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TRAFFORD
COUNCIL

AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE MEETING

Date: Thursday, 8 August 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>

AGENDA

ITEM

1. **ATTENDANCES**

To note attendances, including Officers and any apologies for absence.

2. **DECLARATIONS OF INTEREST**

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.

3. **MINUTES**

To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 20th June, 2024.

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4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

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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Applications for Planning Permission	
Application	Site Address/Location of Development
<u>113366</u>	475 And 477 Barton Road,Stretford M32 9TA
<u>113434</u>	World of Pets, Thorley Lane, Timperley WA15 7PJ
<u>113625</u>	Donnington,32 Grange Road, Bowdon, WA14 3EE

7. **TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 247 PROPOSED STOPPING UP OF 5 NO. IRREGULAR SHAPED AREAS OF HIGHWAY TO THE SOUTH OF KINGSWAY, 1 NO. TRIANGULAR SHAPED AREA OF HIGHWAY TO THE SOUTH OF KINGSWAY, AND 1 NO. IRREGULAR SHAPED AREA OF HIGHWAY TO THE WEST OF CHESTER ROAD AND INCLUDING A LENGTH OF CHAPEL LANE**

To consider the attached report.

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8. **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.

SARA TODD

Chief Executive

Membership of the Committee

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

Further Information

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

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This agenda was issued on **30th July, 2024** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH

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Agenda Item 3

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

20th JUNE, 2024

PRESENT:

Councillor Winstanley (In the Chair),
Councillors Babar, Cordingley, Eckersley, Hartley (Substitute), Hassan, Leicester (Substitute), O'Brien, S. Procter, M. Taylor and Thomas.

In attendance: Head of Planning and Development (Ms. R. Coley),
Planning and Development Manager (West) (Mr. S. Day),
Planning and Development Manager (East) (Ms. H. Milner),
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),
Solicitor (Planning and Highways) (Ms. C. Kefford),
Democratic Officer (Miss M. Cody).

APOLOGIES

Apologies for absence were received from Councillors Deakin, Jerrome, Maitland and Minnis.

1. MEMBERSHIP OF THE COMMITTEE

RESOLVED: That the Membership of the Planning and Development Management Committee for the Municipal Year 2024/2025 be noted.

2. APPOINTMENT OF SUB-COMMITTEE

Members of the Planning and Development Management Committee were asked to appoint the Town/Village Green Sub-Committee for the Municipal Year 2024/2025.

RESOLVED: That the Town/Village Green Sub-Committee be appointed comprising the Chair, Vice-Chair and Opposition Spokesperson or their nominees.

3. TERMS OF REFERENCE

RESOLVED: That the Terms of Reference for the Planning and Development Management Committee be noted.

4. MEETING DATES

RESOLVED: That the scheduled meeting dates for the Planning and Development Management Committee for the Municipal Year 2024/2025/2026 be noted.

5. DECLARATIONS OF INTEREST

Councillor Winstanley declared a Personal and Prejudicial Interest in Application 113085/FUL/24 (Urmston Cricket and Lawn Tennis Club, Moorside Road, Urmston) as the family of the speaker in support of the application were known to him. He confirmed

Planning and Development Management Committee
20th June, 2024

he would be leaving the room during consideration of this item and in the absence of the Vice-Chair asked the Committee to nominate and appoint a Vice-Chair for this item.

6. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th May, 2024, be approved as a correct record and signed by the Chair.

7. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were submitted.

8. 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.

9. 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>
112751/FUL/24 - 70 Moss Lane, Sale.	Demolition of the existing detached dwelling and construction of 2 no. detached dwellings, with car parking and associated landscaping.

[Note: The Chair declared a Personal and Prejudicial Interest in Application 113085/FUL/24 (below) as the family of the speaker in support of the application were known to him. In the absence of the Vice-Chair he asked the Committee to nominate and appoint a Vice-Chair for this item. Councillor S. Procter was appointed to act as Vice-Chair, Councillor Winstanley vacated the chair and left the meeting, the acting Vice-Chair took the Chair.]

COUNCILLOR S. PROCTER IN THE CHAIR

113085/FUL/24 - Urmston Cricket and Lawn Tennis Club, Moorside Road, Urmston.	Installation of 12no. floodlights mounted on 9no. lighting columns 7m high on Courts 1 and 2.
113096/FUL/24 - Brentwood School and Community College, Cherry Lane, Sale	Alterations to and extension of Brentwood High School and Sixth Form College, comprising internal reconfiguration of the existing building and construction of a single-storey extension, as well as the

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reconfiguration of the existing car park, external play areas and cycle track, the provision of new landscaping, installation of air source heat pumps, enclosures and solar panels, erection of a polytunnel and associated works, plus temporary construction access from Cherry Lane.

113186/FUL/24 - 71A and 73
Chapel Road, Sale.

Demolition of 2 buildings and erection of 5 new dwellings.

The meeting commenced at 7:05 pm and concluded at 8:05 pm.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 8th AUGUST 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 – 8th AUGUST 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

Applications for Planning Permission				
Application	Site Address/Location of Development	Ward	Page	Recommendation
<u>113366</u>	475 And 477 Barton Road Stretford, M32 9TA	Lostock & Barton	1	Grant
<u>113434</u>	World of Pets, Thorley Lane, Timperley, WA15 7PJ	Hale Barns & Timperley South	30	Minded to grant subject to Legal Agreement
<u>113625</u>	Donnington,32 Grange Road, Bowdon, WA14 3EE	Bowdon	80	Refuse

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

WARD: Lostock & Barton

113366/FUL/24

DEPARTURE: No

Demolition of existing funeral parlour/bungalow and erection of six dwellings, with new dropped kerb access onto Barton Road

475a and 477 Barton Road, Stretford, Manchester M32 9TA

APPLICANT: Barton Brook Limited

AGENT: R.A.Fisk and Associates

RECOMMENDATION: GRANT

This application is being reported to the Planning and Development Management Committee as more than 6 representations contrary to officer recommendation have been received.

SITE

The application site is located on the south side of Barton Road and is occupied by a detached bungalow dwelling, metal clad flat roof storage buildings and a brick built pitched roof commercial building. The site is currently vacant and was last occupied as a funeral directors approximately two years ago. There is a car park and service yard area to the rear and grass areas to the front with low brick boundary wall. Neighbouring properties are entirely residential and are bordered by timber fencing and brick walls. To the road frontage there is a grass verge and two medium sized trees. There are smaller trees within the south west corner of the site and an overgrown area to the east boundary. A public footpath passes the east site boundary between Barton Road and Norwich Road. There is a site access facing Norwich Road to the south.

PROPOSAL

This application seeks full planning permission for demolition of the existing funeral parlour and bungalow and erection of six dwellings, with new dropped kerb access onto Barton Road.

Specifically four of the dwellings would be sited fronting Barton Road, arranged in semi-detached pairs. In the rear south part of the site accessed from Norwich Road, a pair of semi-detached dwellings are proposed. The Barton Road dwellings would each contain four bedrooms and the Norwich Road dwellings would each contain three bedrooms. The external construction is proposed to feature brick walls, pitched concrete tiled roofs and upvc framed windows. The design would include feature gabled roofs and square front bay windows, with stone header and brick cill detailing. Front parking and rear garden areas are proposed to all dwellings. Boundaries would be formed of brickwork and timber fencing.

Value Added

Amended plans were submitted to improve driveway size, window design/arrangement, show solar panels, improve landscaping and change the orientation of the two rear plots. An updated biodiversity metric assessment was also submitted.

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 25th 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 19th 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 PLACES FOR EVERYONE POLICIES

- 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-C6 – Walking and Cycling
- JP-C8 - Transport Requirements of New Development
- JP-P1 – Sustainable Places
- JP-J1 - Supporting Long-Term Economic Growth
- JP-J2 - Employment Sites and Premises
- JP-S1 – Sustainable Development
- JP-S2 – Carbon and Energy
- JP-S4 – Flood Risk and the Water Environment
- JP-G7 – Trees and Woodland
- JP-G8 - A Net Enhancement of Biodiversity and Geodiversity

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

- L1 – Land for New Homes
- L2 – Meeting Housing Needs

- L4 – Sustainable transport and accessibility
- L5 – Climate Change
- L6 - Waste
- L7 – Design
- L8 – Planning Obligations
- W1 – Economy
- R1 – Historic Environment
- R2 – Natural Environment
- R3 – Green Infrastructure

PROPOSALS MAP NOTATION

None relevant

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

No relevant

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The MHCLG published the 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 MHCLG 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.

OTHER PLANNING GUIDANCE DOCUMENTS

SPD1 – Planning Obligations

SPD3 – Parking and Design

SPD4 – A Guide to Designing House Extensions and Alterations (relevant for general projections)

SPG1 – New Residential Development

Technical housing standards – nationally described space standard

National Design Guide

Draft Trafford Design Code

RELEVANT PLANNING HISTORY

110985/FUL/23 - Demolition of existing funeral parlour and bungalow and erection of six dwellings, new dropped kerb access onto Barton Road
Withdrawn 18.12.2023

108675/FUL/22 - Demolition of existing Funeral parlour, associated outbuildings and bungalow and erection of seven two storey dwellings
Withdrawn 24.03.2023

H/65820 - Material alterations to external appearance of building and to boundary wall to Barton Road
Approved with conditions 22.12.2006

H/ADV/53987 - Display of externally illuminated panel sign and 'V' configuration panel sign together with non illuminated panel signs to frontage of premises
Approved with conditions 04.09.2002

H45376 – Display of internally illuminated name sign to front entrance
Approved with conditions 06.04.1998

CONSULTATIONS

Local Highways Authority

No objection. Request visibility is provided between alleyway footpath and adjacent driveways. Request a Construction Method Statement.

Lead Local Flood Authority

No objection subject to submission of sustainable surface water drainage scheme and management plan.

Tree Officer

No objection provided the advice within the submitted tree report is followed. Wish to see tree planting as part of landscaping plans which can be submitted at condition stage.

Environmental Health (Contaminated Land)

Recommend conditions in relation to the submission of a contaminated land risk assessment/investigation and submission of a remediation strategy as appropriate.

United Utilities

Request a condition in relation to the submission of a sustainable surface water drainage and foul water drainage scheme.

Greater Manchester Ecology Unit

No objection to updated Biodiversity Net Gain metric which shows a 26% net gain in compliance with the Environment Act. Recommend a condition to ensure the trees are retained and maintained for 30 years.

REPRESENTATIONS

8no. objections were received to the originally submitted plans, summarised as follows:

- *Disruption from construction phase of development*
- *Too many properties proposed*
- *Risk to pedestrians from increased parking on Norwich Road and Barton Road*
- *Lack of capacity for parking on Norwich Road*
- *Insufficient parking provided for the development*
- *Extra cars would add to deterioration of road surface*
- *Existing sewer issues which could be exacerbated*
- *Concerns regarding loss of privacy*
- *Concerned houses would not fit in with the surroundings*
- *Planners have considered the planning slightly better however more thought could go into the plans*
- *Suggest improvements to site layout and size of houses*
- *Risk to highways safety from increased traffic*
- *Development not in keeping with character and appearance of the area*
- *Houses look nothing like current homes*
- *Development would have little green space*
- *Loss of light and sun from increased scale*
- *Site is too small for number of people and properties*
- *Not sure houses are needed locally with construction of the Trafford Waters development.*
- *Adding houses would make the existing parking situation worse*

5no. objections were received to the revised plans, summarised as follows:

- *Cannot see any difference, previous objections still stand*
- *Same objections*
- *Proposal would add to parking problems and pedestrian access issues*
- *Reduced privacy at cul de sac*
- *Parking, dust, dirt and noise disruption from construction would be immense*
- *Construction vehicles would block the road*
- *Sewage issues should be taken into consideration should be development go ahead*
- *Potential noise disruption during demolition*
- *Will continue to object unless the sole entrance is off Barton Road*
- *Cars currently use the Norwich Road entrance for parking*
- *Properties opening onto Norwich Road would cause distress and inconvenience*
- *New two storey building would seriously affect our natural light and privacy*

- *New dwellings would increase noise*
- *Development squeezing too much onto the site*
- *Parking problem remains*
- *Development would have a detrimental impact upon quality of life*
- *Design and appearance still not in keeping*

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 requirement.
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 (part c). Part d) states that where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, 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 21st 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.
4. However, the Housing Delivery Test (HDT) presumption still applies. Paragraph 79 of the NPPF states that where the HDT falls under 75% then the presumption in favour of sustainable development 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. The tilted balance is therefore triggered by the HDT.

5. 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. Although the tilted balance in the NPPF is a primary material consideration, the development plan remains the starting point for decision making.
6. Policy JP-H2 states that: A key part of the overall strategy is to maximise the amount of development on brownfield sites in the most accessible locations and minimise the loss of greenfield and Green Belt land as far as possible. In order to deliver the necessary densities, an increasing proportion of new dwellings will be in the form of apartments and town houses, continuing recent trends.
7. Policy JP-H3 states: Development across the plan area should seek to incorporate a range of dwelling types and sizes including for self-build and community led building projects to meet local needs and deliver more inclusive neighbourhoods. 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.
8. Policy L2 of the Core Strategy is clear that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. 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;*
 - (b) *Appropriately located in terms of access to existing community facilities and/or delivers complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development;*
 - (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.*
9. The Core Strategy 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 inconsistent with current NPPF policy e.g. L4 (Sustainable Transport and Accessibility) for instance in this case. Whilst such inconsistency remains (and with the relevant policies not wholly superseded), PfE has introduced a new policy which is consistent with national policy (see Policy JP-C8 (Transport Requirements for New Development)).

Assessment

10. The application site is a brownfield site, located within the established suburban area of Stretford. The proposal would see the delivery of 6no. new dwellings, with the split being 4no. x four bedroom and 2no. x three bedroom dwellings. This is considered to be an appropriate mix. In particular the four bedroom housing type would increase the number of larger dwellings in an area dominated by predominantly three bed dwellings. The Trafford Housing Needs Assessment (HNA) 2023 provides the latest available evidence to help to shape the future housing and relates strategies and policies of the area. It identifies that family sized homes are popular but there is a shortage of four bedroom properties. This proposal would help address this shortfall. This is considered appropriate against JP-H3 of Places for Everyone, in terms of the type and size of new housing provided. The site development density equates to 43 dwellings per hectare, which is sufficient and acceptable against Policy JP-H4.
11. Taking into account demolition of the existing bungalow, there would be a net increase of 5no. dwellings on the site. The proposal would contribute to the Council's ability to meet its overall housing land target and provide additional family sized accommodation with this location. The site has good access to public transport routes, schools, parks and other services / amenities.
12. In conclusion, whilst the proposal would result in a fairly limited contribution to housing supply, it is still considered that significant weight should be afforded in the determination of this planning application to the scheme's contribution to housing delivery and meeting the Government's objective of securing a better balance between housing demand and supply.
13. The principle of residential development is therefore acceptable, subject to assessment of the other material considerations reviewed below.

COMMERCIAL USE AND EMPLOYMENT

14. Paragraph 8 of the NPPF states that the economic objective of the planning system is to: *"help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure"*
15. Paragraph 81 of the NPPF states that: *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential"*

16. Paragraph 122 states that: *“planning policies and decisions need to reflect changes in the demand for land”*.
17. Paragraph 123 states that *“LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites, and be compatible with other policies in the Framework”*.

Assessment

18. The proposal would result in the loss of the existing funeral parlour building on site, which is understood to have always been in commercial use. This is alongside the ancillary storage buildings to the rear part of the site. The funeral parlour building has been vacant for approximately 2 years and was last occupied by Co-Op Funeral Care.
19. Policy JP-J2 of Places for Everyone states that: *“A diverse range of employment sites and accessible premises, both new and second-hand, will be made available across the Plan area in terms of location, scale, type and cost. This will offer opportunities for all kinds and sizes of businesses, including start-ups, firms seeking to expand, and large-scale inward investment, which will help to tackle inequalities”*.
20. Policy W1 of the Trafford Core Strategy seeks to encourage, support and protect employment development and uses within the Borough.
21. Policy W1 is considered to be largely compliant with the NPPF in that it seeks to protect employment sites that are required to support economic growth, but allows for redevelopment of sites that are no longer suitable or required for employment purposes.
22. Under Policy W1.12 in determining applications for non-employment uses on unallocated employment sites, sites outside of the Strategic Locations and employment places identified in W1.3, the following tests need to be considered:
- i. There is no need for the site to be retained for employment purposes and it is therefore redundant;
 - ii. There is a clear need for the proposed land use(s) in this locality;
 - iii. There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;
 - iv. The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and

- v. The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.

An assessment of each of the above tests is made below:

- 23. The site contains only small scale employment premises, which were occupied by a single business and have been redundant for two years. The site owner could market the site for alternative commercial occupiers and this is not understood to have taken place. However taking into account the site characteristics and location, this alone is not considered to preclude the proposal. The location in a residential area close to other dwellings is not always best suited for commercial uses in terms of general neighbour compatibility, noise and disturbance. The existing buildings and overall site is in a relatively poor condition, where attractiveness to alternative commercial occupiers could be limited in this regard. Any alternative occupiers could also potentially create more disturbance than the historic use as a funeral parlour.
- 24. The site is in a sustainable location, within an established residential area and there is a clear need for more housing in this location. There are very limited vacant sites in the locality which could be used for new dwellings (particularly in the form of houses).
- 25. The proposed redevelopment would not compromise the primary function or the locality or operations of neighbouring users. The locality is already a residential area and the proposed use would be more compatible existing neighbouring properties than the commercial use of the site.
- 26. The proposed development is considered to be in accordance with other policies in the Development Plan.
- 27. In summary the loss of commercial space is considered acceptable in this instance given the site location and the previous use. The proposal is considered to comply with Policy W1 and W2 and based on the site characteristics, is not considered to prejudice the overall long term economic growth of the area against Policy JP-J1 and JP-J2 of Places for Everyone.

DESIGN AND APPEARANCE

- 28. The promotion of high standards of design is a central narrative within the NPPF, and with this message is strengthened and reinforced in the December 2023 update. The overarching social objective, which is one of three objectives critical to the achievement of sustainable development, is reliant upon the planning system fostering a well-designed, beautiful and safe built environment, according to paragraph 8.

29. 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. 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”.*
30. Policy JP-P1 of Places for Everyone contains extensive requirements for development, with 16 key design and sustainable places considerations outlined below. Namely, development should be: *Distinctive; Socially inclusive; Resilient; Adaptable; Durable; Resource efficient; Safe; Supported by critical infrastructure; Functional and convenient; Incorporate inclusive design; Legible; Easy to move around; Well-connected; Comfortable and inviting; Incorporate high quality and well managed green infrastructure/public realm; Well served by local shops, services, amenities and facilities*
31. The Council’s Planning Guidelines within adopted “New Residential Development” paragraph 2.4, states that “Whilst the Council acknowledges that the development of smaller urban sites with small scale housing or flat developments makes a 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 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.”
32. In taking forward advice in the NPPF and the NDG, the Council is producing its own Trafford Design Code. The document will set out design principles for new development across the Borough, when having regard to local distinctiveness and local vernacular. Adoption is anticipated later in 2024. The Strategic Design Principles in the TDC include ‘Design with Character and Beauty’ and set out that an understanding of the character of a place is essential to producing a contextual, sympathetic and high quality design proposal.

Site layout

33. The Barton Road frontage would feature four dwellings (Plots 1 to 4). There would be sufficient space provided in between each dwelling and to the site boundaries, in relation to the general character of the area. The building line would broadly follow that of neighbours on Barton Road.
34. To the rear, Plots 5 and 6 would be positioned at an angle, orientated towards Norwich Road. There would be a minimum 13.20m separation between the

closest side gable corner of Plot 5 and the rear elevation of Plot 3. This is considered sufficient given the offset siting and angled positioning. Plots 5 and 6 would be suitably set back from Norwich Road and would feature sufficient separation to their side and rear boundaries. The stepped footprint of Plot 5 would respond well to the shape of the site and make efficient use of space. Sufficient garden, patio, access and parking space would be provided to each dwelling. The site layout is considered reasonable and would be appropriate in context.

Elevations and detailed design

35. The height of all the dwellings would be similar to neighbours in the locality. The building depth for Plots 1 to 4 would be greater than neighbours, however this would only be minor and the general building line would be followed. The gabled roof form is considered appropriate, in that there are a variety of either hips or gables on Barton Road and Norwich Road and the dwellings would be well proportioned.
36. The projecting front bay windows for all plots provides interest and relief to the elevations. Window sizes would be sufficient and similar in size to neighbours, whilst the openings would be well sited within the elevations. Cill and/or header details to the windows and doors would provide good definition and interest. The principal elevations would feature good rhythm and there would be brick columns to the rear to help provide relief. The overall design would provide a more contemporary appearance than neighbours. This would be in an appropriate sensitive manner and it is noted there is already a variety to the appearance of neighbouring properties, particularly those on Norwich Road.

Materials

37. The proposed brick elevations, concrete tiled roofs and upvc framed windows/doors would correspond with the general character of the locality. This would provide a sympathetic traditional appearance. Stone represents a suitable material for window and door headers. Further specific details of materials are required by way of a condition, to ensure a satisfactory appearance.
38. Overall the development is considered to be functional and would provide a contextual appropriate design response and appearance, in compliance with, JP-P1 of Places for Everyone, SPG1 and the National Planning Policy Framework. Given the footprint of the properties within the space available on site, it is considered necessary to remove permitted development rights for extensions and outbuildings, in order to avoid overdevelopment. This is also to protect residential amenity in terms of facing distances. The individual design should also be protected by removing permitted development rights for new doors and windows, which would also have the benefit of protecting amenity.

RESIDENTIAL AMENITY

39. This section considers the potential amenity impact upon adjacent properties, alongside amenity standard of future occupiers of the development itself.
40. 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.
41. Policy L7; Design of the Core Strategy also states that:

“Protecting Amenity

L7.3 “In relation to matters of amenity protection, development must:

- Be compatible with the surrounding area; and
- Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way”.

42. The Council’s adopted planning guidance for new residential development 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)*

43. Section 3.4 of SPD4 is also somewhat relevant in terms of the 1.50m projection allowance provided for a two-storey rear projection. This figure is plus the distance the building is set in from the boundary line, to provide the overall possible projection. This refers to the distance past the rear elevation of an adjacent neighbour.

44. Part 15 of JP-P1 states that development should have the key attribute of being “*comfortable and inviting, with indoor and outdoor environments, offering a high level of amenity that minimises exposure to pollution*”.

Impact upon no. 473 Barton Road (neighbour to side to east)

45. Plot 1 would project 2.90m past the first floor rear elevation of this property. It would project no further than the single storey rear parts of this property, including its garage. There would be a separation of 4m to the boundary of this property, taking into account the boundary set in of Plot 1 and the intervening

public footpath. The siting and scale is not considered to have any significant or unacceptable amenity impact upon no. 473 and would not appear overbearing, cause undue visual intrusion, or result in an undue loss of light or overshadowing. A first floor side window is proposed which should be obscured glazed to avoid lateral overlooking, this would be secured by way if condition.

Impact upon no. 479 Barton Road (neighbour to side to west)

46. Plot 4 would project 1.70m past the rear elevation of this property, with a 2m boundary set in. This complies with the rule from SPD4. Whilst larger than the present bungalow on the application site, the proposed siting and scale is not considered to have a significant or unacceptable amenity impact upon no. 473. A first floor side window is proposed which should be obscured glazed to avoid lateral overlooking, this would be secured by of condition.

Impact upon nos. 1 and 3 Norwich Road (neighbours to rear to south east)

47. Plot 5 would be sited a minimum 13m away from the front elevation of these properties at two storey. The closest window of Plot 5 would be sited approximately 14.70m away from the closest window of no. 1. However the relationship would not be directly opposite, but would rather be at almost right angles. The principal windows (main lounge/bedroom) of no. 1 are sited on the far side of this property, with an approximate 17m facing distance. This would not result in an unacceptable level of overlooking to the front windows of no. 1 Norwich Road. The privacy facing distance with no. 3 would be greater than this and is also considered to be acceptable. The separation and scale of Plots 5 and 6 to the neighbours is considered acceptable from a general visual impact perspective.

Impact upon no. 2 Norwich Road (neighbour to rear to south)

48. Plot 6 would be sited a minimum 11.20m away from the main two side elevation of this property. This property primarily features habitable room windows facing east and west, away from the proposed development. Taking into account the separation distance and orientation of the properties relative to one another, there is not considered to be a significant or unreasonable impact upon the residential amenity of this neighbour.

Impact upon no. 1A Lincoln Avenue (neighbour to side to south west)

49. Plot 6 would provide a 10.80m facing distance to the rear site boundary from its closest rear window. This complies with the 10.50m typical minimum requirement as set out in SPD4 and is not considered to give rise to any unreasonable overlooking to the rear garden of no. 1A. The window orientation would also face slightly away from the boundary with this neighbour. The

general separation and scale relative to the neighbours is also considered acceptable from a visual impact perspective.

Amenity of future residents of the application site

50. In terms of internal floor space, it is noted that dwellings meet the corresponding nationally described space standards. The rear gardens would also be of a sufficient size at approximately 80sqm each. Sufficient natural light and outlook would be possible from all habitable rooms, based on the window size and orientation.
51. The facing distance between the rear elevations of Plots 1 to 4 and the side boundary of Plot 5 would be 10.50m, which is considered acceptable from a privacy perspective. It is also noted that rear boundary planting is proposed which would provide some screening. The closest side gable corner of Plot 5 would be sited 13.50m from the rear elevation corner of Plot 3. The side gable of Plot 5 would be largely positioned facing the gap between Plots 2 and 3 rather than face on to their main elevations, whilst this side gable would also be sited at an angle. As such whilst this distance falls slightly short of the 15m facing distance recommended within SPG1, this arrangement is considered acceptable in this instance.

ECOLOGY AND BIODIVERSITY

52. Bats are a UK protected species. A bat roost assessment of the buildings to be demolished has been carried out. Buildings B1, B3 and B4 (funeral parlour and storage buildings) were found to have negligible roost potential. Building B2 (the bungalow) was found to have low roost potential. As such an emergence survey was required to be carried out for Building B2. This survey has been undertaken and the results show no roosting bats on the site.
53. The statutory Biodiversity net gain is applicable to the scheme. The existing site is covered by hardstanding access/parking areas, vegetated garden areas and some trees/hedges. The submitted Biodiversity Metric Assessment shows that there would be a net gain of 26% upon the existing situation. This is from the new trees, hedges and garden areas and removal of existing hardstanding yard areas. A Biodiversity Gain Plan to formally confirm the Biodiversity status of the development is required to be secured by way of a condition. Further details including the planting species proposed are required through a landscaping scheme condition. This is alongside details of bat and bird boxes. GMEU have recommended a condition to require that the Biodiversity habitat measures implemented are retained on site for a minimum of 30 years.
54. The proposal would comply with Policy R2 of the Core Strategy and JP-G8 of Places for Everyone taking the above into account.

LANDSCAPING

55. Whilst no specific landscaping details have been provided, the proposed site plan shows that there is space for a front garden including a tree for each dwelling. The rear gardens have scope for planting including trees and shrubs. A landscaping plan showing the hard landscaping surfaces and soft landscaping including species should be secured by way of a condition. This is to allow the development to meet the requirements of SPD1, alongside Policy R3 of the Core Strategy and Policy JP-G8 of Places for Everyone.

TREES

56. A tree constraints report has been submitted with the application. It is proposed to remove 3no. trees to facilitate the works, whilst existing trees on the front Barton Road verge would be retained.

57. The Council's Arboriculturalist has reviewed the information and is satisfied that the application is acceptable. This is subject to the advice within the report being followed and new trees being planted through a landscaping scheme. Full details of hard and soft landscaping including type of hardstanding, grass areas, shrubs, trees and hedges are required by way of a landscaping condition. The development is considered to comply with Policy R3 of the Core Strategy and Policy JP-G8 of Places for Everyone in this regard.

DRAINAGE AND FLOOD RISK

58. It is noted the site is not a major development and is located within flood risk zone 1, with a less than 1 in 1000 annual probability of flooding. There would however be a reduction in overall hardstanding as a result of the proposals.

59. Foul drainage would be connected to existing public sewers adjacent to the site. Surface water drainage is proposed to be designed in accordance with the hierarchy set out in the National Planning Policy Framework for disposal of surface water. It is proposed to use soakaways subject to ground conditions being suitable.

60. The Local Lead Flood Authority (LLFA) request the submission of site surface water drainage scheme, which should be based on the drainage hierarchy, by way of a condition. If soakaways are proposed, this should determine whether or not the ground is suitable for this method of drainage. United Utilities also require further details of this by way of a condition. It is considered that a management plan and statutory drainage adoption is not necessary, given the individual curtilages of the dwellings and small scale of the scheme.

61. There is no objection in principle on flood risk or drainage grounds and the application is considered to comply with Policy L5 of the Core Strategy and JP-S4 of Places for Everyone.

PARKING, ACCESS AND HIGHWAYS

62. For each dwelling, 2no. off road car parking spaces are proposed. The front Plots 1 to 4 would each contain four bedrooms and the rear Plots 5 and 6 would each contain three bedrooms. The maximum parking standard from SPD3 would require 3no. parking spaces for each four bedroom dwelling and 2no. parking spaces for each three bedroom dwelling. Given the sustainable urban location of the site, this maximum standard in relation to the four bedroom dwellings is not considered necessary and this is supported by the Local Highways Authority comments. Whilst the parking and traffic concerns received from neighbouring properties are acknowledged, the level of off-street driveway car parking proposed is considered appropriate.

63. Plots 1 to 4 would have new dropped kerb access onto Barton Road and it is noted the LHA have no objection to these access points.

64. Inter visibility between the driveways of Plot 1 and Plot 5 and the east side public footpath would be created by lowering the existing boundary wall. This allows cars to exit these driveways, whilst being visible to passing pedestrians. The Norwich Road driveway access for Plots 5 and 6 would simply re-instate and widen a historic access point. Whilst it may currently be possible for two cars to park in this location (as mentioned in neighbour comments) it is noted that one car would block the pavement and the other would block the existing access point. These are not formal spaces and it is considered satisfactory that such ad-hoc parking would be removed as a result of the development.

65. Secure covered bicycle storage is required for each dwelling. Whilst the location of bicycle stores has been shown on the proposed site plan, specific details are required by way of a condition. There would be sufficient space within the curtilage of each dwelling off the highway and out of sight for the storage of bins. Overall it is considered the layout of the site complies with Policy L4 and SPD3 taking the above into account.

66. Taking the above into account, the proposal complies with Policy L4 of the Core Strategy and Policy JP-C5 and JP-C7 of Places for Everyone.

ACCESSIBILITY AND EQUALITY

67. Building Regulations 2010 in The Access to and Use of Buildings (2010) document, part M(4)1, 2, and 3 requires where possible, dwellings to be suitably accessible for all people, adaptable and wheelchair friendly.

68. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
69. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
70. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
71. Building Regulations 2010 in The Access to and Use of Buildings (2010) document, part M(4)1, 2, and 3 requires where possible, dwellings to be suitably accessible for all people, adaptable and wheelchair friendly.

Assessment

72. The architect has confirmed that the dwellings will comply with the Building Regulations Part M 4(2) standards (accessible and adaptable dwellings). The dwellings would feature level door access and good circulation space, including ground floor w/c's. The driveways could be widened for one space to meet accessible parking standards if so required in the future. The dwellings are also considered capable of accommodating stair lifts if so required. A condition requiring compliance with Part M (4) 2 is recommended and the architect has designed the scheme taking this into account.
73. No particular benefits or dis-benefits of the scheme have been identified in relation to any of the other protected characteristics in the Equality Act. As such, it is considered that the proposed development is acceptable with regard to Policy L4 and L7 of the Core Strategy.

SUSTAINABILITY AND CLIMATE CHANGE

74. Policy L5.1 of the Core Strategy states that new development should maximize its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralized energy generation.
75. L5.4 goes on to say that development will need to demonstrate how it contributes towards reducing CO2 emissions within the Borough. It is considered that policies L5.1 to L5.11 are out of date as they do not reflect NPPF guidance on climate change. Paragraph 159 of the NPPF states that new development should be planned in ways that can help reduce greenhouse gas emissions, such as through its location orientation and design.
76. The application falls under the Council's threshold for requiring a specific energy statement. However Policy JP-S2 of Places for Everyone is relevant which expects new development to be net zero in operational carbon emissions and provide on site renewable energy where possible, alongside incorporating general measures to increase sustainability.

Assessment

77. The dwellings would be constructed to the latest Building Regulation Standards with a thermally efficient fabric. Solar panels are proposed to each dwelling, with Plots 1 to 4 having particularly suitable south facing roof slopes. It is considered the solar panels would allow the dwellings to be more self-sufficient in energy usage, whilst reducing the operational carbon emissions of the new dwellings. The architect has also stated that air source heat pumps are likely to be installed. Whilst these are not indicated on the drawings, air source heat pumps could benefit from permitted development rights against Class G, Schedule 2, Part 14 of the GPDO 2015. The applicant is reminded that these should be sensitively sited to minimise any noise or visual amenity impact. Installation of electric vehicle charging points would be required to each dwelling through Building Regulations.
78. In summary the scheme is considered to comply with Policy L5 of the Core Strategy and the aims of Policy JP-S1 and JP-S2 of Places for Everyone.

CONTAMINATED LAND

79. The submitted Groundsure report is not considered to sufficiently consider the potential risks to site users and the environment from potential contaminated land. The development site is located within 250m of an area of land that comprises a closed former landfill, namely Barton Clough. Known landfill sites are regarded as potentially contaminated land and will be expected to generate landfill gas which has the potential to affect any buildings on and around the site. A phase 1 contaminated land assessment is required to be submitted by way of a discharge of condition application. Depending on the results, a phase 2

assessment may be required. A suitable condition has been recommended by Environmental Health which includes the assessment and any remediation measures as relevant.

DEVELOPER CONTRIBUTIONS

80. The proposal would create over 100sqm of new residential floor space and is located within the 'cold' charging zone. The development would be subject to a Community Infrastructure Levy CIL levy of £20 per sqm.
81. 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 as part of the landscaping proposals.

PLANNING BALANCE AND CONCLUSION

82. 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 decision making. The NPPF is an important material consideration. The tilted balance is engaged and the application should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.'
83. The proposal would provide 6no. new family dwellings, with a net increase of 5no. residential units on site. This would make a modest but important contribution towards housing supply within the Borough. The principle of residential development is considered acceptable in that the site is located in an established, sustainable suburban location. This meets Policy L2 of the Core Strategy and Policy JP-H1, JP-H2 and JP-H3 of Places for Everyone. The development makes efficient use of a brownfield site which is currently underutilised.
84. There would be a loss of commercial floor space due to the change of use of the site, however this is considered appropriate given the character of the locality as well as the condition of the existing buildings.
85. The new dwellings would provide a high quality design and appearance and would appear appropriate in context. Existing residential amenity would be adequately protected and there would be a good standard of amenity provided for future residents of the application site. Other material considerations including highways/parking, biodiversity, trees, drainage, contaminated land and flood risk are found to be satisfactory subject to conditions.

86. When taking into account paragraph 11c of the NPPF, proposals that accord with an up-to-date development plan should be approved without delay. The scheme complies with the development plan as a whole and is considered to represent sustainable development. There are no adverse impacts identified of granting planning permission against paragraph 11dii). 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 submitted plans, numbers:

3490:19 Rev F (plots 1 to 4 front elevation);
3490:21 Rev E (plots 1 to 4 gable & rear elevations);
3490:17 Rev F (plots 1 to 4 floor plans);
3490:15 Rev C (plots 1 to 4 façade analysis);
3490:20 Rev N (plots 5 + 6 front elevation);
3490:22 Rev L (plots 5 + 6 gable & rear elevations);
3490:18 Rev W (plots 5 + 6 floor plans);
3490:23 Rev A (plots 5 + 6 façade analysis);
3490:02 Rev Z (site plan);
3490:14 (boundary fence/wall details)

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

3. Notwithstanding any description of materials in the application submission no works involving the use of any materials listed below shall take place until samples and / or full specification of materials to be used externally on the buildings:

[bricks, roof and ridge tiles, fascias, stonework, windows, doors, and rainwater goods]

have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 and R1 of the Trafford Core Strategy, JP-P1 and JP-P2 of Places for Everyone and the provisions of the NPPF.

4. All window and door openings shall be constructed with minimum 90mm deep external reveals.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 and R1 of the Trafford Core Strategy, JP-P1 and JP-P2 of Places for Everyone and the provisions of the NPPF.

5. No above-ground construction works shall take place until a detailed façade schedule for all elevations of the buildings (including sections and details at 1:20) has been submitted to and approved in writing by the Local Planning Authority. The schedule shall be provided in tabulated form with cross referencing to the submitted drawings, including the provision of further additional drawings and the building of sample panels on site as necessary and shall include:

- i) Location of materials and brick detailing
- (ii) All fenestration details including recesses/window reveals
- (iii) All entrances into the buildings including doors
- (iv) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the buildings
- (v) The position and type/design of any necessary soil and vent pipes that may be visible on the external façade of the buildings
- (vi) The siting of any external façade structures such as meter boxes
- (vii) Plans detailing the siting and design of the photovoltaic panels on the buildings
- (viii) The siting and design of any fixed plant
- (ix) The siting, design and material/finish of any vents for mechanical ventilation

Development shall proceed in accordance with the approved detailed façade schedule.

Reason: In the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Policy L7 of the Trafford Core Strategy and Policy JP-P1 and JP-P2 of Places for Everyone and the National Planning Policy Framework.

6. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of 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 provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof), upon first installation the first floor windows in the side elevations of Plots 1 to 4 and the first floor bathroom window in the rear elevation of Plot 5 shall be:

- a) non-opening up to a height of 1.70m above finished floor level
- b) fitted with 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 interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework

8. 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):

- No extensions shall be carried out to any of the dwellings
- No windows, doors, roof dormers or roof alterations shall be carried out to any of the dwellings
- No outbuildings shall be erected within gardens of any of the dwellings

other than those expressly authorised by this permission, unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. Prior to first occupation of the dwellings, plans and elevation details of the bicycle and bin stores shall be submitted to and approving in writing by the Local Planning Authority. The stores shall be installed prior to first occupation of the dwellings and retained thereafter

Reason: In the interests of servicing the site and bicycle storage, having regard to Policy L4 and L7 of the Trafford Core Strategy, Policy JP-C5 and JP-C7 of Places for Everyone and the provisions of the NPPF.

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

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policy JP-C8 of Places for Everyone and the National Planning Policy Framework.

11. Prior to occupation of each dwelling, the solar panels as shown on the approved elevations shall be installed to each respective dwelling. The solar panels shall be retained in good working order for the lifetime of the development.

Reason: In the interests of sustainability and climate change, having regard to Policy L5 of the Trafford Core Strategy and Policy JP-S1 and JP-S2 of Places for Everyone.

12. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. A minimum of 14no. trees shall be provided on site.
 - (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
 - (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased 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 Policy L7, Policy R2 and Policy R3 of the Trafford Core Strategy, Policy JP-P1, Policy JP-G2 and Policy JP-G7 of Places for Everyone, and the National Planning Policy Framework.

13. No development shall take place until details of existing and finished site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. No development shall take place until details including the location and type of 6no. bat boxes/bricks and 6no. bird boxes have been submitted to and approved in writing by the Local Planning Authority. The bricks/boxes shall be installed prior to occupation of the dwellings and retained in situ in accordance with the approved details.

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

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

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy, JP-G8 of Places for Everyone and the National Planning Policy Framework.

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

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy, JP-G7 of Places for Everyone and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees

17. 1) Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination on site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.
- iv) a remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.

2) The development hereby permitted shall not be utilised until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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 occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy, Policy JP-S1 of Places for Everyone and the National Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

18. No development shall take place until such time as a detailed surface water drainage scheme based on the hierarchy of drainage has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, having regard to Policy L5 of the Core Strategy and Policy JP-S4 of Places for Everyone.

19. No development shall take place until, a Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority, including details of the proposed measures to manage and mitigate the main environmental effects. The CEMP shall address, but not be limited to the following matters:

- a. Suitable hours of construction and pre-construction activity
- b. the parking of vehicles of site operatives and visitors,
- c. loading and unloading of plant and materials including times of access/egress
- d. storage of plant and materials used in constructing the development
- e. the erection and maintenance of security hoardings
- f. 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
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site)
- h. measures to prevent/minimise disturbance to adjacent dwellings from noise and vibration, including any piling activity
- i. 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
- j. information to be made available for members of the public and contact details for the site manager advertised at the site in case of issues arising.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L4 and L7 of the Trafford Core Strategy.

20. The dwellings hereby approved shall be built to the “accessible and adaptable” standards in Part M4(2) of the Building Regulations.

Reason: To ensure that the development is inclusive and accessible and having regard to Places for Everyone Policy JP-H3 and relevant sections of the NPPF.

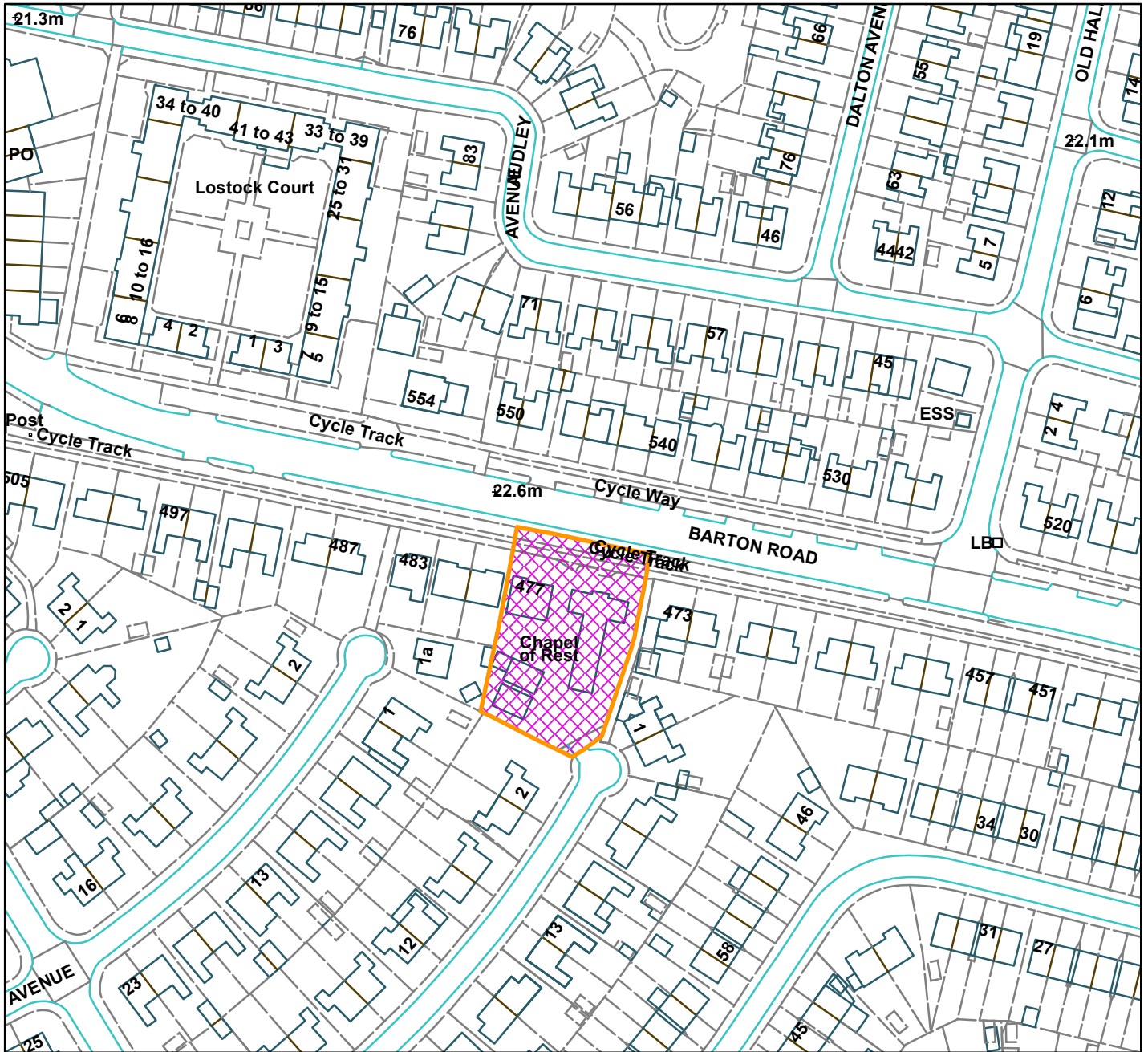
21. The development hereby approved shall not be occupied until a schedule of landscape maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development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

Reason: To ensure that the site is satisfactorily landscaped having regard to its design, location, the nature of the proposed development and having regard to Places for Everyone Policies JP-P1 and JP-G7 and Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

GEN



475 And 477 Barton Road, Stretford, M32 9TA



Scale: 1:1,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 08/08/2024
Date	29/07/2024
MSA Number	AC0000809316 (2022)

WARD: Hale Barns and 113434/VAR/24
Timperley South

DEPARTURE: No

Variation of Condition 4 of planning permission ref. 105905/OUT/21 (allowed on appeal, reference APP/Q4245/W/22/3306715) to allow for changes to the approved plans associated with access.

World of Pets, Thorley Lane, Timperley, Altrincham, WA15 7PJ.

APPLICANT: Miller Homes
AGENT: NJL Consulting

RECOMMENDATION: MINDED TO GRANT SUBJECT TO LEGAL AGREEMENT

The application is reported to the Planning and Development Management Committee as more than six letters of objection have been received contrary to the Officer recommendation.

Executive Summary

The application site comprises approximately 3ha of land contained within the Places for Everyone 'Timperley Wedge' allocation. This site, as part of the allocation, is no longer within the Green Belt. The site, whilst vacant, can be accessed from both Wood Lane and Thorley Lane.

Members should note that outline planning permission (105905/OUT/21 for up to 116no. residential dwellings with all matters reserved aside from access) was allowed at appeal on 22nd February 2023. The Inspectors full decision to grant planning permission on this site is available as an Appendix A to this report.

Consent is sought for amendments to the approved access points from both Wood Lane and Thorley Lane. Access would be retained for the veterinary practice on Wood Lane, and a separate pedestrian/cycle route created into the development which would also provide emergency vehicle access. The Thorley Lane access would be retained for main vehicular access into the site, with the type of junction (either T-junction or a ghost island junction) dependent on the quantum of development that comes forward as part of any reserved matters application.

The proposed changes have been assessed by the Local Highway Authority, who have raised no objections to the amendments.

When the tilted balancing exercise is carried out under paragraph 11(d) of the NPPF, the adverse impacts do not significantly and demonstrably outweigh the benefits the scheme would deliver. The application is therefore recommended for approval, subject to appropriate conditions.

BACKGROUND

This proposed development has significant planning history, which is set out in the Planning History section of this report. Members should especially note that outline planning permission for up to 116no. residential dwellings with all matters reserved aside from access was granted at appeal.

Officers had recommended that the development was refused on grounds of harm to the Green Belt. Members concurred with this recommendation at the 10th March 2022 Planning and Development Management Committee and the application was refused on the aforementioned grounds. However, at appeal the Planning Inspector in their decision outlined that very special circumstances existed, particularly owing to the Council's 'acute and persistent housing supply shortfall, and the delivery of affordable housing in an area of high need. Weight was also given to the reuse of brownfield land, economic benefits and a net gain in biodiversity. It was also noted that, at that time, the emerging PfE policy (JP Allocation 3.2: Timperley Wedge) sought to release the appeal site from the Green Belt for housing. This policy is now adopted and the land has been released from the Green Belt, albeit with the required masterplan for Timperley Wedge (associated with this specific policy) not yet in place.

The Inspector's full decision to grant planning permission on this site is available as an Appendix A to this report.

The scheme before members now seeks only to change the approved accesses (from both Wood Lane and Thorley Lane) associated with this development. This requires a variation to condition 4 of the outline consent – which controls the approved plans - and is therefore submitted under this application.

SITE

The site subject is located on the west side of Thorley Lane Timperley and extends to approximately 3ha in area. Most recently the site has been occupied by three separate businesses, The World of Pets, The World of Water and a car body repair business.

The existing vehicular access to the overall site is from Thorley Lane (east side of the site); a second vehicular access is from Wood Lane to the north side of the site which was used for staff access and deliveries only.

The site is surrounded predominantly to the north and west by residential developments along Wood Lane and Green Lane respectively; garden nursery sites are located to the south of the application site and on the opposite side of Thorley Lane (to the east of the application site). Timperley Brook extends across the southern side of the application site with an earth bund along part of its embankment on the application side of the brook.

The main buildings used by World of Water and World of Pets when in operation were converted horticultural type 'glass houses'. The World of Pets building is located

centrally within the application site and has a hard surfaced external display/storage area enclosed by approximately 2.5m high metal security fencing. The World of Water building is located towards the north side of the site and includes an external display and storage area, which includes feature ponds and hard soft landscaping as part of the display. The World of Water business had two external storage buildings, one small building located immediately to the west side of the main World of Water building and one larger building located to the north-east side of the site. Both World of Pets and World of Water shared a car park, which has a bitumen type surface and is located between both buildings. To the north-west side of the World of Water building is a fenced compound area used for external storage. The site is vacant and the businesses no longer operate from this site.

The existing vehicular access at the northern side of the site onto Wood Lane is also used as a secondary access to a veterinary practice. Immediately to the east side of the Wood Lane access is an undeveloped area of grassed land, which forms part of the application site.

The site was previously located within the green belt, but following the adoption of Places for Everyone (PfE) plan, this is no longer the case. The site forms part of the western aspect of the 'Timperley Wedge' PfE allocation. The southern part of the site is allocated as a Wildlife Corridor within the Revised Unitary Development Plan (RUDP) Proposals Map. In addition to this, the site is located within a Critical Drainage Area as specified within Trafford Council's Strategic Flood Risk Assessment. Reference to the Environment Agency Flood Zone maps would suggest the site is predominantly within Flood Zone 1 (a small section of the site to the south comes within Flood Zone 2) and is located within 8m of a statutory main river, namely Timperley Brook.

Land immediately to the south side of the site and also to the east side (opposite side of Thorley Lane) is designated as Protection of Landscape Character within the Council's RUDP Proposals Map.

PROPOSAL

The proposal seeks planning permission to vary condition 4 of planning application ref. 105905/OUT/21 which granted planning permission for up to 116no. residential dwellings (with all matters reserved aside from access) to allow for change to the approved access.

Amendments sought through this application include the removal of the approved Wood Lane vehicular access into the site. Vehicular access would be retained for the veterinary practice on Wood Lane, and a separate pedestrian/cycle route created into the development. Bollards are proposed across this route at 1.5m intervals to prevent regular vehicular access, albeit these could be lowered to allow emergency vehicle access.

Changes sought to the Thorley Lane access would be dependent on the quantum of development coming forward within the site:

- A ghost island junction (for turning right) from Thorley Lane is proposed for any residential layout comprising 81 or more dwellings (up to the maximum 116no. granted through the outline consent).
- A simple T-junction – as approved by the outline consent - is proposed for any development not exceeding 80 dwellings.

The applicant is seeking an update to condition 4 to reflect the above.

DEVELOPMENT PLAN

For the purposes of this application, the Development Plan in Trafford Comprises:

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

PRINCIPAL RELEVANT PFE POLICIES

JP Allocation 3.2 – Timperley Wedge
 JP-Strat14 – A Sustainable and Integrated Transport Network
 JP-C6 – Walking and Cycling
 JP-C7 – Transport Requirements of New Development
 JP-G6 – Urban Green Spaces
 JP-G7 – Trees and Woodland
 JP-G8 – A Net Enhancement of Biodiversity and Geodiversity
 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-P1 - Sustainable Places
JP-P2 – Heritage
JP-P7 – Sport and Recreation
JP-S1 - Sustainable Development
JP-S2 – Carbon and Energy
JP-S4 – Flood Risk and the Water Environment
JP-S5 - Clean Air
JP-S6 – Resource Efficiency
JP-D1 – Infrastructure Implementation
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
L6 – Waste
L7 – Design
L8 – Planning Obligations
R1 – Historic Environment
R2 – Natural Environment
R3 – Green Infrastructure
R5 – Open Space, Sport and Recreation

Relevant Strategic Objectives

SO1 – Meet Housing Needs
SO5 – Provide a Green Environment
SO6 – Reduce the Need to Travel
SO7 – Secure Sustainable Development
SO8 – Protect the Historic Built Environment

Place Objectives

Altrincham and Neighbouring Communities

PROPOSALS MAP NOTATION

Wildlife Corridor

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None.

SUPPLEMENTARY PLANNING DOCUMENTS

PG1 – New Residential Development
PG30 – Landscape Strategy
Revised SPD1 – Planning Obligations
SPD3 – Parking Standards and Design
Trafford Community Infrastructure Levy: Charging Schedule (July 2014)
Draft Trafford Design Code

OTHER RELEVANT DOCUMENTS

Manchester City, Salford City, and Trafford Councils Level 2 Hybrid Strategic Flood Risk Assessment (SFRA).

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The DLUHC published the revised National Planning Policy Framework (NPPF) on 20th 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, which replaced a number of practice guidance documents and was updated on 14th February 2024. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

This document was published by the Government in October 2019 and forms part of the Government's collection of national planning practice guidance.

RELEVANT PLANNING HISTORY

113652/CND/24 - Application for approval of details reserved by conditions of grant of planning permission 105905/FUL/21 (Appeal reference: APP/Q4245/W/22/3306715). Condition number: 6 (Detailed Masterplan and Design Code). *Pending Consideration*.

105905/OUT/21 - Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought. *Allowed on Appeal 22.02.23*.

106043/EIASCR/21 - Request for a screening opinion in respect of outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought. *Not EIA Development 30.11.21*.

77607/CLEUD/2011 – Application for Certificate of Lawfulness for existing use of the site for retail sales (Use Class A1). *Approved 22.12.11*.

APPLICANT'S SUBMISSION

Cover Letter;
Highways Technical Note;
Road Safety Audit – Stage 1

CONSULTATIONS

Local Highway Authority (LHA) – No objection subject to condition regarding the proposed access from Thorley Lane (standard T-junction for up to 80 dwellings, and ghost island junction for more than 80 dwellings).

REPRESENTATIONS

16 Letters of objection have been received from 15 surrounding properties, summarised as follows:

- The proposal sets a precedent for building on green belt land, which should not be built on;
- Additional vehicle movements would increase traffic and adversely impact highway safety;
- Noise and pollution impact including upon air quality;
- Detrimental impact upon local wildlife;
- The development is out of keeping with the surrounding area;
- Access to Wood Lane should be pedestrian / cycle only;
- Emergency Access will be abused;
- Queries about what 'delivery' access means;
- Important that this access is conditioned to be used solely as is proposed;
- Where will builders park;
- Wood lane not suitable for this development;
- Schools and Doctors (surgeries) are oversubscribed;
- Site should be a nature reserve;
- Loss of trees;
- Increased flood risk;
- Brownfield first approach should be adopted;
- The application was allowed at appeal, and changes should not be accepted now.

Officer response: The majority of these objection relates to the principle of the development which has been established through the grant of permission which allowed at appeal. This application only seek approval for a change to the access points into the application site and all that can be considered within this application are the implications to the changes to the access.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. A Section 73 application grants a new planning permission in its own right. In terms of decision taking, regard should be had to any changes on site or in the surrounding area and any changes to planning policy that may have occurred in the interim.
2. In the period since planning permission was originally granted (February 2023), it is considered that there have been some material changes in planning policy terms, albeit there have been no significant changes to the site or the surrounding area.
3. In terms of Planning Policy, the Places for Everyone joint development plan has now been adopted as of March 2024 and a revised National Planning Policy Framework has been published (December 2023). In accordance with Paragraph 76 of the NPPF, and for the first five years of the plan's adoption, Trafford is 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.
4. However, the Housing Delivery Test (HDT) presumption still applies. Paragraph 79 of the NPPF states that where the HDT falls under 75% then the presumption in favour of sustainable development 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. The tilted balance is therefore triggered by the HDT. Members can note that the tilted balance was applied to the original Outline consent albeit, owing to the Council's housing land supply position at that time.
5. 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. Although the tilted balance in the NPPF is a primary material consideration, the development plan remains the starting point for decision making.
6. As a result of PfE's adoption, the site has been removed from the Green Belt under PfE allocation JP Allocation 3.2: Timperley Wedge. The development still cannot be said to be in accordance with the allocation policy owing to the lack of a Timperley Wedge Masterplan which any proposal must be in accordance with. Work is underway to develop a masterplan and this is expected to be complete within the next 12 months.
7. The main planning issues considered under the original application were:
 - Principle of Development;
 - Green Belt
 - Housing
 - Design
 - Residential Amenity
 - Access, Highways and Car Parking

- Trees, Landscaping and Open Space
 - Ecology
 - Sustainability and Energy Efficiency
 - Drainage / Flood Risk
 - Education and Health
 - Equalities
8. No further information has been submitted in support of the planning application save for the submission of revised access drawings (and associated road safety audit and technical note). Information submitted, and accepted, in support of planning application ref. 105905/OUT/21 remains relevant to the determination of this application.
 9. Representations have been received raising concerns with respect to the impact of this development in Green Belt, sustainability, flood risk and ecological terms. However, there is no requirement to revisit these issues, or any other issues through the determination of this application other than where they are affected by the proposed variation. The main change proposed is the closure of the Wood Lane Access (aside from for pedestrian/cycle and emergency vehicle access), and alterations to the Thorley Lane access. This proposed variation should be assessed against the current Development Plan including the relevant PfE policies. For reference, the inspector's decision is included at Appendix A of this report.
 10. Members can note that mandatory BNG applies to new applications as of the date of its February 2024 introduction. However, as this is a variation to an application submitted (and approved) prior to the above date, this formal process does not apply to this proposal.

DESIGN, APPEARANCE AND LANDSCAPING

11. 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'.
12. The National Design Guide was published by the Government in October 2019 and sets out how well designed buildings and places rely on a number of key components and the manner in which they are put together. These include layout, form, scale, appearance, landscape, materials and detailing.
13. Policy JP-P1 of PfE states that development should be distinctive, with a clear identity that, amongst others, conserves and enhances the historic environment, local history and culture, and respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used. Development should be visually stimulating, creating interesting and imaginative

environments which raise the human spirit through the use of green space, public art and quality design. Development should be durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained.

14. 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. The Council is currently undertaking work on its own Design Code as of 2022. 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 September 2024.
15. As part of the Outline consent, the applicant sought approval for access only. All other matters relating to appearance, landscaping, layout and scale are to be determined as part of a future reserved matters application(s). The applicant has committed to delivering a truly high-quality design. On this basis, conditions were attached within the Appeal decision requiring the production of a site specific design code and masterplan. The Inspector noted this commitment to an exemplar design process and afforded modest positive weight to this aspect. So far, the applicant has engaged positively and proactively with the Council in developing a design code, and the latest version can be viewed under application ref. 113652/CND/24 which is pending consideration.
16. The revised access drawings would have some ramifications for the masterplan and eventual design of this site. However, this is considered to be minimal. The final layout of the site has not been determined, and this, alongside any detailed landscaping scheme can be appropriately considered in due course. The changes proposed under this application would not diminish the ability to secure a truly high quality design. On the contrary, the implementation of a pedestrian/cycle only route to Wood Lane could be very positive in design/layout terms. This offers a clear opportunity to prioritise movement of pedestrians/cyclists within this part of the site and allow for more attractive landscaped routes, moving away from a car/highway dominated arrangement.
17. Subject to the same conditions attached to the Inspectors appeal decision, the proposal is considered to comply with Policy JP-P1 of Places for Everyone and the NPPF in relation to design.

HIGHWAYS AND ACCESS

18. Paragraph 109 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Given the more stringent test for the residual cumulative impacts on the road

network set by the NPPF, it is considered that Core Strategy Policy L4 is out of date in this regard but is up to date in terms of car parking for the purposes of decision making. The Council's SPD3: Parking Standards & Design (also detailed within the Core Strategy) are consistent with advice within the NPPF.

19. PfE Policy JP-C8 advocates that safe and convenient access to the site and buildings should be provided for all users. Car parking provision is well integrated and unobtrusive. Secure and covered cycle parking should be provided to meet long-term demand from occupiers and visitors in a convenient location that helps to maximise its use.
20. Access to the development was approved under the outline consent, from both Wood Lane to the north of the site, and Thorley Lane to the west of the site. The access to both lanes comprised simple T-junctions.
21. A ghost island junction for Thorley Lane was considered by the LHA during the outline application, although ultimately this was not justified given that the site would be accessed from both Wood Lane and Thorley Lane, and as the predicted daily trip movements amounted to less than 500 movements per day. This was based up to the maximum quantum of development - 116 dwellings.
22. As part of the detailed design work to create a residential layout, Miller Homes are actively considering a quantum of development on this site of between 75 and 80 homes. In highway terms, this offers an opportunity to reduce the amount of vehicular accesses into the site whilst still providing active travel routes from the site. This forms part of the rationale behind the submission of this Section 73 application.
23. The LHA consider that a reduced quantum of development – up to 80 dwellings – could be accommodated on this site with access only from Thorley Lane and via the approved T-Junction. However, a residential layout comprising more than 80 dwellings (up to a maximum of 116 dwellings) would require a ghost island junction to Thorley Lane owing to the larger number of vehicle movements through this singular access, rather than being split with the Wood Lane access. The applicant has committed to this, and this is reflected on the submitted plans with this application.
24. The access to the veterinary practice on Wood Lane would be retained, albeit the section of this access which extends into the application site would be closed off with the existing brick wall (fronting Wood Lane) extending across to form the boundary with the veterinary practice. A separate 4.0m wide pedestrian/cycle access would be provided from Wood Lane into the application site. This would include two removable bollards (spaced no more than 1.5m apart) to allow access and egress for emergency vehicles. A zebra crossing is shown as proposed to Wood Lane although this is indicative at this stage and a scheme requiring details of offsite highway improvement works (including a zebra crossing on Wood Lane and a

controlled pedestrian crossing at Thorley Lane) is covered under condition 27 of the outline consent.

25. The proposed ghost island junction at the Thorley Lane access would allow traffic waiting to turn right from Thorley Lane to do so without impeding through traffic movement. This junction would include the retention and widening of the cycle lanes, the footways being extended into the site and tactile paving provided to cross the junction. Clear visibility splays are provided from the junction. The LHA have assessed this access in detail and have confirmed its acceptability. This would only apply if 81 or more dwellings were proposed as part of any reserved matters for layout, owing to the greater number of expected vehicle movements.
26. The applicant has submitted a Stage 1 Road Safety Audit, including designer's response. This has been assessed by the LHA who accept its findings. No objections are raised with respect to the safety and suitability of the ghost island junction from Thorley Lane.
27. Condition 4 can be updated to remove reference to the access plans and reference only the site location plan. One additional condition to secure the two access option is proposed as follows:
 - No residential units, approved under any reserved matters application(s), shall be occupied until the access arrangements have been provided, constructed and surfaced in complete accordance with the following approved plans:

Drawing No. 4379-F03 (rev.D) for any layout comprising 80 dwellings or less, or;
Drawing No. 4379-F01 (rev.O) for any layout comprising 81 dwellings or more.
28. Subject to this condition, it is considered that the proposal would not have an unacceptable highway safety impact nor would the cumulative impacts upon the road network be severe. Safe and convenient access into the site would be provided up to the maximum quantum of development granted under the outline consent. The proposal would comply with Core Strategy policy L4, PfE policy JP-C8 and the NPPF.
29. An informative can remind the applicant of the requirement to enter into a S.278 agreement with the Local Highway Authority for the detailed technical review of the works within the highway.

SUMMARY AND PLANNING BALANCE

30. Section 38(6) of the Planning and Compulsory Purchase 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

31. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. paragraph 11(d) of the NPPF is engaged due to the Housing Delivery Test . An assessment of the scheme against paragraph 11(d)(i) does not suggest that there is a clear reason for refusal of the application when considering the matters referred to in footnote 7. The application therefore falls to be considered against Paragraph 11(d)(ii): granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
32. The principle of this development has been established under the outline consent which was allowed at appeal. Whilst the site is no longer contained within the Green Belt, and now falls within the Timperley Wedge PfE allocation, there is no need to revisit the principle of residential development on this site through this application. It is noted that this development would conflict with the adopted PfE allocation policy 3.2, as the Timperley Wedge Masterplan is not in place. However, a significant material consideration to this application which must be given very substantial weight is the appeal decision allowing outline consent for up to 116 dwellings on this site. This, as application seeks to vary consent, in relation to the access point a technical matter. The changes to the proposed access would have no significant bearing on the overall benefits or harms of this proposal, and the planning balance remains unchanged from the appeal decision.
33. The appeal decision required the delivery of 45% affordable housing to be delivered on-site, and contributions for education - £297,036.00, and a 10% biodiversity net gain to be delivered either on-site (along the Timperley Brook corridor) or to the extent that an off-site contribution is necessary, a biodiversity offsetting contribution towards the creation of new habitats within the Borough. A legal agreement is therefore required to secure the above, and this forms part of the recommendation to committee.
34. Given that permission granted under section 73 takes effect as a new, independent permission, to carry out the same development as previously permitted subject to new or amended conditions, decision notices for the grant of such permissions are required to set out all the conditions required to be imposed on the new permission, and restate any conditions imposed on the original consent that continue to have effect. A section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission in terms of the time period for implementation.
35. In addition, condition 4 (Approved Plans) would need to be updated to reflect the changes to the approved access plan. An additional condition (condition 5) would be required to secure the two access plans dependent on the quantum of development which comes forward on this site as part of any reserved matters application.

RECOMMENDATION:

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

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - The provision of 45% on-site affordable housing comprising:
 - A tenure mix of 25% affordable or social rented and 75% intermediate tenure;
 - Nomination rights for on-site affordable housing;
 - A financial contribution of £297,036.00 towards education;
 - A 10% biodiversity net gain to be delivered either on-site or off-site.
- (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.

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

Approve subject to conditions:

1. All applications for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of 22nd February 2023.

Reason: To comply with the requirements of Section 92 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 commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Details of the appearance, landscaping, layout, scale, and access (in part relating to internal circulation) (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of development and the development shall be carried out as approved.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the details of the matters referred to in the condition have not been submitted for consideration.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan - Drawing No: L(00)001 Rev.P1.

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

5. No residential units, approved under any reserved matters application(s), shall be occupied until the access arrangements have been provided, constructed and surfaced in complete accordance with the following approved plans:

Drawing No. 4379-F03 (rev.D) for any layout comprising 80 dwellings or less, or; Drawing No. 4379-F01 (rev.O) for any layout comprising 81 dwellings or more.

Reason. To ensure that satisfactory and safe access is created for the proposed development, having regard to the movement of vehicles, cyclists and pedestrians attracted to or generated by the proposed development, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy, Policy JP-C8 of Places for Everyone, and the National Planning Policy Framework.

6. The Reserved Matters submitted in relation to Condition 1 shall be in accordance with Parameter Plan 2 - Key Urban Design Principles - Drawing. No: L(01)111 Rev.P8 in so far as it relates to the location of an enhanced wildlife corridor and landscaping zone adjacent to Timperley Brook.

Reason: To clarify the permission, and to safeguard wildlife, having regard to Policies L7 and R2 of the Trafford Core Strategy, Policies JP-P1 and JP-G8 of Places for Everyone, and the National Planning Policy Framework.

7. Prior to the submission of the first application for Reserved Matters for the first phase of the development hereby permitted, a site wide detailed Masterplan and associated Design Code shall be submitted to and approved in writing by the Local Planning Authority, informed by:

- Part Two of the National Design Guide (October 2019) (The ten characteristics of a well-designed place);

- Any Trafford Design Guide or Code that is adopted at the time; and
- A Design Review Outcome Report following a design review process involving the Local Planning Authority carried out by Places Matter or another appropriate design review panel that has been approved in writing by the Local Planning Authority.

Reason: To ensure the creation of a well-designed, sustainable and beautiful place having regard to policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

8. The first reserved matters application shall include a full version of a Crime Impact Statement (CIS), based on the approved Preliminary CIS (Ref:2016/0760/CIS/03 Version A 08.06.2021). The Statement shall demonstrate how crime has been considered for the development and the surrounding area and how the development hereby permitted has been designed to avoid/reduce the adverse effects of crime and disorder. Thereafter, the development shall come forward in accordance with the approved details and timetable, and retained thereafter.

Reason: In the interest of security and reducing opportunities for crime having regard to Policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

9. Any applications for Reserved Matters shall be accompanied by:

- A Masterplan and Design Code Compliance Statement which demonstrates how that phase of the development has been brought forward in accordance with the approved Masterplan and Design Code pursuant to Condition 6 of this permission; and
- An updated phase-specific Design Review Outcome Report (informed by a design review process involving the Local Planning Authority carried out by Places Matter or another appropriate design review panel agreed in writing by the Local Planning Authority for that specific phase of the development).

Reason: To ensure the creation of a well-designed, sustainable and beautiful place having regard to policy JP-P1 of Places for Everyone, and the National Planning Policy Framework.

10. Applications for reserved matters shall include a Construction Method Statement (CMS). The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;

- The erection and maintenance of security hoardings;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction and measures to prevent noise and vibration to adjacent properties including any piling activity;
- Measures to protect Timperley Brook from spillages, dust and debris;
- A scheme for recycling/disposing of waste resulting from demolition and construction works (including asbestos if uncovered);
- Days and hours of construction activity on site); and
- Contact details of site manager to be advertised at the site in case of issues arising.

Reason: To minimise disturbance and risk to users of the highway, to protect air quality and to minimise nuisance to occupiers of nearby properties, having regard to Policies L4 and L7 of the Trafford Core Strategy, JP-S5 of Places for Everyone, and the National Planning Policy Framework

11. Any reserved matters application(s) which covers the matter of 'scale' shall include details of existing and finished site levels relative to off-site datum points or Ordnance datum points which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policy JP-P1 of Places for Everyone, Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12. Any application(s) for reserved matters which include layout and/or landscaping matters shall be accompanied by a scheme for secure cycle parking storage (including public cycle parking provision) which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The cycle parking shall be provided prior to first occupation and maintained thereafter in accordance with the approved details

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy, Policy JP-C8 of Places for Everyone, and the National Planning Policy Framework.

13. Any application(s) for reserved matters for layout or appearance shall include an updated acoustic assessment which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved report and any mitigation measures if required.

Reason: To secure an acceptable standard of amenity for occupiers of this development, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. Any reserved matters application(s) that include access (internal circulation roads), layout and/or landscaping shall be accompanied by a waste management strategy which should be submitted to and approved in writing by the Local Planning Authority. The waste management strategy will be implemented in accordance with the approved details and thereafter retained.

Reason: In the interest of highway safety and residential amenity and to ensure satisfactory arrangements are in place for the disposal of refuse (including recyclables), having regard to Policies L4 and L7 of the Trafford Core Strategy, Policies JP-P1 and JP-S6 of Places for Everyone, and the National Planning Policy Framework.

15. Any reserved matters applications that include layout and/or landscaping shall be accompanied with details of the location and design of a Local Equipped Area of Play (LEAP) and a timetable for its implementation which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The LEAP shall be implemented in accordance with the approved details and thereafter retained.

Reason: To ensure the provision of adequate open space to meet the needs of the development in accordance with Policy JP-P7 of Places for Everyone, Policy R5 of the Core Strategy and the National Planning Policy Framework.

16. No development hereby permitted shall take place until an updated Flood Risk Assessment (FRA) and detailed drainage plan has been submitted to and approved in writing by the Local Planning Authority. The updated FRA and drainage plan shall detail the proposed Sustainable Urban Drainage Scheme (SuDs), surface water discharge rate, attenuation figures as detailed in the approved FRA (Document Ref: 071662-CUR-00-XX-RP-D-001 Rev.V07) and the potential for infiltration. The FRA and drainage plan shall also include the following mitigation measures:

- Construction shall be as per the provided approved FRA (Document Ref: 071662-CUR-00-XX-RP-D-001 Rev.V07), and no banks shall be raised for this development; and

- The provided easement plan REF-L(01)110 shall be adhered to and a clear 8m easement maintained at all times to allow Environment Agency emergency vehicles to gain access to the watercourse in any event;

The development shall be carried out in accordance with the approved details, which should be implemented prior to the first occupation of any development.

The measure details above shall be retained and maintained thereafter throughout the lifetime of the development.

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

17. No development hereby permitted shall take place, until a SuDs management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The SuDs management and maintenance plan shall include the arrangements for:

- (i) an appropriate public body or statutory undertaker;
- (ii) management and maintenance by a management company; or
- (iii) any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development hereby permitted shall be carried out in accordance with the approved details.

Reason: To secure satisfactory and sustainable drainage of the site having regard to Policy L5 of the Trafford Core Strategy, JP-S4 of Places for Everyone, and the National Planning Policy Framework.

18. No development hereby permitted shall take place until an updated bat survey has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with any mitigation and/or enhancement measures as required by the approved survey.

Reason: In the interests of the preservation of bats, a protected species, having regard to Policy JP-G8 of Places for Everyone, Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

19. No development hereby permitted shall take place, until an updated amphibian survey has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with any migration and/or enhancement measures if required by the approved survey.

Reason: In the interests of the preservation of amphibians, having regard to Policy JP-G8 of Places for Everyone and Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

20. No development hereby permitted shall take place until further precautionary surveys of the site for badgers have been conducted, the results of which, together with a scheme to mitigate the effects of the development on badgers, if recorded on site, shall be submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with approved details and thereafter retained.

Reason: In the interests of the preservation of amphibians, having regard to Policy JP-G8 of Places for Everyone, Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

21. No development hereby permitted shall take place until a comprehensive Ecological Method Statement has been submitted to and approved in writing by the Local Planning Authority containing details of the measures to be taken to avoid and prevent harm to nesting birds, hedgehog, other mammals, and amphibians arising during the course of carrying out the development hereby permitted. The development shall be carried out in accordance with the approved details.

Reason: To safeguard biodiversity and to protect the natural environment, having regard to Policy JP-G8 of Places for Everyone, Policy R2 of the Core Strategy and the National Planning Policy Framework.

22. No development shall take place until a scheme detailing measures to ensure no negative impacts on the ecological status/potential of the Timperley Brook resulting from the disposal of foul water and surface water post-development has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full in accordance with a timetable which has first been approved in writing by the Local Planning Authority.

Reason: To safeguard biodiversity and to protect the natural environment, having regard to Policy JP-G8 of Places for Everyone, Policy R2 of the Core Strategy and the National Planning Policy Framework.

23. No development shall take place until details for maintenance of the vehicular accesses and visibility splays to Thorley Lane and Wood Lane have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In order to safeguard public and highway safety, having regard to Policy JP-C8 of Places for Everyone, Policy L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

24. No development shall take place until a scheme detailing the provision, management and maintenance of two publicly accessible electric vehicle (EV) charging points has been submitted to and approved in writing by the Local Planning Authority. The publicly accessible EV charging points shall be installed prior to first occupation, in accordance with the approved details and thereafter retained.

Reason: In the interests of promoting sustainable travel, having regard to Policies JP-S5 of Places for Everyone, Policies L4 and L5 of the Trafford Core Strategy and guidance in the National Planning Policy Framework.

25. No development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The additional assessment shall investigate the nature and extent of any contamination across the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

- A survey of the extent, scale and nature of contamination;
- An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems;
- Where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site;
- A remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
- A verification plan/report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy and verification report before the first occupation of the development hereby approved.

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 occupiers in accordance with Policy JP-S1 of Places for Everyone, Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- Habitat enhancement and creation proposals along the Timperley Brook corridor;
 - A bird nesting strategy;
 - A strategy to maintain site permeability for small mammals such as hedgehog;
- and

- Details of measures to improve the biodiversity value and creation and enhancement of habitat across the site and details of the long term implementation, maintenance and management body responsible for delivery.

The approved LEMP shall be implemented prior to first occupation and retained thereafter.

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

27. No occupation of the development hereby approved shall take place until such time as a travel plan has been submitted to and approved in writing by the Local Planning Authority. The residential travel plan shall include the following details:

- Marketing and sales information that shall promote sustainable travel and clearly inform prospective residents of the reduced level of car parking, including the potential for future parking restrictions to be imposed along the roads surrounding the site.
- The measures, incentives, targets, and objectives of the TP.
- The timescales for implementation.
- The timescale for the appointment of a TP Co-ordinator (TPC) and when their name and contact details provided to the LPA in addition to a list of their duties and responsibilities.
- A strategy and timescales for long-term monitoring of the TP that shall include residents travel surveys to be completed no less than once every two-years, taken from the date of first occupation of the development.
- TP targets shall be reviewed and monitored against a baseline which will be established within 3-months of 75% occupancy levels.

The approved Travel Plan shall thereafter be implemented for a period of not less than 10 years from the first date of operation.

Reason: To reduce car travel to and from the site in the interests of promoting sustainable modes of travel and in the interests of residential amenity and highway safety, having regard to Policy JP-C8 of Places for Everyone, Policies L4 and L7 of the Trafford Core Strategy and guidance in the National Planning Policy Framework.

28. No occupation of the development hereby approved shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for offsite highway improvements comprising a new controlled pedestrian crossing at Thorley Lane near the roundabout with Wood Lane/Clay Lane and a zebra crossing on Wood Lane. No occupation of the development shall begin until those works have been completed in accordance with the approved scheme of works.

Reason: To ensure the safety of pedestrians and to provide safe and convenient access to the site and surrounding built environment for all users having regard to Policies JP-C6 and JP-C8 of Places for Everyone, Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

29. Prior to the installation of any external lighting, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority, which shall:

- Identify areas/features on site that are potentially sensitive to lighting such as Timperley Brook for bats;
- Show how and where lighting will be installed and through appropriate lighting contour plans demonstrating clearly that a dark corridor along the Timperley Brook will be maintained and any impact on bats is negligible; and
- Specify frequency and duration of use.

Thereafter external lighting shall be installed and retained in accordance with the approved details of the lighting strategy.

Reason: In the interests of amenity and to protect biodiversity, having regard to Policy JP-G8 of Places for Everyone, Policy R2 of the Core Strategy and the National Planning Policy Framework.

30. The rating level (LAeq,T) from any plant and equipment associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises at the quietest time that the equipment would be operating/in use. Noise measurements and assessments should be compliant with BS 4142:2014 "Rating industrial noise affecting mixed residential and industrial areas.

Reason: In the interest of protecting residential amenity and in compliance with Policy L7 of the Core Strategy and the National Planning Policy Framework.

31. The maximum building height for any building within the site shall be two storeys. This being a maximum of 5.5m measured from ground floor Ordnance datum points to the underside of eaves and a maximum ridge height 8.5m from ground floor level datum.

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

RCR

Appendix A – Appeal Decision



Appeal Decision

Inquiry held on 10-13 January 2023

Site visit made on 11 January

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/Q4245/W/22/3306715

World of Pets, Thorley Lane, Timperley WA15 7PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Harlex (RLP Timperley) LLP against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 105905/OUT/21, dated 20 September 2021, was refused by notice dated 10 March 2022.
 - The development proposed is described as 'Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought.'
-

Decision

1. The appeal is allowed, and outline planning permission is granted for up to 116 residential dwellings with all matters reserved aside from access at World of Pets, Thorley Lane, Timperley WA15 7PJ, in accordance with the terms of the application, Ref: 105905/OUT/21, dated 20 September 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access into the site. I have assessed the proposal on this basis. The appellant has submitted parameter plans outlining certain details, but I have treated them as generally being illustrative given the subsequent need for reserved matters to be approved.
3. However, it has been necessary to have regard to some parameters in order to consider the effect of the proposal on the openness of the Green Belt. In particular, the maximum storey heights of the buildings and the position of a landscaping zone adjacent to Timperley Brook. In respect of building heights, the appellant confirmed that I should assess the scheme as proposing either a mix of homes arranged over 2-3 storeys in height or an alternative where the buildings would be no more than 2-storeys in scale. The dimensions have been set out in the draft planning conditions.

Background and Main Issues

4. Policy R4 of the Trafford Local Plan Core Strategy 2012 (CS) states that new development in the Green Belt (GB) will only be permitted where it is for one of the appropriate purposes specified in national guidance, would not prejudice

the primary purposes of the GB or where very special circumstances can be demonstrated in support of the proposal.

5. All parties at the inquiry agreed that the appeal scheme would not be one of the types of development listed in Paragraphs 149 and 150 of the National Planning Policy Framework (the 'Framework'). Thus, the appeal scheme would be inappropriate development within the GB which is, by definition, harmful.
6. The appellant and Council also agree that the submitted planning obligation, in the form of a Unilateral Undertaking, would adequately address the provision of affordable housing and biodiversity net gain and would secure a contribution towards education. I will return to the necessity of these obligations later. Similarly, it is common ground that conditions could be imposed requiring the provision of an onsite play area, publicly accessible electric charging facilities and pedestrian access improvements. Considering the foregoing, the third and fourth main issues listed in my Case Management Conference Summary Note have been addressed and are no longer matters in dispute.
7. Consequently, the remaining main issues in this appeal are:
 - The effect of the proposal on the openness of the Green Belt and its purposes;
 - Whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan and the accessibility of services and facilities; and
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations to establish the very special circumstances necessary to justify the scheme.

Reasons

The effect of the proposal on the openness of the Green Belt

8. The appeal site is not currently free of development because it encompasses a collection of buildings and extensive areas of hardstanding located centrally within the site. About 39% of the appeal site¹ is previously developed 'brownfield' land, although a large part of this is hardstanding that has a limited three-dimensional presence. Nevertheless, given the use and formality of the site it does not have an overtly natural appearance or character despite there being notable areas of greenery, including scrub and lawn.
9. The appeal scheme would involve the construction of up to 116 homes across the appeal site. It is highly unlikely that this quantum of development could be contained within the areas of previously developed land. Thus, new buildings would be constructed on parts of the site that are currently undeveloped. The development of the area of scrub behind the housing in Green Lane would result in a loss of openness, but as this area is already contained by existing buildings there would be only a limited visual perception of urban sprawl.
10. Conversely, the presence of new houses on the area south of the existing glass house would result in some sprawl, as new development would extend beyond what is already there and urbanise a softly landscaped area of the site. In addition, the parameter plans indicate that the existing single storey buildings,

¹ See ID5

including the lightweight glass walled garden centre, would be replaced with buildings arranged over two or even three storeys.

11. That said, the impact could be moderately reduced upon what is proposed if the buildings do not exceed two storeys and some form of generously planted open space is provided along the Timperley Brook as a means of filtering and softening views from the south. The latter is shown on the parameter plans and the option of restricting building heights to two storeys was discussed and agreed at the inquiry. However, even with these design elements there would still be a notable and harmful uplift in the extent and spread of built form within the appeal site when this is considered spatially.
12. The appeal site is reasonably contained visually due to the presence of housing to the west and north. To the east is Thorley Lane, which is an apparently busy throughfare, and further ad hoc development beyond. It is only the southern boundary of the appeal site that adjoins open countryside.
13. From this direction when looking north, the site is softened by a thick belt of landscaping along Timperley Brook. Nevertheless, it is possible, in the winter at least, to see the existing glass house in vantage points that includes the entrance into Footpath 27 from Thorley Lane. As a result, the presence of the proposed dwellings would be apparent, especially as they would be closer to the southern and eastern boundaries than the existing buildings. This further reinforces my finding above that the homes should be two rather than three storeys high as a means of moderating the impact.
14. That said, I share the view of the appellant that the section of Timperley Brook immediately to the south of the appeal site marks the natural edge of Timperley due to the change in character. The land becomes more rural on the southern side of the Brook because of the presence of fields. The new housing would be seen in this context as a redevelopment of an urban fringe site rather than a stark encroachment into the countryside.
15. Nevertheless, the uplift in the extent of development would be very apparent to users of Thorley Lane due to the amount and closer proximity of built form. Some users of Thorley Lane would be travelling on foot and would therefore be of higher sensitivity to change when applying relevant guidance². The existing landscaping along the eastern boundary would do little to dissipate this as it is limited in extent. Additional landscaping would take a long time to mature.
16. As a result, the appeal scheme would be seen from Thorley Lane as a large body of houses with an appreciably greater massing than what currently exists. This would be compounded by the increased activity, which would include lighting, additional movements and the removal of greenery within the appeal site, including several trees. However, the visual impact would only be apparent in a reasonably short section of Thorley Lane in views taken from locations broadly between Viewpoint 1³ (VP1) and Footpath 27. The views closer to VP1 would be experienced in the context of sporadic surrounding development, which would lessen the visual effect.
17. The development would be less prominent at street level from Wood Lane or Green Lane due to the presence of existing intervening buildings. In neither of these locations would it be possible to view the extent of development in the

² Guidelines for Landscape and Visual Impact Assessment Version 3, landscape Institute – ID02

³ Of Mr Folland's visual analysis – See Appendix 1 of his proof.

same way as it would be from Thorley Lane. However, some of the proposed houses would be visible in glimpsed views from Green Lane and it would be possible to see into the site along the Wood Lane access. The residents of Green Lane would also be able to see the new houses, especially from their upper floor windows. These residents would also be receptors of higher sensitivity when applying GLVIA3⁴.

18. In conclusion, when considering the spatial and visual dimensions of openness it is apparent that the appeal scheme would have a much greater and permanent urbanising impact on the openness of the GB than what is currently on site. That said, the spatial and visual containment of the site and presence of existing development would reduce the visual impact. The spatial impact could also be moderated if the buildings are kept to two storeys in height and away from Timperley Brook. Overall, the level of harm to openness would be of significant magnitude. The appeal scheme would therefore be at odds with the fundamental aim of the GB to keep land permanently open.

The effect of the proposal on the purposes of the Green Belt

19. The contribution the appeal site makes to the purposes of the GB formed part of a Greenbelt Assessment⁵ in 2016. In this assessment the appeal site was included within Land Parcel TF44. The study understandably concluded that Parcel TF44 presented moderate evidence of urbanising features and lacks a strong rural character. That said, it was also concluded that, in a general sense, the GB in TF44 assists urban regeneration, plays a strong role in inhibiting sprawl and assists in providing a critical gap between Hale and Timperley. The study provides some context, but the appeal site only encompasses the northern part of TR44. Importantly, the land parcel as a whole includes agricultural fields and other areas of demonstrably more open land such as Grove Park. It is therefore unclear whether the strong contribution of Land Parcel TF44 to some of the purposes of the GB is equally applicable to all parts of TF44. This is unlikely given what I observed.
20. Instead, a subsequent study in 2020⁶ placed the site in land parcel GM46-1. This did not include land south of Timperley Brook but did contain the ad hoc urban fringe development to the east of the appeal site which is of a similar urban fringe character. As a result, the findings of the 2020 study are of more relevance to my assessment. In this respect, the study concluded that land parcel GM46-1 made a relatively limited contribution to checking unrestricted sprawl, preventing towns from merging, and safeguarding the countryside from encroachment. In addition, the land parcel makes limited/no contribution to preserving the setting of historic towns and an equal contribution to assisting in urban regeneration. I share the view that land parcel GM46-1, and by extension the appeal site, makes a limited contribution to each of the purposes of including land in the GB.
21. The overall conclusion of the 2020 study was that releasing GM46-1 from the GB would have a moderate adverse impact on the purposes of including land in the GB and a minor impact on adjacent GB land. It is unclear how the overall moderate score was arrived at given that most of the identified impacts on GB purposes were rated as limited. It may be that the accumulation of limited

⁴ Guidelines for Landscape and Visual Impact Assessment Version 3 – ID02

⁵ By Land Use Consultants Ltd

⁶ Greater Manchester Green Belt Study Stage 2 2020

harm could justify a moderate overall score. Nevertheless, the conclusion in respect of GM46-1 applied to the release of the entire land parcel from the GB. Therefore, the release of the appeal site in isolation, as a notably smaller component of GM46-1, would have a lower impact on the purposes of including land in the GB. Thus, the harm from releasing the appeal site from the GB would be less than moderate when applying the findings from the 2020 study.

22. That said, the appeal scheme proposes a large body of houses that would be apparent in local views and sprawl into currently undeveloped parts of the site, especially that south of the existing glasshouse. There would be a clear perception that the extent of urban sprawl at the site had increased beyond what is currently there. Accordingly, the appeal scheme would have an adverse impact on the purpose of checking unrestricted sprawl. Nevertheless, the sprawl would be occurring on a parcel of land that makes a limited/neutral contribution to the purposes of the GB. This limits the impact.
23. The impact would also be moderated because the aim of checking unrestricted sprawl has already been undermined to an extent by the encroachment of existing development into the GB. It is not as if the appeal site is an undeveloped rural field. Furthermore, the appeal site is well contained by adjacent housing, a main road and Timperley Brook. Indeed, the appeal site does not really read as part of the countryside given the extent of existing development in and around it and the formality of the lawned area to the east of the existing glasshouse which is flanked by a low wall. Thus, the impact on safeguarding the countryside from encroachment would be limited.
24. The proposal would erode the gap between Hale and Timperley. The settlements would not physically merge but the space between them would decrease. Nevertheless, the extent of development would terminate at a logical and defensible southern boundary. This is because in many respects the appeal site when viewed on the ground is seen as part of the settlement of Timperley. This is especially so when considering the extent of development to the west of the appeal site, which although outside the GB, is also limited by Timperley Brook. The land south of Timperley Brook also has a rural and open appearance more typical of the Wooded Claylands landscape character type, albeit interrupted by a pocket of development around Altrincham College. As a result, the merging impact would be limited.
25. In conclusion, the appeal scheme would cumulatively have a moderate adverse impact on the purposes of including land in the Green Belt. In this respect, the proposal does not gain support from Policy R4 of the CS, which states that new development will be permitted in the GB where the proposal would not prejudice the primary purposes of the GB as set out in national guidance.

Spatial strategy

26. To direct and distribute new housing to sustainable locations, Policy L1 of the CS states that significant new development is to be directed to the strategic sites listed in Table L1. It goes on to set a target of 80% of new housing being on previously developed land and directed in accordance with a sequential approach. When following this sequential approach, the preferred location is housing on land within the Regional Centre and Inner Areas, then locations which would significantly assist regeneration and finally land that can be shown to benefit the plan's wider objectives.

27. The appeal site is not located within any of the strategic locations listed in Table L1 and is not one of the sequentially preferable locations. Developing the GB would not benefit the plan's wider objectives. Thus, the appeal scheme would broadly be at odds with the spatial strategy.
28. However, the strategy in Policy L1 is based on a housing requirement derived from a now defunct Regional Spatial Strategy. This housing requirement is out of date by some way when compared to the current Local Housing Need figure. In fact, it's about half of current requirements. As a result, it's unlikely the spatial strategy identifies enough housing land. Moreover, the spatial strategy has an apparent over reliance on large strategic sites which have not delivered as hoped. There are no contingency sites to address this, and the development plan has not been subject to a review. When giving his evidence, Mr McGowen accepted that given these matters the spatial strategy would probably need to take a different approach if prepared now.
29. Thus, I share the view of the appellant that Policy L1 is out of date and should only be afforded limited weight. This is despite it being a carefully considered statement of policy intended to give consistency and direction. As a result, any conflict with the spatial strategy is likewise a matter of limited weight.

The accessibility of services and facilities

30. Paragraph 129 of the Framework states that the National Design Guide (NDG) and National Model Design Code (NMDC) should be used to guide decisions on applications in the absence of locally produced design guides and codes. The Council is preparing a design guide⁷, but the process is not complete. As a result, I have been guided by the NDG and NMDC.
31. The NMDC states that walking and cycling should be the first choice for short journeys of five miles or less. This is because travel by such modes can contribute towards well-being and place making. However, this is not an indication that five miles is an acceptable walking distance. That figure relates to cycling. Instead, the NDG defines walkable developments as locations where local facilities are within walking distance, generally considered to be no more than a ten-minute walk (800m radius).
32. Within approximately 800m of the appeal site there are four bus stops, a primary school, a veterinarian surgery, a secondary school, Grove Park, two neighbourhood shopping parades, a garden centre and other facilities including a church and nursery school. As a result, there is a reasonable array of services and facilities within a walkable radius.
33. Although not referred to in national planning policy, the appellant has also cited guidance prepared by the Chartered Institution for Highways and Transportation (CIHT)⁸. This suggests that a preferred maximum walking distance to local services is 1,200m. This exceeds the NDG definition of 'walkable', but it nevertheless demonstrates that the walking distance to Timperley village centre of around 1,200m (15 minutes) would not be excessive. The appeal scheme includes a pedestrian crossing at Wood Lane. This would make it easier for pedestrians to walk into the centre of Timperley. As a result, the route would be safe and convenient. Moreover, when applying

⁷ CD-D11

⁸ Providing Journeys on Foot

- a lower 1,000m distance than a Tesco Express, allotments, public house and sports club are also accessible by walking.
34. The CIHT guidance also suggests that residents may be prepared to walk up to 2,000m if commuting to work. This is logical as people may be willing to walk further if they intend to spend longer at the destination. Within a 2,000m radius of the appeal site there are several employment opportunities.
 35. Paragraph 105 of the Framework states that significant development, such as that proposed, should offer a genuine choice of transport modes. The NMDC indicates that a genuine choice is one that is easy, comfortable and attractive. In this regard there would be an adequate collection of services and facilities within 800m. In addition, there would be further facilities available between within 1,200m, including a village centre. These distances are not excessive, and the routes are generally flat, along pavements and safe. Vehicle noise may suppress the attractiveness of some sections of the routes, but not to a significant extent. Thus, walking would be a genuine choice of transport mode for future residents of the appeal scheme.
 36. As already stated, the NMDC seeks to promote cycling as a mode of transport for journeys under five miles. Accordingly, a large urban area becomes potentially accessible from the appeal site by bicycle when applying this distance. Many of the roads in the vicinity of the appeal site are residential in nature and thus not unwelcoming to navigate by such a mode of transport. Wood Lane is traffic calmed, thereby providing reasonable access to Moss Lane and then onwards to the Bridgewater Canal Cycleway.
 37. Furthermore, Shaftsbury Avenue has traffic free cycle lanes and Thorley Lane has an unsegregated cycle lane. This infrastructure would assist cyclists. Some of it is poorly maintained but that should not count against the appeal scheme given the statutory duties placed on the Local Highway Authority to maintain the public highway. Ridgeway Road is also traffic calmed and provides an apparently lightly trafficked route to a dedicated cycle way, which in turn provides access to major employment opportunities at Wythenshawe Hospital and the surrounding industrial estate.
 38. Consequently, there would be genuine opportunities for residents to travel by bicycle. However, this would be tempered by the inherent limitation that residents may not have the fitness, confidence or proficiency to cycle regularly if at all. Many potential cyclists could also be put off by the volume and speed of traffic on some local roads. For example, Thorley Lane has a 40mph speed limit. The low up take of cycling is demonstrated by 2011 Census data for the area, which confirms that only 3% of residents travel to work by bicycle. Furthermore, some residents may simply not have a bicycle and the draft Travel Plan proposes little to address this.
 39. Guidance from CIHT⁹ indicates that new development should be within a maximum 300m walk of a less frequent bus route. The bus stops in Wood Lane are about 50-100m from the site access and therefore fall within this recommended distance. The No 285/286 service provides a link with Timperley and Altrincham. Buses are hourly but operate throughout the week and into the weekend during most of the day.

⁹ Buses in Urban Development

40. Residents would need to plan their bus journeys so that they were not waiting at the bus stop for up to an hour. However, this would not be a significant drawback given the short walk to the bus stops. As a result, it would be easy, comfortable and attractive to catch a bus to several local centres and facilities.
41. In addition, it would be possible to walk around 750m north of the appeal site and catch the No 11 bus service. This has a twenty-minute frequency and provides a link to other centres including Stockport and Cheadle. However, the walk would exceed the CHIT guidance that a high frequency bus service should be within 400m of a development. Nevertheless, the combined provision of the No 285/286 and No 11 services means the appeal site is adequately served by public transport.
42. The Navigation Road rail station is about 2,200m from the appeal site and therefore not within CHIT¹⁰ guidance of an 800m walk. It would be possible to combine a rail journey with walking and bus travel, but this would be quite convoluted. As a result, rail travel is unlikely to be a regular genuine option for many. That said, it would be possible to get into Manchester City Centre from the appeal site within one hour when combining bus and rail travel. This could be an infrequent travel option for future residents of the appeal site.
43. When applying the Greater Manchester Accessibility Levels (GMAL), the appeal site falls within Levels 2 and 3, which is towards the lower end. It is however near a higher GMAL level¹¹ given the provision of bus stops in Wood Lane, which are within a short walk of the appeal site. Even if this was not the case, Paragraph 112 of the Framework establishes a hierarchy that places active travel – walking and cycling – at the top. Access to public transport is to be facilitated ‘as far as possible’. This is entirely logical as independent active travel provides both resilience and health benefits.
44. Accordingly, GMAL should not be relied upon in isolation as a means of assessing the accessibility of services and facilities from the appeal site. This is because in this case, there would be reasonable access to several facilities by walking, cycling and bus. Therefore, the position of the site in an area rated as GMAL Levels 2 and 3 is not a determinative matter against the appeal scheme. Indeed, neither the Local Highway Authority nor Transport for Greater Manchester objected on this basis, although there was an indication that the site is not particularly well served by public transport. This is not however, sufficient grounds to dismiss the appeal given the analysis above.
45. The appeal site is allocated for housing in emerging Policy JPA 3.2 of the Places for Everyone Joint Local Plan. If adopted, this Timperley Wedge allocation would provide for new transport infrastructure such as a rapid transit bus service and an extended Metrolink Line. A new local centre would also be constructed. However, for the reasons already set out, the appeal site is reasonably well placed to allow future residents to access services and facilities by sustainable transport regardless of whether the Timperley Wedge allocation comes forward or not. Furthermore, the appeal site would be closer to existing services in Timperley than the new local centre. As a result, the appeal site does not need to come forward as part of the allocation for future residents to have adequate access to services and facilities by sustainable transport modes.

¹⁰ Planning for Public Transport in Developments

¹¹ See Figure 7.3 of Mr Tilley’s proof

46. Based on current trends, around 73% of journeys by new residents would likely be by private car. The appellant's draft Travel Plan (TP) is not especially ambitious and currently only includes 'soft' measures aimed at encouraging sustainable travel, such as information and signage. However, the Council has suggested a condition, agreed by the appellant, that would require the measures, incentives, targets, and objectives of the TP to be submitted and approved. This provides scope to set meaningful targets and include robust measures to achieve them.
47. In conclusion, it would be an exaggeration to suggest the appeal site is in a highly sustainable location, as advocated by Mr Harper. However, when judged holistically the appeal scheme would be in a suitable location when considering access to services and facilities. This is because future residents would have a genuine choice of transport modes. As a result, there would be no conflict with Policy L4 or Strategic Objective SO6 of the CS, which seek to promote sustainable travel.

Other considerations

Contribution to housing land supply

48. Paragraph 60 of the Framework sets out the objective of significantly boosting the supply of housing with Paragraph 74 setting out a requirement that local planning authorities provide a minimum five-year housing land supply. The appellant and Council suggest the housing land supply position is between 2.82 and 3.47 years. On either measure, the parties agreed that the shortfall is substantial. Indeed, the short-term picture is a worsening one, as on the Council's own figures the supply has fallen from 3.75 years in March 2022.
49. This situation is aggravated by the long-standing nature of the shortfall with the Council having been unable to demonstrate a five-year housing land supply since 2014. For most of this period the supply has hovered around or below 3 years with 2.4 years being the low point in 2020. Furthermore, the most recent Housing Delivery Test (HDT) measure was 79% of the relevant housing requirement. The sanction is that the Council must apply a 20% buffer to its housing requirement and prepare a Housing Delivery Test Action Plan. Mrs Wright suggests that this situation has been caused, in part, by an increased housing requirement and the slow delivery of strategic sites. The shortfall in housing delivery is therefore acute and has been a persistent problem.
50. That said, when looking forward the Council is seeking to improve the supply by taking proactive action that includes joint ventures and monitoring of stalled developments through a housing tracker. These actions may well have contributed to an uplift in the HDT measure, which was 58% in 2019. In addition, the Council are approving more permissions than the housing requirement, is working on a new development plan, has a reservoir of existing urban land¹² and has adopted the Civic Quarter Area Action Plan. Thus, an Inspector¹³ recently commented that the Council appears to be doing all it can to address the shortfall. There are also the site allocations in the emerging Places for Everyone Joint Local Plan (Pfe) to consider, but for reasons I will go into this document currently carries only limited weight.

¹² Table 5.2 of Mrs Wright's proof

¹³ APP/Q4245/W/20/3258552

51. In an attempt to illustrate the improving situation, Mrs Wright provided Table 6.1 in her evidence which purports to demonstrate that in the next 12-24 months the housing land supply could reach 5.34 years. However, substantive evidence demonstrating deliverability has not been provided and is not in the public domain. Therefore, it would be unwise to rely on Table 6.1 as evidence that the Council would achieve a five-year supply soon. Nor should I rely on the reduced housing requirement set out in PfE as a route for the Council being able to demonstrate a five-year supply in a year or two, because there are unresolved objections that will need to be explored through the examination.
52. Therefore, I share the view of the Council that the overall situation is improving despite the recent dip in the housing supply to 3.47 years. However, I also share the view of a previous Inspector¹⁴ that there are too many unknowns and consequently caution needs to be exercised in respect of future supply. What is clearer is that there is currently a substantial shortfall.
53. In this context, the evidence from Mr Nicolson, which was not challenged by the Council, is illuminating. He explained that the appellant's aim is to move into a tender process as soon as possible with a view to disposing of the site to a housebuilder. Given the financial arrangements and the debt interest, there would be no logical rationale for holding onto the site to speculate on land values rising, which the Council suggested had suppressed delivery elsewhere in Trafford. The indicative timeframe could see the site marketed and sold in a matter of months with reserved matters to follow promptly and completions achieved in late 2024.
54. Although perhaps a little optimistic, the timeframe is not unrealistic given the low supply and high demand for residential development land¹⁵. Furthermore, there is nothing of substance before me to suggest there would be any unusual challenges in bringing the appeal site forward promptly. The timeframes could also coincide neatly with the completion of outstanding wildlife surveys in the spring/summer. At the Inquiry Mr Swannell referred to a covenant prohibiting development, but the point was not substantiated and neither the appellant nor the Council were aware of this despite checking. Accordingly, the evidence before me suggests that the appeal scheme could be delivered in good time. In fact, clear evidence of the deliverability of housing on site within five years could be demonstrated reasonably soon after outline permission is granted. The appeal scheme would therefore provide a very valuable contribution to the five-year housing land supply.
55. In coming to this view, I have carefully considered the appeal decisions¹⁶ referred to by the appellant where the Inspectors gave little weight to the Written Ministerial Statement of December 2015 (WMS). This WMS indicated that unmet housing need is unlikely to clearly outweigh harm to the GB, and any other harm, so as to establish very special circumstances. Limited weight was afforded to this because the provisions in the WMS were not incorporated into the revised Framework and the associated guidance was removed from the Planning Practice Guide. Circumstances have not changed and therefore I concur with the views of the other Inspectors.

¹⁴ APP/Q4245/W/20/3258552

¹⁵ See CBRE letter dated 6 December 2022 – Appendix 15 of Mr Harper's proof

¹⁶ APP/C2741/W/19/3227359 and linked appeals APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926

56. In summary, the Council have an acute housing supply shortfall, and this has been a persistent problem. Matters are improving, but the unknowns are such that caution should be applied and therefore I must factor in the real possibility that the Council may not be able to demonstrate a five-year housing land supply soon. In this context, the reasonably quick delivery of up to 116 homes would be a benefit. Given Mrs Wright's evidence the benefit would not be of substantial weight, but it would nevertheless be very significant given the acute and long-standing housing supply shortfall.

Provision of affordable housing

57. The appeal scheme would provide 45% of the homes as affordable housing, this could equate to 52 homes. This would be a policy compliant level of affordable housing but a benefit nevertheless. Mr Harper's evidence, which is uncontested by the Council, explains that the Trafford Housing Needs Assessment 2019 demonstrates that there is a net need for 545 affordable homes per annum in Trafford. Of this, 114 homes per annum are needed in the Altrincham area, which is the location in which the appeal site falls. This is important because the median house price in the Altrincham area is much higher than in Greater Manchester, meaning the affordable housing situation is more acute.

58. This is a point compounded by the apparent shortage of development sites in the Altrincham area, with only two identified sites being capable of delivering more than 50 homes. Moreover, an analysis of sites in the 2020 Strategic Housing Land Availability Assessment in the Altrincham area suggests that even if every identified site came forward and provided a policy compliant level of affordable housing, only 246 affordable homes would be delivered. This would only be enough to cover the annual affordable housing need for the next couple of years. In any event, it is not uncommon for major housing schemes to provide less than a policy compliant level of affordable housing. Some locally approved levels have been as low as around 16%.

59. The appeal scheme would deliver a policy compliant level of affordable housing and could do so reasonably quickly given that there is already interest from registered providers. This would amount to around half of the annual affordable housing need for the Altrincham area. Given the context set out above, the delivery of up to 52 affordable homes would be a significant benefit.

Use of previously developed land

60. Around 39% of the appeal site is previously developed land. Paragraph 120 of the Framework states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. There is nothing before me to suggest the appeal site is located outside any defined settlement boundary. Moreover, for the reasons already set out, the appeal site reads on the ground as being part of Timperley, albeit a transitional urban fringe site.

61. However, much of the brownfield land within the site is simply hardstanding and the site's location in the GB means it is not 'suitable' brownfield land within the meaning of Paragraph 120, especially as the scheme would have a greater impact on openness. Thus, the reuse of brownfield land would not carry substantial positive weight in this instance. Nevertheless, there is strong support for the reuse of previously developed land in both national and local policy. In this context, the reuse of a sizeable area of under-utilised and

unattractive previously developed land for housing still carries significant weight as a benefit in favour of the proposal.

Other benefits

62. There would be some short-term benefits to the construction industry from building the scheme. The Home Builders Federation Online Housing Calculator estimates that the proposal could lead to 359 jobs being created including direct and indirect employment¹⁷. Further economic benefits from local spend could be as high as £3,055,347 per annum¹⁸. The Council has not sought to challenge these figures. Accordingly, the economic benefits are of significant weight in favour of the scheme.
63. The submitted biodiversity assessment¹⁹ demonstrates that even with the planting of new hedgerows and trees within the site, retaining some boundary bramble scrub and enhancing the onsite pond, the biodiversity value of the site would fall by around half²⁰. This needs to be considered in the context that there is already limited land available for nature in Trafford. As a result, the appellant intends to provide off-site enhancement measures on land in the control of the Council. This would facilitate a 10% net gain in biodiversity. That said, the site has a baseline unit score of 10.15. Therefore, a 10% gain would only add around one unit²¹. This would be a modest increase in biodiversity. However, given the pressing need to improve biodiversity, this benefit should still carry limited weight as benefit.
64. The proposal would also provide a Sustainable Drainage System that would help to reduce the risk of flooding downstream as run off would be controlled to an appropriate rate. However, the extent to which this is a benefit has not been set out in detail in the appellant's submission. As a result, this is a matter of modest weight in favour of the scheme.
65. The appeal scheme would also provide a public open space along the Timperley Brook. However, if provided in accordance with the outline masterplan then it would be a small space with little natural surveillance. In such circumstances, its unlikely to be a destination for existing residents. Likewise, the play area towards the centre of the site would also be small and would principally serve the future residents of the appeal scheme. As a result, the open space provision would be a limited benefit. It is also unclear whether residents from outside the appeal scheme would wish to charge their electric vehicles on site and therefore this would be a modest benefit.
66. The Statement of Common Ground suggests the appeal scheme could incorporate a truly high-quality design. However, the scheme is submitted in outline, so details are not before me. Moreover, the outline masterplan has some drawbacks that would require revisions. For example, some public areas, including the public open space along Timperley Brook, would have limited natural surveillance. Some of the houses would be too close to the Thorley Lane, as confirmed in the noise assessment, and the perimeter blocks are loosely configured in areas, which would result in discordantly disjointed building lines and street scenes. Nevertheless, these issues could be

¹⁷ Socio-Economic Statement – Appendix 16 of Mr Harper's proof

¹⁸ Ibid

¹⁹ CD-A08

²⁰ From 10.15 units to 5.84

²¹ By way of comparison, the existing pond, which is in moderate condition, is worth 0.89 units

addressed, and the appellant has committed to a design review and the production of a design code. This would be an exemplar design approach that could act as a template to be followed elsewhere.

67. At around 38 dwellings per hectare the density of the scheme would be higher than surrounding development. A balance must be struck between using land efficiently and having regard to the existing local character. In this respect, an imaginative and responsive layout softened by high levels of quality landscaping could be developed.
68. Overall, delivering high quality design is an expectation placed on all development proposals and would therefore ordinarily be a neutral matter. The Framework states that significant weight should be attached to outstanding or innovative designs which promote high levels of sustainability. However, this has not been established given the outline nature of the proposal. Nevertheless, the commitment to follow an exemplar design process means that some modest positive weight can be afforded given the importance placed on this matter in the Framework.

Emerging policy

69. The appeal site is allocated for housing in the emerging PfE. This draft allocation is supported by a masterplan²² that places the appeal site in 'Site 1 Phase 1'. The emerging allocation is supported by the Council, which is of the view that some GB release is required to meet the current housing requirement. As a result, the emerging policy sets a direction of travel that would see the appeal site removed from the GB and allocated for housing.
70. That said, the appeal scheme is at odds with emerging Policy JPA 3.2 because it would not make a proportionate contribution towards infrastructure delivery. However, there is no charging schedule in place to support the equalisation mechanism and therefore the appellant cannot contribute even if they wished to. In any event, there is no evidence before me to demonstrate that bringing the appeal scheme forward without a contribution to infrastructure would prejudice the viability or delivery of the allocation or the plan more generally. To this end the Council did not run a prematurity case. In fact, the masterplan expressly acknowledges that Phase 1 can come forward ahead of the provision of wider infrastructure. Nor is there anything before me to suggest other landowners would seek to 'jump the gun' in the event the appeal scheme is permitted, and therefore an undesirable precedent would not be set.
71. Accordingly, the emerging policy position is such that, overall, it adds positive weight towards the acceptability of the scheme, despite the policy conflict. However, there are several unresolved objections to PfE, including the principle of releasing GB land for housing. The objections go to the heart of Policy JPA 3.2 and perhaps the plan more generally. Thus, when applying Paragraph 48 of the Framework, PfE should only be afforded limited weight despite its advanced stage of preparation and apparent consistency with the Framework.

Fallback position

72. The appellant submits that the appeal site could be developed for a smaller number of houses and in a way that would not amount to inappropriate development when applying Paragraph 149(g) of the Framework. It is also

²² CD-E4

suggested that the existing commercial use could be more intensively pursued. However, planning permission has not been granted for such schemes. As a result, the proposition is currently theoretical. Moreover, the Council correctly suggest that the first scenario would be an underdevelopment of the appeal site and would be unlikely to be granted planning permission because of this. For these reasons, the potential fallback position is only a very modest matter that weighs in favour of the appeal scheme.

Other Matters

73. The Council's reason for refusal refers to Policy C4 of the Trafford Unitary Development Plan (UDP). However, when asked at the Inquiry, the Council's witnesses explained that this policy simply refers to the extent of GB and lists the primary purposes for this designation. The policy sets no development management test that the proposal could offend. As a result, there would be no conflict with Policy C4 of the UDP.
74. The outline masterplan indicates that some houses could be positioned in the defined wildlife corridor²³. Indeed, it is unlikely that a scheme could come forward without this occurring. However, I have already explained that the scheme would provide a 10% net gain in biodiversity with offsite mitigation. I have not been directed to any policy requirement that the net gain must be on site. As a result, there would be an overall benefit to wildlife.
75. Revisions to the Framework are currently the subject of public consultation. However, the suggested revisions are in draft and therefore subject to significant amendments. Thus, I share the view of the Council and appellant that I need not consider the changes as part of my assessment.
76. The Council has referred to a dismissed appeal in Beaconsfield²⁴ which also related to housing in the GB. There are some parallels with the scheme before me. However, the site is in a different local authority area where distinct circumstances apply. Moreover, the Inspector found an acute effect on the openness of the GB, which is not the case here. There was also other harm to factor in, such as a poor design and a failure to preserve designated heritage assets. Accordingly, the schemes are not alike and therefore my overall conclusion would not amount to inconsistent decision making. A similar finding applies to the Warburton Lane appeal²⁵, where no affordable housing was proposed and therefore the balance of harm and benefits was different.
77. The appeal scheme is supported by a comprehensive and carefully considered Transport Assessment (TA)²⁶ prepared by professional highway engineers. It has been critically reviewed by the Local Highway Authority and Transport for Greater Manchester and no objections were received.
78. The TA demonstrates that the two proposed accesses would be safe and suitable with adequate visibility splays being provided. In fact, the proposed accesses have been subject to a successful road safety audit. The analysis of trip rates, flows, growth and assignment also confirms that there would be capacity within the road network, and at specific junctions, to cater for the traffic associated with the appeal scheme without a severe impact. Substantive

²³ A plan of which is at Figure 1 of Mr Folland's proof

²⁴ ID01

²⁵ APP/Q4245/W/19/3243720

²⁶ CDA22

evidence to the contrary has not been submitted. Accordingly, I am satisfied there are no grounds to dismiss the scheme on matters relating to transport, congestion or highway safety. Parking would be addressed at the reserved matters stage, but there is nothing of substance to demonstrate the proposal would not be able to provide an adequate amount.

79. The evidence before me does not demonstrate that the appeal scheme would place harmful pressure on healthcare infrastructure. In any event, the proposal would make a sizable contribution through the Community Infrastructure Levy, and this could be used to mitigate any residual impacts.
80. During the Inquiry I heard evidence from Mr Williams that the construction of three storey dwellings would be out of character with the surrounding area and therefore appear odd. Two storey buildings are the predominant building typology in the locality. Taller buildings on the edge of the settlement would indeed appear odd and effect the graduation of the settlement into the countryside and GB beyond Timperley Brook. This adds further impetus to my finding that the buildings should not exceed two storeys in height.
81. The appeal site is in a Critical Drainage Area but there is no objection to the proposal from the Lead Local Flood Authority or the Environment Agency subject to the use of a Sustainable Drainage System that manages surface water flows. This is set out in a Flood Risk Assessment and secured through planning conditions. A small part of the site is within Flood Zone 2, but this would be left to remain part of a wildlife corridor and therefore a sequential test in accordance with Paragraph 162 of the Framework is unnecessary.
82. Concerns relating to the impact on the privacy of neighbours can be addressed at the reserved matter stage, as can details of bin collection and mitigating the risk of crime. Similarly, concerns relating to land contamination, external lighting and construction noise can be addressed through the imposition of planning conditions. The Air Quality Assessment submitted with the application and reviewed by the Council demonstrates that the scheme would not harmfully affect air quality. The same can be said of noise, subject to conditions and a carefully considered design and layout.

Whether there would be Very Special Circumstances

83. The appeal scheme would be inappropriate development in the GB. It would also prejudice the primary purposes of including land in the GB. As a result, the only pathway for approval within the context of Policy R4 of the CS is for the appellant to demonstrate very special circumstances. As specified in the Framework, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
84. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in significant and permanent harm to the openness of the Green Belt and moderate harm to GB purposes. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt. In addition, there would be some limited harm from a conflict with the spatial strategy. Overall, the harm is cumulatively of very substantial weight.

85. On the other hand, the appeal scheme would assist in addressing the acute and persistent housing supply shortfall and would deliver affordable housing in an area of high need. The appeal scheme would provide other benefits including the reuse of brownfield land, the accumulation of economic benefits and a net gain in biodiversity. Emerging policy also seeks to release the appeal site from the GB for housing. Overall, the cumulative benefits of the appeal scheme are other considerations of a very high order.
86. Protecting the GB is a matter of great importance to the Government, and I have considered the proposal with this in mind. However, in this instance, the identified harm would be clearly outweighed by the other considerations identified. Accordingly, the very special circumstances necessary to justify the development have been demonstrated and therefore a conflict with Policy R4 of the CS, and Paragraph 148 of the Framework, would not occur.

Planning Obligation and Conditions

87. The appeal scheme is supported by a completed planning obligation in the form of a Unilateral Undertaking. This has been reviewed by the Council, which has not raised concerns with its execution or content, save for one obligation relating to a financial contribution towards a new roundabout on Thorley Lane. Each of the obligations are considered below.
88. *Affordable Housing* – Policies L2 of the CS requires the provision of 45% on-site affordable housing as part of schemes such as that proposed. This level of affordable housing is required in 'hot market' locations where there are good market conditions. The approach is also supported by a Housing Needs Survey dating from 2019. Accordingly, the appellant is seeking to provide this in accordance with the proposed tenure split, as the high level of need is not disputed. This provision would be secured through the planning obligation.
89. *Education* – Policy L2.2 of the CS seeks to secure improvements to social infrastructure when necessary. The Council has assessed the number of primary and secondary school places and whether there is capacity to absorb the likely demand generated by the appeal scheme. This analysis indicates that there is adequate capacity at the local primary schools but not secondary schools. A school place 'score card' has been used to assess the level of financial contribution required to mitigate the impact. Both the Council and appellant agreed that a financial contribution of £297,036 would be reasonable in scale and kind to the proposal and the impacts.
90. *Biodiversity net gain* – Policy R2.1 of the CS requires developers to demonstrate how their proposal would protect and enhance biodiversity. The Phase 1 Habitats Survey suggests there would be a net negative effect on biodiversity. Accordingly, the appellant is seeking to mitigate this impact by providing enhancement measures on land controlled by the Council. The Council have agreed to this. In so doing, the appellant is committed to providing a 10% net gain. The policy requirement is to enhance biodiversity but there is no requirement for a 10% net gain. Nevertheless, there is a pressing national and local need to enhance biodiversity and therefore a 10% net gain can be considered a benefit of the scheme. It is necessary to secure this benefit through the planning obligation. This would be done by preventing development until a net gain scheme is approved and the works carried out.

91. Thus, when applying Regulation 122 of the Community Infrastructure Levy Regulations and Paragraph 57 of the Framework, the obligations identified above are necessary to make the development acceptable and are directly, fairly and reasonably related in scale and kind to the proposal and its impacts. As a result, I can take them into account.
92. The planning obligation also seeks to provide a £35,000 contribution to a new roundabout on Thorley Lane. This new roundabout is a requirement set out in emerging Policy JPA 3.2 of PfE. The appellant is offering it in lieu of a contribution towards the equalisation mechanism also set out in the policy. However, the evidence before me does not demonstrate the roundabout is required to make the development acceptable. Moreover, I have afforded Policy JPA 3.2 of the PfE only limited weight given the extent of unresolved objections. A financial contribution is unnecessary to remedy a conflict with an emerging policy of limited weight. As a result, this is an obligation that I have not taken into account.
93. Turning to conditions. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council²⁷. In addition to standard commencement conditions, it is necessary to define the reserved matters and require their approval. A drawings condition relating to the position and design of the external access is necessary in the interests of certainty and highway safety. In assessing the scheme, I have factored in the position of an enhanced wildlife corridor and landscaping zone adjacent to Timperley Brook. It is therefore necessary to secure this parameter. In so doing it is unnecessary to secure the matters detailed on Parameter Plan 1, or the landscaping shown on Parameter Plan 2, because they are not details that have factored into my assessment. They relate to reserved matters in any event.
94. The application is for up to 116 homes and no more. As a result, it is unnecessary to impose a condition specifying a maximum number of homes. Similarly, it is unnecessary to secure a phasing condition as the appellant was unable to articulate why it was necessary or relevant with reference to the harm that would occur if it were not imposed. To aim for a high-quality design, it is necessary to secure the preparation and approval of a design code and masterplan and for the scheme to be tested by a design review panel. For similar reasons it is necessary to secure details of levels and to retain the maximum building height to 2 storeys. The latter would also reduce the impact on the openness of the GB relative to what was originally proposed.
95. To reduce the risk and fear of crime it is necessary for a Crime Impact Assessment to be submitted and approved. To safeguard living conditions and/or highway safety it is necessary for a Construction Method Statement, Waste Management Strategy and Acoustic Assessment and maximum noise levels for plant and equipment to be submitted and approved. For similar reasons, it is necessary to secure details of the maintenance of the vehicular access to be submitted and approved and to assess and remediate land contamination, including any from ground gases.
96. To promote and facilitate active and sustainable travel it is necessary to secure details of cycle parking, a Travel Plan, public EV charging points and off-site pedestrian crossing works. To support health and well-being, it is necessary to secure details of a Local Equipped Area of Play. For similar reasons, and to

²⁷ ID10

reduce the risk of flooding to people and property, it is necessary to secure an updated Flood Risk Assessment with drainage details and management. To protect and enhance wildlife it is necessary for updated bat, amphibian and badger surveys to be submitted and approved, including mitigation. For similar reasons, it is necessary for an Ecological Method Statement, details of external lighting and a Landscape and Ecological Management Plan to be submitted and approved, and the Timperley Brook to be protected from foul water disposal.

97. Some pre commencement conditions have been imposed on this planning permission. This is because the matters required for approval may ultimately affect the design or layout of the scheme or the approach to construction. Moreover, some pre commencement conditions are necessary because they seek to mitigate impacts arising during the construction phase.

Conclusion

98. As there would be very special circumstances, the appeal scheme would adhere to the development plan taken as a whole. There are no other considerations which outweigh this finding. Accordingly, the appeal has been allowed.

Graham Chamberlain
INSPECTOR

APPEARANCES

For the Appellant:

David Manley KC	instructed by Mr Jonathan Harper
Called:	
Nicolas Folland BA (Hons), DIP LA CMLI	Director, Barnes Walker Limited
Aaron Tilley HNC, CMILT, FCHIT	Associate Transport Consultant, Curtins
Jonathan Harper MA (Hons) MTCP MRTPI AssocRICS	Partner, Rapleys
James Nicholson	Manging Director, Harlex (RLP Timperley) LLP
Paul Arnott	Solicitor, Town legal LLP

For the Local Planning Authority:

Stephanie Hall, of Counsel	instructed by Stephen Moorhouse
Called:	
Caroline Wright MRCP MRTPI	Strategic Planning and Growth Manager, Trafford Council
Cormac McGowan BSc (Hons) MRTPI	Major Planning Projects Officer, Trafford Council
Sarah Lowes	Major Planning Projects Manager, Trafford Council
Stephen Moorhouse	Council Planning Lawyer, Trafford Council

INTERESTED PARTIES:

Jeremy Williams	Local Resident
Gary Swannell	Local Resident
Louise Westwater	Local Resident

INQUIRY DOCUMENTS

ID01	Appeal Decision APP/N0410/W/22/3299849
ID02	Extract (p113-116) from Guidelines for Landscape and Visual Impact Assessment, Version 3, Landscape Institute
ID03	Certified copy of draft Unilateral Undertaking received 9 January 2023
ID04	Letter from M R Harrison (Local Resident), who was unable to attend the Inquiry
ID05	Plan (Ref. L(00)001) of the extent previously developed land, agreed by the Council and appellant
ID06	Opening by David Manley KC
ID07	Opening by Stephanie Hall
ID08	Letter setting the appellant's most up to date five year housing land supply position
ID09	Minor correction to Aaron Tilley's proof
ID10	Suggested conditions table, subsequently amended following the conditions session
ID11	R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)
ID13	John Turner v Secretary of State for Communities and Local Government and Another [2016] EWCA Civ 466
ID14	Email from Kate Worsley, who was unable to attend the Inquiry
ID15	Closing by David Manley KC
ID16	Closing by Stephanie Hall
ID17	Executed copy of the Unilateral undertaking dated 19 January 2023

Schedule of Conditions

1. All applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
2. The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, scale, and access (in part relating to internal circulation) (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and the development shall be carried out as approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Indicative Access Arrangement Visibility Splays - 72011 CUR 00 XX DR TP 75001 P06;
 - Swept Path Analysis Refuse Vehicle Thorley Lane – 72011 CUR 00 XX DR TP 75001 P06; and
 - Site Location Plan – Drwg. No: L(00)001 Rev.P1.
5. The Reserved Matters submitted in relation to Condition 1 shall be in accordance with Parameter Plan 2 – Key Urban Design Principles – Drwg. No: L(01)111 Rev.P8 in so far as it relates to the location of an enhanced wildlife corridor and landscaping zone adjacent to Timperley Brook.
6. Prior to the submission of the first application for Reserved Matters for the first phase of the development hereby permitted, a site wide detailed Masterplan and associated Design Code shall be submitted to and approved in writing by the Local Planning Authority, informed by:
 - Part Two of the National Design Guide (October 2019) (The ten characteristics of a well-designed place);
 - Any Trafford Design Guide or Code that is adopted at the time; and
 - A Design Review Outcome Report following a design review process involving the Local Planning Authority carried out by Places Matter or another appropriate design review panel that has been approved in writing by the Local Planning Authority.
7. The first reserved matters application shall include a full version of a Crime Impact Statement (CIS), based on the approved Preliminary CIS (Ref:2016/0760/CIS/03 Version A 08.06.2021). The Statement shall demonstrate how crime has been considered for the development and the surrounding area and how the development hereby permitted has been designed to avoid/reduce the adverse effects of crime and disorder. Thereafter, the development shall come forward in accordance with the approved details and timetable, and retained thereafter.
8. Any applications for Reserved Matters shall be accompanied by:
 - A Masterplan and Design Code Compliance Statement which demonstrates how that phase of the development has been brought forward in accordance with the approved Masterplan and Design Code pursuant to Condition 6 of this permission; and

- An updated phase-specific Design Review Outcome Report (informed by a design review process involving the Local Planning Authority carried out by Places Matter or another appropriate design review panel agreed in writing by the Local Planning Authority for that specific phase of the development).
9. Applications for reserved matters shall include a Construction Method Statement (CMS). The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoardings;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction and measures to prevent noise and vibration to adjacent properties including any piling activity;
 - Measures to protect Timperley Brook from spillages, dust and debris;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works (including asbestos if uncovered);
 - Days and hours of construction activity on site); and
 - Contact details of site manager to be advertised at the site in case of issues arising.
 10. Any reserved matters application(s) which covers the matter of 'scale' shall include details of existing and finished site levels relative to off-site datum points or Ordnance datum points which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.
 11. Any application(s) for reserved matters which include layout and/or landscaping matters shall be accompanied by a scheme for secure cycle parking storage (including public cycle parking provision) which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The cycle parking shall be provided prior to first occupation and maintained thereafter in accordance with the approved details.
 12. Any application(s) for reserved matters for layout or appearance shall include an updated acoustic assessment which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved report and any mitigation measures if required.
 13. Any reserved matters application(s) that include access (internal circulation roads), layout and/or landscaping shall be accompanied by a waste management strategy which should be submitted to and approved in writing by the Local Planning Authority. The waste management strategy will be implemented in accordance with the approved details and thereafter retained.
 14. Any reserved matters applications that include layout and/or landscaping shall be accompanied with details of the location and design of a Local Equipped Area of Play (LEAP) and a timetable for its implementation which should be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The LEAP shall be implemented in accordance with the approved details and thereafter retained.

15. No development hereby permitted shall take place until an updated Flood Risk Assessment (FRA) and detailed drainage plan has been submitted to and approved in writing by the Local Planning Authority. The updated FRA and drainage plan shall detail the proposed Sustainable Urban Drainage Scheme (SuDs), surface water discharge rate, attenuation figures as detailed in the approved FRA (Document Ref: 071662-CUR-00-XX-RP-D-001 Rev.V07) and the potential for infiltration. The FRA and drainage plan shall also include the following mitigation measures:
- Construction shall be as per the provided approved FRA (Document Ref: 071662-CUR-00-XX-RP-D-001 Rev.V07), and no banks shall be raised for this development; and
 - The provided easement plan REF-L(01)110 shall be adhered to and a clear 8m easement maintained at all times to allow Environment Agency emergency vehicles to gain access to the watercourse in any event;

The development shall be carried out in accordance with the approved details, which should be implemented prior to the first occupation of any development. The measure details above shall be retained and maintained thereafter throughout the lifetime of the development.

16. No development hereby permitted shall take place, until a SuDs management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The SuDs management and maintenance plan shall include the arrangements for (i) an appropriate public body or statutory undertaker; (ii) management and maintenance by a management company; or (iii) any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The development hereby permitted shall be carried out in accordance with the approved details.
17. No development hereby permitted shall take place until an updated bat survey has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with any mitigation and/or enhancement measures as required by the approved survey.
18. No development hereby permitted shall take place, until an updated amphibian survey has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with any migration and/or enhancement measures if required by the approved survey.
19. No development hereby permitted shall take place until further precautionary surveys of the site for badgers have been conducted, the results of which, together with a scheme to mitigate the effects of the development on badgers, if recorded on site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details and thereafter retained.

20. No development hereby permitted shall take place until a comprehensive Ecological Method Statement has been submitted to and approved in writing by the Local Planning Authority containing details of the measures to be taken to avoid and prevent harm to nesting birds, hedgehog, other mammals, and amphibians arising during the course of carrying out the development hereby permitted. The development shall be carried out in accordance with the approved details.
21. No development shall take place until a scheme detailing measures to ensure no negative impacts on the ecological status/potential of the Timperley Brook resulting from the disposal of foul water and surface water post-development has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full in accordance with a timetable which has first been approved in writing by the Local Planning Authority.
22. No development shall take place until details for maintenance of the vehicular accesses and visibility splays to Thorley Lane and Wood Lane have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.
23. No development shall take place until a scheme detailing the provision, management and maintenance of two publicly accessible electric vehicle (EV) charging points has been submitted to and approved in writing by the Local Planning Authority. The publicly accessible EV charging points shall be installed prior to first occupation, in accordance with the approved details and thereafter retained.
24. No development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by Local Planning Authority. The additional assessment shall investigate the nature and extent of any contamination across the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:
 - A survey of the extent, scale and nature of contamination;
 - An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems;
 - Where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site;
 - A remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - A verification plan/report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring

of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy and verification report before the first occupation of the development hereby approved.

25. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- Habitat enhancement and creation proposals along the Timperley Brook corridor;
 - A bird nesting strategy;
 - A strategy to maintain site permeability for small mammals such as hedgehog; and
 - Details of measures to improve the biodiversity value and creation and enhancement of habitat across the site and details of the long term implementation, maintenance and management body responsible for delivery.

The approved LEMP shall be implemented prior to first occupation and retained thereafter

26. No occupation of the development hereby approved shall take place until such time as a travel plan has been submitted to and approved in writing by the Local Planning Authority. The residential travel plan shall include the following details:
- Marketing and sales information that shall promote sustainable travel and clearly inform prospective residents of the reduced level of car parking, including the potential for future parking restrictions to be imposed along the roads surrounding the site.
 - The measures, incentives, targets, and objectives of the TP.
 - The timescales for implementation.
 - The timescale for the appointment of a TP Co-ordinator (TPC) and when their name and contact details provided to the LPA in addition to a list of their duties and responsibilities.
 - A strategy and timescales for long-term monitoring of the TP that shall include residents travel surveys to be completed no less than once every two-years, taken from the date of first occupation of the development.
 - TP targets shall be reviewed and monitored against a baseline which will be established within 3-months of 75% occupancy levels.

The approved Travel Plan shall thereafter be implemented for a period of not less than 10 years from the first date of operation.

27. No occupation of the development hereby approved shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for offsite highway improvements comprising a new controlled pedestrian crossing at Thorley Lane near the roundabout with Wood Lane/Clay Lane and a zebra crossing on Wood Lane. No occupation of the development

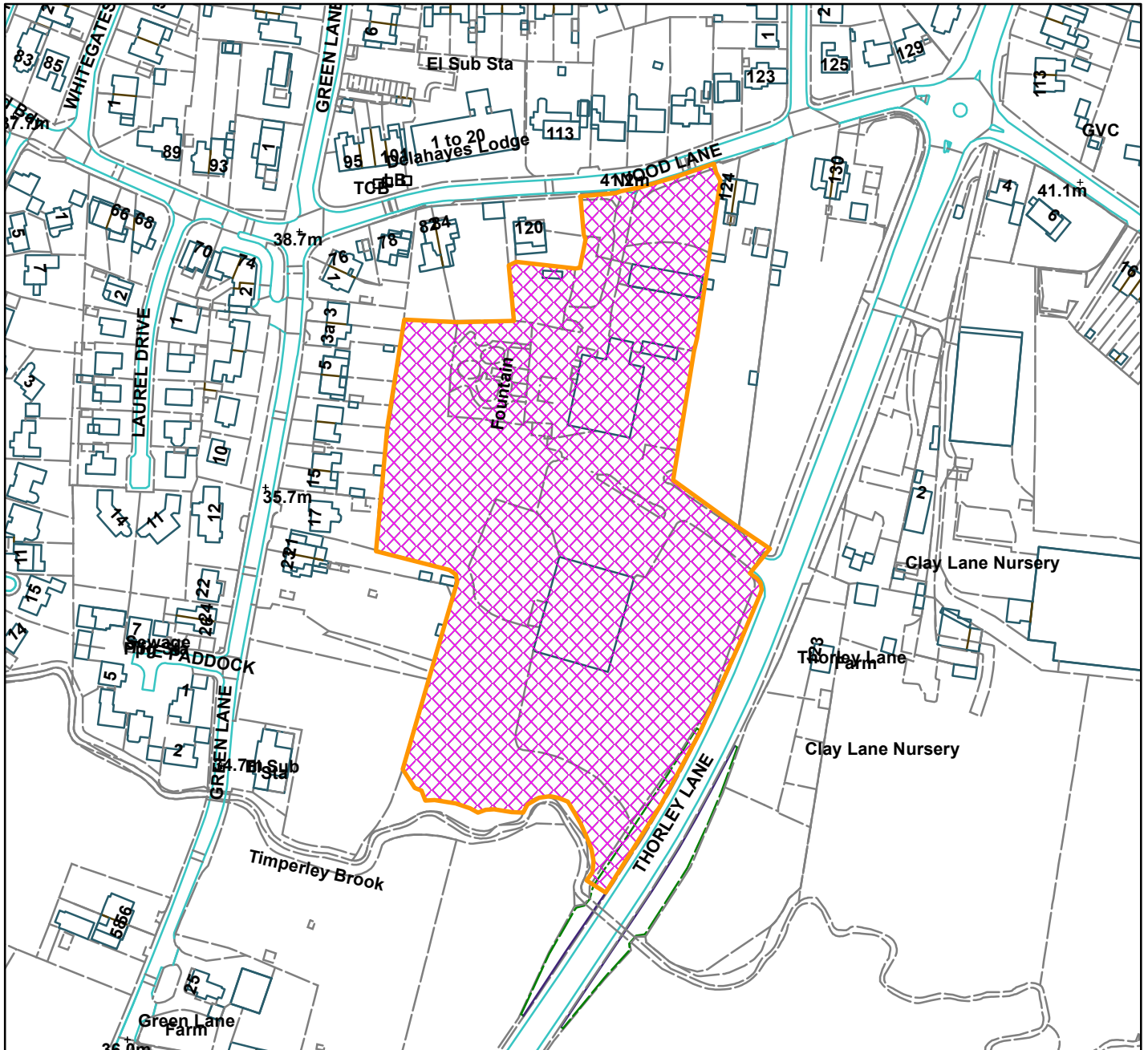
shall begin until those works have been completed in accordance with the approved scheme of works.

28. Prior to the installation of any external lighting, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority, which shall:
 - Identify areas/features on site that are potentially sensitive to lighting such as Timperley Brook for bats;
 - Show how and where lighting will be installed and through appropriate lighting contour plans demonstrating clearly that a dark corridor along the Timperley Brook will be maintained and any impact on bats is negligible; and
 - Specify frequency and duration of use; Thereafter external lighting shall be installed and retained in accordance with the approved details of the lighting strategy.
29. The rating level (LAeq,T) from any plant and equipment associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises at the quietest time that the equipment would be operating/in use. Noise measurements and assessments should be compliant with BS 4142:2014 "Rating industrial noise affecting mixed residential and industrial areas.
30. The maximum building height for any building within the site shall be two storeys. This being a maximum of 5.5m measured from ground floor Ordnance datum points to the underside of eaves and a maximum ridge height 8.5m from ground floor level datum.

End of Schedule



World of Pets, Thorley Lane, Timperley, WA15 7PJ



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 08/08/2024
Date	29/07/2024
MSA Number	AC0000809316 (2022)

WARD: Bowdon

113625/HHA/24

DEPARTURE: No

Demolition of attached garage and erection of single storey side extension, raised rear patio, enlarged rear lightwell and associated external alterations including roof lights, replacement of timber windows with uPVC windows to all elevations, render to part of rear elevation, new vehicular access gate and reinstatement of gateposts in a different position (in connection with widening of vehicular access) (part retrospective).

Donnington, 32 Grange Road, Bowdon, Altrincham, WA14 3EE

APPLICANT: Mr Eckersley

AGENT: Cube Design Solutions

RECOMMENDATION: REFUSE

The application is reported to the Planning and Development Management Committee because the applicant is an elected Member.

SITE

The application site comprises a two storey, late 19th/early 20th century semi-detached dwellinghouse with front parking and a garden to the rear, located on the western side of Grange Road – a residential street within Bowdon. The house has a two storey front gable projecting perpendicular from a gable roof with bay windows at the ground and first floor levels within the principal elevation. An attached garage exists to the north side of the application property. There is additionally a boundary hedge and an open access driveway to the front of the site.

The property lies within the Bowdon Conservation Area and is identified as a positive contributor, and is therefore also considered to be a Non-Designated Heritage Asset. The property falls within Character Zone C – characterised as ‘early Victorian expansion’. Surrounding properties are generally of a similar age, construction and character.

The application property and other properties on the west side of Grange Road were taken into the Conservation Area in 2016 as part of boundary extension B. It is likely that some development may have occurred in this area prior to the area’s adoption into the Conservation Area that would now be considered to have a harmful impact on the character and appearance of the Conservation Area.

PROPOSAL

The application is seeking planning permission for the demolition of the attached garage and its replacement with a single storey side extension, raised rear patio, enlarged rear lightwell and associated external alterations including roof lights, replacement of timber

windows with uPVC windows to all elevations, render to part of the rear elevation and re-positioning of the original stone gateposts (in connection with widening of vehicular access) and new vehicular access gates.

Members will recall that a previous application Ref. 111870/HHA/23 was refused planning permission at the 15th February 2024 meeting of the Planning Committee. It is to be noted that the previous decision was not appealed against. The current proposal is largely unchanged, with the revised application seeing the following changes now proposed:

- Replacement of previously proposed wrought iron sliding gate (maximum height of 1m) with a pair of side hung timber gates (maximum height of 2m).
- Reduction in the width of the previously proposed vehicular access opening by 0.7m (measured between the hedge on either side) - 1.4m increase in width compared with the access prior to works commencing.
- Addition of render to part of the rear elevation
- Omission of the boundary wall in front of the hedge adjacent to Grange Road

As reported in the previous application at the time of the case offer's site visit, it was noted that a number of the proposed works had commenced. In particular, the replacement of the dwelling's timber windows with uPVC windows had already taken place, together with the widening of the site's vehicular access and excavation works to the rear elevation of the property.

Background:

During the application process, officers reiterated their concerns and provided further comments in relation to the proposals. On the 15th July, the applicant was provided with an opportunity to amend the application by omitting all of the unacceptable aspects of the proposal (leaving only the demolition of the existing garage and erection of a single storey side extension, raised rear patio and enlarged rear lightwell within the application). However, no amended plans were received in relation to this matter, with the applicant confirming their wish for their current proposal to be heard at August's committee meeting.

Notwithstanding the above, in response to the officer's request for clarification, amended plans were received. These saw confirmation that the proposed new access gates are proposed to be side hung from stone gate posts, which are to be those originally seen at the development site following restoration works. Rendering of the dwelling's rear elevation was also included in the proposal. In addition to these revised plans, elevations of the original dwelling prior to the commencement of works at the development site were received.

Nevertheless, it is to be acknowledged that discrepancies in the submitted plans remain. In particular, officers raised with the agent that the proposed widening of the

vehicular access is shown to be different on various proposed plans. These widths (measured between the hedge on either side) are as follows:

- Proposed streetscene elevation – 4.8m
- Proposed ground floor plan – 5.1m
- Proposed first floor, loft and roof plans – 5.8m (NB – this is the site’s previously proposed vehicular access width)

Based on these differences and the fact that the applicant has not provided any existing streetscene elevation, it is to be noted that measurements in relation to the widening of the site’s vehicular access referenced within this report have been taken from the submitted proposed and existing ground floor plans.

Likewise, the applicant has confirmed that the height of the reinstated original gate posts as shown on the proposed elevation drawing (shown as 1.5m) is not correct and is actually approximately 1.25m. Further discrepancies identified in relation to the previous proposal also remain on the submitted plans, with the proposed elevations not showing the installed replacement windows filling the space below the cambered headers of the windows (as seen on site). It is additionally recognised that the proposed rear elevation is annotated as ‘South Elevation (West Facing)’.

Lastly, it is to be noted the applicant has recently indicated that they may be considering omitting the proposed render and providing a revised height and design for the planned access gates in order to narrow down the number of officer concerns. Should amended plans be received, officers will address this in the accompanying additional information report in due course.

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 25th 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 19th 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

JP-P2 – Heritage

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L7 – Design

R1 – Historic Environment

OTHER LOCAL POLICY DOCUMENTS

SPD3 – Parking Standards and Design

SPD4 – A guide for Designing House Extensions and Alterations

SPD5.9 – Bowdon Conservation Area Appraisal (July 2016)

SPD5.9a – Bowdon Conservation Area Management Plan (July 2016)

PROPOSALS MAP NOTATION

Bowdon Conservation Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

ENV21 – Development in Conservation Areas

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

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

RELEVANT PLANNING HISTORY

111870/HHA/23. Demolition of attached garage and erection of single storey side extension, raised rear patio, enlarged rear lightwell and associated external alterations including roof lights, replacement of timber windows with uPVC windows to all elevations, demolition of gateposts (in connection with widening of vehicular access with new vehicular access gate and reinstatement of re-sized gateposts in a different position) (part retrospective). Refusal. 19/02/2024.

Reason(s) for refusal:

- 1. The proposed development, by reason of the demolition of the original stone gate posts and the widening of the vehicular access and the alterations to the windows on the front (east) elevation including the design and materials of the new windows and the loss of historic fabric, would result in an incongruous and unsympathetic form of development that would harm the character of the positive contributor, the street scene and the surrounding area. The*

development would therefore cause "less than substantial" harm to the character and appearance and the significance of the Non-Designated Heritage Asset and the Bowdon Conservation Area. There are no public benefits that would be sufficient to outweigh the identified harm. As such, the proposed development would be contrary to Policies L7 and R1 of the Trafford Core Strategy, Policies JP-P1 and JP-P2 of the emerging Places for Everyone Plan, guidance in SPD5.9 and SPD5.9a - Bowdon Conservation Area Appraisal and Management Plan, the Council's adopted SPD4: A Guide for Designing House Extensions and Alterations and the policies of the National Planning Policy Framework.

APPLICANT'S SUBMISSION

Design and Access Statement
Heritage Statement
Installation of Windows Letter
Window Brochure

CONSULTATIONS

Heritage Development Officer: Objection

"The proposed works will cause harm to the significance of the heritage asset and the contribution it makes to Bowdon Conservation Area. The proposal is contrary to the NPPF, JP-P2, Policy R1 and policies in SPD 5.9a.

The proposed development in its current form would cause less than substantial harm to the architectural and historic significance of 32 Grange Road as a non-designated heritage asset and the positive contribution the building and site makes to Bowdon Conservation Area as a whole."

Full heritage comments are embedded within the observations section of this report.

Local Highway Authority (LHA): No objection

"There are no objections on highways grounds to the proposals subject to the provision of acceptable refuse/recycling, car, and cycle parking as per submitted plans."

REPRESENTATIONS

Four representations were received in response to this application. The comments received all outlined support for the proposal and are summarised below:

- Prior to the works being carried out, the application property was in a poor condition.
- The materials and alterations which have been carried out so far are in keeping with the local area and improve this part of Grange Road.

- The replacement windows are much better than the old ones, are more in keeping with the period of the house and are sensitive to the conservation area.
- Once the extension, gate posts and gate are finished they will enhance the streetscene and be in keeping with the surrounding area.
- The larger driveway opening will be a lot safer for children and parents passing the house at busy times.

These comments relating to the proposal's design and impact on Bowdon Conservation Area are all considered further in the observations section of this report.

OBSERVATIONS

PRINCIPLE OF DEVELOPMENT

1. The application proposal is for extensions and alterations to an existing dwelling in a residential area. The main issues for consideration are heritage concerns, design/appearance, impact upon neighbouring properties/residential amenity and highways/parking.
2. 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.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. The application site is located in Bowdon Conservation Area. As such, the most important policies for determining this application are Policy JP-P2 (Heritage) of the Places for Everyone Joint Development Plan and R1 'Historic Environment' of the Trafford Core Strategy, Policy JP-P1 in relation to design and Policy L7 of the Core Strategy in relation to amenity.
5. Policy JP-P2 is up to date in NPPF terms. Whilst there are aspects of Policy R1 that remain in force that have been previously held to be not consistent with the NPPF, the inconsistency in R1 does not render the relevant development plan policies 'out of date' in NPPF terms. Policies JP-P1 of PFE and L7 of the Core Strategy are up to date, 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.

IMPACT ON DESIGNATED HERITAGE ASSETS

6. 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.

7. The NPPF sets out in Chapter 16 of the document decision-making policies using different terminology, referring in particular to conservation of significance. It is important to note that conservation and preservation are concerned with the management of change in a way that sustains a heritage asset's special interest or significance. However, conservation has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.
8. Paragraph 195 of the NPPF states; *'heritage assets range from sites and buildings of local historic value to those of the highest significance...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'*.
9. Paragraph 201 of the NPPF requires 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'*.
10. 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'*.
11. Paragraph 205 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.
12. Paragraph 207 of the NPPF states that *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve*

substantial public benefits that outweigh that harm or loss, or all of the following apply:

*(a) the nature of the heritage asset prevents all reasonable uses of the site; and
(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
(d) the harm or loss is outweighed by the benefit of bringing the site back into use'*

13. Paragraph 208 of the NPPF requires 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'*.

14. 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'*.

15. Policy JP-P2 of Places for Everyone states *"Development proposals affecting designated and non-designated heritage assets and / or their setting will be considered having regard to national planning policy."*

16. Policy R1 of the Trafford Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness.

Management Plan

17. The application site is situated within Bowdon Conservation Area and so should be considered against the guidance set out in Bowdon Conservation Area Appraisal (SPD5.9) and Bowdon Conservation Area Management Plan (SPD5.9a). Relevant policies contained within SPD5.9a are as follows:

Policy 6 - Materials and design should be appropriate to each individual property. The characteristic palette of materials and design features are set out in section 2 of this Management Plan.

Policy 9 - Where original timber doors and windows survive these should be retained. If refurbishment is required this should be done in a like-for-like manner and replacing the minimum amount of fabric necessary to make the repair. If

thermal upgrading is required, secondary glazing with a frame that follows the glazing bars of the external window should be used.

Policy 10 - If the replacement of doors or windows is proposed, whether the existing is of timber or uPVC, any further replacements should be in timber (unless the original windows can be proven to be of a different material, for example metal) and should represent a significant improvement over the existing. Where windows are replaced, they should respect the size and form of the original opening(s) and glazing bars, and be of an appropriate traditional design. Replacement doors and windows should not detract from the established character of the building.

Policy 12 - Roof lights should not be installed in locations that impact on the aesthetic value of the principal elevation or streetscape and should not be disproportionately large compared to the established fenestration. Conservation roof lights should be installed rather than standard roof lights.

Policy 24 - Original gateposts should be retained where possible and should not be painted.

Policy 25 - Replacement gateposts should only be instated where the repair of the original is not feasible. Replacements should not exceed the height of the original gateposts and should be of a traditional design. Replacement gates should be proportionate to the gateposts and not exceed 1.5m in height.

Policy 26 - Gate openings should not be widened or re-positioned unless it can be proven that access is unsafe. Where gate openings are to be widened or re-positioned on the grounds of highways safety, such change should be restricted to the minimum amount necessary to ensure safe access. Trafford Council will require the applicant to submit a highway consultant's report to demonstrate highway safety implications.

Policy 28 - Boundary treatments and front gardens should not be removed to create additional hard standing, garaging or parking. In particular, the extensive and secluded gardens to historic individual properties should not be removed. The reinstatement of lost treatments and gardens will be looked upon favourably.

Policy 42 - Any proposed extensions should be high-quality and in-keeping with the character of the surrounding historic rear elevations. Extensions, to an existing historic building, should have regard to its established style by respecting the building's established features, form, proportions and materials. Pastiche copying should be avoided.

Policy 44 - Buildings identified as positive contributors (see Map 3) should not be demolished, partially demolished or substantially altered in any way that dilutes

their contribution to the Conservation Area unless public benefit can be demonstrated that outweighs the harm.

Policy 46 - Any development concerning the basement of a historic property should be sensitively designed so that it does not detract from the established architecture of the building, and the balance of its exterior is not significantly altered (with the addition of light wells – with or without additional railings – or large, semi-sunken basement extensions with external access, for example).

The Significance of the Affected Heritage Asset(s)

18. Significance is defined in the NPPF as ‘The value of a heritage asset 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.’

19. The setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

20. Paragraph 1.2.1 of the Bowdon Conservation Area Management Plan states that *“The significance of the Bowdon Conservation Area is primarily rooted in its long history with settlement benefitting from its advantageous geography, and also its rich architectural variety and integrity. The area is predominantly residential with a number of supporting public amenities and community core, which are indicative of Bowdon’s increasing popularity and evolution as a suburb from the 19th century onwards.”*

21. In relation to Character Zone C, the Conservation Area Appraisal states, at paragraph 4.3.4, that

“This character zone is the largest, comprising Stamford Road and the downhill sloping area to Langham Road, as well as the larger houses on the south side of Langham Road, some of South Downs Road and the historic Bowdon Cricket Club. This area is primarily residential, although it has always had a number of schools and it now includes the historic sports club south of South Downs Road. It is characterised by the topography, with many houses designed around the views they can enjoy. There are also an unusual variety of roads, including historic footpaths, and an almost maze-like series of interconnecting small roads. Although there is a range of plot and house sizes and materials, the predominant impression is of large houses, built in Bowdon ‘white’ or cream brick, set in gardens with mature trees and shrubs and stone walls and gateposts. The houses built from the mid-19th century, were mainly on the Earl of Stamford’s

land, with the quality of the materials, density and rental income dictated in the Deeds.”

22. It is noted that the application property and other properties on the west side of Grange Road were taken into the Conservation Area in 2016 as part of boundary extension B. The Conservation Area Appraisal states that *“The row of semi-detached properties on Grange Road were built between 1910-1936; they are similar in scale and plots size to those already included in Grange Road.”* Nos 32 & 34 Grange Road although earlier in age were included in this extension and form the southern extent of the Conservation Area boundary up to York Road. Nos. 32 & 34 Grange Road are identified in SPD 5.9 as making a positive contribution to the Conservation Area for the following reasons *“These buildings reflect a substantial number of other elements in the conservation area in age, style, materials and form. These buildings as part of a group, illustrate the development of the settlement in which they stand. They reflect the traditional functional character and former uses in the area.”* The dwellings were erected between 1897 and 1908 as a pair of Cheshire interlocking semis and designed in the Arts & Crafts style. The dwellings display typical features found throughout the Conservation Area including prominent gables; steeply pitched roof, overhanging eaves, tall chimneys and distinctive half-timbered detailing. The principal elevation of both properties has a strong sense of symmetry and enhanced by historic timber windows with an attractive curved transom detail. The setting of the dwellings is enhanced by a front garden with planting and a mature boundary hedge to Grange Road with a spacious rear garden.
23. As set out in Appendix 1 of SPD 5.9, the application property has also been identified as a non-designated heritage asset. *‘The term positive contributor identifies a non-designated heritage asset which makes a positive contribution to the Conservation Area. These buildings, structures and sites are classed as heritage assets as they are identified by the local authority as having a degree of significance, meriting consideration in planning decisions, because of their heritage interest’.*

Proposal and Impact on Significance

24. The proposed development relates to the demolition of the attached garage; erection of a single storey side extension; raised rear patio; enlarged rear lightwell and associated external alterations including the replacement windows, render to the rear elevation, widening of the site’s vehicular access with new vehicular access gate and reinstatement of the original gateposts in different positions, and the addition of roof lights.
25. There is no objection to the proposed demolition of the existing garage as this extension is understood to be a later addition to the application property.

26. The replacement extension is to be of a similar footprint to the existing side garage, projecting 3m from the original north elevation of the application property and having a depth of 5m. The extension would feature a gable roof to complement the main dwelling. The proposal would result in the removal of part of the application property's original side elevation in order to open up the building's kitchen area, leading to some loss of historic fabric. It is noted however that this elevation is already obscured by the existing garage and the replacement extension is in a similar position. It is considered therefore that this element of the proposal will not result in harm to the significance of the positive contributor. The proposed extension would see a rear elevation constructed almost entirely of glass panes 2.25m tall and measuring 2.7m wide in total. There is a lack of detail in relation to the material finish of the windows/doors planned for this element of the proposal and, if the application were to be recommended for approval, a condition would be required in relation to this. Whilst there would be a large expanse of glazing with a largely horizontal emphasis to the fenestration in a modern style, it is considered that given the position of this at ground floor level on the rear elevation of the extension, it would not result in harm to the character and appearance of the wider Conservation Area.
27. The proposals include a 0.76m high raised patio and retaining wall which would project 3.3m from the rear of the planned extension and would have a width of 4.2m. It is considered that this would not result in any harm to the character of the positive contributor. An enlarged rear lightwell would be positioned immediately adjacent to the raised platform, where excavation works have already occurred in connection with the proposed installation of an outside shower. Given that this is at the rear of the property and partially screened by the proposed retaining wall, it is considered that this would also not result in harm to the appearance of the positive contributor and the wider Conservation Area.
28. The proposals also include the insertion of rooflights on the front and rear elevations. Policy 12 of the Management Plan states that roof lights should not be installed in locations that impact on the aesthetic value of the principal elevation or street scape and should not be disproportionately large compared to the established fenestration. Conservation roof lights should be installed rather than standard roof lights. It is considered that installation of roof lights on the principal elevation would not comply with this policy and would have a detrimental impact on the character of the property. Nevertheless, it is recognised that roof lights could be added to the front elevation under permitted development rights and that this represents a realistic fallback position, which must be taken into account. It is therefore considered that the proposed rooflights would be acceptable in this case, subject to a condition requiring that conservation style roof lights are used.
29. The replacement of the dwelling's historic timber windows with wood effect uPVC windows has resulted in harm to the character and appearance of the positive contributor. It is noted that all historic timber windows have now been removed

from the property including the distinctive casement windows to the principal elevation and vertical sliding sash windows to the rear resulting in the loss of historic fabric. The historic timber windows were integral to the appearance of no.32 Grange Road and the positive contribution it makes to the Conservation Area.

30. The nature of uPVC results in thicker frames with a flat, uniform appearance and lacks the finesse of the detailing found in the previous timber windows. In particular, the proposal's flush frame window design has an engineered appearance which is considered contextually inappropriate for this property and the Conservation Area. The combination of the uPVC frame and associated glazing also results in a glare to the windows which along with the introduction of trickle vents is visually detracting from the overall appearance of the heritage asset. This is exacerbated by introduction of a double cill detail, a lack of reveal and the thicker frames alter the proportions of the windows. The replacement of windows to the principal elevation has not sought to replicate the casement style of the previous historic windows in terms of the curved transom or method of opening and instead has introduced a vertical sliding sash which fails to replicate the symmetry of windows at no.34 Grange Road. The historic pattern of fenestration was a distinctive detail of the principal elevation which has now been removed and has impacted on the architectural significance of the heritage asset. This also diminishes the appearance of no.34 Grange Road. As such, due to the style, design, method of opening and materiality, the works cause harm to the architectural and historic significance of the heritage asset and the contribution it makes to Bowdon Conservation Area. The use of uPVC fails to maintain the character of the dwelling and is therefore contrary to Policies 9 & 10 of SPD 5.9a.
31. It is acknowledged that the pattern of fenestration to the rear of the dwelling would follow the design of the previous historic windows on this elevation. However, it is noted that the detailed design and materiality does not comply with Policy 10 of SPD 5.9a. The replacement of the larger first floor rear window with a more proportionate window to the application property is recognised and, in respect of this specific window, this is considered to be a benefit. Whilst there are concerns regarding some aspects of the design of the replacement windows, taking into account the improvement to the first floor window, it is considered that the works to the rear elevation have a neutral impact to the appearance of the positive contributor and the wider Bowdon Conservation Area.
32. The alterations to the windows on the front of the property are seen in the context of the original windows on the adjoining property (both properties having previously been uniform in this respect) and the visual contrast / interrupted symmetry that now exists between the windows on the two properties therefore diminishes the character of the principal elevations of No.32 & 34 Grange Road and exacerbates the visual impact on the street scene. During the application process, the applicant provided the Planning Authority with a Window Specification Report. The report argues that "The front windows were not original

windows that were installed on the property and it is the rear windows that are the original". No evidence has been presented to support this statement and as such, the Local Planning Authority cannot afford any weight to this and in turn it is considered that the previous casement windows were historic given that they match those of No.34 Grange Road and form a pair of semi-detached properties.

33. It is acknowledged that the replacement windows would provide a benefit through improved energy efficiency. An argument has also been presented that the existing windows were in a poor deteriorated condition. However, there would be other ways of providing energy efficiency benefits and, if replacements were required, then, as outlined in the Conservation Area Management Plan, hardwood double glazed windows should be used, which would likely provide the same energy efficiency benefit whilst giving attention to the application property's aesthetic and historic context. It is important to note that the Conservation Area is largely comprised of historic properties utilising traditional materials appropriate to each dwelling and their age. Whilst it is recognised that some properties on Grange Road feature uPVC windows, it is important to recognise that this area was only added into Bowdon Conservation Area in 2016 and therefore it is likely that some development may have occurred prior to the area's adoption into the Conservation Area that would now be considered to have a harmful impact on the character and appearance of the Conservation Area. It is thus even more important to protect that historic fabric which remains to prevent further deterioration of the character of the area.
34. Rendering of the ground floor rear elevation is additionally considered to harm the character and appearance of the application property and be out of character with the surrounding area. The context of the site and properties along Grange Road is characterised by two storey dwellings constructed in brick. With the exception of the half-timbered gables to the principal elevation, the positive contributor is exclusively constructed from red stock brick to the front and Cheshire commons to the rear. Notwithstanding the fact that prior to the commencement of works at the site, white render was present at the basement level of the rear elevation with painted brickwork above, it is to be noted that only a very small area of render now remains on site and the painted brick does at least allow for historic brickwork to be discernible. In any case, the proposal introduces render which is both greater than the original rendered area but also extends higher on the rear elevation than the painted brickwork. The loss of the original dwelling's brickwork appearance would harm the appearance of the rear elevation and the colour white will further highlight the alteration. It is considered that this will harm the architectural significance of the heritage asset.
35. With regard to the removal of the original stone gate posts at the vehicular access onto Grange Road, this element is retrospective with both gate posts having been in situ in May 2022 as shown on Google Maps Street View, notwithstanding the fact that it is recognised that the gatepost on the left hand side of the access had already suffered some damage at that stage. The

submitted plans refer to “Restored existing stone gate posts” which would both be reinstated in different positions to allow the creation of a wider vehicular access. It is also noted that the plans show the gateposts as 1500mm high, although this does not appear to be accurate and appears to be higher than the original gateposts. This discrepancy has since been confirmed by the applicant, with it understood that the original gateposts are in fact approximately 1.25m in height. It is recognised that the previous application description referred to demolition of the gateposts. That application proposed cutting the re-positioned gateposts down to 1m in height rather than the reinstatement of the restored existing gateposts. On this basis, the reference to demolition has been taken out of the description of the current proposal.

36. It is recognised that whilst not completely uniform, the prevailing characteristic front boundary treatment for properties on Grange Road is partially hedged with a small open section for vehicular access and this is considered to contribute positively to the visual amenity of the area. It is considered that the widened driveway would be out of keeping with the general character of the surrounding area. The proposed access would be significantly wider than previously (total width of 5.1m between the hedge on either side (4.2m between the repositioned gateposts) - 1.4m increase in comparison with the existing hedge opening) and would see the introduction of new 2m high access gates, which would also appear out of character with the area. The width of the access is considered excessive and has resulted in the removal of mature landscaping.
37. Policy 26 of the Management Plan states that *“Gate openings should not be widened or re-positioned unless it can be proven that access is unsafe. Where gate openings are to be widened or re-positioned on the grounds of highway safety, such change should be restricted to the minimum amount necessary to ensure safe access. Trafford Council will require the applicant to submit a highway consultant’s report to demonstrate highway safety implications.”*
38. The application submission does not include a highway consultant’s report and it has not been demonstrated that the original access was unsafe. The LHA has also confirmed that whilst the new vehicular access would provide a betterment in comparison with the original access (prior to widening) in terms of improved visibility, the previous access *“is not considered unsafe as it existed for many years and was being used without issues”*.
39. SPD 5.9a (para 2.6.2) identifies the valuable contribution stone gateposts make to the Conservation Area and the harm caused; *‘There is a good proportion of surviving original gateposts throughout the Conservation Area. These are characteristically roughly-hewn local sandstone with a traditional carved element. In some instances these have been kept and a new gate opening positioned further back from the road; however this detracts from the original posts which mark the entrance point. Pressures for off-road parking and the subsequent widening and/or re-positioning of access onto new or existing driveways threaten*

the long-term survival of these historic gate posts and consequently the wider streetscape’.

40. Policy 28 also states that boundary treatments and front gardens should not be removed to create additional hard standing, garaging or parking. It is considered that the significant increase in the area of hardstanding would add to the impact of the proposed works and would also be contrary to this policy.
41. The new access would also be enclosed by side hung timber gates with a maximum height of 2m and vertical emphasis in its design. Historical gates and guidance contained within Bowdon Conservation Area Management Plan, paragraph 2.6.3 and Policy 25, encourages entrance gates to be of a high-quality design incorporating an open element and not exceeding 1.5m in height. This encourages glimpses of the dwellinghouse and allows views through and over whilst providing an element of security. Whilst no details on the proposed timber gates colour have been provided, the gates would nevertheless be without any views through / permeability, would see a maximum height of 2m and would appear dominant and visually intrusive within the relatively open and verdant streetscene which would also be to its detriment and cause harm to the significance of the Conservation Area. It is also noted that as the reinstated gateposts are shown inaccurately as being 1.5m high, the gate would also appear disproportionate and incongruous in relation to the reinstated gateposts. An example of a solid and overly high gate, similar to the proposal, is identified in the Management Plan (SPD 5.9a) as obtrusive (paragraph 2.6.3). As advised on the previous application, the existing access gates at No.28 Grange Road are considered to be a more appropriate design (a reduced height and consisting of apertures to the top third).
42. Whilst the existence of other gates on Grange Road is acknowledged, it is important to note these gates have not been granted planning permission and in any case the Local Planning Authority has to consider each application on its own merits and in relation to the site specific circumstances. Nevertheless, the gates at No.14 (Mearside) and No.18 (Fieldside) are currently under investigation by the Council’s Planning Compliance Team. Likewise, whilst the access gates at No.16 Grange Road are lawful through time and pre-date the inclusion of this area into the Conservation Area in 2016, paragraph 1.3.4 of the Conservation Area Management Plan states, *“For new planning applications it will not be acceptable to use inappropriate examples as a precedent to justify new proposals for development”*. In this current application, the proposed widened vehicular access and new access gates are considered to cause harm to the character and appearance of Bowdon Conservation Area.
43. In conclusion, it is considered that the proposal as a whole would have a detrimental impact on the application property’s architectural significance. In particular, the replacement of timber windows with uPVC windows to all elevations and the proposal’s widening of the driveway and new vehicular access gate would appear out of character in the street scene.

44. In general terms, it is important to note that the architectural and historic significance of the Conservation Area derives from the cumulative effect of individual dwellings being of a high quality design appearance and composition. It is also important to note that there is a strong sense of symmetry and uniformity with the adjoining property no.34 Grange Road. As such, it is considered that the proposal would have an overall harmful impact upon the appearance of the positive contributor (a non-designated heritage asset) and would result in harm to the character and appearance of Bowdon Conservation Area.
45. It is considered that the development would not be sympathetic to its historic context. As such it is considered the proposal does not respect the building's established features, form, proportions and materials and is contrary to policies contained within SPD 5.9a. The development would therefore harm the character of the positive contributor / non-designated heritage asset and the character and appearance of the wider Bowdon Conservation Area.

Consideration of Harm

46. Whilst the planned demolition of the existing garage and the overall form of the proposed side extension is considered to be acceptable, the works including alterations to windows, render to the rear elevation alterations to the vehicular access and new access gate would not be in keeping with the host dwelling and would not be compliant with policies 6, 9, 10, 25, 26, 28 and 44 of the Conservation Area Management Plan.
47. Notwithstanding that there would be a minor benefit as a result of improvements to the first floor window on the rear elevation, the proposal overall is considered to cause harm to the character and appearance of the positive contributor (which is also a Non-Designated Heritage Asset as confirmed by the Conservation Area Appraisal) and the wider Bowdon Conservation Area. In NPPF terms, it is considered that this would constitute "less than substantial" harm.
48. NPPF Paragraph 208 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.'* Given that the development is a residential extension, it is considered that there are no public benefits of the proposal that would outweigh the "less than substantial" harm with any benefits for the applicant being private in nature. Whilst the applicant and representations received have referred to the condition of the dwelling prior to works commencing and the resulting additional investment in the property, it is considered that any public benefit in this respect is negated by the fact that the proposed development would harm the character of the positive contributor. In principle, the refurbishment of the property would be welcomed if this were proposed in a

way that complied with the relevant Conservation Area Management Plan policies.

49. It is therefore considered that the development would result in harm to the significance of the designated heritage asset (Bowdon Conservation Area) and the NDHA (the property itself) and is not in accordance with Policy JP-P2 of the PfE Joint Development Plan, Policy R1 of the Trafford Core Strategy and the heritage policies of the NPPF.

DESIGN

50. NPPF paragraph 131 states that *'The creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, create better places in which to live and work and helps make development acceptable to communities.'* Paragraph 139 states that *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'*
51. Relating to design, Policy JP-P1 of the Places for Everyone Joint Development Plan states that developments should have a clear identity that, *'respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used'*.
52. The Council's Supplementary Planning Document, SPD4: A Guide for Designing House Extensions and Alterations, paragraph 2.2.1 sets out that extensions should reflect the character, scale and form of the original dwelling by matching and harmonising with the existing architectural style and detailing. Paragraph 4.1.3 of SPD4 states that proposals within Conservation Areas must be carefully designed to enhance and complement their distinctive qualities and to take account of their settings and that higher standards will be applied by the Council in these areas.
53. Paragraph 3.12.3 of SPD4 states that *"Domestic means of enclosure are a prominent feature within residential streets. They define residential boundaries and contribute to the quality and character of the street scene. Where there is a distinctive type of frontage in a residential area, including an open frontage, it will be desirable to keep and reinforce this type of boundary treatment in new development. Applications for boundaries that are in keeping with the original characteristic boundaries in a local area are likely to be considered favourably. For example, large parts of Trafford are defined by low boundary walls with planting behind, and in such areas, boundary treatment proposals should be in keeping with this prevailing type of boundary. Any development proposal should as far as practicable retain as much as possible of existing characteristic*

boundary treatments and/or re-create the predominant type of boundary treatment. Where poor examples exist in the local area, these will not be sufficient reason for new proposals to not comply with these guidelines or an unsympathetic proposal to be approved by the LPA.”

54. Paragraph 3.12.4 states that *“The type, height, length, design and siting of a boundary treatment are all important considerations as to whether it would be acceptable. Good quality characteristic materials help to reinforce local character, particularly in areas of historic interest with distinctive qualities. Boundary treatments such as planting or low walls with planting, are considered more appropriate as they soften residential frontages and contribute to the street scene...Boundary treatments should not be so tall so as to over-dominate and have an overbearing impact on pedestrians and the street scene...Prominently sited and uncharacteristically tall boundaries are generally harmful to domestic character. Defensive, high gates, walls and fences will not normally be acceptable on street frontages, in particular to the front of properties.”*
55. The proposed extension and raised patio are considered to be acceptable in design terms, given their position at single storey height on the rear elevation of a planned enlargement to the original dwelling
56. The replacement of the dwelling’s timber windows with wood effect uPVC windows has resulted in harm to the character and appearance of the application dwelling due to their style, design, method of opening and materials. The alterations to the windows are seen in the context of the original windows on the adjoining property (both properties having previously been relatively uniform in this respect) and the visual contrast/ interrupted symmetry that now exists between the windows on the two properties therefore exacerbates the visual impact of the development in the streetscene.
57. In addition, the loss of the original dwelling’s brickwork appearance through the proposed partial rendering of the dwelling’s rear elevation would add to the proposal’s unsympathetic works already outlined. The application dwelling and Grange Road is characterised by brick-built dwellings. Rendering of the ground floor rear elevation, would in turn have a detrimental impact on the character and appearance of the building as a whole.
58. The re-positioning of the stone gate posts and the widening of the driveway and new vehicular access gate would also be out of keeping with the general character of the surrounding area. The proposed access would be significantly wider than the original access (total width of 5.1m between the hedge on either side (4.2m when excluding the repositioned gateposts) – 1.4m increase in comparison with the existing hedge opening) and would see a planned 2m high, non-permeable gate installed. The width of the access is considered excessive and has removed mature landscaping. The new access gate is also considered to be dominant and a visually intrusive feature in the streetscene.

59. It is therefore considered that the proposed development would result in an incongruous and unsympathetic form of development that would be out of character with the existing property. The proposed development would have a detrimental impact on the visual appearance and character of the streetscene and the surrounding area and would be contrary to Policy JP-P1 of the Places for Everyone Joint Development Plan and the design policies of the NPPF.

RESIDENTIAL AMENITY

60. Policy L7 of the Core Strategy, relating to design, specifies about residential amenity in paragraph L7.3:

'In relation to the protection of residential amenity, development must:

- Be compatible with the surrounding area; and*
- Not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.'*

61. 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.'*

62. Given the proposed side extension's single storey height and 1.2m separation distance to the shared boundary with No.30 Grange Road, it is considered that there would be no unacceptable overbearing or overshadowing impact on this property. It is also noted that no windows are planned on the north (side) elevation. In relation to the proposed glazing to the rear elevation of the extension, a minimum separation distance of 10.8m is to be retained to the site's rear boundary. It is also recognised that given the positioning of No.45 York Road, there would be no undue impact on this neighbour's habitable room windows. Similarly, it is considered that the 0.76m high raised patio to the rear of the proposed extension would not result in any undue overlooking of neighbouring properties, given that the existing boundary treatments at the development site are considered to provide adequate screening from any potential loss of privacy.

63. No amenity concerns are anticipated as a result of the proposed widening of the driveway and installation of a new vehicular access gate.

64. As such, it is considered that the proposal would not have any unacceptable impact on the residential amenity of any neighbouring dwellings and would comply with Policy L7 of the Core Strategy and the policies of the NPPF in this respect.

PARKING AND HIGHWAY SAFETY

65. The LHA has raised no objections to the proposal. Whilst the demolition of the site's attached garage would result in the loss of one parking space, parking provision for two vehicles is to be provided on the site's driveway. It is also noted that the proposal does not see the addition of any bedrooms but instead reduces the number of bedrooms from four to three bedrooms following internal alterations. As such, it is considered that the proposed development would be acceptable in terms of parking impacts and would comply with SPD3 guidelines in this respect.

DEVELOPER CONTRIBUTIONS

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

PLANNING BALANCE AND CONCLUSION

67. It is considered that the proposed works would result in harm to the character and appearance of the Non-Designated Heritage Asset and the wider Bowdon Conservation Area. Applying the test in paragraph 208 of the NPPF, it is considered that there are no public benefits that would outweigh the "less than substantial" harm to the significance of the Conservation Area. The development would therefore fail to comply with Policies JP-P1 and JP-P2 of the PfE Joint Development Plan, Policy R1 of the Trafford Core Strategy and the heritage policies contained within the NPPF.

68. The proposal would also not be acceptable in terms of design and impact on visual amenity contrary to Policy JP-P1 of the PfE Joint Development Plan. It would harm the character and appearance of the Non-Designated Heritage Asset contrary to Policy JP-P2 of the PfE Joint Development Plan and Policy R1 of the Core Strategy, and which also weighs against the proposal in the planning balance. The proposal is considered to be acceptable in terms of residential amenity and impacts on parking.

69. Overall, the proposed development fails to comply with Policies JP-P1 and JP-P2 of the PfE Joint Development Plan, Policy R1 of the Trafford Core Strategy, policies contained within the Bowdon Conservation Area Management Plan and the NPPF. No material considerations have been identified that would warrant a decision other than in accordance with the development plan. Therefore, the application is recommended for refusal.

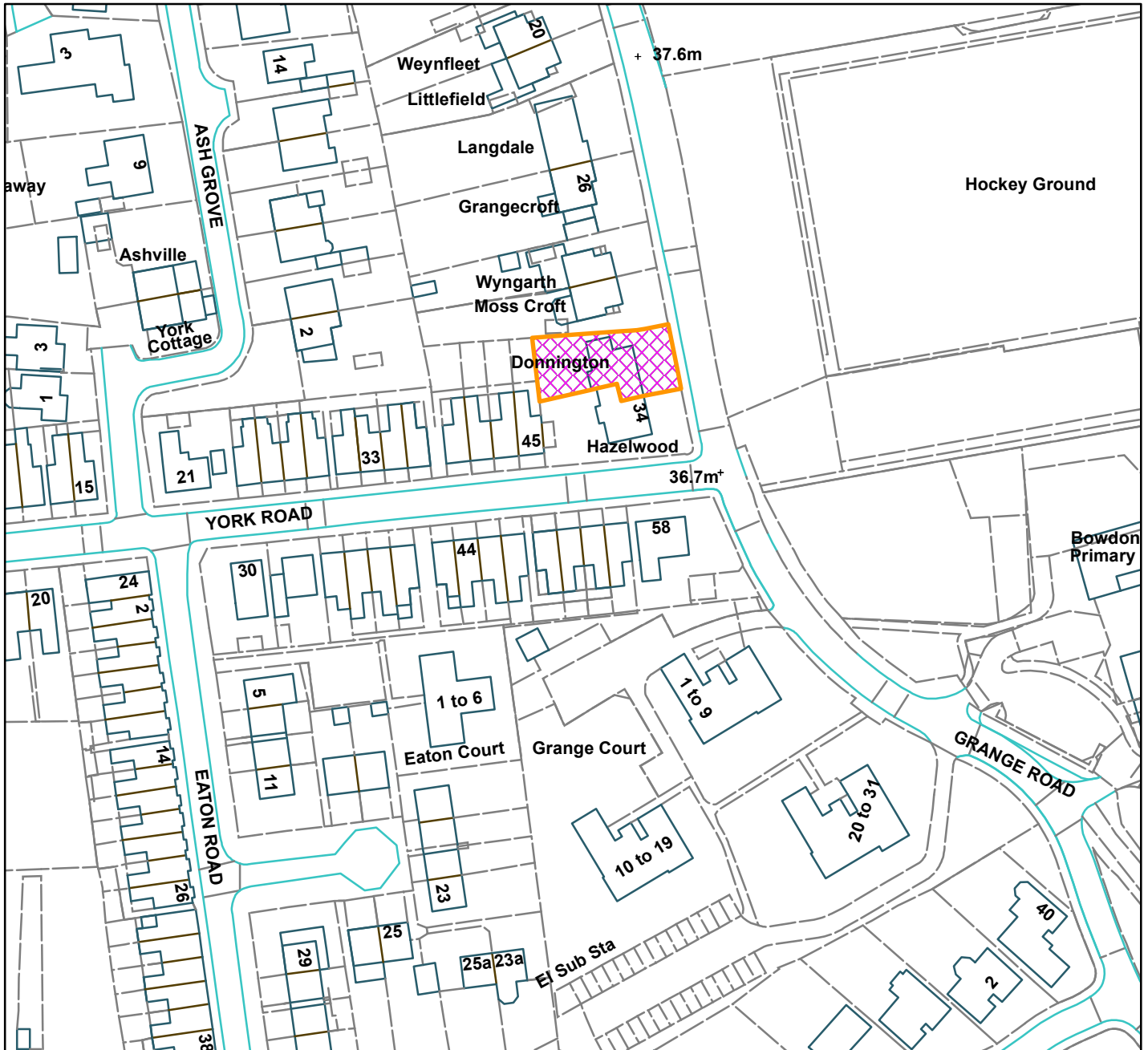
RECOMMENDATION: REFUSE

1. The proposed development, by reason of the widening of the vehicular access, the design and height of the new vehicular access gates, partial rendering of rear elevation and the alterations to the windows on the front (east) elevation including the design and materials of the new windows and the loss of historic fabric, would result in an incongruous and unsympathetic form of development that would harm the character of the positive contributor, the street scene and the surrounding area. The development would therefore cause “less than substantial” harm to the character and appearance and the significance of the Non-Designated Heritage Asset and the Bowdon Conservation Area. There are no public benefits that would outweigh the identified harm. As such, the proposed development would be contrary to Policy JP-P1 and JP-P2 of the Places for Everyone Plan, Policy R1 of the Trafford Core Strategy, guidance in SPD5.9 and SPD5.9a – Bowdon Conservation Area Appraisal and Management Plan, the Council’s adopted SPD4: A Guide for Designing House Extensions and Alterations and the policies of the National Planning Policy Framework.
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SAMP



Donnington, 32 Grange Road, Bowdon, WA14 3EE



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 08/08/2024
Date	29/07/2024
MSA Number	AC0000809316 (2022)

WARD: Stretford & Humphrey Park

107558/FUL/22 & 103844/HYB/21

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247 PROPOSED STOPPING UP OF 5 NO. IRREGULAR SHAPED AREAS OF HIGHWAY TO THE SOUTH OF KINGSWAY, 1 NO. TRIANGULAR SHAPED AREA OF HIGHWAY TO THE SOUTH OF KINGSWAY, AND 1 NO. IRREGULAR SHAPED AREA OF HIGHWAY TO THE WEST OF CHESTER ROAD AND INCLUDING A LENGTH OF CHAPEL LANE

CHAPEL LANE - INCORRECT USE OF ROAD NAME:

The irregular shaped area of land to the west of Chester Road incorrectly refers to the inclusion of a length of Chapel Lane; the length of road in question being unnamed. The National Casework Officer has confirmed that should the Order be made, the description of the stopping up area and plan will be updated. The hatched area of highway land shown on the plan marked 6, and the OS grid references are, however, correct.

As such, should members of the Committee raise no objection to the Order, the order, schedule, and public notice will be amended **to replace 'Chapel Lane' with 'unnamed road running adjacent to the northeast side of St Matthews Church'**. The label 'Chapel Lane' shown on the plan will be removed.

OS GRID REFERENCES:

1. E:379330 N:394360
2. E:379388 N:394375
3. E:379478 N:394414
4. E:379507 N:394423
5. E:379507 N:394423
6. E:379519 N:394191
7. E:379525 N:394428

Highway proposed to be stopped up under S247 of the Town & Country Planning Act 1990 to enable development to be carried out in accordance with the Planning Permission deemed to be granted by Trafford Council, under references 107558/FUL/22 and 103844/HYB/21.

RECOMMENDATION:

THAT NO OBJECTION BE RAISED SUBJECT TO THE ORDER, SCHEDULE, AND PUBLIC NOTICE BEING AMENDED TO REPLACE 'CHAPEL LANE' WITH 'UNNAMED ROAD RUNNING ADJACENT TO THE NORTHEAST SIDE OF ST MATTHEWS CHURCH'.

SITE

The stopping up is to facilitate the construction of the proposed development as permitted by Trafford Council, under references 107558/FUL/22 and 103844/HYB/21.

PROPOSAL

The Department for Transport has advised the Council (the Local Highway Authority for the area of highway referred to and therefore a statutory consultee) of an application made to the Secretary of State for Transport under S247 of the Town & Country Planning Act 1990 to stop up 5 no. irregular shaped areas of highway to the south of Kingsway, 1 no. triangular shaped area of highway to the south of Kingsway, **and 1 no. irregular shaped area of highway to the west of Chester Road and including a length of Chapel Lane** as described below in the Schedule and shown on the applicant's plan (copy attached ref NATTRAN/NW/S247/5720). The St Matthews Church right of access is maintained in accordance with the current arrangements.

The National Casework officer has confirmed that should the Order be made, the description shown will be amended to replace 'Chapel Lane' with 'unnamed road running adjacent to the northeast side of St Matthews Church'.

RELEVANT PLANNING HISTORY

The stopping up, if approved, will be authorised only to enable the development to be carried out in accordance with the planning permission deemed to be granted by Trafford Council, under references 107558/FUL/22 and 103844/HYB/21.

THE SCHEDULE

The highways to be stopped up are at Stretford in the Metropolitan Borough of Trafford, shown on the plan as:

1. An irregular shaped area of highway to the south of Kingsway. Commencing at grid reference E:379330 N:394360, it extends in a northerly direction for a maximum distance of 6.3 metres. It has a maximum width of 40 metres. It is marked 1 on the plan.
2. An irregular shaped area of highway to the south of Kingsway. Commencing at grid reference E:379388 N:394375, it extends in a north easterly direction for a maximum distance of 38.9 metres. It has a maximum width of 12.5 metres. It is marked 2 on the plan.
3. An irregular shaped area of highway to the south of Kingsway. Commencing at grid reference E:379478 N:394414, it extends in a north easterly direction for a maximum distance of 21.8 metres. It has a maximum width of 0.6 metres. It is marked 3 on the plan.
4. An irregular shaped area of highway to the south of Kingsway. Commencing at grid reference E:379507 N:394423, it extends in a north easterly direction for a maximum distance of 4 metres. It has a maximum width of 4 metres. It is marked 4 on the plan.
5. An irregular shaped area of highway to the south of Kingsway. Commencing at grid reference E:379507 N:394423, it extends in an easterly direction for a maximum distance of 4.6 metres. It has a maximum width of 0.9 metres. It is marked 5 on the plan.

6. An irregular shaped area of highway to the west of Chester Road and including a length of **Chapel Lane**. Commencing at grid reference E:379519 N:394191, it extends in a north westerly direction for a maximum distance of 43.93 metres. It has a maximum width of 15 metres. It is marked 6 on the plan.

The National Casework Office has confirmed that should the Order be made, the description shown will be amended to replace 'Chapel Lane' with 'unnamed road running adjacent to the northeast side of St Matthews Church

7. A triangular shaped area of highway to the south of Kingsway. Commencing at grid reference E:379525 N:394428, it extends in a westerly direction for 0.771 metres. It has a maximum width of 0.695 metres. It is marked 7 on the plan.

RECOMMENDATION:

The recommendation is that the Committee raise no objection to this application for stopping up the area of highway as shown on the attached plan, subject to the order, schedule, and public notice being amended to replace 'Chapel Lane' with 'unnamed road running adjacent to the northeast side of St Matthews Church, as confirmed by the National Casework Officer.

Public Notice: NATTRAN/NW/S247/5720

Draft Order: NATTRAN/NW/S247/5720

