impact Statement provides no detail of any floor areas, neither for the “original” permission as a starting point, nor the additions to the property and simply makes the unevidenced statement that “*The original building has not been significantly added to since 1948.*”
19. Notwithstanding any assumptions made around the size of the “original” dwelling, the proposal as it stands represents a substantial and disproportionate addition to the size of the *existing* dwelling as detailed in the table below:

Existing Floor Area	Proposed Floor Area	Total Increase
358 sqm	802 sqm	444 sqm
		<b>124% increase</b>

20. As such the proposal fails to comply with the proportionate test in relation to development within the Green Belt.

#### Assessment of potential harm to the Green Belt

21. Beyond the definitional harm to the Green Belt that the NPPF prescribes to all “inappropriate development” the proposed development has the potential to further impact upon the openness of the Green Belt and the character and appearance of the area. This impact is assessed further in this section with a consideration of the design, style, scale and materials of the proposed dwelling and is also addressed within a later section of this report in relation to the impact on the Area of Landscape Protection.
22. Planning Practice Guidance on the Green Belt, published in July 2019 provides further guidance for considering the potential impact of development on the openness of the Green Belt. It sets out at Paragraph 001 a number of matters

which may need to be taken into consideration when making an assessment of harm:

- i. Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- ii. The duration of the development, and its remediality – taking into account any provisions to return land to its original stage or to an equivalent (or improved) state of openness; and
- iii. The degree of activity likely to be generated, such as traffic generation.

23. Openness is generally defined as the lack of built development.

24. The proposal would extend the footprint of the existing and original farmhouse building considerably, extending beyond the rear and side building lines. Additionally the proposal would lose the gap between the farmhouse and the detached garage, restricting views between the buildings and resulting in a loss of the visual separation.

25. It is therefore considered that as well as causing harm to the openness of the Green Belt by definition of inappropriate development and in visual and spatial terms, the proposal would be visually intrusive and overly large and would therefore represent additional harm. That the extension would have limited visibility from public views does not negate this harm.

#### Consideration of 'Very Special Circumstances'

26. There is no published government guidance on what constitutes 'very special circumstances.' Whilst the onus is put on the applicant to set out any case, it falls to the determining authority to decide what the 'very special circumstances' are for a case and whether they outweigh the harm to the Green Belt.

27. The Green Belt Impact Statement sets out the fall-back position as constituting 'very special circumstances.'

28. The applicant puts forward a 'very special circumstances' case based on the fall-back position. It refers specifically to the approval of the following Certificates of Lawfulness for Proposed Development and Prior Approval for Householders:

- 109731/CPL/22 – Approval of a two storey rear extension
- 111375/CPL/23 – Approval of the construction of a leisure suite
- 110347/PAH/23 - Approval of single storey rear extension
- 111376/CPL/23 - Approval of a single storey side extension

29. In considering this the Council need to determine what weight should be afforded to this material consideration. As per *R (Stelio Stefanou) v Westminster City Council and Cunningham Management Limited* [2017] EWHC 908 (Admin) the

LPA accepts that in determining the weight to be given to the fall-back and therefore whether it amounts to very special circumstances with reference NPPF paragraph 144 two elements would have to be satisfied:

1. The likelihood of the fall-back being implemented should the original scheme be refused planning permission; and
2. Whether the fall-back would result in more or similar harm in terms of Green Belt harm and any other harm, the latter including harm to the landscape character.

30. Both of these are matters of planning judgement for the LPA to determine.

31. Should it be determined that the fall-back proposal is likely to be implemented and that it would result in more or comparable harm to the Green Belt and other harm which clearly outweighs the Green Belt and other harm caused by the proposal, the LPA would have to afford the fall-back proposal significant weight in the determination of the application and therefore could consider this to be very special circumstances in accordance with paragraphs 143 and 144 to the NPPF.

#### Likelihood of implementation

32. In assessing the first element the LPA has to decide whether the fall-back's chance of implementation is merely a theoretical possibility, a definite certainty or somewhere between the two. The LPA should not take into account what extensions or outbuildings could be built under permitted development, or any extant permission when comparing the impact of the buildings unless a genuine fall-back position can be demonstrated.

33. Given the number of CPL applications that have been submitted and also considering their timing (all within 2023), it does suggest that these were submitted as an exercise to establish a fall-back position.

34. The applicant fails to present any detailed fall-back and instead simply lists the application numbers. The submission does not in any way seek to demonstrate what the fall-back position would look like, in terms of what would or could actually be built out.

35. The nature of the extensions proposed under all of the listed CPLs means that they cannot all come forward together to create one overall fall-back position. There are 3 different options that could be brought forward:

- i. Single storey rear extension with single storey side extension;
- ii. Two storey rear extension with single storey side extension;
- iii. Single storey side extension with single storey detached leisure suite;



36. The permitted leisure suite is sited approximately 2m from the rear elevation of the existing property and would therefore prejudice the accommodation within the main dwelling in terms of outlook and light. The likelihood of this being implemented either as a standalone development or in conjunction with the single storey side extension is low.
37. Realistically therefore, the actual fall-back position is more likely to comprise a single storey side extension and either a single storey or two storey rear extension with a maximum increase in floor area of 272 sqm or 240 sqm respectively (between 67 % and 76% from the size of the existing property). Although the likelihood of it coming forward is considered to be low as set out above, for completeness, the option of the leisure suite with the single storey side extension would result in an increase in floor area of 430sqm (120%). In all cases therefore, the potential fall-back position would result in an increase from the size of the existing property which is less than that proposed under the current application.
38. It therefore falls to consider whether the fall-back position would be equally or more harmful to the scheme currently under consideration both in terms of Green Belt harm and any other harm.
39. The following sections of this report demonstrate that there is harm identified on three counts:
1. Openness of the Green Belt
  2. Adverse impact on the character of the area
  3. Design and impact on non-designated heritage asset.
40. In summary, it is concluded that the fall-back schemes, by virtue of their size, scale, design and materiality do not present a justification for the proposed development and its associated harms which are addressed in turn below.

#### Harm to Openness of the Green Belt

41. In assessing the second element (whether the fall-back would result in more or similar Green Belt and landscape harm with reference to NPPF paragraph 153 test) the NPPF states that the essential characteristics of Green Belt are their openness and their permanence. Openness in Green Belt is an absence of development rather than the impact of a development and therefore a loss of openness occurs from the presence of built form, regardless of whether this built form can readily be seen from the public realm.
42. In terms of assessing harm to Green Belt openness the key recent case law is Turner [2016]. In this the Court of Appeal held that when assessing the impact of development on Green Belt openness this assessment is not limited to measuring the footprint and volume of existing and proposed structures; visual

impact is also implicitly part of the concept, with the Court confirming that the openness of the Green Belt has a spatial aspect as well as a visual impact.

43. The fall-back options differ from the application proposal by virtue of the height, form, scale and character of the development. In particular the proposed leisure suite and single storey side extensions proposed as a fall-back would have flat roofs, appearing much more subordinate than the current proposal. Whilst large in footprint, the extensions would be set down below the first floor windows and would appear much more in keeping and sympathetic and appropriate in scale to the existing dwelling. The two storey extension is much more modest in footprint and scale and more sympathetically designed.
44. In contrast, the application proposal would result in greater harm being caused to the Green Belt and its openness due to its bulk, height, design and materiality. The proposal would add greater massing and volume to the building at first floor, resulting in more harm to the openness of the Green Belt.

## HERITAGE

45. The importance of preserving the historic environment is reflected in NPPF and supporting NPPG. NPPF introduces the term 'heritage assets' which are defined as: 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions'. Such heritage assets can be 'designated' or 'non-designated'.
46. Heritage assets in the Borough contribute to the unique character and quality of the historic built environment. These sites and buildings are an irreplaceable record of the Borough which can contribute to our learning and understanding of the past including its social and economic history, and are also a resource for the future. It is therefore essential that we seek to preserve, protect and where appropriate, enhance these special buildings and sites, in line with national and regional planning policy guidance.
47. Paragraph 201 of the NPPF advises: *"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."*
48. Paragraph 203 indicates that when local planning authorities are determining planning applications, they should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to

- sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

49. Elements of Policy R1 have been superseded by Policy JP-P2 (Heritage) of PfE. Policy JP-P2 defers to individual authorities' local plans to inform the positive management and integration of that area's heritage. Significantly, it also refers to development proposals affecting designated and non-designated heritage assets being considered in line with national policy.

#### Significance of the Non-Designated Heritage Asset

50. Significance is defined in the NPPF as 'The value of a heritage to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.' Setting of 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.'

51. Planning Practice Guidance (PPG) states that local planning authorities may identify non-designated heritage assets during the course of a planning application.

52. Paragraph 209 of NPPF states *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

53. The application relates to Rossmill Farmhouse, a late 18<sup>th</sup>, early 19<sup>th</sup> century farmhouse with associated barn and outbuildings. The site was originally occupied by a pair of early C18 semi-detached cottages but were substantially re-built during the late C18 to early C19 to accommodate the present constructions; the barn has a date stone "D / H.M / I.D / 1737" (cottages contemporary). The farm steading is shown on the 1842 Tithe map of Hale and is described in the apportionment as 'House, Outbuilding and Garden'; the farmhouse is shown unaltered on the 1877 and 1898 OS maps.

54. The existing building is not statutorily listed or located within a conservation area and therefore does not have status as a designated heritage asset. Having been formerly Grade II listed, it is acknowledged that the property was de-listed by the Secretary of State in December 2021. The Historic England Advice Report detailing the property refers to:

*“the building’s overall interest as a former late C18 to early C19 farmhouse has been compromised by significant rebuilding, resulting in a loss of intactness; \* the building has a modern domestic interior throughout, which has been re-ordered and retains a minimum of historic features.”*

55. Because the building was de-listed due to previous internal alterations only, the established exterior fabric as well as the overall setting of the farmhouse retain their significance. The Historic England Advice Report which sets out that there remains historic interest of the farmhouse at *“local, rather than national in nature.”*
56. Photographs and mapping suggest little site division and the retention of the steading relationship between house and barn. The steading also retains its open setting and much of the established relationship of the ancillary structures and the main farmhouse. The overall plan-form of the building appears relatively intact when viewing the site from the exterior. It is pleasantly sited with an open, grassed lawn, attractive timber fencing and mature, established landscaping dotted throughout the plot.
57. The application site is one of only a few surviving farmsteads in the area and illustrates the agricultural settlement of Hale Barns predating its growth as a late C19 and early C20 suburb, therefore the site has a degree of local significance. The relationship of the site with the landscape if further examined in the following section of this report.
58. Rossmill farmhouse and its associated buildings are therefore considered to be non-designated heritage assets; they have been identified and assessed in accordance with the parameters of Annexe 2 of the NPPF.
59. It is important to highlight the acknowledgement by Historic England that despite the de-listing of the farmhouse, there remains historic interest at a local level. This supports the Council’s identification of the application property as a non-designated heritage asset.

### Consideration of Harm

60. In determining planning applications, paragraph 203 of the NPPF advises local planning authorities to take account of: ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.’
61. Elements of Policy R1 have been superseded by Policy JP-P2 (Heritage) of PfE. Policy JP-P2 defers to individual authorities’ local plans to inform the positive

management and integration of that area's heritage. Significantly, it also refers to development proposals affecting designated and non-designated heritage assets being considered in line with national policy. It thus subsumes the tests of paragraph 209 of the NPPF in relation to non-designated heritage assets which falls to be applied here.

62. The design as proposed is for a glazed, part single-storey, part two and three storey collection of extensions and links to join onto the historic farmhouse and its adjacent detached garage. The Heritage Officer considers that *“The proposed extension is disagreeable with respect of its vast expanses of glazing which do not complement the red brick and slate of the main property. Likewise, it is overly dominating in scale, proportions, massing and footprint. This design would result in a loss of spaciousness to the wider site and the established relationship with historical ancillary structures. It would also obscure the building’s architectural distinctiveness, and would not be detailed in a way which is in keeping with its overall arrangement and detailing.”*
63. The two storey side extension projects approximately 11m to the side of the dwelling with a roof overhang structure projecting a further 2.7m at ground floor level. This element of the proposal would also project approximately 6.5m to the rear of the main dwelling. The extension would match the height of the existing farmhouse with a prominent gable on the front elevation which would compete with the two existing gables. The proposed width of the extension, combined with the absence of any fenestration, alongside the proposed materials, would result in a dominant addition that competes with the vernacular style of the historic farmhouse. All sense of the original scale and form of the building would be lost from (public) views from the east of the site with the original gable elevation completely hidden by the proposal.
64. The proposed single storey rear extension would project very substantially – a total of 15m from the rear of the existing property. Again, the design, scale, form and materiality is entirely at odds with the character of the host dwelling.
65. The proposed extension is considered unacceptable in terms of its footprint, scale, siting, form and materiality, resulting in harm to the significance of the historic farmstead. It is considered that the proposal fails to complement the vernacular appearance of the farmhouse. The contemporary style and palette of materials comprising slatted timber, powder coated aluminium glazing units, aluminium coping as well as Cheshire brick results in an addition which is conspicuous rather than enhancing the appearance of the historic building. It is acknowledged that contemporary additions can be appropriate on historic buildings, and sometimes are more effective than an attempt to replicate historic features, but these are most successful when they are sensitively and carefully designed and subservient to the host building. The proposed extension does not have those characteristics.

66. The proposed development will result in a high degree of moderate harm to the significance of the non-designated heritage asset. This harm should be assessed and weighed under the parameters of paragraph 209 of the NPPF.

## DESIGN AND VISUAL AMENITY

67. NPPF, NPPG, the National Design Guide (NDG) and the National Model Design Code (NDC) set out the Government's planning policies and guidance on matters of design. The NDG is considered to be a material consideration in the determination of planning applications and should be attributed significant weight. The current version of the NPPF (20 December 2023), highlights the increased importance given to the consideration of design by the Government. It is clear that a shortfall in housing land supply should not result in a 'development at any cost' approach to decision making.

68. Paragraph 131 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 139 expands on this and is clear that "Development that is not well designed should be refused, especially where it fails to reflect local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

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

69. Policy L7 advises that, in relation to matters of design, development must be appropriate in this context, make best use of opportunities to improve the character and quality of the area and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.

70. PfE Policy JP-P1 outlines an ambition to create a series of beautiful, healthy and varied places. Development should be distinctive, with a clear identity that respects and acknowledges the character and identity of the locality in terms of design, siting, scale and materials used.

71. For reasons set out in the heritage section above, the proposed extensions to the historic farmhouse are considered to be out of keeping with the host dwelling as

well as the character of the site and wider area more generally. The proposal constitutes an inappropriate design solution that would be contrary to the above policy as well as the harm caused to the non-designated heritage asset.

## LANDSCAPE CHARACTER

72. The visual character of the site is strongly linked to the landscape character. The site is located within an Area of Landscape Protection, identified within adopted SPG30 'Landscape Strategy' as being 'Wooded Claylands' (Timperley Wedge and open areas adjacent to River Bollin). The SPG identifies historical and cultural influences on this landscape character and describes the area as "Traditionally a pastoral landscape marked with scattered farmsteads developed ... The area comprises several Grade II Listed buildings, generally farmsteads dating from between the 17<sup>th</sup> to 18<sup>th</sup> Centuries. These are notable for their use of timber framework, brick and brick noggin, with slate and sometimes thatched roofs."

73. Development pressure/poorly designed development is identified as a threat to the landscape character within SPG30 stating that "*Development has resulted in small pockets of residential properties, using modern day materials, which disregard the vernacular style. Equally modern day farming techniques necessitate large-scale outbuildings, which are out of scale and often do not utilise traditional materials.*"

74. The Strategy Statement for this landscape character sets out that "*The dispersed pattern of buildings, scale of building and use of traditional materials is an important component of the landscape.*" The following guidelines for development are set out:

- Development should take account of the historic features of the landscape;
- Opportunities to protect and retain the built and historic features should be encouraged;
- Development should complement the scale, design and use of traditional building materials;
- Development should reinforce and strengthen the landscape pattern of the area;
- Landscape works that are part of new development should be of appropriate topography and traditional species;

75. It is considered that the proposed development, by virtue of its design, scale and materiality, fails to take account of the identified landscape character and would contribute to its loss.

## RESIDENTIAL AMENITY

76. 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.

77. The Council's adopted Supplementary Planning Guidance document for New Residential Development (PG1) sets out minimum separation distances which will be sought in order to protect residential amenity. These are as follows:

- 21m between facing habitable room windows across public highways (increased by 3m for three or more storeys);
- 27m between facing habitable room windows across private gardens (increased by 3m for three or more storeys);
- 15m between a main elevation with habitable room windows and a facing blank elevation;
- 10.5m between habitable room windows and garden boundaries (increased by 3m for three or more storeys).

78. The proposed extension would be mostly contained to the rear and side away from any neighbouring properties. It would not result in any harm on the amenity of neighbouring residents.

## PARKING AND HIGHWAYS

79. The proposal has been considered in line with Policies L4 and L7 and SPD3 as relevant to parking and highways.

80. The proposal would not increase the number of bedrooms and there would therefore be no additional parking requirements. The proposal would not impact on any existing parking provision in the garage/on the driveway to the front of the property.

81. A definitive right of way, footpath no. 27, runs adjacent to the north-eastern boundary of this development. The proposed development does not appear to affect the definitive right of way, nevertheless should the application be approved, a condition is required for approval of the type and location of boundary treatment adjacent to the PRoW to ensure the PRoW is not narrowed or adversely affected.

82. The right of way should remain open for public use during construction if possible. Should it be necessary for safety reasons for the applicant to seek temporary closure or diversion of the path during the construction of the works, a Temporary Traffic Regulation Order is required.

83. The developer should put measures in place to ensure the surface of the right of way is not damaged by the development and should damage occur carry out



repairs to the satisfaction of the LHA.

## **DEVELOPER CONTRIBUTIONS**

84. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
85. No other planning obligations are required.

## **PLANNING BALANCE AND CONCLUSION**

85. The proposed development would constitute disproportionate additions to the dwelling and therefore would cause to the Green Belt harm by reason of inappropriateness and harm to openness. Furthermore, by virtue of the inappropriate scale, siting, design, form and materiality of the proposal, it would result in harm to the character of area, the non-designated heritage asset and the host dwelling more generally. Whilst the Council does not dispute the possibility of some but not all of the cited fall-back proposals to be constructed, the application scheme by virtue of its design is considered to be considerably more harmful having regard to the site context and setting. There are therefore not considered to be any 'very special circumstances' which would be significant enough to clearly outweigh the harm to Green Belt and any other harm and therefore it is considered the proposal is contrary to national and local Green Belt policy.
86. The application property has been identified as a non-designated heritage asset due to its architectural and historic interest. The proposed development would result in harm to its significance, contrary to the NPPF which recognises heritage assets as an irreplaceable resource alongside Core Strategy R1 and PfE Policy JP-P2.
87. The proposal would conflict with the development plan when taken as a whole. The application is therefore recommended for refusal.

## **RECOMMENDATION:**

**REFUSE** for the following reasons:-

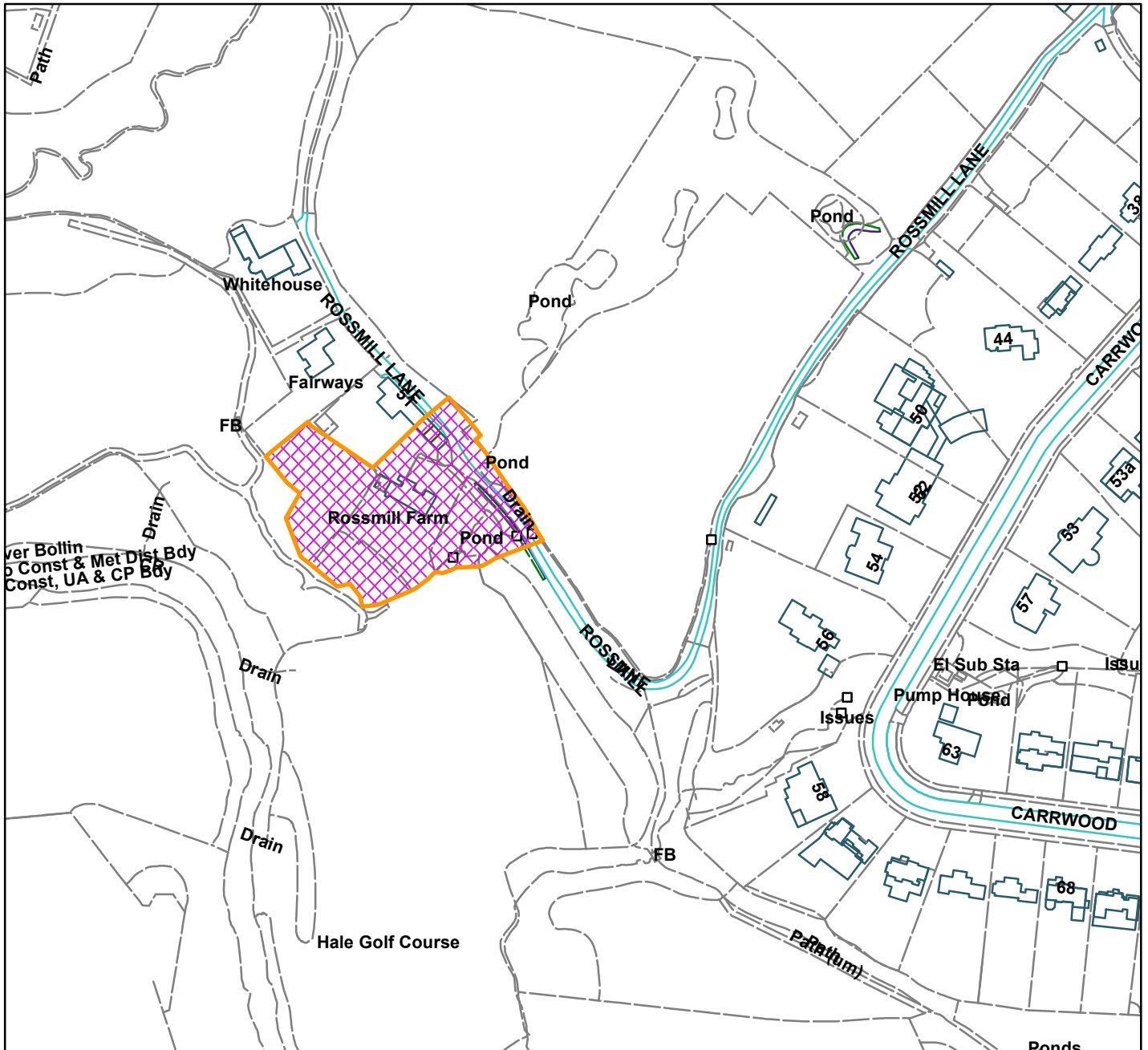
1. The proposed development is located within the Green Belt where there is a presumption against inappropriate development and where development will only be allowed if it is for an appropriate purpose or where very special circumstances can be demonstrated. The development constitutes inappropriate development in the Green Belt by virtue of comprising of a disproportionate addition to the host dwelling. The applicant has failed to demonstrate that there are any very special

circumstances which would outweigh this harm and any other harm and as such the development is contrary to the NPPF and Policy JP-G9 of PfE.

2. The proposed development, by virtue of its siting within the Green Belt, size and design would fail to preserve the openness of the Green Belt and would detract from the open character of the site and surrounding area more generally. The development is therefore contrary to Policies L7 and R2 of the Trafford Core Strategy, Policy JP-G9 of PfE and policy contained within the NPPF.
3. The application premises has been identified as a non-designated heritage asset, having architectural and historic interest which contributes positively to the local distinctiveness of the area. The proposed development, by virtue of the inappropriate design, scale and materiality of the proposed extensions, would cause moderate harm to its significance. The proposal is therefore considered to be contrary to Core Strategy Policies L7 and R1 and relevant sections of the NPPF.
4. The proposed extension, by reason of the scale, design, siting and materiality would represent a visually intrusive, dominant and incongruous form of development that would be out of keeping with the scale and proportion of the host dwelling and be detrimental to the visual amenity of the immediate locality and thus represents poor design. As such it is contrary to Policy L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document, SPD4 'A Guide for Designing House Extensions and Alterations' and relevant sections of NPPF.



Rossmill Farm, Rossmill Lane, Hale Barns (site hatched on plan)



Scale: 1:2,700

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 09.05.2024
Date	30/04/2024
MSA Number	AC0000809316 (2022)

**WARD:** Timperley North

**113092/HHA/24**

**DEPARTURE: No**

## **Erection of two storey side and rear extension**

35 Green Drive, Timperley, Altrincham, WA15 6JW

**APPLICANT:** Mr Riley

**AGENT:** Jeff Atkins Architect

**RECOMMENDATION: GRANT**

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**The application is reported to the Planning and Development Management Committee as a member of the Planning Service could be considered to have an interest.**

### **SITE**

The application site is a two-storey semi-detached dwelling at the northern junction between Green Walk and Green Drive.

The dwelling has a timber framed gable with hipped projection to the side.

To the front side and rear is a lawn which detached garage and driveway to the eastern boundary.

### **PROPOSAL**

The proposal seeks permission for a two storey side and rear wraparound extension.

The side extension would be set 1m back from the front elevation, with a width of 2.9m and depth of 6m. Its width would then reduce a further 0.8m and form a rear extension with a depth of 4m and width of 5.1m, being set 3.6m from the adjoining property boundary.

Windows would be added to all sides at ground and first floor, in addition to a roof light.

Materials are proposed to match the host dwelling and include architectural details such as open eaves and a string course.

The increase in floor space of the proposed development would be 60m<sup>2</sup>.

### **Value Added**

Amendments to the scheme have been secured in order for a positive recommendation to be brought to the planning committee.

These included a reduction in the width of the side extension, from 3.7m to 2.9m, bringing more of the massing to the sides, enabling the roof form to appear subservient to the host dwelling.

## **DEVELOPMENT PLAN**

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

- The **Places for Everyone Plan (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced.
- The **Trafford Core Strategy**, adopted 25<sup>th</sup> January 2012; the Trafford Core Strategy partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19<sup>th</sup> June 2006; A number 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 the new Trafford Local Plan.

## **PRINCIPAL RELEVANT PfE POLICIES**

JP-P1 – Sustainable Places

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

*L7.3 - Design (amenity)*

## **PROPOSALS MAP NOTATION**

*None*

## **RELEVANT SUPPLEMENTARY PLANNING DOCUMENTS**

*SPD4 – A Guide to designing householder extensions and alterations*

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

The 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 14 February 2024. The NPPG will be referred to as appropriate in the report.

## **RELEVANT PLANNING HISTORY**

None

## **APPLICANT'S SUBMISSION**

None

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

Representation have been received from three neighbouring properties, 64, 66 and 68 Green Drive. The issues raised have been summarised below:

- Materiality (cladding to 1<sup>st</sup> floor) and roof design out of character is out of keeping
- Extension is forwards of the front building line along Green Drive
- Incongruous and prominent in the street-scene
- Not subservient to the main house
- Overlooking to 64 and 66 Green Drive
- Loss of open space
- Support for widening of driveway

The officer agreed with points raised in relation to the proposed cladding and the massing of the extension. Amended plans have been sought to address these issues.

## **OBSERVATIONS**

### PRINCIPLE

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

### DESIGN AND VISUAL AMENITY

2. Paragraph 131 of NPPF states '*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for*

*achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

3. In considering an application for a householder extension the siting, layout, scale, massing, design and materials of the proposed development must be considered and regard had to how it relates to the host dwelling, adjacent properties and to the surrounding area as referred to in JP-P1 Sustainable Places.
4. The site is within a prominent location in the street-scene, being on the corner of Green Walk and Green Drive with an open, green frontage which includes 5no. mature trees.
5. The proposed extension would maintain sufficient distance to the north boundary with Green Drive (between 6.6m and 12.7m) and would retain a generous set back from the front elevation and front boundary (1m and 9.9m).
6. The width of the extension would be less than half the width of the dwelling and the rear extension would be relatively modest. The roof hips to the side and rear would have ridge heights below that of the main dwelling. It is therefore considered the extension would appear subservient to the host dwelling and retain sufficient space to the side and rear to maintain the spacious character of the area.
7. Materials and detailing are shown to match the host property and the size and positions of window openings is rational.
8. It is noted the side extension would project forwards of the notional building line along Green Drive, at odds with guidance within SPD4 (paragraph 3.3). However, it is well in excess of other guidance relating to the width of side extensions on corner plots, such as being significantly less than half the width of the dwelling, generously set back and retaining over double the width of the extension to the side boundary. It is considered any reasonably sized extension in this location would project beyond this nominal building line and of greater importance is the extensions relationship with the host dwelling and to the side boundary, which is considered acceptable. Other side extensions along Green Drive/Green Walk extend beyond other notional building lines (8 Green Walk) without this leading to harm to the character of the area.
9. The open and green frontage of the application site would be retained, with trees being maintained along the boundary on the site plan and a new hedge demarcating the rear garden. The addition of a gravel path and altered driveway would be sympathetic to the properties relationship with the street.
10. In conclusion, the extension would appear subordinate to the host dwelling and appropriate within the streetscene without harm to the spacious character of the site and area. As such the proposal is considered to in accordance with Policy JP-P1 of PfE, the NPPF and SPD4.

## 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. The relevant guidance contained within SPD4 states the following:

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

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

Paragraph 2.15.2 states *'Extensions which would result in the windows of a habitable room (e.g. living room or bedroom) being sited less than 10.5m from the site boundary overlooking a neighbouring private garden area are not likely to be considered acceptable, unless there is adequate screening such as significant mature evergreen planting or intervening buildings. Where windows are proposed above first floor e.g. second storey or dormer windows, the above figure should be increased by 3m to 13.5m.'*

Paragraph 2.15.3 states *'Window to window distances of 21m between principal elevations (habitable room windows in properties that are directly facing each other) will normally be acceptable as long as account is taken of the fact that the facing properties may need, in fairness to be extended also. Where ground floor extensions result in separation distances that are less than the distances specified in these guidelines these are only likely to be acceptable where fencing, planting or other screening can mitigate the impact on the privacy of neighbouring properties. Any change in ground floor level between properties, or in a property, can affect the separation distance required to mitigate potential overlooking.'*

### Impact on dwellings to north side of Green Drive (64-64)

13. At its front corner, the closest point to the impacted properties, the extension would be sited 15m to the front boundaries of these dwellings and 22m from the front elevations. This distance is considered to be sufficient and would not result in any undue loss of light, visual intrusion or impacts on privacy and is compliant with distances provided in SPD4.

### Impact on 22 Green Walk (Adjoining property)

14. The proposed two storey rear extension would be sited 4.2m from the shared boundary and has a depth of 4m.



15. This is comfortably within the parameters outlined in SPD4 paragraph 3.4.3. Therefore it is not considered to give rise to undue visual intrusion or a loss of light to rear elevation windows or the rear garden area.
16. The ground floor windows are not considered to result in an undue loss of privacy given the existing relationship is relatively open. No windows are proposed at first floor within the side elevation.

#### Impact on 31 Green Drive

17. The centre of the rear projection would maintain between 6.7m and 10.1m to the boundary with this dwelling. A generous proportion of this would face the side elevation of this dwelling and as such not result in an undue loss of amenity, in terms of loss of light or overbearing impact.
18. There would be some overlooking of the rear garden as a result of the distance between the window and boundary falling below 10.5m, which is set out in SPD4. However given the orientation of the houses and the fact the rear garden is already somewhat overlooked from the existing windows, the proposed rear the 1<sup>st</sup> floor rear window is not considered to result in any additional undue overlooking harmful to the privacy levels of the neighbouring occupiers.

#### Amenity Conclusion

19. The relationship between the extension and rear garden of 31 Green Drive would be below the distances set out within SPD4 guidance however in this instance, given the orientation of the properties and existing context is not considered to give rise to undue amenity harm. There are no other concerns regarding amenity. As such the proposal is considered to in accordance with Policy L7 of the Trafford Core Strategy, the NPPF and SPD4.

#### PARKING AND HIGHWAYS

20. The proposal includes the provision of two off-street parking spaces, whilst this is a reduction of 1 no space due to the removal of the garage, it is not considered to result in severe harm to the highway network.

#### **PLANNING BALANCE AND CONCLUSION**

21. The proposed development is considered to be subordinate to the host dwelling and would not considered to cause harm to the character and appearance or the visual amenity of the dwelling and street scene and is acceptable within its context. In addition, the proposed development would not have any unacceptable impacts on the residential amenity of any neighbouring properties. It is therefore considered that the proposal meets the aims of SPD4, the Core Strategy, Places for Everyone and

the NPPF. Therefore it is recommended that planning permission should be granted, subject to conditions.

22. 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 compliant policy JP-P1 of PfE and policies L4 and L7 of the Trafford Core Strategy, SPD4 and government guidance contained within the NPPF recommended for approval.

## **RECOMMENDATION**

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

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the amended plans, numbers: C04 H, C05 H, C06 D, C09 H and the associated site location plan.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and protecting the character and appearance of the area having regard to Policy JP-P1 of Places for Everyone, SPD4 and the requirements of 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.

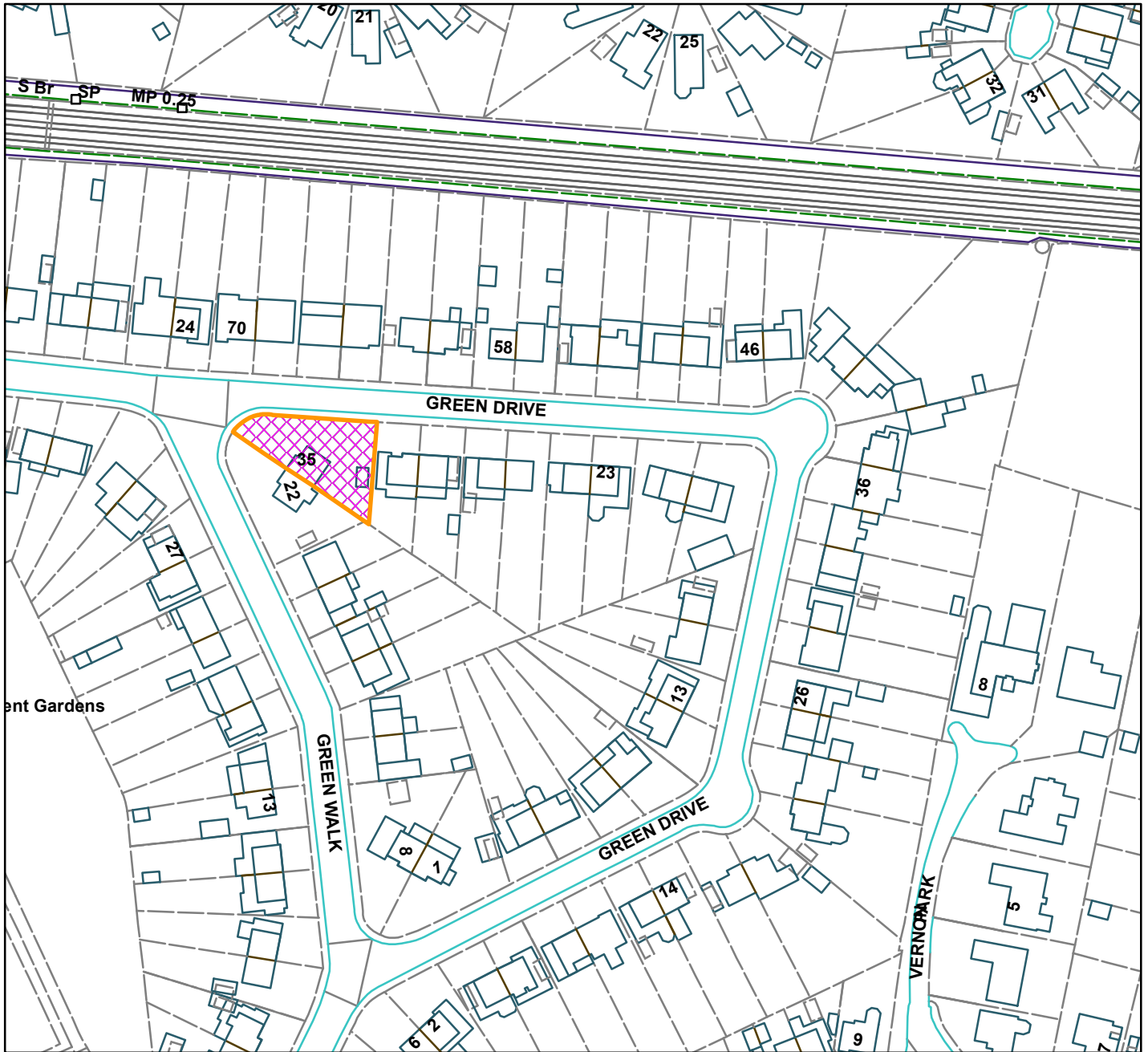
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to JP-P1 of the Places for Everyone Joint Development Plan the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

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NB



35 Green Drive, Timperley (site hatched on plan)



Scale: 1:1,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 09.05.2024
Date	30/04/2024
MSA Number	AC0000809316 (2022)

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# Agenda Item 7

**WARD:** Bowdon

**111172/OUT/23**

**DEPARTURE:** No

**Outline planning application for the erection of a pair of new semi-detached dwellings with new vehicular entrances onto Stanhope Road including demolition of the existing dwelling. Consent is sought for access, appearance, scale and layout with landscaping reserved.**

9 Bow Green Road, Bowdon, WA14 3LX.

**APPLICANT:** Dr M. Khan.

**AGENT:** Dr Alvi.

**RECOMMENDATION: MINDED TO REFUSE OUTLINE PLANNING PERMISSION (IN CONTESTING THE APPEAL).**

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The applicant (now appellant) has lodged an appeal against the Council's non-determination of the planning application (notwithstanding the fact that, at the time of the appeal submission, Officers were still awaiting a response from the applicant in relation to requests for amendments / further information). Whilst the submission of this type of appeal has removed the ability of this Council to determine the application, the Committee still needs to consider how it would have determined the application had it been able to do so in order to define the Council's position on the appeal. This application is reported to the Planning and Development Management Committee because it has received letters of support from eight individuals contrary to the Officer recommendation of Minded to Refuse.

## **SITE**

The application site comprises of an 'L' shaped plot of land comprising of a detached dwelling and ancillary outbuildings to the north and an overgrown vegetated area to the south, both of these elements fronting Bow Green Road to the west, and the southern element also fronting Stanhope Road to the south. The site is on the side of Bowdon Hill such that the ground levels fall moving north to south along Bow Green Road. Boundaries are marked by stone walls topped by vegetation to the west and north, whilst the remainder of the plot is open sided. The northern part of the plot, which accommodates the dwelling house, is denoted as Plots 1 and 2 on previous planning applications for its demolition and replacement with a pair of semi-detached dwellings. The part of the plot to the south-west, on the corner of the two road is noted as Plot 3, whilst the applicant owns a further plot to the east, Plot 4. The applicant formerly owned Plot 5 to the east of Plot 4, however this land has subsequently been sold.

The site is bound by large residential properties set in spacious plots to all sides.

## **PROPOSAL**

Outline planning consent is sought for the demolition of the current building and the erection of a pair of 2.5 storey over basement level three/four bedroom semi-detached dwellings on Plot 3.

Consent is sought for appearance, scale, layout and access with landscaping reserved.

### Appearance

The dwellings would have a contemporary design with a mono-pitched roof set around a central flat roof, together with front, rear and side (west) facing dual pitch roofed gables and front and rear facing dormers. The side (east) facing mono-pitch roof slope would have three roof lights.

The elevations would include large amounts of glazing. Materials would comprise of buff brick, stone facing, timber/aluminium windows, aluminium rainwater goods and grey slate roofs.

### Layout

At basement level the internal layout would comprise of a gym, sauna and other health spa type rooms plus store within the left hand dwelling whilst the right hand dwelling would have a reduced spa type provision without a gym, together with a home cinema, store room and a computer room/library.

The ground floor layout would comprise of a reception room and an open plan kitchen-diner-great room.

The first floor layout would comprise of three bedrooms (one en-suite) a bathroom, store and laundry rooms and office within the left hand dwelling and two bedrooms and a gym (all en-suite), store and laundry rooms and an office within the right hand dwelling.

The loft level layout would comprise of a bedroom, that in the right hand dwelling being en-suite.

### Scale

The dwellings would have a roof ridge height of 11.5m and an eaves height of 7.57m. They would each be 18.3m long and would combined have a total width of 14m.

### Access

Access would be taken from two new gated vehicle entrances on Stanhope Road to the south.

Whilst landscaping is a reserved matter the wider site plan indicates this would comprise of a parking area to the front (south) and gardens to the side (west) and rear together with rear patio.

### **Submitted Plans**

On receipt of the application assessing Officers noted the following issues and requested that these should be resolved prior to a decision being made:

- Despite the applicant's comment in the submitted Design and Access Statement that the application was "*intended to allow for an extension of time of the previously approved full application*" i.e. the previous permission, 96397/FUL/18, which was allowed at appeal in September 2020, the current proposal is not a resubmission of this scheme, with the application site being wider and the proposed dwellings also being wider and positioned closer to the Bow Green Road frontage.
- The plans are inconsistent with the development previously allowed at appeal on this plot (96397/FUL/18), for example the application site's (Plot 3) width has been increased compared to the scheme previously allowed at appeal, increasing by approximately 0.3m in width when measured on a line running through the centre of the proposed dwellings (and by a greater amount at the front boundary).
- The width of the pair of semi-detached dwellings has increased by 1m in total, with the proposed left hand dwelling positioned between approximately 6m-6.5m from the angled side boundary with Bow Green Road to the west compared to between approximately 6.3m-6.8m for the previously approved scheme. The latest proposed right hand dwelling would be positioned approximately 1.1m from the newly positioned eastern plot boundary compared to approximately 1.5m from the previously approved eastern plot boundary – notwithstanding the fact that the eastern plot boundary has also been moved to the east through the current proposal compared to the approved scheme.
- The proposed site plan does not include the northern part of the plot where the current dwelling is located and the submitted location plan does not incorporate the whole footprint of that dwelling notwithstanding the fact that the application description refers to the demolition of the existing dwelling.

The applicant was advised of these issues and requested to address them by planning officers in email correspondence forwarded in September, October and December 2023, and January 2024, however they have not been addressed. Neither has any explanation been provided by the applicant in relation to these issues.

The applicant has also been requested to provide the required accommodation schedule to allow for a correct appraisal of the proposal's compliance with the NDSS, as well as forwarded the Arboriculturist's request for additional information, however these have also not been addressed.

The applicant forwarded an amended set of plans in August 2023, however these also included multiple discrepancies with assessing Officers repeatedly chasing the applicant's response to issues raised with reference to these, however no response has been received. These plans were therefore not accepted as an amendment to the application.

Notwithstanding the fact that the LPA was still awaiting a response from the applicant on these matters, the applicant has now submitted an appeal to the Planning Inspectorate against non-determination of the application.

## **DEVELOPMENT PLAN**

## **For the Purposes of this Development the Development Plan in Trafford Comprises:**

- The Places for Everyone Plan (PfE), adopted 21 March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced.
- The Trafford Core Strategy, adopted 25 January 2012; the Trafford Core Strategy 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; A number 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 the new Trafford Local Plan.

### **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.

### **PRINCIPAL RELEVANT PFE POLICIES**

JP-P1 – Sustainable Places  
JP-H1 – Scale, Distribution and Phasing of New Housing Development  
JP-H2 – Affordability of New Housing  
JP-H3 – Type, Size and Design of New Housing  
JP-H4 – Density of New Housing  
JP-G7 – Trees and Woodland  
JP-G8 – A Net Enhancement of Biodiversity and Geodiversity  
JP-C8 – Transport Requirements of New Development  
JP-S1 – Sustainable Development  
JP-S2 – Carbon and Energy

### **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 - Planning Obligations;  
SPD3 - Parking Standards & Design;  
PG1 - New Residential Development;  
SPG24 - Crime and Security.

### **PROPOSALS MAP NOTATION**



Critical Drainage Area.

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

None.

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

The MHCLG published the revised National Planning Policy Framework (NPPF) in December 2023. 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 February 2024. The NPPG will be referred to as appropriate in the report.

### **NATIONAL DESIGN GUIDE**

The National Design Guide was first published in 2019 and was updated in January 2021. This document set a national framework for the delivery of high quality design in new development across the country. The National Design Guide will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

The application site, together with the wider original application site which also includes land to the south-east, has been the subject of multiple planning applications for residential development since 2010, almost all of which have been submitted by the applicant, and one of these applications currently pending.

112659/OUT/24: Outline planning permission for erection of a pair of new semi-detached dwellings with new vehicular entrances onto Stanhope Road including demolition of the existing dwelling. Approval sought for access, appearance, scale and layout with landscaping reserved. Approved subject to conditions 22 April 2024.

108641/FUL/22: Erection of a pair of new semi-detached dwellings, together with retaining the existing detached dwelling and remodelling of first floor rear elevation windows. Application withdrawn 18 September 2023 after refused at Committee but before the LPA could issue decision.

104768/FUL/21: Erection of dwelling with accommodation over three floors above ground level with landscaping and vehicular access from Stanhope Road. Approved 29 April 2022. This relates to a separate plot to the south east which is no longer owned by the applicant.

103057/OUT/20: Outline planning application for the erection of a pair of new semi-detached dwellings with new vehicular entrances onto Bow Green Road following demolition of the existing dwelling. Consent is sought for access, appearance, scale and layout with landscaping reserved. Approved 10 September 2021.

102428/OUT/20: Outline planning application for the erection of a pair of new semi-detached dwellings with new vehicular entrances onto Stanhope Road together with

hard and soft landscaping following demolition of the existing dwelling. Consent is sought for access, appearance, scale and layout with landscaping reserved. Disposed of 12 April 2023.

99642/FUL/19: Erection of a pair of new semi-detached dwellings with new vehicle entrances onto Stanhope Road together with hard and soft landscaping and demolition of the existing dwelling. Disposed of 12 April 2023.

99487/FUL/19: Erection of a new pair of semi-detached house and demolition of the existing dwelling. Approved 12 July 2021.

97076/RES/19: Application for approval of reserved matters for the landscaping for plot 3 approved under outline planning permission 86978/OUT/15. Approved 22 January 2020.

96461/OUT/18: Outline application for the erection of one house following the demolition of the existing house (consent for access, appearance, layout and scale with all other matter reserved). Approved 21 August 2019.

96397/FUL/18: The erection of a pair of new semi-detached dwellings with new vehicle entrances onto Stanhope Road together with hard and soft landscaping and demolition of the existing dwelling. Refused 11 October 2019. Appeal allowed 25 September 2020.

94928/FUL/18: Erection of a pair of semi-detached houses. Approved 14 June 2019.

93111/FUL/17: Erection of a pair of new semi-detached dwellings following the demolition of the existing dwelling. Approved 16 March 2018.

90644/FUL/17: The erection of a pair of new semi-detached dwellings and the demolition of the existing dwelling. Approved 11 April 2017.

87549/FUL/16: Erection of a dwelling with accommodation over three floors above ground level. Approved 18 May 2016.

86978/OUT/15: Outline planning permission for the erection of 2 semidetached houses and 3 detached houses following demolition of existing house (consent sought for access, appearance, layout and scale with all other matters reserved). Approved 8 March 2016.

85402/RES/15: Application for approval of reserved matters for the appearance and landscaping of 3 detached dwellings approved under outline planning permission 75480/O/2010. Approved 11 June 2015.

75480/O/2010: Outline application (including details of access, layout and scale) for demolition of existing dwelling and erection of three detached dwellings. Approved 23 April 2012.

## **APPLICANT'S SUBMISSION**

## Design and Access and Planning Statements.

The Design and Access Statement makes the following comments: -

- *The application is intended to allow for an extension of time of the previously approved full application (96397/FUL/18 - appeal upheld by the Planning Inspectorate 25 September 2020).*
- *However, in this case, the owner intends to construct two highly sustainable link-detached eco houses. The project has a strong focus on pushing the boundaries of sustainable design. The proposed homes will be constructed with excellent insulation and airtightness, aiming to achieve a high energy performance.*
- *Modifications are also being sought for the extant scheme to include a dedicated lower ground floor for a health suite and the intention is to ensure that the development is fully accessible and in accordance with the Public Sector Equality Duty. Additionally, changes to the layout of the first floor plan are being proposed to both dwellings. The gym to the left-hand side dwelling will be relocated to the lower ground floor, allowing for a more suitable and functional arrangement. Furthermore, a bedroom will be provided in the left-hand side dwelling instead, improving the liveability and versatility of the living space.*
- *Other modifications include changes to the second floor roof lights and the removal of a singular chimney, which contribute to the overall functionality and appeal of the development.*

The applicant has also put forward the following arguments in support of the application:

- *The appeal decision (APP/Q4245/W/20/3250863) (96397/FUL/18) is a material consideration in assessing the current similar proposal and has very significant weight.*
- *The Council's lack of a five year housing land supply and ongoing failure to comply with the Housing Delivery Test carries significant weight.*
- *The proposal should therefore be approved with reference to the NPPF's tilted balance test as set down in paragraph 11 d) ii).*
- *The proposal would provide market affordable housing.*
- *It would have a sustainable design.*

It is noted by officers that, notwithstanding the fact that this current application proposes a significantly different development compared with that previously allowed at appeal, it is not possible to extend the time limit on an application – there is no procedure within planning law that allows this.

In respect of the previous appeal decision, relating to application 96397/FUL/18, whilst significant weight would normally be attached to a planning appeal decision, it is noted that there have been important material changes in circumstances since that appeal decision with the publication of the updated NPPF which puts greater emphasis on the importance of good design and local design codes, the publication of the draft Trafford Design Code, and the adoption of PfE, which changes the Council's housing land supply position. The appeal decision in relation to application 96397/FUL/18 concluded that *"The scale, height, massing and siting of the appeal proposal would be unduly prominent in the streetscene along Bow Green Road and would detract from the character and appearance of the area. It would therefore conflict with Policy L7 (Design) of the Trafford Local Plan - Core Strategy 2012 (TLPCS), and with the National Planning Policy Framework 2019 (the Framework), in this regard."* The appeal was allowed on the basis that, in applying the "tilted balance" in NPPF paragraph 11 d) ii), the identified adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the NPPF taken as a whole. These benefits included the fact that the scheme would contribute a net increase of one dwelling to the Borough's housing supply (which was referred to as 2.5 years at that time) and would also promote healthy and safe communities, and support the effective use of land and economic growth. Whilst the tilted balance would still apply in the consideration of a residential development on this site, given that there have now been significant changes in relation to a number of these factors including the NPPF policies and the Council's housing land supply position, it cannot be concluded that a Planning Inspector applying the "tilted balance" in the current circumstances would necessarily come to the same conclusion in respect of the same proposal.

## **CONSULTATIONS**

**LHA:** No objection subject to conditions.

**GMEU:** No objection subject to condition.

**Arboriculturist:** Further information required.

**LLFA:** No objection subject to condition.

**UU:** Comment received.

**Environmental Health (Nuisance):** No objection subject to conditions.

**Environmental Health (Land Contamination):** No comment.

## **REPRESENTATIONS**

Letters of objection have been received from three properties, which raise the following issues:

Design/Visual Impact

- The proposal, due to its height, scale, massing and proximity to plot boundaries would result in an over dominant and incongruous form of development on a prominent corner plot. This would be out of character with the local context.
- An adjacent plot has been developed at a lower density.
- The proposed semi-detached dwellings would be out of character with the surrounding detached properties.

#### Amenity

- The proposal would result in an unacceptable privacy impact.

#### Highways/Parking

- The proposal would result in an unacceptable highways/road safety impact. There is insufficient turning within the plot meaning cars will have to reverse onto the road.
- The proposal would include insufficient off-street parking.

#### Other

- The applicant is misleading in claiming the proposal would be limited to a pair of new dwellings following demolition of the current property. Their intention is for the redevelopment of the wider plot to accommodate eight dwellings.
- The applicant's claim that these £1,000,000 properties will be affordable is disingenuous.
- The submitted plans show that the dwellings would be able to accommodate additional bedrooms at first and second floor levels.
- The submitted site plan does not include the trees along the western boundary.

Letters of support have been received from eight named individuals, which state the following:

- The proposal is for the renewal of a scheme approved at appeal, a fact not appreciated by several of the objectors.
- The proposal would be well designed, as was confirmed by the Planning Inspector when approving the scheme approved at appeal.
- It would not result in an overdevelopment of the plot.
- It would not unacceptably undermine a building line with the site also screened by vegetation.

- The proposal is for much needed affordable market housing.
- It would be sustainable.
- The proposal is separate from other proposals on the wider plot and should be considered on its own merits.
- The applicant has not attempted to mislead regarding the proposed extent of development.
- The proposal complies with the NDSS.

## **OBSERVATIONS**

### **BACKGROUND**

1. The application is the subject of a current appeal against non-determination, notwithstanding that this was submitted when the LPA was still awaiting a response from the applicant following requests for alterations to the plans / clarification in relation to a number of issues as set out in the Proposal section above.
2. It is noted that there has been a previous grant of planning permission for two semi-detached dwellings on the application site, reference 96397/FUL/18, following the applicant's successful appeal against the refusal of that application (appeal allowed September 2020). Notwithstanding this, the site boundary is not the same as in that previous proposal, with the site now including additional land to the east, which was originally within the adjacent plot (Plot 4). The proposed dwellings are also wider (1m wider in total, 0.5m in respect of each dwelling) and closer to the side boundaries of the plot (approximately 0.3m closer to the Bow Green Road boundary and approximately 0.4m closer to the eastern boundary with Plot 4) notwithstanding the increased size of the plot.
3. Notwithstanding the fact that the current proposed side boundary shared with Plot 4 to the east has been amended through being moved to the east compared to the side boundary approved through the previous scheme allowed at appeal, it is noted that the LPA has previously approved two (still extant) planning applications, references 99487/FUL/19, approved 12 July 2021, and 112659/OUT/24, approved 22 April 2024, relating to the adjacent Plot 4, which include the amended common boundary at this point.
4. The time period for the commencement of the previous allowed appeal permission, 96397/FUL/18, expired on 25 September 2023. The applicant has submitted documentation indicating that work took place on the site prior to that date with the intention of making a lawful commencement of the permission and it is recognised that the pre-commencement conditions were discharged prior to that date. However, it has not been established at present that the work that was carried out on site was sufficient to represent a lawful commencement of development. In any case, it is considered that this is of limited relevance to the assessment of the current proposal, given that the current application proposes a significantly different

form of development with a wider site and wider dwellings that are closer to both side boundaries of the plot. Therefore, even if the previous permission, 96397/FUL/18, were considered to be extant, this would not represent a fallback position in relation to the current scheme, which would have a significantly greater impact on the visual appearance and character of the street scene and the surrounding area, as discussed below.

## **PRINCIPLE OF DEVELOPMENT**

5. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement.
6. The NPPF, at paragraph 11, explains how the “presumption in favour” should be applied in the decision-taking process. It means approving development proposals that accord with an up-to-date development plan without delay and where there are no development plan policies or the policies which are most important for determining the applications are out of date, granting planning permission 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.
7. The Places for Everyone Plan was adopted on 21 March 2024. In accordance with Paragraph 76 of the NPPF, and for the first five years of the plan’s adoption, Trafford is now no longer required to identify a five year housing land supply. In effect, for decision making purposes, it should be assumed that the Local Planning Authority has a five year supply of specific, deliverable housing sites. The Council’s housing land supply position therefore no longer triggers the tilted balance.
8. However, for the first year of the plan the 2023 Housing Delivery Test (HDT) still applies. Trafford’s HDT figure for 2023 is 65%, i.e. the Council delivered an average of 65% of its housing requirement over the three years to March 2023. Paragraph 79 of the NPPF states that where the HDT falls under 75% then the presumption in favour of sustainable development applies. The tilted balance is therefore triggered by the HDT.
9. As policies in Places for Everyone are very recently adopted they are up to date and should be given full weight in decision making. Although the tilted balance in the NPPF is a primary material consideration, the development plan remains the starting point for decision making.

## **Housing Land**

10. Policy JP-H3 of PfE states that residential developments should provide an appropriate mix of dwelling types and sizes reflecting local plan policies, and having regard to masterplans, guidance and relevant local evidence.
11. The wider plot accommodates a house, hard standing and garage, together with a garden, the latter including a large expanse of land to the south which is overgrown and which includes Plot 3, the location of the proposed development. Therefore the site which would accommodate the proposal is considered to be greenfield land, as identified by the NPPF. Notwithstanding this, the site would be in a relatively sustainable location close to public transport and services.
12. As concluded in the design and amenity section of the report below, it is considered that the proposal would result in an unacceptable design/visual and amenity impact amounting to an unacceptable overdevelopment of the plot with the dwellings being built too close to the Bow Green Road boundary and too close to the dwelling recently permitted on the adjacent plot to the east (112659/OUT/24).
13. It is noted that PfE Policy JP-H4 requires housing development to be at appropriate densities, although the policy does also state that lower densities may be acceptable where they can be clearly justified by site specific issues such as the design context. Applying PfE Policy JP-H4 the application site is in within the 'all other locations' area which requires a minimum net residential density of 35 dwellings per hectare. Plot 3 is 0.08ha which translates to 2.8 dwellings. Given the scale of the dwellings in this case, it is considered that the development would be broadly in accordance with this policy.
14. The proposal would make a minor contribution towards the Council's ability to meet its overall housing land target through the provision of an additional dwelling net of clearance. However this would be the same as the scheme which was previously allowed at appeal (96397/FUL/18) with this previous permission having a less detrimental visual impact in the street scene as it would be set further from the Bow Green Road boundary and further from the approved dwelling on the adjacent plot (Plot 4).
15. The proposal would also likely result in a small economic benefit during its construction phase.
16. Whilst it is accepted the development site is in a sustainable location and that the proposal would provide family homes, Policy L2.2 states that "*all new development will be required to be: (a) On a site of sufficient size to accommodate adequately the proposed use and all necessary ancillary facilities for prospective residents;... (c) Not harmful to the character or amenity of the immediately surrounding area; and (d) To be in accordance with L7 and other relevant policies within the Development Plan for Trafford.*"
17. For reasons set out in the design section below, it is considered that the proposal would not comply with the above criteria. It is therefore considered that the current proposal would be unacceptable in terms of housing policies with particular reference to Core Strategy Policy L2.



## **DESIGN AND IMPACT ON THE STREET SCENE**

18. Paragraph 131 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.
19. NPPF paragraph 135 states: Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
20. Paragraph 139 states: Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
21. The National Design Guide states at C1, Understand and relate well to the site, its local and wider context, well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.
22. This document states at B1, Compact form of development, well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context.
23. PfE Policy JP-P1 states: We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with: 1. Distinctive, with a clear identity that: A. Responds to Conserves and enhances the natural environment, landscape features, historic environment and local history and culture; B. Enables a clear understanding of how the place has developed; and C. Respects and acknowledges the character and identity identify of the locality in terms of design, siting, size, scale and materials used.
24. Paragraph 2.4 of PG1, New Residential Development, acknowledges the role of infill development in providing a valuable contribution towards the supply of new housing, however this document reiterates that the resulting plot sizes and frontages should be sympathetic to the character of the area and satisfactorily relatable to neighbouring properties.

25. Paragraph 2.4 states: 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.
26. The draft Trafford Design Code states: The type, form and profile of a building has a dramatic effect on how it sits within its setting, and should seek to be complementary to the surroundings, particularly in historic environments. The rhythm and repetition of a group of houses on a street or around an open space can create a striking visual identity. Form is also important for the functionality of a building, with projecting elements in the facade or roof creating additional spaces or maximising light into a property.
27. As noted above, the current proposal is not a resubmission of the scheme previously allowed at appeal (96397/FUL/18), with the proposed dwellings being wider and positioned closer to the Bow Green Road frontage and also closer to the dwelling approved on the adjacent plot under the recent planning permission 112659/OUT/24. The width of the plot has also increased in comparison with the scheme allowed at appeal. The width of the pair of semi-detached dwellings has increased by 1m in total, with the proposed left hand dwelling positioned approximately 6-6.5m from the angled side boundary to the west compared to approximately 6.3-6.8m for the previously approved scheme. The latest proposed right hand dwelling would be positioned approximately 1.1m from the newly positioned eastern plot boundary compared to approximately 1.5m from the previously approved eastern plot boundary – notwithstanding the fact that the eastern plot boundary has also been moved to the east by approximately 0.3m through the current proposal compared to the scheme allowed at appeal.
28. The dwellings in the vicinity of the application site are mid-20<sup>th</sup> Century and contemporary dwellings of varied designs albeit all of the properties in the local area are detached houses on relatively spacious and well screened plots. It is also noted that, whilst there is not a strong building line along this part of Bow Breen Road (due to the fact that the dwellings are set apart from each other in large plots), nearby dwellings on this side of Bow Green Road are set back significantly from the road, creating a feeling of spaciousness. Where there are elements that project closer to the road on the opposite side of Bow Green Road, these are single storey in scale.

#### Siting and Footprint

29. The location of the proposed dwellings would be highly prominent within the street scene being on a corner plot with the ground level noticeably falling in height

moving south-west along Bow Green Road. It is also noted that the applicant has removed a large number of trees and vegetation from the plot. All of these factors would ensure that the proposed dwellings would be especially prominent.

30. It is noted that the Planning Inspectorate allowed the planning appeal relating to planning application reference 96397/FUL/18 for a pair of semi-detached dwellings on Plot 3, following refusal of the same by the LPA due to its unacceptable design impacts. At the time the LPA considered the then proposal was too close to the Bow Green Road and Stanhope Road boundaries, as well as having a bulk, scale, massing and height which was larger than the previously approved scheme for one dwelling (96461/OUT/18). As noted above, notwithstanding the fact that the appeal was allowed on the basis of the “tilted balance”, the Planning Inspector agreed with the Planning Authority’s assessment that there would be harm to visual amenity, stating that *“The scale, height, massing and siting of the appeal proposal would be unduly prominent in the streetscene along Bow Green Road and would detract from the character and appearance of the area. It would therefore conflict with Policy L7 (Design) of the Trafford Local Plan - Core Strategy 2012 (TLPCS), and with the National Planning Policy Framework 2019 (the Framework), in this regard.”*
31. The scheme allowed at appeal was between 6.3m-6.8m from the Bow Green Road boundary, whereas the current proposal, due to its wider footprint and repositioning within the plot would be set closer to the Bow Green Road boundary at between approximately 6m-6.5m. In addition the current proposal would be approximately 1.1m from the east boundary as opposed to approximately 1.5m from this boundary through the proposal allowed at appeal notwithstanding that the eastern boundary of the plot has also moved further east compared with the previous appeal site. This would result in the currently proposed dwellings also being 400mm closer to the dwellings on the adjacent plot to the east as approved under the recent permission 112659/OUT/24 (with a 2.6m gap between the dwellings as opposed to the 3m gap previously approved).
32. The applicant’s submitted drawing, “ALVI#23-Z14 - Wider Site Plan (approved)” also shows that the proposed dwellings would have significantly less space to the eastern boundary of the site than the approved dwellings on Plots 4 and 5, notwithstanding that the dwellings on the current application site would also be higher than the dwellings on Plots 4 and 5.
33. Having regard to the fact that both the LPA and the Inspector at the time of the previous appeal decision agreed that the dwellings would be over-dominant in the street scene and that the current proposal would now result in them being even larger and even closer to Bow Green Road than the allowed appeal scheme as well as reducing the gap to the approved dwellings on the other side of the development, it is considered that the development would have an unacceptable impact in this respect.
34. The reduction of the gap between the dwellings on the current site and those on the adjacent plot to a total of 2.6m is considered to have an unacceptable impact on spaciousness in the context of the surrounding area which is characterised by large dwellings set in spacious plots, having regard also to the fact that this would be significantly less than the gap between the approved dwellings on Plots 4 and

5 further to the east and the scale and height of the proposed two and a half storey dwellings.

35. It is therefore considered that the increase in the width of the dwellings and the consequent reduction of the gap to both Bow Green Road and to the pair of dwellings to the east would result in an over-dominant, incongruous and cramped form of development that would be out of character with the spaciousness of the surrounding area. The proposed development would therefore be at odds with its immediate context thereby resulting in an unacceptable visual impact in the street scene. It is considered that the proximity of the dwellings to those on the adjacent plot would appear particularly incongruous given the general level of spaciousness of the surrounding area.

#### Bulk, Scale, Massing and Height

36. The proposed dwellings would have the same eaves and ridge heights as the previous scheme allowed at appeal. However their position closer to the side boundaries would result in an over-dominant impact on this prominent corner site and, as such, would result in an unacceptable visual impact in terms of the bulk, scale, massing and height of the development with reference to the size of the plot and the surrounding context.

#### External Appearance/Materials

37. The dwellings would have a contemporary design with dual pitched roofs, gable elements, large amounts of glazing, large front and rear facing dormers, and the western unit having a side (west) facing balcony. Concerns were raised in the officer's report on application 96397/FUL/18 that the proposal's west facing balcony and large dormer windows would be incongruous, poorly designed features which would result in an unacceptable visual impact in the street scene, that the dormer fronting Stanhope Road would also be large and over-dominant, and the overall elevational design would not be of the quality that would be required on this prominent site.

38. However it is noted that essentially the same design with some minor variations was approved through the appeal decision. Each dwelling in the current scheme would be 0.5m wider than the appeal proposal (including wider gables with more glazing) but it is considered that, if there were adequate space to the side boundaries, this would not necessarily be unacceptable in terms of the elevational design. It is noted that, at the time of the appeal, the Inspector stated that *"The assorted features, such as projecting gables, balcony and large dormer windows that would be found on the proposed dwellings can also be found on other dwellings built or approved in the area. Whilst this does not necessarily make them acceptable here, in my view these features would be consistent with newly built, contemporary dwellings such as are proposed. Furthermore, there would be an acceptable level of elevational articulation in terms of materials and depth; the proposal would also address both Stanhope Road and Bow Green Road appropriately in terms of its design."*

39. It is recognised that there have been significant changes to the local and national policy context in relation to design since the previous appeal decision. However, having regard to the Inspector's comments, the fact that the elevational design is not significantly different from that proposed in the previous appeal scheme and the fact that there are a variety of dwelling types within the immediate context, it is considered, on balance, that the proposed development would be acceptable in this respect.

### Conclusion

40. Notwithstanding this, having regard to the increase in scale of the development and reduction in space to both the eastern and western side boundaries of the plot, it is considered that the proposal would appear as a cramped, over-dominant and incongruous form of development that would be out of keeping with the spaciousness and character of its surroundings. As such, the proposed development would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area. In terms of Policy JP-P1 of the Places for Everyone Plan, it is considered that the development fails to respect and acknowledge the character and identity of the locality. In relation to paragraph 135 of the NPPF, the development would not add to the overall quality of the area, would not be sympathetic to local character, including the surrounding built environment, and would not maintain a strong sense of place.

41. As discussed above, even if it were to be accepted that there has been a lawful commencement of the appeal scheme, 96397/FUL/18, there is no fallback argument in this case, given that the current proposal is a different scheme which would have a significantly greater impact on the character and visual appearance of the street scene and the surrounding area.

42. The development would therefore be unacceptable in design terms and would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area. As such, the proposal would be contrary to Policy JP-P1 of the Places for Everyone Plan, the New Residential Development SPG; the National Design Guide and policies in the National Planning Policy Framework.

### **IMPACT ON RESIDENTIAL AMENITY**

43. NPPF paragraph 135 states that developments should 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.

44. JP-P1 of the PfE plan states development should be: Comfortable and inviting, with indoor and outdoor environments: A. Offering a high level of amenity that minimises exposure to pollution; and B. Addressing microclimate issues such as sunlight, indoor air quality, overheating, shade, wind and shelter. Policy JP-P1 also states that development should be: Socially inclusive: A. Responding to the needs of all parts of society; Enabling everyone to participate equally and independently...Incorporating inclusive design within all spaces...easy to move around for those of all mobility levels.

45. Furthermore, PfE Policy JP-H3 states that all new dwellings must: Comply with the nationally described space standards; and be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impractical.
46. 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.
47. The New Residential Development SPG requires new residential developments to result in acceptable amenity 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

48. The development would introduce front, side and rear facing ground floor windows however views from these to the front, side (west) and rear would be acceptably screened by intervening boundary treatments, with the reserved matters (landscaping) providing scope for a 1.8m high solid boundary fence separating the plot from the remainder of the site to the north.
49. The eastern dwelling would introduce ground floor habitable room windows including a sole dining room window which would be approximately 1.1m from the common boundary with the adjacent plot to the east, however again the LPA could require this boundary to be marked by a new 1.8m high wooden fence at this point through a subsequent reserved matters application dealing with landscaping, which would provide for acceptable privacy screening.
50. The western dwelling would introduce west facing first floor and loft level habitable room windows/balconies which would face the front of the property on the opposite side of Bow Green Road. These windows/outlooks would face this neighbouring property's windows at a distance of approximately 34.5m, which would comply with the Council's New Residential Development guidelines and would not result in unacceptable overlooking or loss of privacy, the overlooked area comprising of a hard standing/front garden, the intervening boundaries partly screened by vegetation including trees.
51. The development would introduce south facing first floor bedroom windows and balconies, together with potentially loft level bedroom/habitable room windows (although it is noted that the loft level windows at this point are marked as a roof void the applicant could convert these rooms into habitable rooms without the need for planning permission). The proposed first floor windows would face windows in the front elevations of the property on the opposite side of Stanhope Road at a distance of approximately 26.8m, which would comply with the Council's New Residential Development guidelines and would not result in unacceptable overlooking or loss of privacy, the overlooked area comprising of a hard standing and front garden.

52. The development would introduce north facing first floor bedroom windows and balconies together with potentially loft level bedroom/habitable room windows (although it is noted that the loft level windows at this point are marked as a roof void the applicant could convert these rooms into habitable rooms without the need for planning permission) which would be approximately 12.5m from the new common boundary with the proposed adjacent dwellings to the north. The Council's New Residential Development guidelines state that distances of 10.5m and 13.5m are normally required to a common boundary from a first storey window and second storey window respectively. These windows would overlook the hard and soft landscaping to the front (west) of both the existing dwelling and the approved pair of semi-detached dwellings as per extant planning permission reference 103057/OUT/21. The overlooked area comprises of front gardens and driveways and is not considered by the LPA to be a sensitive private external amenity space.
53. The proposed north facing ground and especially first floor and loft level windows would have the potential to afford angled views towards windows in the side elevation of the applicant's current property; however should planning permission be granted this would be subject to a condition requiring the demolition of the existing building prior to first occupation of the new dwellings.
54. The eastern dwelling would introduce two side (east) facing first floor gym and bathroom windows which would be 1.1m from the common boundary shared with the adjacent plot to the east. Should the approved extant scheme to the east (112659/OUT/24) be built out the proposed windows would face gym and WC windows at a distance of approximately 2.6m. If permission were to be granted, a condition would need to be attached requiring that these windows must be obscurely glazed to ensure an acceptable privacy impact on the neighbouring plot.
55. The proposed privacy/overlooking impacts are considered to be acceptable.

#### Overbearing/Overshadowing

56. The proposed dwelling would be approximately 12.5m from the boundary with the existing dwelling to the north and the approved pair of semi-detached dwellings as per extant planning permission reference 103057/OUT/21 and therefore, whilst it is recognised they would be directly to the south of this plot, it is considered that there would be no undue overbearing or overshadowing impact on these properties.
57. The proposed dwellings are also considered to be set a sufficient distance to the south of both the existing and the proposed dwellings to the north to ensure they would not result in an unacceptable overbearing impact on their front (west) facing windows.
58. It is noted that the plot immediately to the east has received planning permission for a pair of semi-detached dwellings through extant planning permission reference 112659/OUT/24. Whilst there is no guarantee that these dwellings will be constructed it is noted that should they be built they would result in a large two storey gable elevation which would be directly faced by Plot 2's side facing ground

floor windows at a distance of approximately 2.6m; however this would be acceptable considering the impacted windows would not be sole habitable room outlooks, the dining room forming part of a wider open plan kitchen-diner-living room. The adjacent development would also introduce ground and first floor windows which would directly face Plot 2's two storey side elevation at a distance of approximately 2.6m; however this would be acceptable because none of the impacted neighbouring windows would be sole habitable room outlooks and it is recommended that the proposed windows are conditioned to be obscure glazed.

### Future Occupant Amenity

59. The proposed basement level would not have any outlooks however the proposed use of this level would not require these. The layout of the proposed loft level bedroom at Plot 2 would not be ideal in that its sole outlook would be a roof light, this is nevertheless acceptable considering it is a secondary bedroom.
60. Officers have requested the applicant to provide relevant figures to assess whether the proposal complies with the NDSS, however these have not been provided. However the size of the dwellings is such that it is very unlikely that they would fail to meet NDSS standards.
61. The application does not confirm that the proposed dwellings would be built to the "accessible and adaptable" standard in Part M4(2) of the Building Regulations, as required by Policy JP-H3 of PfE. As such, it is recommended that a reason for refusal is attached on these grounds. Notwithstanding this, it is considered that, if the applicant were to engage with the Planning Authority and confirm that the dwellings would be built to comply with this requirement, then this reason for refusal could be overcome on the basis that, if the proposals were considered to be acceptable in other respects, a condition could be attached requiring this.
62. Were the application considered to be acceptable it would be reasonable to include a condition removing future occupant permitted development rights to install side extensions, dormer windows and roof lights, with reference to the fact the site would be tightly bound by other residential properties.
63. The application fails to demonstrate that the proposed dwellings would be built to the "accessible and adaptable" standard in Part M4(2) of the Building Regulations and would therefore fail to comply with Policies JP-H3 and JP-P1 of PfE, and policies in the NPPF. In other respects, the development would have a suitable impact on residential amenity with reference to Core Strategy Policy L7, PG1 New Residential Development, Policy JP-P1 of the Places for Everyone Plan and the NPPF.

### **HIGHWAYS, PARKING AND SERVICING**

64. 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.*



65. 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.*
66. 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 four bedroom dwellings and two parking spaces are appropriate for three bedroom dwellings at in this location.
67. The new dwellings would be accessed by new separate vehicle entrances onto Stanhope Road and would each have an area of hard standing capable of accommodating three car parking spaces for Plot 1 and two spaces for Plot 2. In addition it is noted that the LHA has not objected to the proposed parking and access arrangements subject to conditions ensuring the new accesses and parking areas are installed prior to first occupation, and requiring the submission of a CMS and bin and cycle information.
68. There would be sufficient space within each plot to ensure that bins would be stored to the rear of each dwelling and therefore out of public view.
69. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

## **TREES AND ECOLOGY**

70. The LPA's Arboriculturist has requested updated information showing the full extent of trees on site, however this has not been provided by the applicant.
71. The GMEU consultee has confirmed no objection to the demolition of the current property and site clearance provided permission is subject to a condition requiring the submission of a precautionary, updated bat survey prior to demolition of the current dwelling.
72. Landscaping would be considered at reserved matters stage and would include details of satisfactory replacement planting as well as the planting of additional trees with the possibilities for specific green infrastructure such as green roofs, porous hardstanding and habitat creation also being considered.
73. However assessing Officers are unable to confirm the proposal's tree impacts would be acceptable with reference to Core Strategy Policy R2 due to the applicant's non-provision of the requested tree details.

## **EQUALITIES STATEMENT**

74. Policy JP-P1 of PfE states that development should be: Socially inclusive: A. Responding to the needs of all parts of society; Enabling everyone to participate equally and independently...Incorporating inclusive design within all spaces...easy to move around for those of all mobility levels. Policy JP-H3 states that all new dwellings must be built to the “accessible and adaptable” standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable. Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
75. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards to planning applications.
76. The applicant has submitted information that raises issues relating to equalities and as such, in making an assessment of the application proposals, it is necessary to have regard to the Public Sector Equality Duty. If it is known that a decision could have an impact on persons with (a) protected characteristic(s), then this cannot be disregarded, whether or not that is material to the planning merits of the case.
77. Officers have had regard to this in making an assessment of the impacts of the proposed development.
78. In terms of the design of the proposed dwellings, the submitted plans appear to indicate that the front and rear accesses would be level, however the applicant has not confirmed whether the proposed dwellings would comply with Part M4(2) of the Building Regulations.
79. Policy JP-H3 of the emerging Places for Everyone Plan states that all new dwellings must be built to the “accessible and adaptable” standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable. The application fails to demonstrate that the development would comply with this standard.
80. Whilst it is noted that the proposal does not include accessible parking spaces, there is no express requirement under the Parking SPD to provide these for this type of proposal, and it is also noted that the LHA has not objected with reference to this issue.

81. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.

## **DEVELOPER CONTRIBUTIONS**

82. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

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

## **PLANNING BALANCE AND CONCLUSION**

84. As set out above, the "tilted balance" in NPPF paragraph 11 d) ii) would apply in this case because the Council's Housing Delivery Test figure for 2023 is under the 75% NPPF threshold and there are no areas or assets of particular importance that would result in a clear reason for refusal of permission in terms of NPPF paragraph 11 d i).

85. In terms of benefits, the proposed development would provide an additional dwelling net of clearance. This would make a small contribution towards the Borough's housing land supply. Whilst significant weight would normally be attached to this, it is also recognised that a previous development proposal, which was allowed at appeal, would have provided the same benefit, however the latter would have resulted in a less detrimental visual impact than the current proposal being set further from the plot's side boundaries.

86. In addition, the proposed development would generate a small amount of economic activity in connection with the construction process. The application also states that the development would provide "eco houses" with a strong focus on sustainable design. However, no specific details have been provided in relation to this and this is therefore given very limited weight.

87. The applicant has also submitted information that raises issues relating to equalities in providing further justification of the proposals. Officers have also had regard to this in making an assessment of the benefits of the proposed development.

88. However, in terms of adverse impacts, due to the significantly increased scale of the development when compared with previous schemes and the consequent reduction in space to the side boundaries with Bow Green Road to the west and the approved dwellings on the adjacent plot to the east, it is considered that the proposal would result in a cramped, over-dominant and incongruous form of development that would harm the spacious character of the area. This harm to the street scene would be significant and long lasting and very significant weight is

given to this. The proposed development would therefore fail to comply with Policy JP-P1 of PfE, the Council's "New Residential Development SPG, the National Design Guide and policies in the NPPF.

89. In addition, the application fails to demonstrate that the proposed dwellings would be built to the "accessible and adaptable" standard in Part M4(2) of the Building Regulations and therefore that the development would provide accommodation that is accessible to all sections of the community. The proposal would therefore be contrary to Policies JP-H3 and JP-P1 of the Places for Everyone Joint Development Plan and policies in the National Planning Policy Framework.

90. As discussed above, even if it were to be accepted that there has been a lawful commencement of the previous appeal scheme, 96397/FUL/18, there is no fallback argument in this case, given that the current proposal is a different scheme which would have a significantly greater impact on the character and visual appearance of the street scene and the surrounding area. The development plan and housing land supply context is also very different from that at the time of the previous appeal decision with significant changes in the local and national planning policy context (particularly in relation to design and housing policies which have had the effect of the Council's housing land supply position) as well as the significantly greater impact of the current proposal on the visual amenity and character of the area, which is sufficient to alter the planning balance.

91. Applying the test in paragraph 11 d) ii), it is considered that the adverse impacts identified above would significantly and demonstrably outweigh the benefits of granting permission, when assessed against the policies in the Framework taken as a whole. The proposal also fails to comply with the development plan when taken as a whole. As such, it is considered that the proposal would not represent sustainable development as it would not be well designed or contribute to the quality of the area.

92. It is therefore recommended that Members resolve that, had they had an opportunity to determine the application, they would have been Minded to Refuse the application for the reasons set out below.

## **RECOMMENDATION**

### **That Members would have been Minded to Refuse for the following reasons:-**

1. The proposed development, by reason of its height, scale, massing, siting, design and proximity to the plot boundaries, would appear as a cramped, over-dominant and incongruous form of development that would be out of keeping with the spaciousness and character of the surrounding area. As such, the proposed development would have a detrimental impact on the character and visual appearance of the street scene and the surrounding area. The proposed development would therefore be contrary to Policy JP-P1 of the Places for Everyone Joint Development Plan, the Council's adopted SPG: New Residential Development, the National Design Code, and policies in the National Planning Policy Framework.

2. The application fails to demonstrate that the proposed dwellings would meet the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations and therefore that the development would provide accommodation that is accessible to all sections of the community. The proposal would therefore be contrary to Policies JP-H3 and JP-P1 of the Places for Everyone Joint Development Plan and policies in the National Planning Policy Framework.
- 

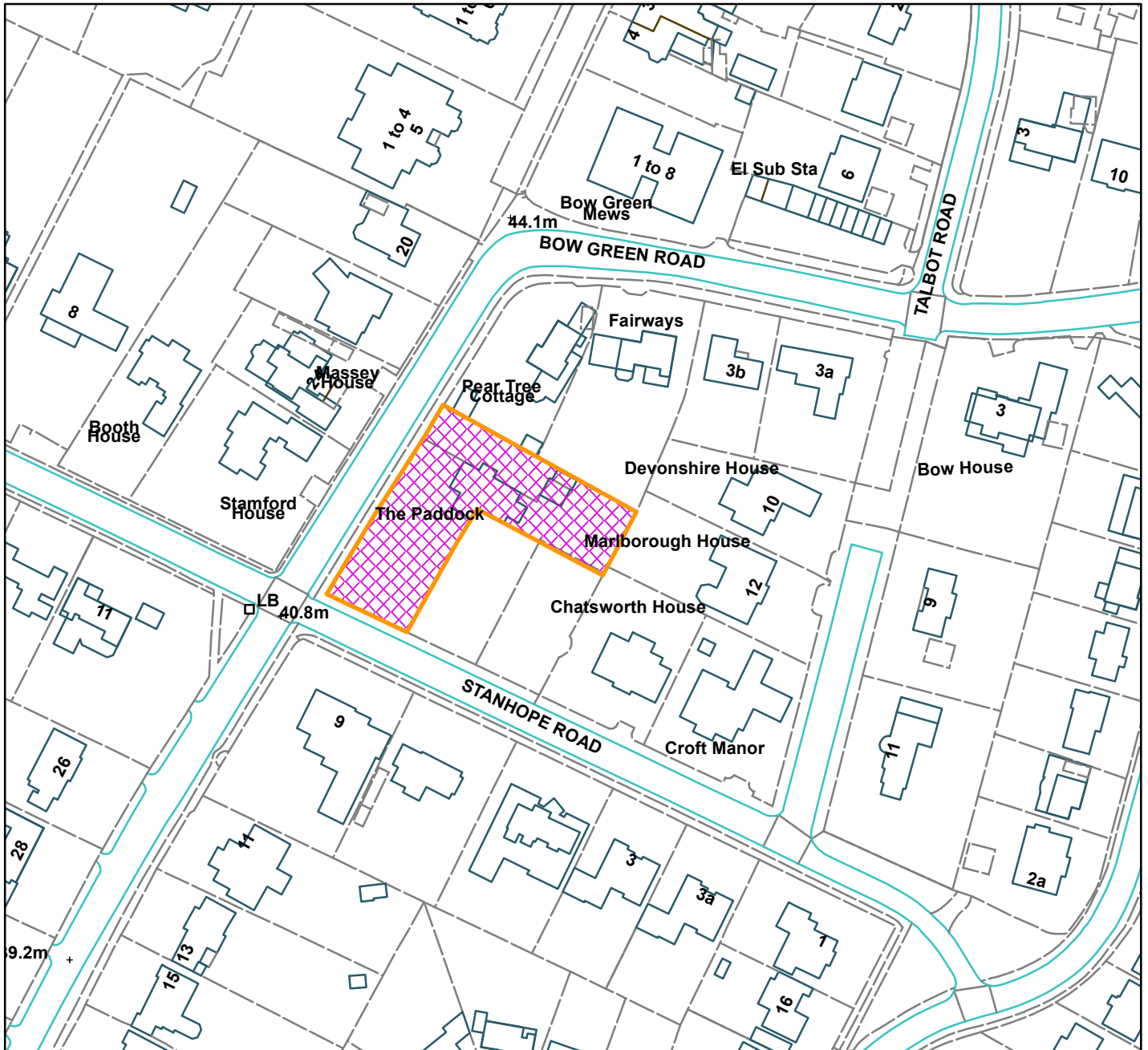
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# 111172/OUT/23



## TRAFFORD COUNCIL

9 Bow Green Road, Bowdon (site hatched on plan)



**Scale:** 1:1,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee Date 09.05.2024
Date	30/04/2024
MSA Number	AC0000809316 (2022)

## TRAFFORD COUNCIL

**Report to:** Planning and Development Management Committee  
**Date:** 9 May 2024  
**Report for:** Decision  
**Report of:** Head of Planning and Development

### Report Title

**DISCHARGE OF PLANNING FUNCTION TO MANCHESTER CITY COUNCIL IN RELATION TO DETERMINATION OF PLANNING APPLICATION 139133/FO/24**

### Summary

The Planning and Development Management Committee has the relevant delegated authority on behalf of the Council to further delegate the Council's planning functions to another Local Planning Authority in appropriate circumstances.

This report sets out the details of planning application 139133/FO/2024 which was submitted to Manchester City Council (MCC) in January 2024 for the erection of a 24 storey mixed use building incorporating 224 residential apartments (Use Class C3a), 87 apart-hotel studios (Use Class C1), amenity space, flexible commercial space (Use Class E) and café (Use Class E(b)), together with infrastructure, landscaping and other associated works.

The application site is bound by Cornbrook Road, Dinton Street and the A56 and a small proportion, mainly proposed to be public realm, lies within the administrative area of Trafford Council. To the north west is the VOX development (within the boundary of MCC), which is built and occupied.

Trafford Council has been formally consulted on the planning application by Manchester City Council as a neighbouring Local Planning Authority and has raised no objection.

There have been two previous planning applications on this site (an outline and a reserved matters) where Trafford has discharged its planning functions to Manchester City Council, in 2018 and 2021. The previous application site was larger, and included what is now the VOX development. However the development previously proposed on this part of the site has not come forward, and an alternative scheme is now proposed. It is recommended that delegated powers are transferred from Trafford Council to Manchester City Council for the determination of this planning application.

### Recommendation(s)

It is recommended that delegated powers are transferred from Trafford Council to Manchester City Council in accordance with the powers contained within the Local Government Act 1972, subject to the conditions listed below to enable Manchester to determine the planning application.

The following conditions are proposed to allow Trafford to retain an element of control over the planning decision making in relation to the part of the development that sits within the Trafford boundary, whilst allowing Manchester to remain the determining authority.

Manchester City Council shall have delegated powers to determine any of the following application types pursuant to 139133/FO/24 where Trafford have confirmed in writing that there are no objections to the proposals:

- Section 73 of the Town and Country Planning Act 1990 (Determination of applications to develop land without compliance with conditions previously attached) only where there this does not include the approved plans condition and / or the footprint of the built development does not extend / overhang further than the current application onto land within the Trafford Council administrative boundary.
- Section 96A of the Town and Country Planning Act 1990 (Power to make non-material changes to planning permission).
- Section 27 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Applications made under a planning condition).

For the avoidance of doubt S73 applications would include any applications coming forward under the proposed S73B provision in the Levelling Up and Regeneration Act.

Contact person for access to background papers and further information:

Name: Rebecca Coley (Head of Planning and Development)  
Extension: 4788

Appendix One: Site location plan

Appendix Two: Site plan showing administrative boundary

## **1.0 Introduction and Background**

1.1 In 2018, at a meeting of Full Council, Trafford Council delegated powers to Manchester City Council to enable them to determine application 118625/FO/2017. Trafford Council's Scheme of Delegation was subsequently updated to grant this power to the Planning and Development Management Committee, and in 2021, the Committee delegated the same powers to Manchester City Council in respect of the reserved matters application 131163/MO/2021.

1.2 Part of that approved scheme has now been built out – the VOX development – but part has not come forward. There has now been submitted a separate full application for the remaining part of the site. This is planning application



139133/FO/2024 which was submitted to Manchester City Council (MCC) in January 2024 for the erection of a 24 storey mixed use building incorporating 224 residential apartments (Use Class C3a), 87 apart-hotel studios (Use Class C1), amenity space, flexible commercial space (Use Class E) and café (Use Class E(b)), together with infrastructure, landscaping and other associated works.

1.3 Appendix One identifies the application site.

1.4 Appendix Two identifies the administrative boundary between Trafford Council and Manchester City Council against the footprint of the building proposed under application 139133/FO/2024.

## **2.0 Justification for the delegation of powers to Manchester City Council for application 139133/FO/2024**

2.1 S.101 of the Local Government Act 1972 allows a local authority to discharge any of their functions to another local authority, where that function is also a function of the other local authority. Under this provision, Trafford is able to discharge the planning function in relation to the determination of this planning application to MCC.

2.2 Due to the minor nature of the development within Trafford Council's administrative area it is not considered expedient for a separate planning application to be submitted to Trafford for determination. The impact of the proposed development on land within Trafford remains material to the consideration of the application whosoever is the determining authority and will need to be taken into account by MCC.

2.3 The delegation of powers to Manchester City Council will ensure that the application process is simplified and streamlined for both authorities and the developers.

2.4 This approach is consistent with previous planning applications for this site.

## **3.0 Other Options**

3.1 The alternative option is not to discharge the planning function in relation to application 139133/FO/2024 to Manchester City Council and require the applicants to submit a separate planning application to Trafford for the area of the development site which lies within the Trafford Council administrative area. Given the limited extent of the proposed works falling within Trafford, this is not considered to be an appropriate course of action or a good use of this Council's resources.

## **4.0 Recommendations**

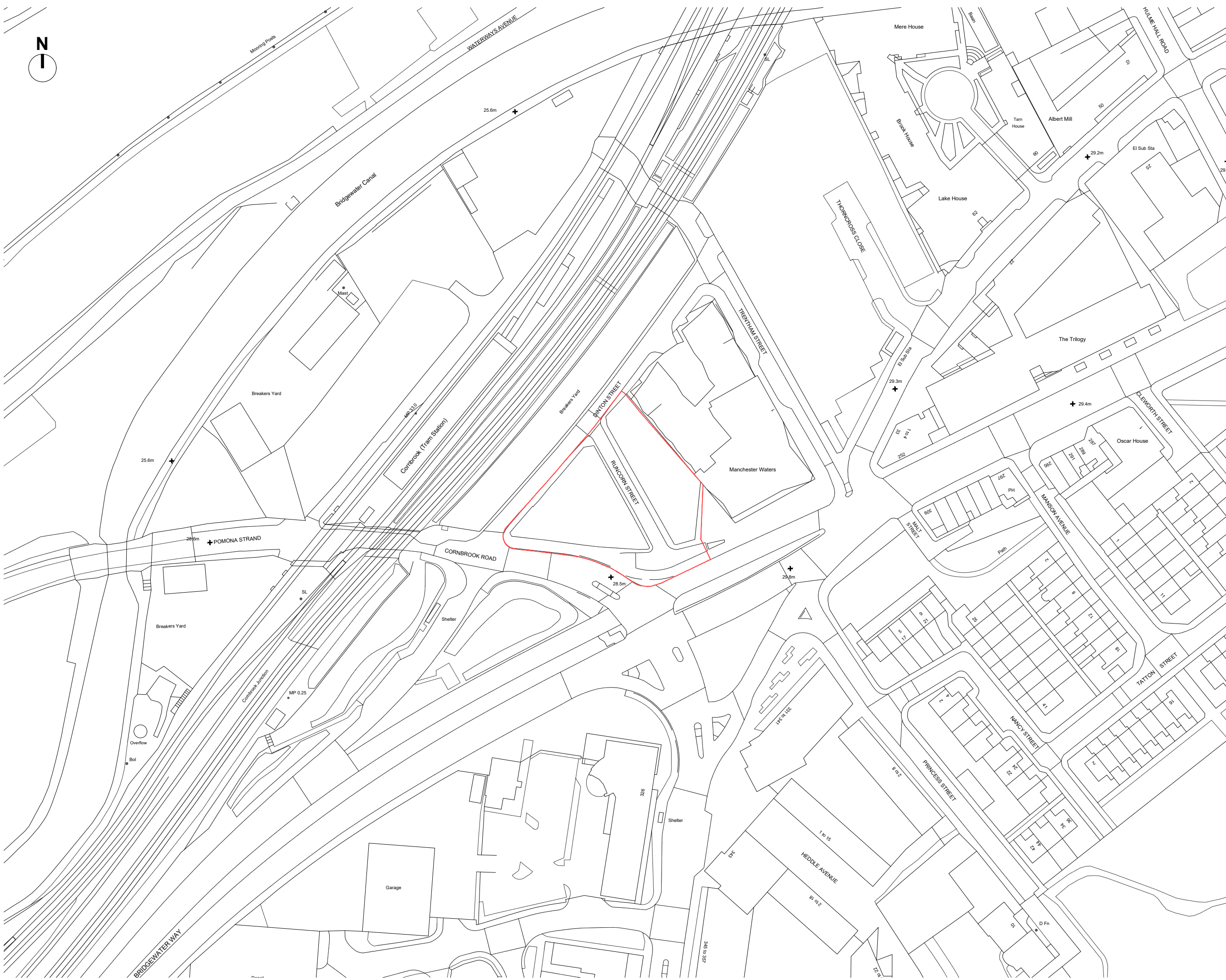
4.1 It is recommended that the planning function is transferred to Manchester City in respect of planning application 139133/FO/2024, in accordance with the conditions listed below which would enable Trafford to retain an element of control over the decision-making process where it affects land within the Trafford administrative area whilst allowing Manchester City Council to remain the determining authority.

1. Manchester City Council shall have delegated powers to determine any of the following application types pursuant to 139133/FO/2024 where Trafford have confirmed in writing that there are no objections to the proposals:
  - Section 73 of the Town and Country Planning Act 1990 (Determination of applications to develop land without compliance with conditions previously attached), only where there this does not include the approved plans condition and / or the footprint of the built development does not extend / overhang further than the current application onto land within the Trafford Council administrative boundary.
  - Section 96A of the Town and Country Planning Act 1990 (Power to make non-material changes to planning permission).
  - Section 27 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Applications made under a planning condition).

For the avoidance of doubt S73 applications would include any applications coming forward under the proposed S73B provision in the Levelling Up and Regeneration Act.

### **Background Papers**

As Agenda Item 6.



**GENERAL NOTES:**

ALL DIMENSIONS ARE TO BE CHECKED ON SITE WITH ANY DISCREPANCIES REPORTED TO THE ARCHITECT PRIOR TO THE WORKS BEING CARRIED OUT.

ALL WORKS ARE TO BE IN ACCORDANCE WITH THE PLANNING APPROVAL AND ANY SUBSEQUENT APPROVED LOCAL AUTHORITY PLANNING CORRESPONDENCE INCLUDING DRAWINGS, DOCUMENTS AND REPORTS.

ALL WORKS ARE TO COMPLY WITH THE BUILDING REGULATIONS, BRITISH STANDARDS, CODE OF PRACTICE, AND ANY LOCAL STATUTORY REQUIREMENTS.

ALL WORKS ARE TO COMPLY WITH CURRENT HEALTH AND SAFETY LEGISLATION, H.S.E. RECOMMENDATIONS/GUIDANCE AND THE CURRENT C.D.M. REGULATIONS.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH LEACH RHODES WALKER ARCHITECTS GENERAL ARRANGEMENT (L CODE) DRAWINGS, TOGETHER WITH RELEVANT DETAILED (A CODE) DRAWINGS AND SPECIFICATIONS.

FOR ALL STRUCTURAL WORKS REFER TO THE STRUCTURAL ENGINEERS INFORMATION.

FOR ALL MECHANICAL AND ELECTRICAL WORKS REFER TO THE MECHANICAL AND ELECTRICAL ENGINEERS INFORMATION.

FOR ALL ABOVE GROUND DRAINAGE WORKS REFER TO THE PUBLIC HEALTH ENGINEERS INFORMATION.

ALL PRODUCTS SPECIFIED ARE TO BE INSTALLED STRICTLY IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS, SPECIFICATION AND DETAILS.

P04	RED LINE UPDATED. ISSUED FOR PLANNING	TT	CJG	19.12.23
P03	UPDATED RED LINE BOUNDARY	EB	CJG	02.11.23
P02	ADOPTED HIGHWAYS	EB	CJG	26.10.23
P01	FIRST ISSUED	EB	CJG	18.10.23
rev	description	drawn	with	date

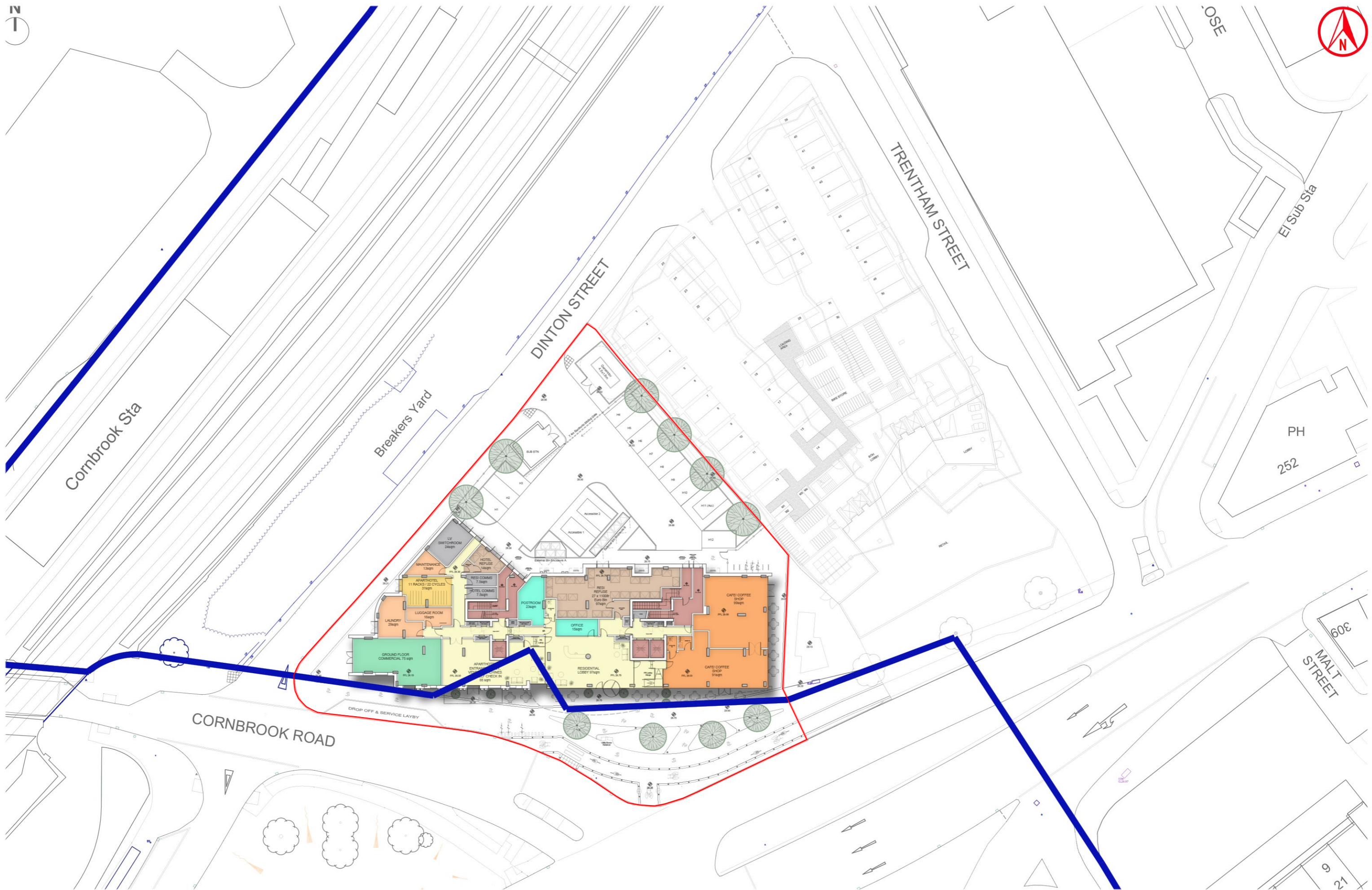
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**LeachRhodesWalker**  
Architects

info@lrw.co.uk | www.lrw.co.uk  
50 Dearmans Place | Manchester | M3 5LH  
Manchester London Buxarest  
+44 (0)161 633 0211 +44 (0)207 993 1363 +40 (21)550 4026

client			
FORSHAW GROUP			
project			
CORNbrook RESIDENTIAL			
document name			
8353-LRW-ZZ-ZZ-DR-A-00-173			
LRW project no		rev	
8353		P04	
description			
SITE LOCATION PLAN			
scale	date drawn	drawn by	authorised by
1:1250@ A3	17.10.23	EB	CJG
purpose of issue			
planning <input checked="" type="checkbox"/> building regs <input type="checkbox"/> tender <input type="checkbox"/> comment <input type="checkbox"/> approval <input type="checkbox"/> construction <input type="checkbox"/>			

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LeachRhodesWalker<sup>®</sup> **8353 CORNBROOK RESIDENTIAL: Proposed Site Plan - Local Authority Boundary (Colour)**  
 Architects

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# Agenda Item 11

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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